

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 5 October 2016 at 10.00 am

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

Councillors: PA Andrews, BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, FM Norman, GJ Powell, AJW Powers, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors MJK Cooper and SD Williams

58. APOLOGIES FOR ABSENCE

Apologies were received from Councillors EL Holton, JA Hyde and TM James.

59. NAMED SUBSTITUTES

Councillor PA Andrews substituted for Councillor TM James and Councillor GJ Powell for Councillor JA Hyde.

60. DECLARATIONS OF INTEREST

Agenda item 7: 131913 and 131916 Brightwells auction at the former Madley airfield, Stoney Street, Madley, Herefordshire

Councillor DW Greenow declared a non-pecuniary interest because he traded with Brightwells.

Councillor J Hardwick declared a non-pecuniary interest because he traded with Brightwells.

61. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 September 2016 be approved as a correct record and signed by the Chairman.

62. CHAIRMAN'S ANNOUNCEMENTS

None.

63. APPEALS

The Planning Committee noted the report.

64. BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP

(Variation of condition 15 of permission s102843/f to allow 2 no. Sales per month (fortnightly) and variation of condition 4 of permission 102843 to allow sales of commercial vehicles.)

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.

There were no public speakers.

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

He made the following principal comments:

- Whilst he had had no direct representations, when he had asked local residents for their views concerns had been expressed to him about the detrimental effects caused by the amount of traffic, including large vehicles, the auctions generated. A number of allegations had also been made that weekend working had been taking place.
- Madley Parish Council had requested that, if approved, traffic calming measures be provided on Stoney Street, the preference being for a chicane rather than traffic humps because of the noise those would generate; that the condition prohibiting weekend working be enforced and that priority be given to the proposed Traffic Regulation Order (TRO) for a speed limit that had been requested.

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

- Members emphasised the importance of the conditions of any planning permission for the site being firmly enforced.
- A concern was expressed that the statement at paragraph 6.3 of the report that the proposal would generate an additional 7-10 jobs at the site implied greater traffic generation than the assessment in the report suggested.
- The Transportation Manager commented that the TRO relating to a speed limit reduction was subject to consultation with the police and other parties and may not prove possible.
- A number of members spoke in support of a speed limit. A Member commented that he did not support traffic calming in the form of chicanes.
- The Lead Development Manager commented that the applicants had indicated their willingness to work with the Parish Council on the TRO.
- The highways impact was not so severe that the proposal should be refused having regard to paragraph 32 of the National Planning Policy Framework.
- The Principal Planning Officer commented that the application had been lodged some time ago. Comments in the report outlining concerns expressed by the Parish Council dated from 2013. The planning service had raised complaints about breaches of conditions with the applicant and the Parish Council had made no comment in response to the two most recent consultations on the application.

The local ward member was given the opportunity to close the debate. He re-emphasised the importance of the applicant adhering to any conditions attached to the planning permission, the prohibition on weekend working and the progression of the TRO.

It was proposed that officers be authorised to finalise conditions to ensure their robustness after consultation with the Chairman and local ward member.

RESOLVED: That, in respect of both applications 131913 and 131916, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions (to be imposed on both applications), modified as necessary and any other conditions considered necessary by officers, after consultation with the Chairman and local ward member :

1. B01 Development in accordance with the approved plans
2. The premises shall be used for the auction (including administration of) of agricultural and land based plant and machinery and equipment and commercial vehicles and for no other purpose.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

3. The hours during which working may take place shall be restricted to 08.30am to 5.30pm Mondays to Fridays with the exception of office based uses. There shall be no such working on Saturdays, Sundays, Bank or Public Holidays

Reasons: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 of the Herefordshire local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

4. The delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 9am and 5pm Monday to Friday nor at any time on Saturdays, Sundays or Bank Holidays.

Reason: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

5. G11 Landscaping scheme - implementation

6. The access shall be constructed and visibility splays (2.4m x 215m) provided and maintained in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B.

Reason: In the interests of highway safety having regard to Policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

7. Prior to the first use of the site for the access to the north onto Stoney Street shall be closed and land reinstated in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B. The access shall be used for emergency vehicles only and for no other purpose.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy MT1 of Policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

8. **Prior to the commencement of the second monthly auction Day a detailed updated traffic management plan shall be submitted to the local planning authority for approval. This shall include, but not be limited to the information contained within the 'Technical Note' written by Transport Planning Associates dated April 2014.**

The approved plan shall be fully implemented prior to the first month of two auction days being held at the site and shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority. Prior to the commencement of the second auction day, the operation of the site shall be undertaken in accordance with the Traffic Management Plan dated June 2011.

