

**MINUTES of the meeting of Planning Committee held at Council Chamber, Shire Hall, St Peter's Square, Hereford. HR1 2HY on Tuesday 16 June 2015 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

**In attendance:** Councillors MD Lloyd-Hayes, PM Morgan, PD Newman OBE, RJ Phillips and NE Shaw

**1. APOLOGIES FOR ABSENCE**

None.

**2. NAMED SUBSTITUTES**

None.

**3. DECLARATIONS OF INTEREST**

**Agenda Item 12: 150379 Land opposite Whitchurch Primary School, Whitchurch, Ross-on-Wye Herefordshire.**

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

**4. MINUTES**

**RESOLVED:** That the Minutes of the meetings held on 15 April 2015 be approved as a correct record and signed by the Chairman.

**5. CHAIRMAN'S ANNOUNCEMENTS**

None.

**6. APPEALS**

The Planning Committee noted the report.

**7. 151204 AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HY**

*(Proposed single storey 3 classroom extension with associated group rooms and staff area, a new multi-use games area and perimeter fencing is proposed. Also the enclosure of an existing external fire escape stair.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr M Addison, a local resident, spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor MD Lloyd-Hayes, spoke on the application.

She made the following principal comments:

- There had been only one objection and she acknowledged the objector's concern. However, she considered that the reopening of the pedestrian gate was appropriate and would not have the adverse consequences the objector feared. She noted there were several approach roads affording the opportunity to walk to the school and considered the proposal to be sustainable.
- She highlighted the officer's conclusion at paragraph 7.1 of the report.

In the Committee's discussion of the application the principal concern was highway safety, whether some measures could be taken to ensure this and whether use of the pedestrian gate on Broadlands lane would be monitored. The Principal Planning Officer commented that the proposed addition of a condition requiring a travel plan, as referred to in the committee update, would require monitoring to take place and if that identified a need for highway safety measures these could then be considered.

The local ward member was given the opportunity to close the debate and reiterated her support for the application.

**RESOLVED: That planning permission be granted subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **H13 Access, turning area and parking**
4. **H27 Parking for site operatives**
5. **H29 Secure covered cycle parking provision**
6. **I16 Restriction of hours during construction**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **G09 Details of Boundary treatments**
9. **G10 Landscaping scheme**
10. **G11 Landscaping scheme – implementation**
11. **H30 Travel Plans**

## **Informatives:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
  - 2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
  - 3. N11C General**
  - 4. HN01 Mud on highway**
  - 5. HN05 Works within the highway**
- 8. 150727 LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE**

*(Outline application for up to 120 dwellings with associated open space and landscaping with all other matters reserved, except access.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He explained that the application was a resubmission of an application refused by the Committee on 4 March 2015 with no material change. He referred to the officer comments in the update to the report that it was a judgment for a local planning authority to make as to whether it decided to decline an application. There was no suggestion that an application was not valid if it was not materially different from one which had been previously refused.

He added that officers remained concerned that the council was not meeting its five year housing land supply and it was primarily for this reason that the application had been brought before the Committee for its consideration. The proposed modifications to the Core Strategy were also pertinent to the re-submitted application as they acknowledged the fact that there was likely to be a need to find further sites beyond strategic allocations.

In accordance with the criteria for public speaking, Mr R Page of Bromyard and Winslow Town Council spoke in objection to the application as did Mrs G Churchill of Avenbury Parish Council. Mr T Watton spoke on behalf of Bovis Homes and Mosaic Estates in objection. Mr L Lane, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward members, Councillors PM Morgan and A Seldon, spoke on the application.

Councillor Morgan made the following principal comments:

- Avenbury was a rural parish and had no housing allocation proposed within the Core Strategy. It should not have to accommodate the urban development proposed.
- The Conservation Manager (Landscape) objected to the proposal.
- The development was a significant one in the context of Bromyard and would be detrimental to future plans for the Town. The application was premature.

- The resubmitted application was identical to the one rejected by the Committee in March 2015. The grounds on which the Committee had rejected the application as set out at paragraph 3.1 of the report remained valid.

