

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 13 December 2023 at 10.00 am

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

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Peter Hamblin, Stef Simmons, John Stone, Richard Thomas and Diana Toynbee

In attendance: Councillors Toni Fagan, Liz Harvey, and Ben Proctor (all in virtual attendance)

Officers: Legal Adviser, Development Manager Majors Team and Team Leader Area Engineer

46. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dan Powell and Catherine Gennard.

47. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

48. DECLARATIONS OF INTEREST

Councillor Richard Thomas declared an other interest in respect of agenda item 9, application 232089, Sheepcote, St Owens Cross; the applicant was a close, known associate. Councillor Thomas would leave the meeting for the duration of the item.

49. MINUTES

RESOLVED: That the minutes of the meeting held on 25 October 2023 be approved.

50. CHAIRPERSON'S ANNOUNCEMENTS

51. 232895 - 50 BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EQ

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Mee spoke in objection to the application.

In accordance with the council's constitution the local ward member spoke on the application, he explained that there were three key issues with regard to this application; parking, safe and healthy communities, and garden space. HMOs are recognised as an important part for housing in Herefordshire, however, they do increase the density of housing in an area that is already densely populated and this will increase the pressure on the three issues noted above. If the application is approved, then the local ward member would support it on the basis of the conditions proposed in the planning officer's report.

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

- Concern has been raised regarding parking, however, it was noted that the enforcement of parking measures can be used to mitigate this issue.
- Noise concerns were acknowledged, however, it was noted that the Environmental Health Officer could investigate such issues if they were experienced.
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The local ward member was given the opportunity to close the debate. He added that HMOs are an important part of the housing mix in Herefordshire.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Stef Simmons and seconded by Councillor Bruce Baker. 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:

1. C01 - Time limit (3 years)

2. C06 - Approved plans (drawings listed below) - Location plan 1:1250 - Site plan 1:200 26 Further information on the subject of this report is available from Mr Simon Rowles on 01432 260238 PF2 - Proposed rear elevation 1:100 - Proposed side elevation 1:100 - Proposed elevation from opposite side 1:100 - Proposed ground floor 1:100 - Proposed first and second floor plans

3. The external walls of the extension shall be constructed with facing bricks of the same type, texture and colour as the external walls of the existing building.

Reason: In the interests of visual amenity 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.

4. Prior to the 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 house shall be submitted to the local planning authority for its written approval. The cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to occupation as a “large” HMO. 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.

5. The maximum occupancy of the House in Multiple Occupation hereby permitted shall be limited to no more than 8 people at any one time.

Reason: In the interests of maintaining the amenity of neighbouring residents and securing a suitable standard of accommodation for future occupiers, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

6. No surface water from the extension hereby permitted 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, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy.

7. CBK – Restriction on hours during construction

INFORMATIVES:

1. IP1 – Application approved without amendment

2. The proposed development site is crossed by public sewers. No operational development is to take place within 3 metres either side of the centreline of the sewers. Prior to commencing any operational development the location of these assets should be determined. If operational development is likely to take place within 3 metres either side of these sewers please stop works and contact Welsh Water. The applicant may be able to progress with a build over sewer agreement or divert these assets under s185 of the Water Industry Act 1991. Under the Water Industry Act 1991 Welsh Water has rights of access to its assets at all times.

52. 222687 - PARK HALL, WORMELOW, HEREFORDSHIRE (Pages 19 - 20)

The 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 Cooke on behalf of Much Birch Parish Council spoke in objection and Mrs Rogan spoke in support of the application.

In accordance with the council's constitution the local ward member, Councillor Thomas, and thereafter, the adjoining ward member, Councillor Fagan spoke on the application. Councillor Thomas commented that there is a lot of merit in this application and identified the building of the holiday lodges as supporting tourism in the local area. He added that the applicant is taking her own financial risk and it is not for the committee to comment on that particular issue. Houses are needed in the local area and it was good to see that 3-bedroom houses were prioritised. Noise concerns have been adequately addressed by the applicant who is prepared to put screening in place. Councillor Thomas stressed his support for the application and hoped that committee members would vote in favour of it.

The adjoining ward member, Councillor Fagan acknowledged the challenges for the applicants to find a viable option for the site, however, she cited a number of concerns including those of Llanwarne and Much Birch Parish Councils respectively. The number of conditions that the application is subject to was of concern to the adjoining ward member and the scale of the holiday lodges have encountered multiple objections from parish councils and local residents. The lack of S106 contributions arising from the application was also raised. In terms of tourism facilities, there aren't any and therefore creating better facilities on-site would provide better activities for families and could be accessible to local residents and this could help improve the attractiveness of the site. There are also concerns on the internal road and the use of that road by HGVs and tractors to access behind the site. Councillor Fagan added that the internal road will likely become much busier and narrower as a result of the application proposals and the Herefordshire Trail could be consequently impacted. Potential impact on local wildlife and habitats was also raised.