A detailed record of the measures undertaken shall be retained as a written record and made available for inspection upon reasonable request.

Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

9. **Auctions shall only take place on two days per calendar month (excluding Saturdays, Sundays and Bank Holidays). Auctions shall not take place outside of the hours of 10am and 4pm on these days.**

Reasons: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

10. **No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

Reasons: In the interests of protecting local amenities and landscape character having regard to in accordance with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within 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. **HN07 Section 278 Agreement**
3. **HN01 Mud on highway**
4. **HN05 Works within the highway**

65. 161601 - LAND AT WATLING MEADOW, CANON PYON, HEREFORDSHIRE, HR4 8NZ

(Proposed erection of 25 new dwellings of mixed tenure and associated works to provide a new access road.)

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.

She corrected paragraph 6.26 of the report, confirming that the proposal would **not** represent an intensification of use that would result in a detrimental impact on the local and strategic highway network. She also corrected paragraph 6.28 of the report noting that no S106 agreement would be required.

In accordance with the criteria for public speaking, Mr H Ray, Chairman of Pyons Group Parish Council spoke in opposition to the Scheme. Mr G McLeod, a local resident, spoke in objection. Ms V Tomlinson from Herefordshire Housing spoke on behalf of the applicant.

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

He made the following principal comments:

- The development might appear to be a straightforward expansion of an approved scheme, but that was not the case.
- The planning permission for the original scheme had required a drainage scheme to be approved in writing and that no development should take place until that approval had been granted. However, development had commenced on site.
- The sum of money that the developer had agreed to provide under the S106 agreement for the original scheme to mitigate the effect of the original development had been reduced. A larger development was now being proposed creating an even greater need for mitigating measures that would no longer be provided.
- The new proposal would provide less, or even no, green space.
- The proposal was contrary to policy RA2 of the Core Strategy and policy PG3 of the Neighbourhood Development Plan (NDP).

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

- The original proposal had been unsatisfactory; the new proposal was worse. The village was opposed to the scheme and the NDP had identified other sites.
- Policy RA2 placed an emphasis on NDPs determining what housing individual settlements required. This must be interpreted to mean that the NDP for a settlement had primacy. Irrespective of the need for affordable housing in the county as a whole, the research carried out in developing the Pyons Group NDP had not identified a need in their settlement for the level of affordable housing that the application proposed.
- The Principal Planning Officer explained in relation to the provision of a S106 agreement that at the council's request the applicant had engaged the district valuer to consider the viability of the original scheme. It had been concluded that the scheme was not viable when fully policy compliant and a deed of variation was

agreed that reduced the affordable housing provision to 9 units and included a contribution of approximately £57,750. However, there were two people with an interest in the land who needed to be signatory to the section 106 agreement. The developer has not been able to make contact with these people, and therefore there was a risk that the section 106 agreement would not be signed before the grant funding for the site expired. Officers had been working with the developer to see how benefits could be secured in the absence of a section 106 agreement.

- Members of the Committee expressed discontent at the change to the S106 agreement noting that the agreement had been approved to provide mitigation for the original development.
- The Lead Development Manager stated that a change to a S106 agreement of this nature was only undertaken after careful consideration, hence the involvement of the district valuer, who had determined that the scheme was not viable with the original S106 agreement. He confirmed that in such cases the local ward member was informed.
- The new proposal reduced the quality of the development.
- The Transportation Manager had expressed concern about the hedgerow between the footpath and the visibility splay.
- The reduction in green space was contrary to the Core strategy.
- A drainage scheme had still not been agreed yet development had commenced.
- A member expressed concern that the council's lack of a five year housing land supply might mean that a decision to refuse planning permission might be lost at an appeal.

The Lead Development Manager confirmed that the NDP had reached regulation 16 stage and that weight could be attributed to it in determining the application. The site had planning permission and the proposal was for an amended design. The overall footprint was less than the original development. In considering the need for affordable housing account had to be taken of the needs of adjoining parishes that could not themselves make such provision. Hub villages would be expected to deliver provision for the more rural areas.

