

Minutes of the meeting of Planning and regulatory committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 23 November 2022 at 10.00 am

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

Councillors: Paul Andrews, Polly Andrews, Dave Boulter, Clare Davies, Elizabeth Foxton, John Hardwick, Graham Jones, Mark Millmore, Jeremy Milln, Felicity Norman, John Stone and William Wilding

Officers: Lead Development Manager, Area Engineer - Development Control and Legal Representative

49. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Sebastian Bowen, Ann-Marie Probert and Yolande Watson.

50. NAMED SUBSTITUTES (IF ANY)

Councillor Graham Jones acted as a substitute for Councillor Bowen
Councillor John Stone acted as a substitute for Councillor Probert
Councillor William Wilding acted as a substitute for Councillor Watson

51. DECLARATIONS OF INTEREST

Councillor John Hardwick declared an other interest in respect of item no. 8, application 221708 – Ty Llan Dre, Goodrich: as a member of the Wye Valley AONB Joint Advisory Committee.

52. MINUTES

RESOLVED: That the minutes of the meeting held on 26 October 2022 be approved.

53. 212514 - LOWER MOSEWICK FARM, BIRCHWOOD LANE, STORRIDGE, HEREFORDSHIRE, WR6 5DU

The Senior Planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Fry, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local ward member provided a statement on the application which was read aloud to the committee. In summary, she explained that the application was before the committee due to a conflict with the principles of policy RA5 of the council's core strategy. However the commitment of the council through the Armed Forces Covenant and the social benefits associated with the proposal overcame the conflict with planning policy. The application was supported but the committee was urged to place a

condition on the permission to ensure that the development would be used for its stated purpose and for social benefits in perpetuity.

The committee debated the application.

The committee queried a condition to ensure that the development was used for its stated purpose and to provide the social benefit it provided into the future.

The lead development manager explained that condition 3 in the proposed permission would ensure that the development would only be for the benefit of the charitable organisation that had made the application.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Paul Andrews and seconded by Councillor John Hardwick.

The motion was put to the vote and was carried unanimously.

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 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. The following constitutes the approved plans:**

- HA38690_PL_02_B (Location Plan);
- HA38690_PL_03_D (Block Plan);
- HA38690_PL_10_B (Site Plan);
- HA38690_PL_11_B (Proposed GF Plan - CONFERENCE HALL);
- HA38690_PL_12_D (Proposed FF Plan - CONFERENCE HALL);
- HA38690_PL_13_D (Proposed Floor Plans – Office);
- HA38690_PL_15_C (Conference Hall Elevations);
- HA38690_PL_16_E (Office Building Elevations); and
- 22-OP-1211 A1/001 (Proposed Site Layout);

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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

- 3. This permission shall enure for the benefit of the charity 'Reset' only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policy RA5 of the Herefordshire Local Plan

– Core Strategy and the National Planning Policy Framework and that the application represents a departure from the adopted development plan.

4. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) Trees and hedgerow to be protected and retained, setting out measures for their protection during construction, in accordance with BS5837:2012.
- b) Trees and hedgerow to be removed.
- c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.
- d) All proposed hardstanding and boundary treatment.

All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) 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.

All hard landscaping shall be completed prior to first use of the approved development.

Reason: To safeguard and enhance the character and amenity of the area and implementation of landscaping in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policies CNDP5 and CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

6. 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 43 metres in each direction along the nearside edge of the adjoining carriageway, in accordance with drawing number HA38690_PL_03_D. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

7. Prior to relevant works commencing, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- A sample of the roof covering, which shall be of handmade plain clay tile;
- A sample of the rainwater goods, to be either finished in cast iron or aluminium;
- A sample of the brick, which shall be handmade;
- A sample panel of brickwork, to include mortar mix, colour, joint profile and brick bond;
- Timber frame drawings, to be submitted at 1:20 scale;
- Joinery details at 1:2 scale, to which windows will be hardwood casements with metal opening lights; and
- Details of the proposed glazing, which shall be non-reflective glazing and recessing of all new areas of Glazing.