Councillor Seldon made the following principal comments:

- He expressed his dissatisfaction that the application had not been refused by officers under delegated powers given that the application was identical to that refused by the Committee in March 2015.
- There was no housing land supply shortage in Bromyard. Land identified in the north west quadrant of the area could accommodate up to 600 houses and would represent organic growth in the Town's preferred location.
- The grounds on which the Committee had rejected the application as set out at paragraph 3.1 of the report remained valid.
- In relation to the adverse effect on the landscape, a number of recent decisions by Planning Inspectors following appeals had stated that land did not have to have a designated status to be of value.

In the Committee's discussion of the application the following principal points were made:

- Regard should be had to the views of the Town Council and the local population. The Town Council had not been opposed to all housing development. On the contrary it had identified a preferred location for development that would meet the area's housing need and had community support.
- The Council had on a number of occasions successfully defended refusal of planning permission at appeal when one of the recommended grounds for approval had been the absence of a five year housing land supply.
- The grounds upon which the Committee had rejected the application as set out at paragraph 3.1 of the report remained valid.
- Although the application site was not designated, the Conservation Manager (Landscape) and the Town Council considered that the development was detrimental to the landscape.
- It should be acknowledged that the other identified development sites in the area had similar landscape constraints.
- The developer was not offering significant community benefit.
- It was suggested that the development was also contrary to paragraph 109 of the National Planning Policy Framework.
- It was requested that in preparing reports officers ensured there was a consistent approach to the weight given to relevant plans and policies. It was questioned in the case of this application whether it was appropriate for officers to give such weight to the modifications to the Core Strategy.

- Whilst Bromyard Town Council had decided not to produce a Bromyard Neighbourhood Plan proposals for Herefordshire Council to produce a Bromyard Development Plan were now included in revisions to the Local Development Scheme. It seemed sensible to allow that Plan a chance to set out the local vision.
- It was cautioned that the weight being given in the report to the change to the wording of Policy BY1, introducing the word “minimum” and requiring the provision of a minimum of 500 new homes in Bromyard, where previously the policy required approximately 500 new homes, could have significant implications if this interpretation was applied across the County. The report stated at paragraph 6.3 that “The Council’s justification for the proposed modifications is quite clear - to ensure that wording in the Core Strategy is in line with the NPPF by not restricting growth.” It was suggested that this was an incorrect approach because the NPPF contained many grounds on which growth could be restricted.

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

Councillor Morgan had no additional comments.

Councillor Seldon commented that the Town Council had started to develop a Neighbourhood Plan but had stopped, deciding to restart work once the Core Strategy was in place and the framework within which the Neighbourhood Plan could be developed was established.

The Senior Litigator commented that ground 4 of the reasons for refusal advanced by the Committee in March 2015 was no longer applicable. It was open to the Committee to refuse the application on the other three grounds.

**RESOLVED:** That planning permission be refused for the following reasons:

- 1. The site occupies a prominent position in an open countryside location on the western edge of Bromyard. It represents an important visual approach to the town and is visually prominent from a number of public vantage points, particularly further to the west from the A44 and from Panniers Lane and Pencombe Lane and is considered to be important to the towns landscape setting. The proposal would result in the introduction of a large suburban development on the edge of the town that lacks any visual link to it and would be of a scale, character and appearance that would have a significant and demonstrable adverse effect upon the landscape setting of Bromyard. The topography of the site is such that this cannot be readily mitigated through the implementation of a landscaping scheme to filter views of the development and it is therefore considered that the proposal is contrary to Policies LA2, LA3 and LA5 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 2. By virtue of its unacceptable landscape impacts the proposal fails to meet the environmental dimension towards sustainable development as described by paragraph 7 of the National Planning Policy Framework. The impacts of the development are not outweighed by the economic and social benefits that might be derived by permitting the scheme. The proposal therefore represents an unsustainable form of development, contrary to the National Planning Policy Framework and Policy S1 of the Herefordshire Unitary Development Plan; and**

3. The development of the site would be premature and prejudicial to the delivery of the strategic housing land allocation at Hardwick Bank as defined by Policy BY2 of the emerging Herefordshire Local Plan – Core Strategy 2011 – 2031. It would undermine the plan-making process by predetermining decisions about the scale and phasing of new development on the strategic site and it would serve to pre-determine the provision of vehicular access via the A44. The emerging plan is considered to be at an advanced stage, having been subject to an Examination in Public in February 2015, and therefore the tests to justify grounds of prematurity as outlined by Paragraph: 014 Reference ID: 21b-014- 20140306 of the National Planning Practice Guidance are met.