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

- The application would help support the local economy of the area through the growth of tourism to the county.
- The viability of the site was not a matter for the committee but rather for the applicant.
- Protection of the Herefordshire Trail was added as a point of concern.
- The protection of trees on the site was noted, however, it was addressed that certain conditions would be put in place to identify and protect particular trees and shrubbery which would then be shared with the tree officer for review and confirmation.
- The lack of S106 contributions through housing and in particular the building of affordable housing on site.

The local ward member and adjoining ward member were given the opportunity to close the debate.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Dave Davies and seconded by Councillor Bruce Baker. 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:

General

1 Time limit 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 drawings The development shall be carried out strictly in accordance with the approved plans Location Plan: • Location Plan (1:1250) • Visibility splay drawing: Dwg RHC-22-104-01 Rev C • House Type C Dwg 7731/105 rev A • House Type D: Dwg 7731/106 • Revised site plan: Dwg 7731/102 rev C • Landscape strategy drawing: DWG 21299.101 • Arb Impact Plan sheet: Dwg: HR28JN/BLA/AIP-E • Arb Impact Plan sheet : Dwg: HR228JN/BLA/AIP-W • Arb constraints Plan: Dwg: HR28JN/BLA/ACP • Proposed elevations Lodge Type A: Dwg: 7731/103 • Proposed elevations Lodge Type B: Dwg: 7731/104 • Site Plan layout: Dwg: 7731/102 Rev B • Proposed reception building and elevations: Dwg 7731/107 • Drainage Design 1 of 2 (Ref: 0201 P09); • Drainage Design 2 of 2 (Ref: 0202 P09)

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.

Prior to commencement conditions

3 Prior to first commencement of the use hereby permitted, an acoustic barrier must be erected along the western site boundary. Details of which to be provided to and agreed by the LPA prior to barrier works commencing.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6, SD1, E4 and RA6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4 Prior to first commencement of the use of the Holiday Lodges hereby permitted, a noise management plan shall be submitted to, and approved in writing by the Local Planning Authority.

The noise management plan should address the following headings:

- a) statement of intent**
- b) a brief summary of the premises / site / activities**
- c) a location / site plan**
- d) an inventory of potential noise sources**
- e) details of noise controls and limits (e.g. site rules)**
- f) site noise monitoring and / or evaluation**
- g) responding to complaints (including actions to be undertaken and recorded)**
- h) management command, communication, and contact details**
- i) periodic NMP review.**

The use shall be implemented and carried out in accordance with the approved Noise Management Plan thereafter.

Reason: To safeguard the amenities of the locality and to comply with Policies SS6, SD1, E4 and RA6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Tree root protection

5 Before any work; including site clearance or demolition begin or equipment and materials are moved on to site details regarding trenchless work within the Tree Root Protection Areas shall be supplied to the Local Planning Authority for written approval. The approved details shall be implemented and remain in place until all work is complete on site and all equipment and spare materials

Reason: To ensure the proper care and maintenance of the trees and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Waste removal/Material resource audit

6 Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the Local Planning Authority.

The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;**
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;**
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;**
- The type and volume of waste that the development will generate (both through the construction and operational phases);**
- On-site waste recycling facilities to be provided (both through the construction and operational phases);**

- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework

Construction Environmental Management Plan

7 Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, 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 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.

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.

Construction Management Plan

8 Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period. The Construction Management Plan shall include, but is not limited to, the following matters:

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities;
- b) on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- c) wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- d) measures for managing access and routing for construction and delivery traffic;
- e) hours during which construction work, including works of site clearance, and deliveries can take place.
- f) 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: This is required pre-commencement in the interests of highway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, SS6, LD2, LD3 and MT1 of the Herefordshire Local Plan Core Strategy 2011-31 during construction.

Contamination

9 No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing.**

The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval. Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. Other stage conditions Materials 10 With the exception of site clearance and groundwork, no further development shall take place until samples of the materials to be used externally on walls and roofs for the dwelling houses, holiday lodges and reception building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

Electric vehicle charging points

11 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, has been submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

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

Landscape scheme

12 With the exception of site clearance and groundworks, no further development shall commence until a landscape strategy/scheme with hard and soft landscaping details has been submitted 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) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
- d) All proposed hardstanding and boundary treatment.**
- e) Phasing delivery plan**

The landscaping scheme shall be implemented in accordance with the approved details and shall be completed prior to the first occupation of phase of the development.

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.

Highway works

13 Development shall not begin in relation to any of the specified highways works until details of the provision of a crossing point on the B4348 been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the Local Highway Authority.

