

**Minutes of the meeting of Planning and regulatory committee held at The Kindle Centre, Belmont Road, Hereford, HR2 7JE on Wednesday 15 March 2023 at 10.00 am**

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

**Councillors:** Paul Andrews, Polly Andrews, Sebastian Bowen, Clare Davies, Elizabeth Foxton, John Hardwick, Mark Millmore, Jeremy Milln, Felicity Norman, Ann-Marie Probert, Nigel Shaw and Yolande Watson

**In attendance:** Councillors Barry Durkin and Jonathan Lester\*

**Officers:** Development Manager Hereford and South Team, Lawyer 1, Senior Lawyer\*, Team Leader – Area Engineer\*.

\*denotes virtual attendance

**70. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dave Boulter and Tony Johnson.

**71. NAMED SUBSTITUTES (IF ANY)**

Councillor Nigel Shaw acted as a substitute for Councillor Johnson.

**72. DECLARATIONS OF INTEREST**

Councillor Ann-Marie Probert declared an other interest in respect of agenda item 8, application 222316, Land at Foxhalls Farm; the applicant was a close, known associate. Councillor Probert would leave the meeting for the duration of the item.

Councillor John Hardwick declared an other interest in respect of agenda item 8, application 222316, Land at Foxhalls Farm; the applicant was a known associate and as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor Yolande Watson declared an other interest in respect of agenda item 8, application 222316, Land at Foxhalls Farm; as a member of the Wye Valley AONB Joint Advisory Committee.

**73. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 8 February 2023 be approved.

**74. 214619 - LAND TO THE NORTH-WEST OF WESTHIDE, WESTHIDE, HEREFORDSHIRE, HR1 3RQ (Pages 17 - 18)**

*Councillor Paul Andrews left the committee to act as the local ward member for the following application.*

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

In accordance with the criteria for public speaking Ms Green spoke on behalf of Withington Group Parish Council, Mr Rowlatt, local resident, spoke in objection to the application and Ms Isynova, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. In summary, he explained that local concerns regarding the application concerned noise pollution, the loss of agricultural land and flooding from the site. It was suggested that the historic canal on site could be used to attenuate flooding issues. It was recognised that concerns regarding the application needed to be balanced against the need for green and renewable energy. The application represented a development on an industrial scale which would be in addition to the poly tunnels nearby. The scale of the proposed solar farm, the use of fencing and presence of CCTV added to the perception that this was an industrial-scale development. There were other locations in Herefordshire which were more suited to this type of development.

In accordance with the council's constitution the adjoining local Ward member spoke on the application. In summary he explained that 45,000 solar panels of 3 metres in height would have a negative impact upon the local community, agricultural land and the landscape. There had not been an adequate assessment of the impact of the cable to the national grid that that would run from the site to the Dormington sub-station. The term of the development of 30 years should not be considered not temporary and the impact of the solar farm over that period would be substantial. Agriculture would be undermined in the area with the loss of land having consequences on efforts to address food security. The noise emitting from the development would have a negative impact on the local community and the mechanism to deal with noise complaints was not sufficiently robust. The credibility of the biodiversity improvements arising from the development were queried. The impact on the quality of the land over the period of the development could not be accurately assessed. Despite the reduction in the scale of the application the proposed solar farm would still have an adverse impact on the landscape. The number of solar panels proposed and the height of the fence would have a detrimental impact on the landscape. A previous application for a solar farm, that was smaller in scale, had been refused by the local authority and at appeal due to its impact on the landscape.

The committee debated the application.

The committee considered that condition 13 concerning the noise management plan required strengthening. The interval at which the noise management plan was reviewed needed to be more frequent than the annual review proposed in the condition. Within the first 2 years of the development a review of the noise management plan every three months was considered appropriate and reasonable.

The committee felt that the impact of the local geology on the emission of noise from the site should be considered and referenced in the conditions.

The committee sought additional mammal gates, bat and bird boxes in condition 14. Mammal gates needed to be accessible by deer.