*(The meeting adjourned between 11.31 and 11.45 am)*

9. **143830 - LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN**

*(Proposed 3 no houses (4 bed).*

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr P Avery of Lyonshall Parish Council spoke in support of the Scheme. Mr K Hern, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor RJ Phillips, spoke on the application.

He made the following principal comments:

- The applicant had discussed the proposal with the local community and there was considerable local support for it.
- He contrasted the development with the large scale developments that had been approved in other villages without local support. The developer could, for example, have submitted an application for some 40 standard houses but had chosen not to do so.
- The proposed houses were large. However, he observed that in May 2014 the Committee had approved a single very large dwelling at Eardisland in what were far less favourable planning circumstances.
- He questioned the criticism in the report of the proposed design and considered the development was in keeping with the village.
- The development was sustainable.
- He outlined a number of paragraphs within the National Planning Policy Framework and a range of policies that could be advanced in support of the application.

In the Committee's discussion of the application the following principal points were made:

- The applicant was commended on the consultation undertaken with the local community.

- The development commanded local support including that of the Parish Council and was a good example of a village deciding how it should grow and survive.
- The developer had offered to provide community benefits. The hope was expressed that these might be increased given the profit the Scheme would generate.
- The Committee had granted permission for many developments adjoining a settlement boundary.
- The development was sustainable.
- Development on the edge of a settlement could have less impact on the amenity of existing residents than infill development.
- The hope was expressed that the grassed area between the village and the development could be retained.
- The area was not a conservation area. Quality of design was a subjective matter. It was questioned whether the design was inappropriate, and failed to reflect the surrounding local built character and environment as the report suggested. The Development Manager commented on the reasoning behind his view expressed in the report.
- It was noted that a development of 10 or more houses would have necessitated a S106 agreement guaranteeing community benefit.
- It was suggested that a better visibility splay to the west of the access was required.
- Some Members considered that the development was too far removed from the heart of the village.

The local ward member was given the opportunity to close the debate. He commented that the development was less than 500m from the pub. Affordable housing had already been provided within the village. He reiterated that the development was sustainable and preferable to a standard, larger development for which there was scope for an application to be made.

A motion that the application should be refused on the grounds that the development was too remote from the village was lost.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to conditions considered necessary after consultation with the Chairman and the local ward member on the grounds that the development was sustainable.**

**10. 143832 - LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE**

*(Proposed 6 no houses (3 no 4 bed, 2 no 3 bed and 1 no 2 bed.)*

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr P Avery of Lyonshall Parish Council spoke in support of the Scheme. Mr K Hern, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor RJ Phillips, spoke on the application.

- He observed that most of the principles discussed in relation to the previous application on the agenda (143830) applied equally to this application.
- He added that the site was one of the sites most favoured by the community for development with less impact on the landscape and the residential area than the previous application and the scheme comprised houses of a range of sizes. The application represented sustainable development and was supported by the range of policies to which he had referred in the previous application.
- No members objected to this application on the grounds that it was too removed from the settlement.
- There was a consensus that the arguments in favour of the previous application were relevant to this site, noting also that the scheme proposed a range of house sizes .
- An observation was made that a footpath diversion may be required to preserve a Public Right of Way.
- In response to a question the Development Manager commented that it was not possible to require garages to be built so invoking the need for S106 contributions because of the development's increased size..