The development shall not be occupied until the scheme has been constructed in accordance with the approved details. Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework. Prior to occupation of development Refuse/Recycling 14 Prior to occupation of the dwelling houses and holiday lodges, refuse and recycling collection arrangements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

Water Efficiency

15 Prior to the occupation of the development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation.

Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

Landscape Maintenance

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

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

Travel Plan

17 Prior to the first occupation of the first holiday lodge 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

Contamination

18 The Remediation Scheme, as approved pursuant to condition no. 9 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Car parking

19 Prior to the first occupation of any lodge to which this permission relates an area for car parking shall be laid out within the curtilage of the lodges and the general car parking area, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be

submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy

Cycle parking (holiday accommodation)

20 Prior to the first occupation of the holiday lodges hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities with the parking area and for the holiday lodges 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.

Cycle parking (dwellings)

21 Prior to the first occupation of the first dwelling hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling 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.

Parking

22 Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

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

Driveways

23 Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8.

Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.

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.

Compliance

Visibility splays

24 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected 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

Vehicular Access

25 The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 12.

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.

Potable Water

26 No premise shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the development is served by a suitable potable water supply.

Surface Water

27 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

Surface Water

28 All surface water shall discharge through a suitably sized soakaway-infiltration system in combination with an infiltration basin as indicated in drawings drawing design 1 of 2 (Ref: 0201 P09); and drainage design 2 of 2 (Ref: 0202 P09). Works shall be completed prior to the first occupation of the development hereby permitted.

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 SD3.

Foul Water

29 All foul water, created by the development approved by this permission shall discharge through connection to Much Dewchurch mains sewer system managed by Welsh Water.

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.

Drainage

30 The development shall be carried out in accordance with the approved details as submitted relating to the proposed surface water and foul water drainage arrangements:

- Drainage Design 1 of 2 (Ref: 0201 P09)**
- Drainage Design 2 of 2 (Ref: 0202 P09).**

The development shall be implemented in accordance with the approved details and be completed prior to the first occupation.

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.

Landscaping

31 All hard and soft landscaping (planting, seeding or turf laying) in the approved in the full landscape scheme required by condition 12 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling 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 10 years of planting will be replaced in accordance with the approved plan.

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

Hours of construction

32 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside following hours:

- **08:00 - 18:00 hours (Monday to Friday);**
- **08:00 - 13:00 hours (Saturday)**

No working permitted on Sundays or Bank Holidays.

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 and the National Planning Policy Framework.

Lighting

33 The recommendation with respect to lighting detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved.

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.

Ecological protection

34 The ecological protection and working methods scheme, including all biodiversity net gain and habitat enhancements and management as detailed in the ecology report by Pure Ecology dated August 2022 shall be implemented in full and hereafter maintained as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency

Reception building

35 The reception building hereby approved shall be set out and thereafter retained as shown on the plans, primarily for management purposes in association with the holiday lodges only and not be used as residential tourism accommodation.

Reason: To prevent unrestricted residential development in the open countryside, to support local tourism development and its associated economic benefits and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Holiday lodges

36 The tourist accommodation (holiday lodges) hereby approved shall only be occupied for holiday purposes, in accordance with the following terms:

- a) The tourist accommodation shall be used for no other purpose (including any other purpose within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, with or without modification).**
- b) Occupation of the tourist accommodation shall not exceed a continuous period of 30 days.**
- c) The tourist accommodation shall not be occupied as a person's or persons' sole or main place of residence.**
- d) The site/premises owners or operators shall maintain an up-to-date register of the names of all occupiers of the tourist accommodation, their main home address//and telephone and/or email contact details, the purpose of their stay, and the dates of their stay, and shall make this information available at all reasonable times to the Local Planning Authority.**

Reason: To prevent unrestricted residential development, to support local tourism development and its associated economic benefits, to ensure that the holiday let unit remains available for tourist accommodation and not to introduce permanent residential accommodation within the units hereby permitted or over the site, in the interest of highway safety, sustainability, local amenity and environmental considerations and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Contaminated land

37 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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 In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

4 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.

5 This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved). Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

6 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

7 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement. 147 – Drainage other than via highway system

8 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'.

9 In connection with Condition 17 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

53. 233071 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG

The Planning Officer gave a presentation on the application.

In accordance with the council's constitution the local ward member spoke on the application.

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

- Non-material amendments to change the shape, colour and materials on the roof.

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

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Stef Simmons and seconded by Councillor Dave Davies. The motion was put to the vote and was carried unanimously.

Resolved:

That planning permission be granted subject to the following conditions:

- 1. The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 231219 – 21) and the schedule of materials indicated thereon.**

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

INFORMATIVES:

1. This decision notice, which should be read in conjunction with 232181/F, is for a nonmaterial amendment to the original planning permission. Except where any conditions are detailed on this notice it does not vary the original planning permission in any other way.