The local ward member was given the opportunity to close the debate. He explained that he welcomed the proposed change to condition 13 to strengthen the noise management plan. Assurance was sought that the size of the proposed development would not increase. Noise attenuation measures including a low noise inverter, a mud wall and a limit for noise from substations of 23 dB should be imposed on the site. Flooding should

be addressed by the use of bunds, a further pond or utilising the historic canal. Trees and hedgerow should be used to screen the site. Additional mammal gates and bat and bird boxes should be required on the development. The developer should be encouraged to restrict working hours between 9 and 5 Monday to Friday.

The adjoining local ward member was given the opportunity to close the debate. He explained that there had been a lack of debate and assessment of the significant impacts on the landscape posed by the development. An appeal inspector had previously ruled that a 10 hectare solar farm site had an unacceptable impact on the landscape. The changes proposed to conditions 13 and 14 to enhance the noise management plan and protect wildlife was supported. The site would have an unacceptable impact on local residents.

The development manager clarified that this planning application should be judged on its own planning merits and not a previous unrelated application.

A motion that the application be approved in accordance with the case officer's recommendation and including: a change to condition 13 to increase the frequency of a review of the noise management plan to every 3 months within the first 2 years of the development; and a change to condition 14 to increase the number of mammal gates, bird and bat boxes and to ensure mammal gates were suitable for deer; was proposed by Councillor Nigel Shaw and seconded by Councillor Ann-Marie Probert. The motion was put to the vote and was carried by a simple majority.

**RESOLVED – that:**

**That planning permission be granted subject to: the following conditions; a change to condition 13 to increase the frequency of a review of the noise management plan to every 3 months within the first 2 years of the development; a change to condition 14 to increase the number of mammal gates, bird and bat boxes and to ensure mammal gates were suitable for deer; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**1. Time limit for commencement (full permission)**

**2 The development shall be carried out in accordance with the deposited plans and drawings as stated below:**

**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. Within 1 month of the date of first export of electricity confirmation shall be given in writing to the local planning authority of the date of first export to the Grid. The development hereby permitted shall cease on or before the expiry of a 30 year period from the date of the first export of electricity.**

**Reason: To limit the long term effects of the development and in recognition of the temporary lifespan of the structures, in accordance with Policies SS1, SS6 and SS7 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 4** If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and all ancillary equipment shall be submitted to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall make provision for the re-use and materials recovery of all complements where possible. The scheme shall also include management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details

**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.

- 5** Within 6 months of the cessation of the export of electrical power from the site, or within a period of 29 years and 6 months following the first export date, a decommissioning and site restoration scheme for the solar farm and its ancillary equipment shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal and re-use of the solar panels and all other associated equipment and the subsequent restoration of the site. The scheme shall include details of the management and timing of all works and a traffic management plan to address likely traffic impact issues during the decommissioning period, and environmental management plan to include details of measures to be taken during the decommissioning period of protect wildlife and habitats, and details of site restoration measures. The approved scheme shall be implemented in full accordance with the approved details.

**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.

**Pre-commencement conditions**

- 6** Before any work approved under this permission commences, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. The approved CEMP 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 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), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

**7** Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Site compound location
- Parking for site operatives
- Construction Traffic Management Plan

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

**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.

**8** 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 91 metres in a north east direction and 121 metres in a south west direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

**9** No development approved by this permission shall be commenced until a hard and soft landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

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

**The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.**

**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.**

- 10 No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording to include recording of the standing historic fabric and any below ground deposits affected by the works. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service.**

**Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.**

- 11 Compliance conditions**  
**Before the development is first brought into use, a Landscape and Ecological Management and Maintenance Plan for a period of 30 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.**

**Reason: To ensure the future establishment of the approved scheme, in order to conform to policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 12 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**
- Landscape Mitigation and Enhancement Plan**
  - Masterplan**

**All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the commencement of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased will be replaced in accordance with the approved Landscape and Ecological Management and Maintenance Plan.**

**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.

- 13 Before the development is first brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions or training recorded that have arisen) annually thereafter by 1 March in each successive year. Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority before being implemented.

The noise management plan shall be made available for inspection by the Local Planning authority upon reasonable request.