The local ward member was given the opportunity to close the debate. He had no additional comment.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to conditions considered necessary after consultation with the Chairman and the local ward member on the grounds that the development was sustainable.**

*(The meeting adjourned between 12.52-12.57)*

**11. 151165 FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS**

*(Variation of condition to convert cottage annexe to provide one bedroom holiday cottage. Remove condition 4.)*

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs M Williams of Whitbourne Parish Council spoke in opposition to the application. Mr P Wood, owner of the Olde Rectory, spoke in objection. Mrs G Poultney, the applicant, spoke in support. In accordance with the Council's Constitution, the local ward member, Councillor NE Shaw, spoke on the application.

He made the following principal comments:



- Nothing on site had changed since the Committee had rejected the previous application. The Committee had previously concluded that there would be inadequate private external space and that the proposed dwelling would adversely affect the privacy and amenity of those occupying the Olde Rectory.
- He expressed concern that no site visit has been offered to new members of the Committee; because the issues of privacy and amenity were subjective matters.
- He questioned some of the assumptions made in the report.
- The amenity area for the Fodder Store, currently enclosed by a wooden open lattice screen, was in the front of the property and open to the view of the neighbouring properties and their jointly used access. This was not private. The report only stated that the size of the area was commensurate with the property. He observed that the area did not appear on any plans.
- He drew attention to the presence of an open lattice trellis shielding the aspect of the medieval wall of the fodder store and a large green oil tank occupying part of the area which he considered the committee might object to, being so close to an historical structure. He considered these matters were material, incongruent with the setting and should in themselves be reasons for refusal under policy H14, “ in respect of the character and appearance of its location”.
- Page 101 of the agenda papers listed items that must be considered in the change of use of a listed building. Of these the second point was key: “The proposed use is compatible with the preservation of the existing building, its features and setting and where relevant those of any immediately adjacent listed buildings”. The effect of the change of use on the setting was material, contrary to the report.
- In respect of privacy, both windows from the lounge and the bedroom of the Fodder Store overlooked the front garden of the Olde Rectory, and the bathroom window overlooked the more private rear garden. The Olde Rectory occupants therefore suffered a loss of privacy from these outlooks – presumably enough to justify refusal if this was a fresh application for a new dwelling, possibly of less weight in considering a change of use.
- The change of use would increase the loss of privacy. A property limited to holiday accommodation was likely to be significantly less intrusive in terms of noise and privacy than one that was permanently occupied.
- He considered that greater weight should be given to the issue of privacy than was given in the report.
- He outlined a number of concerns relating to fire control measures and the safety of the Fodder Store as a dwelling.
- In conclusion, he supported the Parish Council’s view, particularly in relation to the issues concerning amenity and privacy and the application of policies H14, H17 and H18, particularly point 4 of H18 which stated that a proposal would be permitted “where a proposal would not be cramped on its plot, including having regard to provision of suitable private open amenity space, and would not adversely impact on

the privacy and amenity of occupiers of neighbouring residential property.” Accordingly he asked the Committee to reject the application.

In the Committee’s discussion of the application the following principal points were made:

- One view was that having someone permanently resident would be preferable to a variety of holidaying visitors. The contrary view was also expressed.
- The Parish Council had objected to the proposal.
- The situation had not changed significantly since the Committee’s previous consideration of the matter and the grounds on which the Committee had refused planning permission then remained valid.
- The Development Manager commented that the resolution of issues relating to alterations to the Fodder Store and the need for listed building consent did not significantly impact upon the use of the building as a dwelling and need not be an impediment to the determination of the application.

The local ward member was given the opportunity to close the debate. He suggested that if Members were unsure about whether to support the officer recommendation the Committee should adhere to its previous decision. He noted that the objectors had no rights of appeal and the applicants had lodged an appeal against the Committee’s previous decision.

A motion that planning permission be granted was lost.

**RESOLVED: That planning permission be refused on the grounds advanced for refusal by the Committee on 4 March 2015: the proposal is contrary to Policies H17 and H18 of the Herefordshire Unitary Development Plan in that there is inadequate open amenity space available for the property and it would have an adverse impact upon the privacy and amenity of the occupiers of The Olde Rectory.**

**12. 150379 LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA**

*(Proposed erection of three dwellings and construction of associated works.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the Council’s Constitution, the local ward member, Councillor PD Newman, spoke on the application.