The development shall be carried out in accordance with the approved details.

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, Policy CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework.

8. With the exception of conditions below, none of the buildings shall be occupied until the drainage works have been completed in accordance with the approved plans and supporting information, namely in accordance with:
- Amended Location Plan 14.6.22 (Ref: HA38690_PL_02_B);
 - Amended Proposed Site Layout 14.6.22 (Ref: A1/001);
 - Land Registry Ownership Boundary 001 14.6.22;
 - Land Registry Ownership Boundary 002 14.6.22;
 - Amended Proposed Drainage Strategy 14.6.22 (Ref: A1/002 Rev A);
 - Amended Proposed Car Park Drainage Strategy 14.6.22 (Ref: A1/003 Rev A);
 - Amended Drainage Construction Details 14.6.22 (Ref: A1/004 Rev A);
 - Response to LLFA Comments 14.6.22;
 - Drainage Calculations 14.6.22;
 - Drainage Calculations 2 14.6.22; and
 - Photos from Agent 14.6.22

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

9. Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy CNDP5 of the Cradley 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 application site 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.

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 and the National Planning Policy Framework.

11. Prior to first occupation, written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging point shall be installed within six months of written approval and be maintained and kept in good working order thereafter as specified by the manufacturer.

Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

12. The ecological protection, mitigation, compensation and working methods scheme, including the biodiversity net gain enhancements and management of all lighting features, as recommended in the ecology report by Turnstone Ecology dated August 2022 shall be fully 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.

13. To record and inform knowledge of protected species at the site and presence in the wider locality – Malvern Hills AONB and adjacent woodland SSSI, within 5 months of completion, a copy of the final optimal period bat survey report and full records of species identified, shall be supplied in writing to the local planning authority and Herefordshire Biological Records Centre.

Reason: To ensure that all species are recorded and protected 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.

14. Any external lighting proposed to illuminate the development, other than lighting shown on the approved plans, shall be submitted to and approved in writing by the local planning authority before installation.

Reason: To safeguard local and visual amenities and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies CNDP5 and CNDP9 of the Cradley Neighbourhood Development Plan and the National Planning Policy Framework

Informatives

- 1. IP2 – 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. INS – A I applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website: www.herefordshire.gov.uk/directory_record/1992/street_works_licence and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>**
- 3. INS – The proposed development may not have access to mains water and be reliant on a private water supply. The applicant is advised that the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard. If the supply is to be used for shared or commercial purposes including renting, the Private Water Supplies (England) Regulations 2016 specify that the water supply cannot be used until it has been risk assessed by the local authority's private water supplies team (01432 261761) and found compliant. Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.**
- 4. I06 – A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
- 5. I10 – Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of the Road Traffic Act 1988 regarding the prohibition of driving motor vehicles elsewhere than on roads.**
- 6. I11 – It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free**

from any mud or other material emanating from the application site or any works pertaining thereto.

7. **150 – The development hereby approved may result in vehicles being driven across or along a Public Right of Way. As a result, notification should be given to the Highway Authority before the permission is implemented. In addition, where public and private rights co-exist, permission should be sought from the landowner in order to obtain lawful authority to drive on the Public Right of Way. For further information, contact Balfour Beatty (Managing Agent for Herefordshire Council) Public Rights of Way Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).**

54. 221224/221225 - THE PAVILION, CASTLE GREEN, CASTLE STREET, HEREFORD, HEREFORDSHIRE, HR1 2NW

(Councillor Jeremy Milln left the committee to act as the local ward member for the next application)

The senior planning officer gave a presentation on the applications.

In accordance with the criteria for public speaking a statement was read aloud to the committee from Mr Burn, local resident, in support of the application. The chairman of the committee exercised his discretion to also allow the applicant to speak in support of the application.

In accordance with the council's constitution the local ward member spoke on the applications. In summary he explained that the application site was in a sensitive location. The applicant had sought to enhance the original features of the pavilion with a complementary contemporary scheme. The design had been carefully developed and the improvements proposed to the pavilion had the potential to be a huge asset to the local community. It was important to recognise the objections of the historic buildings officer and the tension that existed between the proposals in the application and LD1/LD4 of the core strategy.