Reason: To ensure that there is sufficient and adequate noise mitigation in place, and that there is flexibility to address concerns as they arise, in the interests of amenity in accordance with the requirements of policy SD1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework

- 14 Within 3 months of completion of the approved works evidence of the suitably placed installation within the site boundary of at least 15 bird nesting boxes for a site appropriate range of bird species 5 number Bat roosting features; 12 mammal gates in security fences; one Hedgehog home; four Insect hotels; Reptile Refugia; Amphibian Refugia;} should be supplied to the local authority; and 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.

- 15 Prior to first export of electricity, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the local planning authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- Other conditions  
16 At no time shall any external lighting except low power, ‘warm’ LED lighting in directional downlighters on motion operated and time-

limited switches, required in relation to the immediate safe use of the approved development, be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

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

- 17 Any new access gates/doors shall be set back 10 metres from the adjoining carriageway edge and shall be made to open inwards only.

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.

- 18 The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the Landscape Mitigation and Enhancement Plan (Drawing reference 3352\_L\_GA\_0\_02 Revision D) shall be implemented upon commencements of construction works and hereafter maintained in full as stated for a period of at least 30 years 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), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policy LD2.

- 19 The SuDS details as shown and illustrated on the Conceptual Surface Water Drainage drawing (Rev P08) shall be implemented before the first use of the development hereby approved and hereafter maintained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

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

#### **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. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2. The Applicant is advised that should culverting of any of the watercourses be required for access to the Site, the Applicant will need to apply for Ordinary Watercourse Flood Defence Consent from the River Lugg Internal Drainage Board - <https://www.shiregroup-idbs.gov.uk/idbs/river-lugg-idb/asset-management/planning-consents/>.**

*There was an adjournment at 11:31 a.m.; the meeting reconvened at 11:48 a.m.*

*Councillor Mark Millmore left the meeting at 11:48 a.m.*

*Councillor Paul Andrews resumed his seat as a member of the committee.*

**75. 222295 - AGRICULTURAL BUILDING, ADJACENT BERRINGTON BOWER, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EY (Pages 19 - 20)**

The senior 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. The senior planning officer explained that an additional condition was also necessary to restrict the occupancy of the building to holiday lets only.

In accordance with the criteria for public speaking Mr Bennett, spoke on behalf of Marden Parish Council, Ms Seamer, local resident, spoke in objection to the application and Mr Powell, applicant, 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 to the committee. In summary, she explained that previously applications on the site had been refused as the principle of development in the location was unacceptable. A number of objections concerned the retrospective nature of the application. It was explained that the site was outside the Marden neighbourhood development plan (NDP) and was accessed by busy roads. There was concern that the application added to the cumulative impact of other housing and agricultural applications locally. The impact on highways was unacceptable given the poor state of roads in the locality. It was explained that flooding in the area was an issue and there was concern that pollution from the septic tank at the development could enter local drainage channels. The proposed holiday let was very close to existing properties; noise and light pollution would affect local residents. The application would not encourage sustainable tourism as there was a lack of public transport and busy narrow lanes were not suitable for cyclists and walkers. The application was considered contrary to: Core Strategy policies RA2, RA3, RA5, RA6, LD1, LD2, SD1, SD2, SD3 and E4; Marden NDP policies M1 M2 M3 M12 and M14; and to the national planning policy framework paragraphs 8 and 11. The local ward member urged the committee to refuse the application.

The committee debated the application.

The committee supported the inclusion of a condition to restrict the occupancy of the building to holiday lets only.

The committee sought additional conditions to include: the treatment of roof lights on the building to reduce light spill; the provision of an electric vehicle charging point at the holiday let; and the inclusion of a rainwater harvesting butt at the holiday let.

The local ward member was given the opportunity to close the debate. She provided a statement which was read to the committee and explained how the application was contrary to planning policies in the core strategy, the neighbourhood development plan and the national planning policy framework. It was explained that there were a number of local representations in objection to the planning application and the committee was urged to refuse the planning application.