54. 232089 - SHEEPCOTE, ST OWENS CROSS, HEREFORD, HEREFORDSHIRE, HR2 8JU (Pages 21 - 22)

The 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 Campbell and Mr Thomas, on behalf the applicant, spoke in support of the application.

In accordance with the council's constitution, the local ward member spoke on the application. As the house that is being proposed in the application is not accommodated by policy in the local plan, the NPPF is being looked at as a defence of the application being approved. She noted that since the pandemic, economic circumstances have changed significantly in line with paragraph 82 of the NPPF. She added that economically, the application is viable and the security of the site is important to the business against the continued threat of theft. Socially, the NPPF supports strong and vibrant communities which she noted the application would support. Lastly, the environmental objective of the NPPF to protect and enhance the environment is considered by making the best use of land as proposed in the application. In conclusion, the local ward member hoped the NPPF would be used as a guide to support the application.

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

- Concern was raised about the potential of precedent being set by ignoring core strategy.
- In the absence of a Neighbourhood Development Plan, there is clear support for the application. If there was an NDP, there would have been a defined settlement boundary to give some idea as to what would be allowed in the area.
- If the application is not in open countryside, then the NPPF can provide flexibility.

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

A motion that the application be approved contrary to the case officer's recommendation to support business which will prevent further crime on the site, particularly night-time burglaries, and in line with NPPF policy 80E (point 2) that references enhancing the immediate setting and 82D which states that the application should 'be flexible enough to accommodate needs not anticipated in the plan'. Conditions were proposed to be delegated to officers to set and the motion was proposed by Councillor Bruce Baker and seconded by Councillor Simeon Cole. The motion was put to the vote and carried by a simple majority.

Resolved:

The application be approved due to NPPF policies 80E: the application 'would significantly enhance its immediate setting'; and 82D: the application should 'flexible enough to accommodate needs not anticipated in the plan.

That 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.

55. REPORT CONCERNING THE GROUNDS FOR REFUSAL OF PLANNING APPLICATION 223248 (TO FOLLOW)

The committee debated the exempt report and the reasons for refusal of application 223248. The recommendations in the report were proposed by Councillor Richard Thomas and seconded by Councillor Clare Davies. The recommendations were put to the vote and were carried unanimously.

Resolved:

That officers advise the Planning Inspectorate and the applicants that:

- **They withdraw reason for refusal 2 (Highways) and that they do not intend to defend this reason in response to any appeal.**

- That officers respond to the request for a Planning Inquiry to the Planning Inspectorate and set out why they believe that a Hearing procedure would be appropriate.

56. DATE OF NEXT MEETING

Date of next meeting – 17 January 2024

The meeting ended at 1.34 pm

Chairperson

SCHEDULE OF COMMITTEE UPDATES

222687 - PROPOSED DEMOLITION OF FORMER PARK HALL BALLROOM AND ERECTION OF 5 DWELLINGS AND 15 TIMBER HOLIDAY LODGES, RECEPTION AREA AND ASSOCIATED WORKS AT PARK HALL, WORMELOW, HEREFORDSHIRE,

For: Mrs Rogan per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG

CASE OFFICER UPDATE

Officers would like to draw Members of the Planning Committee attention to the fact that no plans have been submitted for the proposed garage (elevations or floor plans) associated with the proposed 5 dwellings. As such garages have not been considered within this application and a separate application would need to be submitted and permission sought separately. The proposed garages are not included within the description of development.

Paragraph 1.4 incorrectly refers to listed buildings within the application site. There are no listed buildings within the site.

Paragraph 6.77 refers to outline development which is incorrect as it is a full application.

NO CHANGE TO RECOMMENDATION

232089 - PROPOSED ERECTION OF LIVE-WORK UNIT FOR OCCUPATION BY APPLICANT AND HIS FAMILY IN CONJUNCTION WITH ADJOINING WORKSHOP AT SHEEPCOTE, ST OWENS CROSS, HEREFORD, HR2 8JU

For: Mr & Mrs Campbell per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG

ADDITIONAL REPRESENTATIONS

The applicant's agent has forwarded the minutes of Parish Council meeting held 20th July 2023, this states:

"14. Planning – To consider the following planning consultations to be determined by Herefordshire Council.

14.1. Planning Consultation 232089 – Sheepcote, St Owens Cross, Hereford. Proposed erection of live-work unit for occupation by applicant and his family in conjunction with adjoining workshop. Following discussion councillors voted to support the proposals set out in the application and it was RESOLVED that the Chairman notifies the LPA accordingly"

(Available for view on the Llanwarne Group Parish Council website: <https://llanwarnegroupparishcouncil.co.uk/llanwarne-parish-council-minutes/>)

OFFICER COMMENTS

Though no formal representation was received by the Local Planning Authority, the support is noted. It is considered that this additional comment does not override the in principle policy conflict identified within the Committee Report.

NO CHANGE TO RECOMMENDATION