He commented that whilst the Parish Council had initially had some concerns about the proposal these had now been overcome and the Parish Council had no objections.. He supported their view. Whilst technically outside the defined settlement boundary the development felt connected to the village.

In discussion of the application an observation was made on the importance of consistency in language used in reports and the interpretation and wording of policies. The reference to the site being “very close to the defined settlement boundary” and

being in a “relatively sustainable location.”, and the reference to design being of a high standard were highlighted.

The local ward member was given the opportunity to close the debate. He had no additional comment.

**RESOLVED:** that planning permission be granted subject to the following conditions:

1. The development shall not commence until approval of the following reserved matter has been obtained from the Local Planning Authority:-

- Appearance in the form of a written schedule and samples of all external materials.

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans:-

- Application Site Plan (Scale 1:1250) received 6 February 2015
- Site Plan & Entrance Detail - Drawing number 772.03 Rev. C (Scale 1:500) received 6 May 2015
- Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014
- Dwelling 1 (4 bedroomed detached) - Drawing number 772.04 (Scale 1:100) received 6 February 2015
- Dwelling 2 (2 x 3 bedroomed semi-detached) - Drawing number 772.05 (Scale 1:100) received 6 February 2015 and
- Street Elevation – Proposed – Drawing number 772.06 (Scale 1:100) received 6 February 2015

except where stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework.

3. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full details of surface water drainage arrangements including supporting calculations and detailed drawings
- Full details of permeable materials to be used in relation to the driveway, vehicle parking areas and vehicle manoeuvring areas

- Full details of all external lighting (if any)
- Full details of all boundary treatments (i.e. gates, walls, fences or other means of enclosure).

The development shall not commence until the Local Planning authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such;

Reasons:

a) To ensure that there are adequate surface water drainage arrangements that do not result in the discharge of surface water arising from the development outside the confines of the development site, in accordance with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

b) To ensure that the landscape hereabouts is not adversely affected by light pollution, in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

c) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary Development Plan 2007.

4. The finished floor levels of the dwellinghouses hereby permitted shall be set no lower than 25.12 metres above ordnance datum (AOD), which is 600mm above the 1 in 100 year plus climate change River Wye flood level of 24.52m AOD as identified in Section 6 of the Hydro-Logic's FRA Revision 1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the dwellinghouses from flood risk for the lifetime of the development, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

5. Development shall not commence until details of a safe exit route, not adversely affecting the flood regime, to land outside the 1 in 100 year plus climate change flood plain, has been submitted to and agreed in writing by the Local Planning Authority. The route must be in place before any occupancy of the dwellinghouses.

Reason: To prove safe access and egress during flood events and reduce reliance on emergency services, in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

6. Prior to the first occupation of any of the dwellinghouses hereby permitted visibility splays of 2m x 50 m in a north-westerly direction and 2m x 90m in a south-easterly direction shall be provided and kept free of obstruction above 0.9 metre measured from ground level. Thereafter these visibility splays shall be maintained free of obstruction.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

7. Prior to the first occupation of any of the dwellinghouses hereby permitted the garages and parking spaces together with the cycle link shown upon the approved plan shall be provided. Thereafter these garages and car

parking spaces shall be kept free of obstruction and available for use free from any obstruction.

Reason: To ensure adequate on-site parking / garaging is provided preventing on-street parking in the interests of highway safety and in accordance with Policies DR3 and T11 of the Herefordshire Unitary Development Plan 2007.

8. The recommendations for species and habitat enhancements set out in Section 4 of the ecologist's report from Wider Ecology dated July 2014 shall be followed unless otherwise agreed in writing by the Local Planning Authority and the scheme shall be carried out as approved. On completion of the enhancement measures, confirmation shall be made to the Local Planning Authority in writing together with photographic evidence of the measures implemented.

Reasons:

a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

9. An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation works.

Reasons:

a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

b) To comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

10. The initial 6 metres of the access shall not have a gradient exceeding 1 in 12. Thereafter the access shall not exceed 1 in 8.

