

Minutes of the meeting of Planning and regulatory committee held at The Kindle Centre, Belmont Road, Hereford, HR2 7JE on Wednesday 18 January 2023 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, Tony Johnson, Mark Millmore, Jeremy Milln, Felicity Norman and Ann-Marie Probert

Officers: Lead Development Manager, Development Manager Majors Team, Development Manager, North Team and Legal Representative

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Yolande Watson.

57. NAMED SUBSTITUTES (IF ANY)

No substitutes.

58. DECLARATIONS OF INTEREST

There were no declarations of interest.

59. MINUTES

RESOLVED: That the minutes of the meeting held on 23 November 2022 be approved.

60. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson explained that application 204230 - Priory Farm, Stoke Prior had been deferred for consideration from the current meeting due to the receipt of additional information.

61. 222020 - STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT (Pages 9 - 10)

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 video was played of Ms Parkinson, local resident, who spoke in objection to the application; and Ms Boughton, the applicant, spoke in support of the application.

In accordance with the council's constitution a statement was read out on behalf of the local ward member. In summary she explained that local objections to the application concerned: its impact on the character of the settlement of Welsh Newton Common which was contrary to policies in the neighbourhood development plan; and the minimum housing target had

been achieved in the local parish council area. The sustainability of the area for new development was queried; no shop existed and the availability of potable water was problematic. Concern was raised regarding the process to formalise access to the development which was felt to require a section 38 consent under the Commons Act 2006. The impact of the entrance to the development on the local hedgerow and dormice was also raised as a concern.

The committee debated the application.

A motion that the application be approved in accordance with the case officer's recommendation 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, an additional informative concerning the proposed vehicular access across common land and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

That planning permission be granted subject to the following conditions:

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with the approved plans**
- 3. Efficient use of water**
- 4. Electric Car Charging Point**
- 5. Samples of external materials**
- 6. Removal of Permitted Development Rights – Class A, B and C**
- 7. Prior to the commencement development updated details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of any of the buildings hereby permitted. The submission of an updated drainage strategy will need to include:**
 - site specific calculations to accurately size the proposed surface water and foul water drainage features**
 - Submission of a site specific layout showing the proposed location of surface water and foul water drainage features.**
 - Confirmation of groundwater levels**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8. Prior to first occupation of any dwellings hereby approved details of how all the shared aspects of the foul drainage scheme and surface water scheme will be managed for the lifetime of the development will be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented**

in full unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 10. The working methods scheme, mitigation and enhancement features relating to Dormice as detailed in the Dormice report by Natasha James on behalf of Wilder Ecology supplied December 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved Dormice mitigation or enhancement features.**

Reason: To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1 SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 11. The ecological protection, mitigation, compensation and working methods scheme including for Great Crested Newts, as recommended in the ecology report by Wilder Ecology dated October 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation measures.**

Reason: To ensure that all species are protected and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the

'Habitats Regulations'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 12. In addition to the secured Dormice mitigation-enhancement, prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least FOUR Bat roosting enhancements, FOUR bird nesting boxes, TWO insect hotels/invertebrate habitat boxes, and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any biodiversity net gain enhancement feature or boundary feature.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), the Wildlife and Countryside Act 1981 (as amended), Policy SS1, SS6 and LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

- 13. Trees in accordance with plans – Welsh Newton Common Tree Report**
- 14. Retention of existing trees (5 Yrs)**
- 15. Remedial works**
- 16. Visibility Splays - northbound 2.4 x 32m and southbound 2.4 x 36m**
- 17. Access gates – 5m**
- 18. Vehicular access construction**
- 19. Parking – Single/shared private drives**
- 20. Construction management plan**
- 21. Secured cycle parking provision**
- 22. Restriction of hours during construction**
- 23. As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all surface water shall be managed through a Sustainable Drainage Scheme on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC

Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4

24. **As detailed in the Drainage Strategy Report by Morton Roberts Consulting Engineers ref 0923/R02 dated May 2019 all foul water shall discharge through connection to a new shared private foul water treatment system on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.**

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

INFORMATIVES:

1. **Application approved without amendment**
2. **Mud on highway**
3. **Private apparatus within the highway**
4. **Works within the Highway**
5. **Drainage other than via highway system**
6. **The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).**

Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process

7. **The proposed development is also crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.**

Councillor Mark Millmore joined the meeting at 10:34 a.m.