A motion that the application be approved in accordance with the case officer's recommendation, and including: an additional condition restricting occupancy to holiday lets only; an additional condition for the treatment of roof lights on the building to reduce light spill; an additional condition for the provision of an the electric vehicle charging point at the holiday let; and a condition to include a rainwater harvesting butt at the holiday let; was proposed by Councillor Polly Andrews and seconded by Councillor Elizabeth Foxton. 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; an additional condition restricting occupancy to holiday lets only; an additional condition for the treatment of roof lights on the building to reduce light spill; an additional condition for the provision of an the electric vehicle charging point at the holiday let; and a condition to include a rainwater harvesting butt at the holiday let; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**1. C01**

**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. Development in accordance with approved plans and materials**

**The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 24.6; 24.4; 24.3; 24.5; 24.1; 24.2; Ordnance Survey map reference SO5250SE; letter from Townsend Water Engineering dated 3<sup>rd</sup> October 2022; untitled amended visibility splays) except where otherwise stipulated by conditions attached to this permission.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policies SD1, LD1, SS6, LD2, SD3, SD4 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy M11 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.**

**3. Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a minimum total of TWO bat boxes (or similar**

features supporting bat roosting) and TWO bird nesting boxes (mixed types) and ONE Hedgehog 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.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement 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, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

4. At no time shall any external lighting, except low power (under 550 Lumens/5 watts and <3000 Kelvin), 'warm' LED lighting in directional down-lighting luminaires on motion operated and time-limited switches be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SD1, SS6, LD1-3.

5. Unless otherwise approved in writing by the planning authority all foul water, created by the development approved by this permission shall discharge through connection to the existing private, residential septic tank discharging to soakaway drainage field, as identified in the drainage information by Townsend Water Engineering dated 3 October 2022.

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.

6. There shall be no playing of amplified music or the use of a fire pit or fireworks outside at any time.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31

7. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of the holiday accommodation 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.

8. Within 3 months of the date of this permission the roof lights found on the north eastern roof slope are to be removed in their entirety and slates to match the existing slates are to be re-laid.

Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. 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, AA, 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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the north eastern and south eastern elevations of the property.

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.

11. The windows identified as a blind window on the north eastern elevation shall remain as such at all times unless otherwise agreed in writing by the local planning authority.

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.

#### **INFORMATIVES:**

1. IP2 – Application approved following revisions
2. 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.**

- 3. When the wood burning stove is replaced, the new appliance must meet new EcoDesign standards which came into force on 1st January 2022.**

**Only certain types of wood are suitable for burning and the wood must be dry. This means it should have a moisture content of less than 20%. If the applicant continues to burn his own wood, I suggest that a moisture meter is purchased. Any wood purchased by the applicant should be certified as 'Ready to Burn'. Using fuels that are approved and labelled as 'Ready to Burn' ensures compliance with the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020 that outlaw the sale of wet wood and house coal, which are the most polluting fuels.**

*Councillor Paul Andrews left the meeting at 12:57 p.m.*

*Councillor Ann-Marie Probert left the meeting at 12:57 p.m.*

**76. 222316 - LAND AT FOXHALLS FARM, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RN (Pages 21 - 22)**

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 sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Rogers, 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 that the need for the development as an agricultural dwelling had been established and there was widespread public support for the application from the community and the parish council. The design of the development was agricultural in nature and would be sympathetic to the landscape. The building was close to the farm at which the applicant worked. It was proposed that the building would be set into the hillside and not as obtrusive along Much Marcle Ridge as other local houses; the impact on the landscape would be minimal. Utilities to the property would be provided by solar panels and bottled gas.

The committee debated the application.

The local ward member was given the opportunity to close the debate. There was a need for the agricultural dwelling which was less than 250 m away from the farm at which the applicant worked. The building would be set into the hillside by 2 metres and

surrounded by hedges and trees limiting the impact on the landscape. The proposed house was of a more sympathetic design than other houses along Much Marcle Ridge.

