

Minutes of the meeting of Planning and regulatory committee held at The Kindle Centre, Belmont Road, Hereford, HR2 7JE on Wednesday 8 February 2023 at 10.00 am

Present: Councillor Paul Rone (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Dave Boulter, Sebastian Bowen, Elizabeth Foxton, John Hardwick, Mark Millmore, Jeremy Milln, Felicity Norman, Ann-Marie Probert, Nigel Shaw, Kevin Tillett and Yolande Watson

In attendance: Councillors Jonathan Lester and William Wilding

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

64. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Clare Davies, Terry James and Tony Johnson.

65. NAMED SUBSTITUTES (IF ANY)

Councillor Kevin Tillett acted as a substitute for Councillor James.
Councillor Nigel Shaw acted as a substitute for Councillor Johnson.

66. DECLARATIONS OF INTEREST

Councillor John Hardwick declared an other interest in respect of agenda item no. 6, application 220370, Woodfields Fruit Ltd; the applicant was a known associate.

Kevin Bishop declared an other interest in respect of agenda item no. 7, application 221177, Sheepcotts; the applicant was a known associate.

67. MINUTES

RESOLVED: That the minutes of the meeting held on 18 January be approved.

68. 220370 - WOODFIELDS FRUIT LTD, WOODFIELDS WESTON UNDER PENYARD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7PG

The principal planning officer gave a presentation on the application.

In accordance with the criteria for public speaking; a statement was read on behalf of Weston-under-Penyard Parish Council; a statement was read on behalf of Mrs Reynolds, local resident, in objection to the application; and Mrs Joseph, 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 the application impacted on existing rights of way across the site; if the application was approved footpaths should be diverted. Residents in the local Dairy Cottages had complained of noise from the site; the relocation of the welfare block would not

reduce the level of noise experienced by local residents. The green buffer zone was supported but there was concern workers would congregate in the area during warmer weather and cause noise, affecting local residents. The proposed barbecue area should be enlarged and covered to encourage the workers to congregate away from the Dairy Cottages. The noise management plan needed to include more detail of the monitoring that would take place and whether staff would be available to deal with complaints from local residents when they occurred. There was concern regarding waste water on the site; the smell of sewage was evident in summer. The state of the road to the site was in a poor condition.

The committee debated the application.

The local ward member was given the opportunity to close the debate. He explained concern regarding: the re-siting of the welfare block, noise from which would have an impact on local residents; the possibility of overflowing sewage; the increase in the number of caravans in the application; and the requirement for a diversion of public rights of way on site.

A motion that the application be deferred and a delegation be provided to offices to finalise the noise management plan was proposed by Councillor Felicity Norman and seconded by Councillor Sebastian Bowen. The motion was put to the vote and was lost by simple majority.

A motion that the application be approved in accordance with the case officer's recommendation but with a time limited period of 5-years for the permission, after which time a review of the effectiveness and implementation of the noise management plan would be undertaken, was proposed by councillor Nigel Shaw and seconded by councillor Paul 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 and amendments considered necessary by officers named in the scheme of delegation to officers:

1. Time

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. Approved Plans

The development shall be carried out strictly in accordance with the approved plans and materials:

- **Location Plan: Drg No 1418/5**
- **Proposed Site Plan: Drg No 1418/1/B**
- **Plan of existing footpaths**
- **Landscape Strategy: Drg No: 21300.101 D**
- **Proposed staff welfare unit and Cold Store Rev B**

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.

Pre-Commencement Conditions

3. 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:

- i) A method for ensuring mud is not deposited onto the Public Highway
- ii) 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

4. Development shall not begin until an implementation programme setting out details of the:

- phasing of the caravan siting (relocation of caravans from Rock Farm and existing caravans on site)
- erection and occupation of the welfare building
- implementation of the noise management plan

shall be submitted work submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the 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

Pre Occupation Conditions

5. Resiting / Removal of existing mobile homes

Prior to the occupation of the 30th mobile home hereby approved the mobile homes as detailed on location plan shall be removed and land reinstated as detailed on landscaping plan (21300.101 rev D).

