

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 28 June 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, Catherine Gennard, Peter Hamblin, Dan Powell, Stef Simmons, Richard Thomas and Diana Toynbee

Officers: Development Manager Majors Team and Development Manager Hereford and South Team and Legal Representative

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Stone.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

A correction to the minutes of the previous meeting was outlined to the committee. Under minute 84 (212518 – Land South of Yew Tree Farm, Ruckhall, Common Road, Eaton Bishop, Hereford, HR2 9QX) the name of the objector who spoke at the meeting required correction to Mrs Wall and the term 'four' in the resolution to be amended to 'for'.

RESOLVED: That, subject to the correction outlined above, the minutes of the meeting held on 18 April 2023 be approved.

4. 221604 - LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DQ

Councillor Richard Thomas left the committee to act as the local ward member for the application below.

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

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that due to the flooding problems in the field proposed for the development he was asking the committee to refuse the application. Photographs had been circulated which showed flooding on and around the application site. The neighbouring property to the application site had experienced flooding up to the boundary of the garden; the application site lay at a level 1 metre below the neighbouring property and therefore flooding would occur on the proposed development. The applicant had sought to prove that there would be no flooding but the site was known locally to flood. A previous application for

development on the site was refused due to inadequate flood risk assessments and the decision was upheld on appeal. There existed a more suitable location for development on a higher part of the site and it was not understood why the applicant sought to build on the same site that had been previously refused.

The committee debated the application. During consideration of the application the representations and local knowledge of the ward member and Parish Council in respect of the site were acknowledged and appreciated. The committee noted that statutory consultees, including Balfour Beatty, had not raised any objections to the location of the development with regard to the risk of flooding.

The local ward member was given the opportunity to close the debate. The incidence of flooding had become more frequent and the application site was in an area which had experienced significant flooding three times since 2012.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Bruce Baker and seconded by Councillor Clare Davies. The motion was put to the vote and was carried by a simple majority.

RESOLVED

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

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans**
- 3. Restriction of hours during construction**
- 4. Unless otherwise agreed in writing by the Local Planning Authority all foul water from the approved development shall discharge through connection to the local mains sewer network managed through the Much Dewchurch Wastewater Treatment Works.**

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.

- 5. Unless otherwise agreed in writing by the Local Planning Authority all surface water from the approved development shall be managed through a suitably designed Sustainable Drainage System.**

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.

- 6. Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed**

installation within the site boundary or on other land under the applicant's control of a minimum total of TWO bat roosting features (eg boxes or specific 'bat bricks') and TWO bird nesting boxes (mixed types) and ONE Hedgehog home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

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

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

8. 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.

9. Prior to the first occupation of the development 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.

10. 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 [1/2/3] 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.

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

12. Prior to occupation, written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be 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 the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

13. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

14. 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 in accordance with policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and National Planning Policy Framework.

15. Prior to commencement of development hereby approved, results of infiltration testing undertaken in accordance with BRE Digest 365 methodology; and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels; shall be submitted to and approved in writing by the local planning authority. If the results of infiltration testing indicate that infiltration will provide a feasible means of managing surface water runoff, an alternative detailed drainage strategy must be submitted to the Council for review and approval in writing.

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

16. Pursuant to condition 15, if following infiltration testing offsite discharge is proposed as the most viable option, confirmation of the orifice size and discharge pipe ownership shall be submitted to the local planning authority for approval in writing prior to commencement of development.

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

17. Prior to commencement of development hereby approved, proposed finished floor levels shall be submitted to the local planning authority for approval in writing and shall be set no lower than 100.03mAOD. The development shall be carried out in accordance with the approved details.

Reason: To protect the development from flooding impact and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. IP2
2. 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, Badgers, 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 is advised that advice from a local professional ecology consultant is obtained.

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. 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.

5. 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.

6. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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.

7. 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'.
8. 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

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.

There was an adjournment at 10:42 a.m.; the meeting reconvened at 10:53 a.m.

Councillor Richard Thomas resumed his seat as a member of the committee.

Councillor Simeon Cole left the meeting.

5. 224160 - 26 WHITEHORSE SQUARE, HEREFORD, HEREFORDSHIRE, HR4 0HD

Councillor Diana Toynbee left the committee to act as the local ward member for the application below.

The Development Manager Hereford and South Team 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. A further verbal update was provided to confirm that a separate postcode would be provided for the holiday accommodation.