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

11. No gates shall be erected within 6 metres of the public highway.

Reason: To ensure a satisfactory vehicular access, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

12. Foul and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewage system.

13. No surface water shall be allowed to connect either directly or indirectly, to the public sewage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewage system, to protect the health and safety of existing residents and to ensure no detriment to the environment.

14. Land drainage run-off shall not be permitted to discharge either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewage system and pollution of the environment.

15. All planting, seeding and turfing in the approved details of landscaping (i.e. Landscaping Plan – Drawing number 2015/02/1B (Scale 1:500) and accompanying Landscape Management Plan received 14 April 2014) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or on completion of the development (whichever is the sooner). Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with Policy LA6 of the Herefordshire Unitary Development Plan 2007.

16. Other than any external lighting approved pursuant to condition 3) above, no external lighting shall be placed on-site or attached on any building without the express consent of the Local Planning Authority.

Reason: To safeguard the character and appearance of this rural area in accordance with Policies LA1 and DR14 of the Herefordshire Unitary Development Plan 2007.

17. Other than development permitted by this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development normally permitted by Classes A, B, C, D, E, F and G of part 1 and Classes A and C of part 2 of schedule 2 of Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reasons:

- a) To secure the integrity of this high quality design in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework; and
- b) To ensure a satisfactory appearance to the development in the landscape in accordance with Policy LA1 of the Herefordshire Unitary development Plan 2007 and the National Planning Policy Framework.

## **Informatives**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN01 Mud on highway**
- 3. HN04 Private apparatus within highway**
- 4. HN05 Works within the highway**
- 5. HN10 No drainage to discharge to highway**

### **13. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

### **Appendix 1 - Schedule of Updates**

The meeting ended at 1.58 pm

**CHAIRMAN**





# **PLANNING COMMITTEE**

**Date: 16 June 2015**

## **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**

**151204 - PROPOSED SINGLE STOREY 3 CLASSROOM EXTENSION WITH ASSOCIATED GROUP ROOMS AND STAFF AREA, A NEW MUGA AND PERIMETER FENCING AND ENCLOSURE OF AN EXISTING EXTERNAL FIRE ESCAPE STAIR AT AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HR1 1HY**

**For: Ms Davidson, Children's Wellbeing, Herefordshire Council per Mrs Sharon Bacha, Scape Group, 7th Floor City Gate East, Tollhouse Hill, Nottingham, Nottinghamshire, NG1 5FS**

### **ADDITIONAL REPRESENTATIONS**

#### **Traffic Manager – Updated comments in response to the objection**

Further to the recent objection received in respect of the above application I would comment as follows.

The pedestrian access to the west of the school onto Broadlands Lane is to be used for reception and pre-school access only. In view of the age of these children, they will need to be accompanied to the building and I would therefore consider it unlikely that indiscriminate double parking would therefore result due to use of that access as vehicles would need to be left unattended for some time. With the former use for Aylestone School and older pupils I can see that it may have presented a problem.

A letter could be sent to parents informing them of the available access points to the new school, their correct use and appropriate parking behaviour expected of parents. Also ongoing monitoring could be employed by the school, perhaps as part of the school Travel Plan, which will probably need to be updated in view of the relocation, and planning condition CB3 included on any permission granted.

Subject to the imposition of this additional condition my recommendation therefore remains unchanged.

### **OFFICER COMMENTS**

Although the proposal will generate an increase in traffic relative to current levels, this will not equate to the level when pupil numbers at Aylestone were at their historic peak. The planned admission number for Aylestone is 100, limiting the total to 500 pupils in the high school and 210 in the primary school – 710 in total; compared to 1300 at Aylestone prior to 2008.

The school also intends opening the current staff car park to visitors and parents, which it is hoped will actually spread the load of parking to try to reduce congestion. It will be communicated to those parents with young children in particular who will be encouraged to use the visitor parking at the beginning and end of the day.

It is also likely that because of the good pedestrian accessibility, many parents will still choose to use the parking area outside the current primary school location and walk along the footpath.

#### **CHANGE TO RECOMMENDATION**

Add Travel Plan condition.