A motion that the application be refused 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 REFUSED for the following reason:**

- 1. The proposed development, by reason of the isolated, skyline location of the site and associated erosion of the landscape character and visual amenity of the area, would cause significant harm to the natural, tree-covered character of Marcle Ridge. The proposal also fails to adequately safeguard mature trees to be retained and runs contrary to the policy requirement for agricultural workers' dwellings be sited so as to meet the identified functional need within the unit or in relation to other dwellings, most notably, by avoiding isolated locations or locations that could encourage farm fragmentation. Accordingly, the proposal conflicts with Policies RA4 and LD1 of the Herefordshire Local Plan – Core Strategy, Policies ENV-1 and HSG-1 of the How Caple, Sollershope and Yatton Neighbourhood Development Plan and paragraphs 130 and 174 of the National Planning Policy Framework.**

*Councillor Probert returned to the meeting at 1:35 p.m.*

**77. 224292 - 75 FOLEY STREET, HEREFORD, HEREFORDSHIRE, HR1 2SQ**

*Councillor Elizabeth Foxton left the committee to act as the local ward member for the following application.*

The planning officer gave a presentation on the application.

In accordance with the council's constitution the local ward member spoke on the application. She explained that the extension blended sympathetically into the row of houses on Foley Street.

A motion that the application be approved in accordance with the case officer's recommendation was moved by Councillor Sebastian Bowen and seconded by Councillor Jeremy Milln. 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 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 (full permission)**
- 2. C07 – Development in accordance with approved plans and materials**

**INFORMATIVES:**

- 1. IP1 - Application Approved Without Amendment**

The meeting ended at 1.40 pm

**Chairperson**





**214619 - THE INSTALLATION OF GROUND MOUNTED SOLAR PHOTOVOLTAIC ARRAY, TOGETHER WITH ASSOCIATED INFRASTRUCTURE, SECURITY FENCING, CCTV, LANDSCAPING, ONSITE BIODIVERSITY NET GAIN AND PERMISSIVE RIGHTS OF WAY AT LAND TO THE NORTH-WEST OF WESTHIDE, WESTHIDE, HEREFORDSHIRE, HR1 3RQ**

**For: Ersun (Westhide SPV) Ltd per Mrs Clare Hillier-Brown, 1 Naish Farm, Broadway, Chilcompton, Radstock BA3 4ST**

### **OFFICER COMMENTS**

The following corrections are necessary to the Officer report

- In paragraph 1.10 of the report, the proposed attenuation basin should be identified as 10,691m<sup>2</sup> in capacity.
- In relation to paragraph 1.5 of the report the following listed buildings should be included:
  - Phoexic Cottage (Grade II) is located 741m to the south west
  - Thatch Cottage (Grade II) is located 622m to the south west
- In paragraph 2 there is a reference to Wellington Neighbourhood Development Plan which should read Withington.

### **NO CHANGE TO RECOMMENDATION**



**222295 - PROPOSED CHANGE OF USE OF BUILDING TO HOLIDAY LET  
AT AGRICULTURAL BUILDING ADJACENT BERRINGTON BOWER,  
MARDEN, HEREFORD, HR1 3EY**

**For: Mr Powell per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford,  
Herefordshire HR4 7RL**

**OFFICER COMMENTS**

During the committee site visit the blind window on the north-eastern elevation was noted. A further condition is now recommended to ensure that this window remains as a blind window in order to protect the amenity of the neighbouring property. The recommended condition is as follows:

**The windows identified as a blind window on the north eastern elevation shall remain as such at all times unless otherwise agreed in writing by the local planning authority.**

**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.**

**CHANGE TO RECOMMENDATION**

Add new condition referred to above



**222316 - ERECTION OF AN AGRICULTURAL WORKERS DWELLING, INCLUDING A NEW GARAGE AND ASSOCIATED WORKS. AT LAND AT FOXHALLS FARM, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RN**

**For: Mr Rogers per Miss Yasmin Lokat, Nexus, Unit 1, Roushill, Shrewsbury, SY1 1PT**

**OFFICER COMMENTS**

A correction is necessary to paragraph 1.1 of the report, which suggests that Foxhalls Farm lies 870m to the south-west of the site, when it is in fact around 250m 'as the crow flies'.

**NO CHANGE TO RECOMMENDATION**