Reason: To define the terms of permission as presented and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. PROW/Siting of mobile homes

Prior to occupation of any of the caravans/mobile homes hereby permitted and while awaiting the public right of way diversion order the caravans shall be sited as shown on plan 1418/1 rev B (proposed site plan).

Reason: To ensure that the materials harmonise with the surroundings so

as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. Cycle Parking Provision

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

8. Travel Plan

Prior to the first occupation/use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority.

The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Landscape Biodiversity Management Plan

Before the development is first occupied, a landscape biodiversity management plan and maintenance plan 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 the approved schedule.

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

Compliance Conditions

10. Ecology Plan

The ecological protection, mitigation, compensation and working methods scheme and the Habitat Protection and Biodiversity Enhancement Plan, as recommended in the two reports by J Lomas both dated May 2020 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the 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

- 11. The caravans / seasonal workers mobile homes hereby permitted shall be permanently removed from the site within 5 years of commencement of the start of this permission (the applicant shall notify the Local Planning Authority in writing no less than 14 days before the commencement of the development to determine the date of commencement as detailed in condition 4) and the land shall be restored to its former condition in accordance with details to be agreed in writing with the Local Planning Authority beforehand.**

Reason: To enable the Local Planning Authority to retain effective control over the site and to reassess noise and disturbance of the site workers accommodation having regard to the requirements of policies SD1 of the Herefordshire Local Plan Core Strategy and SB1 of the made Weston Under Penyard NDP and the guidance contained within the National Planning Policy Framework.

- 12. Occupation restriction**

The occupation of the caravan/ mobile homes hereby approved shall be limited to persons solely employed in agriculture and associated activities on land owned or farmed by Woodfield Farms Ltd and BH Savidge and Son.

Reason: Planning permission has only been granted having consideration for the needs of the agricultural enterprise operating at Woodfield Farms Ltd and to maintain control over the scale of the accommodation provided in order to clarify the terms of this planning permission to conform with Policies RA3, RA4 and RA6 of the Herefordshire Local Plan Core Strategy, the and the guidance contained within the National Planning Policy Framework.

- 13. Occupation**

Each caravan will have a maximum capacity for up to four people.

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14. Occupation**

No more than 236 no. people shall be resident on the application site.

Reason: To safeguard the character and amenities of the area and to

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

15. Noise Management

The operation / use of the premises shall be undertaken in accordance with the details contained within the Noise Management Plan submitted with this application (the Site Management noise Plan submitted Referenced as Woodfields campsite noise management plan dated October 2022). 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 implemented in line with timings submitted and confirmed within the phasing plan (condition 4).

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

16. Colour of caravans

The caravans located on the edge on the site next to the Northern site boundary shall be painted with an Ardenne (RAL 7022) or Olive Green (BS12B27 or RAL 1000 30 20) colour and the roofs repainted with an Anthracite (RAL 7016) colour prior to occupation and thereafter maintained as such.

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

17. Removal of Caravans

In the event that the caravans hereby permitted become redundant for purpose the caravans and all other associated development shall be removed and the land re-instated to its original condition within nine months.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 and RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. Lighting

At no time shall any external lighting, except low power (under 550 lumens), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved worker accommodation 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, SS6, LD1-3.

19. Drainage

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

20. Drainage

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following document: Flood Risk Assessment and Drainage Statement document reference: 4640-peny-ics-xx-rp-c-07.001 dated 31 January 2022

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

21. Landscape Implementation

Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan: Landscape Strategy Proposals. 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 first caravan 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 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.

22. Implementation of one permission only

This permission shall be implemented only in lieu of and not in addition to, the planning permission 200444 granted 15 October 2020.

Reason: To define the terms of this permission, having regard to submitted information and in the interests of amenity and the impact upon landscape character of the area having regard to policies SS6, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework

23. No conversion of Welfare Block to habitable accommodation

The building hereby approved shall only be used for the stated purpose and shall at no time be converted to, or used as, habitable accommodation. Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy H2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit(s) of residential accommodation in this rural location.

Reason: Having regard to Policy RA3 of the Herefordshire Local Plan – Core Strategy, Policy H2 of the Weston under Penyard Neighbourhood Development Plan and the National Planning Policy Framework the local planning authority are not prepared to allow the introduction of a separate unit(s) of residential accommodation in this rural location.