**150727 - OUTLINE APPLICATION FOR UP TO 120 DWELLINGS WITH ASSOCIATED OPEN SPACE AND LANDSCAPING WITH ALL OTHER MATTERS RESERVED, EXCEPT ACCESS AT LAND OFF, PENCOMBE LANE, BROMYARD, HEREFORDSHIRE**

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

#### **ADDITIONAL REPRESENTATIONS**

One further letter of objection has been received from a local resident. In summary it considers that the current application is unsound as it is a re-submission with no material changes. On this basis it cannot be considered to be valid.

The author considers that the officer support for the application is also unsound as the report refers to the proposed modifications to the Core Strategy as justification. The correspondence questions the removal of references to a link road as it goes against the unanimous wishes of local councils and other local bodies. The Core Strategy is still in draft form, the modifications have not been subject to consultation and there is no reason to assume that they will be approved.

Finally, the statement made in the officers report about the viability of a link road is also questioned on the basis that Bovis Homes and Mosaic both attended the Core Strategy Examination in Public and stated that development at Hardwick Bank would fund a link road.

#### **OFFICER COMMENTS**

Section 70A of the Town and Country Planning Act relates to the powers local planning authorities to decline to determine applications and states that:

- (1) A local planning authority may decline to determine a relevant application if—
  - (a) any of the conditions in subsections (2) to (4) is satisfied, and;
  - (b) the authority think there has been no significant change in the relevant considerations since the relevant event.

Subsections 2 to 4 refer to appeals that have been heard by the Secretary of State and therefore are not relevant to this application. However, the remainder of Section 70A is clear that it is a judgement for a local planning authority to make whether it decides to decline an

application. There is no suggestion that an application is not valid if it is not materially different from one which has been previously refused. In this case your officers remain concerned that the council is not meeting its five year housing land supply and it is primarily for this reason that the application is before committee for their consideration.

The proposed modifications to the Core Strategy are also pertinent to this re-submitted application as they acknowledge the fact that there is likely to be a need to find further sites beyond strategic allocations. Whilst the author of the further objection letter is correct that the proposed modifications to the Core Strategy have not been approved, they have been subject to further consultation, the period ending on 22 May.

#### **NO CHANGE TO RECOMMENDATION**

**143830 - PROPOSED 3 NO. HOUSES (4 BED) AT LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN**

**For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire, HR5 3JN**

#### **ADDITIONAL REPRESENTATIONS**

Three e-mails expressing support for scheme as they would like to build their own house.

Applicant advises hasn't decided yet whether would sell off as self build plots, but wouldn't sell 'en bloc' to developer.

#### **OFFICER COMMENTS**

Members on site asked about plot sizes- the whole site (site A) inc the adj grassed area is 1.3 hec the plots are therefore approx. 0.2 hec.

Members asked about the Neighbourhood Plan. This has got to draft plan stage but has not been submitted under regulation 14 yet. It can be afforded no weight at this time.

Members asked about Strategic Housing Land Availability Assessment criteria.-

These came forward from land owners and to be considered had to be over 0.5 hec in extent or capable of accommodating at least 5 dwellings. Any sites which came forward, but were rejected during the UDP process were automatically reconsidered.

#### **CHANGE TO RECOMMENDATION**

In the second line of the recommendation there is a typographical error. Delete words: "in accordance with policy" from line 2.

**143832 - PROPOSED 6 NO. HOUSES (3 NO. 4 BED, 2 NO. 3 BED AND 1 NO. 2 BED) AT LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE**

**For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire HR5 3JN**

#### **ADDITIONAL REPRESENTATIONS**

Three e-mails expressing support for scheme as they would like to build their own house.

Applicant advises hasn't decided yet whether would sell off as self build plots, but wouldn't sell 'en bloc' to developer.

#### **OFFICER COMMENTS**

Having checked the Strategic Housing Land Availability Assessment issue it appears that this site was not identified during this process, but lies adjacent to one which was. ( the site immediately to the west, also accessed via the same access point).

Consequently the comment in paragraph 6.4 of the report is wrong. On that basis the site in policy terms is identical to the previous site, and the recommendation is amended accordingly.