The committee debated the application.

The local ward member was given the opportunity to close the debate.

A motion that application 221224 be approved in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried unanimously.

A motion that application 221225 be approved in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by a Councillor Elizabeth Foxton. The motion was put to the vote and was carried unanimously.

RESOLVED

- a) **221224/F – That planning permission be granted subject to the following conditions and any other conditions (amendments) 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 the approved plans

**ES017 E(0)001 – Site Location Plan and Site Plan
ES017 P(0)001A – Proposed Block Plan and Site Plan
ES017 P(0)002C – Proposed Sub Ground Floor Plan
ES017 P(0)003B – Proposed Ground Floor Plan
ES017 P(0)004B – Proposed First Floor Plan
ES017 P(0)005B – Proposed South East Elevation
ES017 P(0)006B – Proposed South West Elevation
ES017 P(0)007B – Proposed North East Elevation
ES017 P(0)008B – Proposed Section AA
ES017 P(0)009B – Proposed Section BB
ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan
ES017 P(0)022 – Proposed Site Plan and Visibility of Georgian Façade
ES017 P(0)024 – Copper Cladding Precedent
ES017 P(0)025 – Proposed Site CMP: Demolition/Crane Use
ES017 P(0)026 – Proposed Site CMP: General Works
ES017 P(0)027A – Proposed Site Scaffold Layout
ES017 P(0)028A – Proposed Canoe Chute Details**

- 3. The development hereby permitted shall be carried out in strict accordance with the Lighting Impact Assessment (Rev. P02) by Services Design Solution Ltd dated 26th October 2022 and associated appendices (as also updated). At no time shall any external lighting except that approved within these documents be installed or operated in association with the approved development without the prior written approval of the local planning authority.**

Reason: To safeguard the amenity of the area and to ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SD1, LD1, LD2, LD3 and LD4.

- 4. The approved Construction Environmental Management Plan (v2) dated October 2022 and updated appendices / supporting CMP plans, and the Demolition Method Statement dated 16th June 2022, shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.**

Reason: To protect the significance of the Hereford Castle SAM site and to ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies LD1, LD2, LD3 and LD4.

- 5. The community focused multi-functional spaces hereby permitted shall not be open to the public/customers outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.**

Reason: To safeguard the amenities of the locality and to ensure that all species and the local intrinsically dark riverside setting are protected having regard to the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife & Countryside Act 1981, National Planning Policy Framework, NERC Act 2006 and Herefordshire Local Plan - Core Strategy policies SS6, SD1 and LD1-3.

6. C48 – Archaeological survey and recording
7. C50 – Groundworks and foundation design
8. CB2 – Secure covered cycle parking provision
9. CDD – Evacuation management plan
10. No surface water from any increase in the roof area of the building and/or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

11. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the Arbtech - Tree Protection Plan (TPP 01).

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. The bat roosting mitigation/enhancement measures specified in the Bat Survey Report prepared by Arbtech dated 14th June 2022 shall be incorporated into a wider Biodiversity Net Gain scheme (including bird nesting features) to be submitted to and approved in writing by the local planning authority prior to first use of the development. The approved scheme shall be implemented and maintained in full hereafter 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 Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2017 (as amended), National Planning Policy Framework, NERC Act 2006, Herefordshire Local Plan - Core Strategy policy LD2.

