

**Minutes of the meeting of Planning and Regulatory Committee
held at Herefordshire Council Offices, Plough Lane, Hereford,
HR4 0LE on Wednesday 25 October 2023 at 10.00 am**

Present: Councillor Terry James (chairperson)
Councillor Clare Davies (vice-chairperson)

Councillors: Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies,
Catherine Gennard, Peter Hamblin, David Hitchiner, Dan Powell,
Stef Simmons, Louis Stark, John Stone, Richard Thomas and Diana Toynbee

In attendance: Councillors Ellie Chowns, Toni Fagan and Liz Harvey

Officers: Development Manager Majors Team, Legal Representative and Highways
Representative

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Andrews and Foxtan.

40. NAMED SUBSTITUTES (IF ANY)

Councillor Stark acted as a substitute for Councillor Andrews.

Councillor Hitchiner acted as a substitute for Councillor Foxtan.

41. DECLARATIONS OF INTEREST

There were no declarations of interest.

42. MINUTES

The Committee noted a correction to the minutes of the previous meeting. Under paragraph 34, Treduchan Farm, application 221395; the minutes should record that the application was approved with a simple majority of votes in favour not unanimously.

RESOLVED: That, subject to the correction outlined above, the minutes of the meeting held on 27 September 2023 be approved.

**43. 190111 - LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS
LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD,
HEREFORDSHIRE (Pages 7 - 8)**

Councillor Clare Davies left the committee to act as the local Ward member for the application below.

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 Mr Lloyd spoke on behalf of Bromyard and

Winslow Town Council, Ms Churchill spoke on behalf of Avenbury Parish Council, Mr Whitehorn, local resident, spoke in objection to the application and Mr White, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local ward members (Bromyard West and Bishops Frome and Cradley) spoke on the application.

The local ward member for Bromyard West explained that there were significant highway safety concerns with the proposed development. The local community recognised the need for new houses but that should not be at the expense of the safety of local residents. Under the national planning policy framework (NPPF) and the local plan cycling facilities were an essential element of new developments but the application did not provide adequate plans for the safety of cyclists accessing the proposed site. The footway to the site was unsafe with a narrow width along a fast narrow road. Earlier applications for the proposed development had featured a pedestrian walkway to the site along the road and had been dismissed as unsafe; the current application had moved the footpath to the other side of the road with no discernible improvements to the safety of pedestrians. There were also ecological issues with the proposal including the removal of hedgerow. The plans had not been presented to the town council in a public forum which would have offered the opportunity to the applicant to improve the application using local knowledge. The committee was urged to refuse the application based on the neighbourhood development plan (NDP) policy BY1 and core strategy policy MT1 due to highway safety.

The local ward member for Bishops Frome and Cradley explained that there was a need for more houses but this must be under the right circumstances. Access to the site was a principal concern and the safety of local residents accessing the site on bicycle or by foot. The width of the A44 was not felt to be sufficient for two HGVs to pass therefore posed a significant risk to cyclists and pedestrians accessing the site. The road would be widened around the proposed Junction but the layout did not take account of cycling. Access to the primary school and the safety of children was of concern and it was suggested that a change to the location of the pedestrian access would shorten the walk along the A44 from the site. Cycling facilities in the form of cycle parking, would be provided on site but there was a fundamental flaw as there was no provision to improve the safety of cyclists to the site along the A44. Highway safety was also a concern for pedestrian using the pavement along Panniers Lane which was not of a sufficient width.

The committee debated the application. During consideration of the application the following principal points were raised:

- there were significant highway safety concerns regarding cyclist and pedestrian access to the site.
- there was no adequate provision for safe cycling in the application.
- the application did not adequately promote active travel to the site due to the highway safety concerns posed to pedestrians and cyclists accessing the proposed development.
- the width of the road posed a safety risk and the lack of adequate pedestrian and cycling infrastructure had an unacceptable impact on highway safety.
- there was an unacceptable safety risk to people with disabilities and families with young children using the pedestrian access to the site.

The local ward members were given the opportunity to close the debate.

A motion that the application be refused due to highway safety concerns relating to access to the site of cyclists and pedestrians, contrary to core strategy policy MT1 and NPPF paragraphs 106, 110, 111 and 112 was proposed by Councillor Peter Hamblin and seconded by Councillor Richard Thomas. The motion was put to the vote and was carried unanimously.

RESOLVED – that

The application be refused due to highway safety concerns relating to access to the site of cyclists and pedestrians, contrary to core strategy policy MT1 and NPPF paragraphs 106, 110, 111 and 112.

There was an adjournment at 11:10 a.m.; the meeting reconvened at 11:27 a.m.

Councillor Clare Davies resumed her seat on the committee.

44. 223248 - BUILDING AND CURTILAGE OF GREENACRES BUNGALOW AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY, HEREFORDSHIRE

The principal planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Howells spoke on behalf of Ledbury Town Council, Dr Lloyd, local resident, spoke in objection to the application and Ms Clare, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. The proposed application site was unusual and special in planning terms and was of historic importance. It was a designated green space in the Ledbury NDP. The developer had been made aware of the designation at an early stage in the drafting of the NDP. The site was not accessible by members of the public and was a refuge for wildlife and biodiversity. The application site in its current form was important to the town of Ledbury which had relatively few green spaces. Surface water drainage from the site would enter the river Leadon. The river had already suffered from flooding and the town of Ledbury experienced problems with flash water flooding; the proposed development would add further to impermeable surface locally. Objections concerned with the application included the scale of the development; the ridge heights were felt to be too high. The density of housing on the site was excessive and there were highway safety concerns regarding the site access. There was also concern that there was no provision in the application for affordable housing and there would be no section 106 monies from the site; neither had been assessed as financially viable in the viability assessment for the applicant.