INFORMATIVES:

- 1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**
- 2. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times**
- 3. 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.**
- 4. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.**
- 5. In connection with Condition 8 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ**
- 6. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**

7. **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.**
8. **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), with enhanced protection for special “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.**

There was an adjournment at 11:13 a.m.; the meeting reconvened at 11:25 a.m.

Cllr Yolande Watson joined the meeting at 11:25 a.m.

Kevin Bishop left the meeting at 11:25 a.m.

69. 221177 - SHEEPCOTTS, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ (Pages 11 - 12)

The development manager north team 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 Mr Tompkins, 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 he was unable to support the application due to the size and scale of the development and its impact on the landscape. The judgement as to whether the development was outstanding, as defined paragraph 80(e) of the National Planning Policy Framework (NPPF), was a subjective determination for the committee to make. The application was felt to be contrary to core strategy policies SS1, SS2, LD1, RA3 and also contrary to the Neighbourhood Development Plan.

The committee debated the application.

The local ward member was given the opportunity to close the debate, he explained that due to the size and scale of the development, its impact on the Landscape was unacceptable.

A motion that the application be approved in accordance for the case officer’s recommendation was proposed by Councillor John Hardwick and seconded by Councillor Dave Boulter. The motion was put to the vote and was lost by simple majority.

A motion that the application be refused for those reasons set out below was proposed by Councillor Yolande Watson and seconded by Councillor Jeremy Milln. The motion was put to the vote and was carried by a simple majority.

The proposal represents new residential development in the open countryside. By virtue of its design and scale it is not considered to be of outstanding design or in keeping with the character of the locality, leading to adverse harm upon the character and appearance of the area. As such, the proposal does not comply with the principles of Paragraph 80(e) of the National Planning Policy Framework and is not considered to be representative of sustainable development, contrary to Policies SS1, SS2, SS3, SS7, RA2, RA3, LD1, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and Policy OPG2 of the Ocle Pychard Group Neighbourhood Development Plan.

As a result of the scale of development proposed, the scheme will result in the loss of good to moderate agricultural land, contrary to Policies SS7 and RA6 of the Herefordshire Local Plan – Core Strategy.

RESOLVED – that planning permission is refused for the following reasons:

The proposal represents new residential development in the open countryside. By virtue of its design and scale it is not considered to be of outstanding design or in keeping with the character of the locality, leading to adverse harm upon the character and appearance of the area. As such, the proposal does not comply with the principles of Paragraph 80(e) of the National Planning Policy Framework and is not considered to be representative of sustainable development, contrary to Policies SS1, SS2, SS3, SS7, RA2, RA3, LD1, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and Policy OPG2 of the Ocle Pychard Group Neighbourhood Development Plan.

As a result of the scale of development proposed, the scheme will result in the loss of good to moderate agricultural land, contrary to Policies SS7 and RA6 of the Herefordshire Local Plan – Core Strategy.

The meeting ended at 12.47 pm

Chairperson

221177 - ERECTION OF 1 NO. DWELLING OF OUTSTANDING DESIGN AND ASSOCIATED WORKS INCLUDING ACCESS, LANDSCAPING, OUTBUILDINGS, INFRASTRUCTURE, LAKE CREATION AND OTHER ENGINEERING WORKS AT SHEEPCOTTS, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ

For: Mr & Mrs Perry per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL

ADDITIONAL REPRESENTATIONS

Officers are aware that committee members have received direct email correspondence from two objectors asking them to refuse planning permission. The correspondence does not raise any new issues. It reiterates views previously expressed that the proposal does not accord with Paragraph 80 of the NPPF, that it will not significantly enhance landscape setting, that the application states that the proposal will have a minor to moderate negative effect when viewed from a nearby bridleway and therefore cannot be considered to enhance the landscape setting and that it will increase light pollution.

OFFICER COMMENTS

The matters referred to in the correspondence are dealt with in detail in the appraisal section of the officers report

CHANGE TO RECOMMENDATION

No change to the recommendation