13. CBK – Restriction on hours during construction

INFORMATIVES:

1. IP2 – Approval following revisions

2. I01 – AAI notification
3. I17 – Need for prior scheduled monument consent
4. The site is located within the vicinity of a Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Due to these nearby sensitive receptors and proximity to the channel and location within the floodplain a Bespoke Flood Risk Activity Permit will be required from the Environment Agency.
5. I25 – Council ownership

b) 221225/L – That listed building consent be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:

1. CE7 – LBC time period
2. C07 – Works in accordance with the approved plans

ES017 E(0)001 – Site Location Plan and Site Plan
ES017 P(0)001A – Proposed Block Plan and Site Plan
ES017 P(0)002C – Proposed Sub Ground Floor Plan
ES017 P(0)003B – Proposed Ground Floor Plan
ES017 P(0)004B – Proposed First Floor Plan
ES017 P(0)005B – Proposed South East Elevation
ES017 P(0)006B – Proposed South West Elevation
ES017 P(0)007B – Proposed North East Elevation
ES017 P(0)008B – Proposed Section AA
ES017 P(0)009B – Proposed Section BB
ES017 P(0)010A – Proposed Outline Sub Ground Floor Structure Plan
ES017 P(0)022 – Proposed Site Plan and Visibility of Georgian Facade
ES017 P(0)024 – Copper Cladding Precedent
ES017 P(0)025 – Proposed Site CMP: Demolition/Crane Use
ES017 P(0)026 – Proposed Site CMP: General Works
ES017 P(0)027A – Proposed Site Scaffold Layout
ES017 P(0)028A – Proposed Canoe Chute Details

3. With the exception of any site clearance and groundwork, no further works shall take place until details and/or samples of materials to be used externally on walls, roofs and fenestration have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include colours and finishes. The works 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 Policies SS6, SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. A detailed schedule of works, informed by appraisal of the current condition of historic fabric internally and externally, shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule. All existing original features shall be retained in situ unless it is specifically shown on the approved plans that they are to be removed.

Reason: To safeguard the architectural and historic interest and character of the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

5. **All routes for mechanical and electrical services and drainage shall be arranged to be visually unobtrusive and cause the minimum disturbance to historic fabric. Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant sections of works. These shall include types, sizes and positions of soil and vent pipes, waste pipes, rainwater pipes, boiler flues and ventilation terminals, meter boxes, exterior cabling and interior fittings such as radiators, electrical socket outlets and switchplates. The works shall be carried out in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. **No works in relation to the new stonework shall commence until a sample panel(s) of all new facing stonework has been provided on site at a minimum size of 1m x 1m and showing the proposed stone types, sizes, colour and texture; and pointing mortar mix, joint thickness and finish profile. Confirmation of the materials and methods shall be approved in writing with the Local Planning Authority and carried out accordingly. The approved sample panel(s) shall be retained on site until the work is completed.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

7. **No works shall commence in relation to the new timber door onto the roof terrace until precise details of its joinery have been submitted to and approved in writing by the Local Planning Authority. These shall include 1:2 details and sections and 1:20 elevations; the method & type of glazing; and the colour scheme/surface finish. The works shall be carried out in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(Councillor Jeremy Milln resumed his seat on the committee)

There was an adjournment at 11:02 a.m.; the meeting reconvened at 11:17

55. 221708 - TY LLAN DRE, GOODRICH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6JE
(Pages 15 - 16)

(Councillor William Wilding left the committee to act as proxy local ward member for the next application)

The planning officer gave a presentation on the application and 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 a statement was read to the committee behalf of Goodrich and Welsh Bicknor group Parish Council; a video was played of Mrs Rees, local resident, who spoke in objection to the application; and Mr Watkins, applicant's agent, spoke in support of the application.

In accordance with the council's constitution the proxy local ward member spoke on the application. In summary he explained that the scale of the extension in the application was substantial and it was the committee's decision to determine if the scale was too great. The objections of the parish council were acknowledged particularly the loss of a 3 bedroomed house from local housing stock. The design should take greater account of ecological impact and the climate emergency.

The committee debated the application.

The committee expressed concern regarding the impact of construction on local lanes and accesses.

The lead development manager explained that a construction management plan could be included in the conditions if it formed part of the committee's decision making.

The proxy ward member was given the opportunity to close the debate.

A motion that the application be approved in accordance with the case officer's recommendation and with the inclusion of a condition for a construction management plan was proposed by Councillor Polly Andrews and seconded by Councillor John Hardwick. The motion was put to the vote and was carried unanimously.