He also confirmed that the developer had commenced work on site and had been advised that this was at his own risk.

The local ward member was given the opportunity to close the debate. He urged the Committee to refuse the application.

A motion that consideration of the application be deferred was lost.

It was proposed that the application should be refused on the grounds that it was contrary to policies in the Core strategy and the Pyons Group NDP.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation to officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was contrary to Core Strategy Policies RA1 and RA2 and LD1 and Pyons Group Neighbourhood Development Plan Policies PG2 and PG3.

66. 162018 - THE SPINNEY, BURGHILL, HEREFORD, HR4 7RN

(To enable 15 metres of panel fence to be retained with a height of 2.60 metres (retrospective)).

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 A Tyler spoke on behalf of Mr and Mrs Kelly the adjoining owners in objection to the application. Mr P Draper, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the Chairman read out a statement from the local ward member, Councillor PE Crockett who had been unable to attend the meeting. In summary this stated that there had been a number of objections from local and non-local residents to the application, including one from Burghill Parish Council. The applicant had submitted a 'statement of fact' in relation to their application. The Planning Officer had recommended approval. It appeared that a case could be made both in support of and against the application.

Several members expressed the view that the application should be refused. There were a number of objections including one from the Parish Council. Reference was made to the case officer's comments at paragraph 6.12 of the report that there was little if any justification for a fence of the height as constructed and that a reduction in height would mitigate the impact on the neighbour's property. The fence should be restricted to the height of 2 metres, for which planning permission was not required, in the interests of residential amenity.

A contrary view was expressed that the fence did not have an impact on the amenity of the neighbour or the village and the application should be approved.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation to officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was contrary to policy SD1.

67. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 12.30 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 5 October 2016

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

131913 - VARIATION OF CONDITION 15 OF PERMISSION S102843/F TO ALLOW 2 NO. SALES PER MONTH (FORTNIGHTLY) AT BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP

131916 – VARIATION OF CONDITION 4 OF PERMISSION 102843 TO ALLOW SALES OF COMMERCIAL VEHICLES. AT BRIGHTWELLS AUCTION AT THE FORMER MADLEY AIRFIELD, STONEY STREET, MADLEY, HEREFORDSHIRE, HR2 9NP

For: Brightwells Ltd per Mr Stephenson, Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL

ADDITIONAL REPRESENTATIONS

The Planning Obligations Manager has confirmed that we are in receipt of the £30,000 that was required to be paid by the legal agreement (attached to application 102843) for works to Bridge Sollars Road.

This has been programmed for delivery this financial year by Balfour Beatty Living Places (BBLP) who are the Council's contractor for the delivery of highway improvements.

A scheme had been designed by Amey Consulting (the Council's previous contractor) and this is being reviewed by BBLP in consultation with Madley Parish Council

CHANGE TO RECOMMENDATION

Amend Condition 2 as follows:

The premises shall be used for the auction (including administration of) of agricultural and land based plant and machinery and equipment and commercial vehicles and for no other purpose.

Reason: The Local Planning Authority wish to control the specific use of the land / premises, in the interest of local amenity and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

Delete Condition 4:

Reason: Applications for the retention of the modular buildings have been submitted (awaiting registration) that request the retention of the modular buildings, for a further two year period.

162018 - TO ENABLE 15 METRES OF PANEL FENCE TO BE RETAINED WITH A HEIGHT OF 2.60 METRES. (RETROSPECTIVE) AT THE SPINNEY, BURGHILL, HEREFORD, HR4 7RN

For: Mr Catchpole, The Spinney, Burghill, Hereford, Herefordshire HR4 7RN

ADDITIONAL REPRESENTATIONS

A further letter of support has been received from Peter Draper Associates (on behalf of the applicants). In summary the letter, which will form the basis of the 3 minute presentation, raises the following:

- The eaves and guttering of the garage at Helmsdale has been constructed over applicants property
- Garage not constructed in accordance with the approved plans
- Fence recently constructed by owners of Helmsdale also alleged to be on applicants property
- Fence constructed by applicant considered necessary to mitigate the impact of the garage
- Entirely in keeping with the local village scene
- The height of the fence is limited by reason of being set against the more dominant garage

NO CHANGE TO RECOMMENDATION