#### **CHANGE TO RECOMMENDATION**

**The proposal is not considered sustainable development in accordance with the three dimensions of sustainable development as set out in the National Planning Policy Framework. Furthermore the layout, scale and design of the development is not considered to be reflective of the surrounding built and rural character and therefore considered contrary to Policies S1, DR1, H7 and LA2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**151165 - VARIATION OF CONDITION TO CONVERT COTTAGE ANNEXE TO PROVIDE ONE BEDROOM HOLIDAY COTTAGE. REMOVE CONDITION 4 USE OF FODDER STORE IS NO LONGER COMMERCIALY VIABLE AT FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS**

**For: Mr & Mrs Poultney per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG**

## **ADDITIONAL REPRESENTATIONS**

The parish council have submitted the following comments, those referred to in the report were submitted by the chairman.

Whitbourne Parish Council strongly objects to the application for the following reasons. Please note that numbers 1-5 formed the basis of the Parish Council's original objection on 3<sup>rd</sup> September 2014:

1. The Old Rectory is a Grade II listed building, which, if divided up in this way would be deemed as an inappropriate development impacting upon its historic heritage and the historic fabric should be preserved.
2. The impact of the application on the present occupants of the Rectory – with regard to overlooking both front and rear gardens, increased density – i.e. noise, cars, people, etc.
3. This would be providing residential accommodation for a separate family within what should be one residential unit – thus impacting detrimentally upon the occupants of the main dwelling.
4. Lack of amenity for the annex accommodation – as this is essentially ancillary accommodation to the Old Rectory and as such does not have a defined curtilage. This inadequacy renders the unit not capable of being practical or appropriate as a form of accommodation.
5. We consider this application contrary to policy guidance in the Herefordshire UDP and the NPPF. The separation of the property is unauthorised.
6. The application is contrary to paragraph 55 of the National Planning Policy Framework and policy H7 of the Unitary Development Plan, which prohibited development in the open Countryside.
7. The application is contrary to policies H17 and H18 which states that there has to be a satisfactory standard of accommodation including layout and private amenity space. The amenity space does not have planning permission nor listed building consent. The first floor “open plan” layout similarly doesn't have planning permission. In 2010 when permission had been given for change of use of the annex from holiday let to residential use the decision notice had stated that it would be contrary to policy H18 to grant planning permission for a new dwelling in this location.
8. The proposal is contrary to policies HBA3 and HBA4 because it is incompatible with important features, would adversely affect the setting of the Old Rectory and severely affect the residential amenity of its occupiers. Unauthorised changes have been made to the building in order to support and enable this application without listed building consent being obtained. The Council is requested to take enforcement action to require the blocking up of the new cellar entrance, removal of trellis fencing and the removal of the new oil tank.
9. It is considered that the residential annex permissions in 2010 and 2013 have been implemented. Condition 4 of the 2004 holiday let permission cannot be removed because that permission has been superseded.

The applicants' agent has submitted the following in respect of a listed building application received on 5 June;

I and my clients showed Ms Lowe the building and went through the issues. As the trellis is not attached to the building lbc is not required.

It was agreed that the following items needed to be included in any application for listed building works:

- The hatch underneath the stairwell;
- The boarding-up on the interior of the external door on the rear elevation (the external door and frame having been retained and;
- The removal of the plywood steps outside the door (see above) which stood on land now owned by the neighbours, Mr and Mrs Wood.

An application has now been submitted for these works. Mr and Mrs Wood have been formally notified of this application as it partly affects their property (the land on which the plywood steps once stood.)

#### **OFFICER COMMENTS**

Nothing further to add

#### **NO CHANGE TO RECOMMENDATION**

**150379 - PROPOSED ERECTION OF THREE DWELLINGS AND CONSTRUCTION OF ASSOCIATED WORKS AT LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA**

**For: Mr Gee per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG**

#### **ADDITIONAL REPRESENTATIONS**

On 10 June 2015, the further views of Whitchurch and Ganarew Parish Council were received. They state that they have no objections to the proposal.

#### **OFFICER COMMENTS**

None

#### **NO CHANGE TO RECOMMENDATION**