RESOLVED

That planning permission be granted subject to the following conditions, the inclusion of a condition for a construction management plan and any 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 (JW1076-102 C) 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. Prior to the first occupation, of the extension hereby permitted, and at all times thereafter, the windows indicated as obscured on the approved plans shall be glazed with obscure glass only and shall be non-opening. The obscured glazing shall be retained in perpetuity.**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4. No development shall commence, including site clearance and ground works, until a landscape scheme and external materials palette, is submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:**
- A. All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
 - B. All existing and proposed hardstanding and boundary treatment.**
 - C. All external materials are fully specified.**

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

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

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

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

- 6. Prior to first occupation of the extension hereby approved, evidence of the suitably placed installation within the site boundary of at least two bird nesting boxes for a site appropriate range of bird species shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

Reasons: To ensure Biodiversity Net Gain and 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 policies LD1, LD2 and LD3.

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.**

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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “Higher Status Protected Species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. 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.**

If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

The meeting ended at 11.53 am

Chairperson

SCHEDULE OF COMMITTEE UPDATES

221708 - RENOVATION, RECONFIGURATION AND SIDE EXTENSION TO CREATE A MODERN FAMILY HOME AT TY LLAN DRE, GOODRICH, ROSS-ON-WYE, HR9 6JE

For: Mr & Mrs Oliver per Miss Kirsty Sullivan, Summit House, Suite 2, 5 Gold Tops, Newport, NP20 4PG

ADDITIONAL REPRESENTATIONS

2 Additional Objections have been received since the publication of the agenda. The concerns raised can be summarised as follows:

- Concerns regarding the impact to the character of the proposed area
- Adverse Highway Impacts
- Adverse impact upon amenity with regard to noise and material pollution.
- Concerns over overshadowing impacts
- Adverse impacts upon the Grade II* listed asset
- Out of character with the built form (impact to the character of the proposed area)

A further email was received from Erika Rees on 21 November 2022 raising concerns about procedural matters and inaccuracies in the report. See comments below

OFFICER COMMENTS:

The additional objections do not raise concerns that have not already been summarised in the Committee report

The further email above refers to a number of concerns and these are addressed below:

- The use of the definition semi-detached to characterise the property rather than the objectors preferred link-detached definition is not considered material to the assessment of the application
- The objector identifies that the actual height of the extension is 8.124 metres (not the 7.73 metres referred to in the report). This inaccuracy is noted and the various elevations have been re-scaled and the maximum height of the extension, allowing for changes in ground level is considered to be a fraction over 8 metres. However what is considered of key relevance in the assessment of the application is that both the ridge and eaves height of the extension are lower than the existing property owing to the changing levels within the site
- The objector has questioned the reporting of the number of objection letters received. For the avoidance of any doubt, objections were received from a total of 14 different households. At the time of publishing, there were a total of 19 responses (and an additional letter of support). A further 2 were received after publication of the report and these are referred to above.
- The objector has identified that the proposed extension would be 27 metres from The Timbers and not the 28 metres referred to in the report – this is explained as being a result of the cantilevered design of the proposed extension. In your officers view, the

distance between the properties remains adequate to protect privacy (a 21-25 metre separation distance is generally considered to achieve this)

- The objector refers to the omission of any references to NDP policies GWB 16 and GWB14 in the report. Policy GWB16 seeks to ensure new development provides for a mix of housing sizes to meet local need. It is your officers` view that this policy relates to new residential development rather than extensions to existing dwellings. Policy GWB14 seeks to protect important views into and out of the village. The objector seeks to interpret the policy as one that protect private views from properties. This is not accepted as it is a well-established principle that the Planning system does not protect views across private land. Your officers view is that an extension to the side of the existing property will not result in any loss of views that would substantiate the refusal of planning permission and Cllrs are directed to the comments of the Senior Landscape Officer and the Building Conservation Officer in terms of the landscape and heritage setting effects of the proposal

On the final procedural point, the objector has been advised that Cllr Wilding is acting as proxy Ward Cllr for Kerne Bridge whilst Cllr Watson is away.

NO CHANGE TO RECOMMENDATION