62. 211147 - HILDERSLEY FARM, A40 HILDERSLEY TO WESTON UNDER PENYARD, HILDERSLEY, HEREFORDSHIRE, HR9 7NW

The development manager, majors team gave a presentation on the application.

The committee debated the application.

The development manager, majors team explained that the active travel measures proposed to access the site had been the subject of the earlier outline application and could not be revisited in consideration of the current application. Work was ongoing with the developer to finalise the travel plan and the foot/cycleway will be delivered through the section 106 agreement that was negotiated with the developer.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Polly Andrews and seconded by Councillor Felicity Norman. The motion was put to the vote and was carried by a simple majority.

RESOLVED:

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

That planning permission be granted subject to the following conditions:

- 1. C07 - Development in accordance with the approved plans**
- 2. Non Standard Condition**

Prior to the commencement of development to which this application relates, the following details and specifications shall be submitted to and approved in writing by the Local Planning Authority:

- **Surface finishes**
- **Drainage details**
- **Lighting proposals (including specifications)**
- **Boundary treatments**

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

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policies SD1, SD3, RW2 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 CAT – Construction Management Plan**
- 4 CKM – Construction Environment Management Plan**
- 5 CA1 – Landscape Scheme**
- 6 CA2 – Landscape Maintenance Plan**

INFORMATIVE:

1. Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

63. 222785 - CORNER HOUSE, MONNINGTON-ON-WYE, HEREFORD, HEREFORDSHIRE, HR4 7NL

The development manager, north team gave a presentation on the application.

The committee debated 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 Polly Andrews. The motion was put to the vote and was carried by a simple majority.

RESOLVED:

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

That planning permission be granted subject to the following conditions:

- 1. C01 - Time limit for commencement**
- 2. C06 - Development in accordance with the approved plans**
- 3. C14 - Matching external materials (extension)**

INFORMATIVE:

- 1. IP1**
- 2. I30**

The meeting ended at 10.58 am

Chairperson

SCHEDULE OF COMMITTEE UPDATES

222020 - PROPOSED DEVELOPMENT OF TWO DWELLINGS. AT LAND ADJACENT TO STEEPWAYS, WELSH NEWTON, HEREFORDSHIRE, NP25 5RT

For: Ms Boughton per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

Two letters of support have been received since the Committee Report was written. These representations raised the following points:

- Site already has approval for two dwellings and this application is effectively a variation of the approved
- Offers benefits to Ecology as it proposes to utilise the existing access rather than create a new one
- It will be an improvement to the original

OFFICER COMMENTS

No further comments in respect of the above representations

In addition, the Council is aware of ongoing concerns regarding the legal rights of the applicant to create a domestic access across Common Land from the existing agricultural access.

This is acknowledged by Officers but ultimately it is for the applicant to apply separately via a Section 38 consent in accordance with the Commons Act 2006. A planning permission will not override this requirement. I refer Committee Members to the comments received by the Commons Officer in paragraph 4.5 of the Officers Report and the further details in paragraph 6.33 of the report.

An additional informative can be added to a permission as detailed below should this be considered appropriate.

Informative Note proposed: The land to be crossed by the proposed vehicular access is registered as common land, subject to common rights. The applicant's attention is drawn to the provisions of Section 194 of the Law of Property Act 1925 (as amended) and to the carrying out of works on commons.

NO CHANGE TO RECOMMENDATION