In accordance with the criteria for public speaking, a statement was read out on behalf of Hereford City Council and Mrs Williams, the applicant, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that the application had attracted a high level of

interest from local residents and generated a lot of correspondence. Due to the level of interest in the application she had requested the redirection to committee. It was pleasing that a separate postcode would be provided for the holiday accommodation. The representations on the application concerned noise, manoeuvring vehicles and access from Westfaling Street. The planning history as set out in the report was also relevant.

The committee debated the application. The committee noted the parking spaces allocated for the holiday accommodation and the access for cars from Westfaling Street.

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 Polly Andrews and seconded by Councillor Richard Thomas. 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:

1. **C01**
2. **C06**
3. **C81**
4. **CAI (one car)**
5. **CB2**
6. **There shall be no external speakers/amplified music used/played in relation to the holiday accommodation hereby approved.**

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

7. **Unless otherwise approved in writing by the planning authority, all foul water, created by the development approved by this permission shall discharge through connection to the local 'Hereford Eign' 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 SSI, SS6, LD2 and SD4.

8. **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.

INFORMATIVES:

1. IP1
2. 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, Badgers and other wildlife 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 further advice from a local professional ecology consultant is obtained.
3. 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

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.

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.

6. **APPENDIX - SCHEDULE OF UPDATES - PLANNING CTTEE - 28 JUNE 2023** (Pages 11 - 16)

PLANNING COMMITTEE

Date: 28 June 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

221604 - PROPOSED ERECTION OF A DETACHED DWELLINGHOUSE AT LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH, HEREFORDSHIRE, HR2 8DQ

For: Hereford Diocesan Board of Finance per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU

ADDITIONAL REPRESENTATIONS

The Ward Member (Cllr Thomas) has provided additional comments including drainage comments and one letter of representation in relation to the previously refused application on the site (Ref 193747) which can be read on the Council's website. In addition to this, three follow up letters of objection have been received from Much Dewchurch Parish Council. These make reference to the historic applications on the site and area to the north of the land subject of this application (Ref 191968 and 193747) with the latter application also dismissed at Appeal (App/W1850/W/21/3266535) and reiterates the concerns with regards to flooding and ecological impact. Further images have also been received via the Ward Member as set out below showing flooding in the locality of the site. These images were taken from the rear of No.6 Church View.







Below images of The Old Vicarage curtilage to the south of the application site:



OFFICER COMMENTS

The representations in relation to the previous application on the site do not reflect what is proposed under this current application. The Parish Council's further comments are acknowledged though do not raise any new material considerations that are not covered within the Committee Report.

The images provided do evidence areas of the locality underwater, however it is unclear whether any expressly show the application site itself, rather the view from No.6 Church View from the rear. Furthermore the Flood Risk Assessment and provided mapping appear to read consistently with the areas of flooding shown, however the proposal site under this application is not clearly shown in the images.

Based upon the additional supporting documentation that accompanies this application, its reduced scale and site coverage and the response from the technical consultee the recommendation remains for approval.

NO CHANGE TO RECOMMENDATION

224160 - PROPOSED CHANGE FROM GARDEN ROOM/GYM TO ONE BEDROOM HOLIDAY LET. PARKING TO BE PROVIDED AT REAR OF PROPERTY. (NO EXTERNAL CHANGES TO BUILDING) AT 26 WHITEHORSE SQUARE, HEREFORD, HEREFORDSHIRE, HR4 0HD

For: Mrs Williams per Mrs Louise Williams, 26 White Horse Square, Hereford, Herefordshire, HR4 0HD

ADDITIONAL REPRESENTATIONS

Members of the Planning Committee will have received a further email from Mr K Price on 24 June 2023. This sets out a counter view to the judgements provided in the officer`s report and appraisal. The incorrect reference to the type of house is covered below but otherwise the comments express objections that have been covered in the summary of representations and include the limited space available for on-site parking, concerns about the mains connection; concerns regarding noise and the worthlessness of the proposed condition; the unauthorised nature of the building and space available within the unit to provide a bedroom on a mezzanine floor; the risk to highway safety associated with the access from Westfaling Street; and lack of available on-street in Whitehorse Square

OFFICER COMMENTS

Paragraph 1.2 incorrectly refers to 26 Whitehorse Square as a semi-detached property. It is in fact a detached property

Further to the site visit, the applicant has confirmed his intention to assign the proposed holiday accommodation the same postcode at the converted warehouse such that guests would arrive via Westfaling Street rather than Whitehorse Square.

NO CHANGE TO RECOMMENDATION