The committee debated the application. During the course of the application the principal points below were raised:

- the historic importance of the application site and the existing house on the site; the retention of this historic element of Ledbury outweighed the benefits that were proposed in the application. This was consistent with policy CL2.1 (j) of the Ledbury NDP.
- the importance of the application site as a green space in Ledbury providing for wildlife and biodiversity conservation locally. The retention of the green space to provide a wildlife corridor or stepping-stone within the built-up area of Ledbury outweighed the benefits proposed in the application. This was consistent with policy CL2.1 (h) of the Ledbury NDP.
- the site access was narrow and onto a busy main road. There were highway safety concerns for those people accessing the proposed application site, particularly people with restricted mobility.
- the impact of the development on the landscape of Ledbury was unacceptable, the development would alter the character of the town with the removal of an important

green space.

- the importance of conserving and enhancing buildings of historic importance in the town.

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

A motion that the application be refused due to: the protection of open and green spaces; highway safety concerns regarding the site access; the impact on the landscape and conservation and enhancement of buildings of historic importance; contrary to Ledbury NDP policies CL2.1 (g and h) and BE2.1 and core strategy policies MT1 and LD1 was proposed by councillor David Hitchiner and seconded by councillor Richard Thomas. The motion was put to the vote and carried by a simple majority.

RESOLVED – That:

The application be refused due to: the protection of open and green spaces; highway safety concerns regarding the site access; the impact on the landscape and conservation and enhancement of buildings of historic importance; contrary to Ledbury NDP policies CL2.1 (g and h) and BE2.1 and core strategy policies MT1 and LD1.

There was an adjournment at 12:54 a.m; the meeting reconvened at 1:08 p.m.

45. 232106 - STABLES, BOWLERS LANE, LITTLE BIRCH, HEREFORD, HR2 8BB

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Barrington spoke on behalf of Little Birch Parish Council, a statement was read on behalf of Mr Jones, local resident, in objection to the application and Mr Wilson, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. She explained that currently the site was used for stabling of horses and the application would offer a future for the activity. It would also allow accommodation for a local family who had lived in the parish for a number of years and had strong connections with the local community. The proposed development had no impact on the landscape or the local heritage asset the church. The Little Birch and Aconbury NDP was nuanced and did not provide a definitive settlement boundary. The proposed application site would front onto Ruff Lane and would be accessed by Bowlers Lane. An interpretation of NDP policy LBA3 could include the application site within the settlement boundary rather than in open countryside and permit development.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- the application was consistent with NDP policy LBA 4.7, which proposed a flexible approach to differentiating between settlement and countryside.
- the application was consistent with the terms of NDP policy LBA 3 as the site was located off Ruff Lane.
- the application was consistent with the terms of NDP policy LBA 3 and 4 to provide for windfall development on land adjacent to the settlement matrix.
- there was no detrimental impact on the landscape or local heritage assets.
- the proposed development was not located in open countryside; due to the lack of a settlement boundary and therefore core strategy policy RA3 did not apply.

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

A motion that the application be approved due to: consistency with the Little Birch and Aconbury NDP (policies 3 and 4); no adverse impact on the local heritage asset; and the development was not considered to be located in open countryside due to the lack of a settlement boundary, was proposed by Councillor Dave Davis and seconded by Councillor Richard Thomas. The motion was put to the vote and carried by a simple majority.

RESOLVED - that

- a) the application be approved due to: consistency with the Little Birch and Aconbury NDP (policies 3 and 4); no adverse impact on the local heritage asset; and the development is not considered to be located in open countryside due to the lack of a defined settlement boundary.**
- b) authority is delegated to officers to draft and impose conditions for the planning permission, in consultation with the chairperson and vice chairperson of the Planning and Regulatory committee.**

The meeting ended at 2.03 pm

Chairperson

PLANNING COMMITTEE

Date: 25 OCTOBER 2023

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

190111 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 120 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM THE A44. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS. AT LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE,

For: Gladman Developments Ltd per Gladman Developments Ltd, Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB

ADDITIONAL REPRESENTATIONS

1 additional representation has been received objecting to the application. The comments can be summarised as follows; -

- Grassed strip of land relied up for footway widening purposes on A44 adjacent to the rear of properties on Broxash Close is under control of respective property owner by virtue of adverse possession.
- With the above in mind, the require notice has not been served on the owner of this land (including any other owner 1 – 11 Broxash Close).

A Members Briefing document was sent to Officers via email on 23 October 2023. This is attached at **Appendix 1**. It does not introduce any new matters which have not already been considered and therefore officers do not offer a direct response to this.

OFFICER COMMENTS

Having consulted with the relevant specialists, officers can advise that the Local Highway Authority have visit the site to measure on the ground and it is confirmed as being highway land (also evidenced by the fact a highway sign has been erected adjacent to the steps constructed by residents of Broxash Close. Adverse possession cannot be claimed for highway land so the steps are considered an illegal structure in the highway.

CHANGE TO RECOMMENDATION

Omission of 'either' from the recommendation. The recommendation is therefore update to the following;

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions or amendments to conditions considered necessary: