

**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 15 November 2017 at 2.00 pm**

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

**Councillors:** PA Andrews, BA Baker, PJ Edwards, KS Guthrie, JA Hyde, JLV Kenyon, FM Norman, RJ Phillips, AJW Powers, A Seldon, EJ Swinglehurst and SD Williams

**In attendance:** Councillors EPJ Harvey

**87. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, DW Greenow, EL Holton, TM James and WC Skelton.

**88. NAMED SUBSTITUTES**

Councillor PA Andrews substituted for Councillor James, Councillor JA Hyde for Councillor Butler, Councillor RJ Phillips for Councillor Greenow and Councillor SD Williams for Councillor Skelton.

**89. DECLARATIONS OF INTEREST**

**Agenda item 5: 172919 – Land to the west of Church House Farm, Moreton on Lugg**

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

**Agenda item 6: 171863&171864 – Old Court Brobury**

Councillor JA Hyde declared a non-pecuniary interest because she knew one of the public speakers.

**90. CHAIRMAN'S ANNOUNCEMENTS**

None.

**91. 172919 - LAND TO THE WEST OF CHURCH HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE.**

*(Outline planning application for the erection of up to 64 dwellings (including 35% affordable), access and associated works. Matters of appearance, layout, landscape and scale are reserved for future consideration.)*

*(Councillor KS Guthrie was fulfilling the role of local ward member and accordingly had no vote on this application.)*

The Principal Planning Officer gave a presentation on the application which included some updated information.

In particular, she reported that paragraph 6.29 of the report required correction and invited the Committee to support an additional condition that would ensure that any reserved matters submitted would reflect the housing mix set out in the Housing Manager's comments at section 4.12 of the report with the S106 agreement ensuring a local connection for the affordable housing.

In accordance with the criteria for public speaking, Mr B Garbett, of Moreton and Lugg Parish Council spoke on the scheme expressing reservations, as did Mrs H Philpotts of behalf of Pipe and Lyde Parish Council. Mr R Aston, a local resident, spoke in objection. Mr G Wakefield, the applicant's agent, spoke in support.

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

She made the following principal comments:

- She expressed particular concern about the effect of the increased traffic the development would generate mindful that traffic flows on the A49 were already high with vehicles queuing to access that road. She disagreed with Highways England's view set out at paragraph 4.2 of the report. Regard should be had to the cumulative effect of development in the area; the application should not be considered in isolation.
- There were issues over speed and poor visibility with the proposed access. It would be better if the access were opposite St Andrews Close.
- Welsh Water's response did not reflect local concerns that the sewerage system was already at capacity.

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

- The mix of housing proposed by the Housing Manager should be supported.
- It would be desirable for the developer to work with the local community to achieve a design suited to the location.
- There must be a point at which the Highways Agency and Welsh Water must concede that the cumulative development in the area would have a significant impact. There was a concern that the responses of both agencies did not reflect the experience of the local community on the ground.
- The proposed access would require an excavation of the frontage. The difference in level from the height of the footpath to the road level was such that it was questioned how a satisfactory footpath could be achieved.
- An access from the layby further to the west opposite St Andrews Close would be preferable. The bus stop could also be relocated to that position.
- Councillor Edwards expressed particular concern about what he considered to be a longstanding failure to provide satisfactorily for the maintenance of on-site public open space on developments. He had no confidence in the provision at section 5.1 of the proposed section 106 agreement that a management company would be responsible for such maintenance. He considered that the developer should be required to make financial provision for maintenance.
- In response to questions the Transportation Manager commented that whilst there had been a road closure for part of the time during which automated traffic counts

has been undertaken the information obtained was considered to be sufficient to be able to make an assessment of usage. Satisfactory gradients could be achieved for the access road and footpath. He did not support the suggested alternative access because this would form a crossroads which at that particular location would create the potential for traffic to back up on the A49.

- The Development Manager commented that the application was for outline permission including access and associated works. The advice was that the proposed access met safety requirements. Section 278/238 agreements would require the footpath to be appropriately constructed.
- The Service Manager - Built and Natural Environment (Ecology) had commented that a suggested lack of functionality for the local sewage treatment works; should be followed up with Welsh Water as the section of the SAC in the R. Lugg has been known to be a failing stretch of the river for phosphates. It would be important that the Land Drainage comments set out in the report were addressed.
- A houses for life design should be considered.
- It was to be hoped that the fine trees on the site would be protected.
- The local efforts to secure a speed reduction on the A49 should be supported and the installation of a speed indicator device considered.
- Whilst officers suggested that the density of the development would compare favourably with neighbouring developments it appeared that this was the case only if that calculation included the public open space attached to the development as opposed to considering the density of the built development itself.

The Lead Development Manager commented that Welsh Water had responded that the public sewerage network had capacity to accommodate the development. Highways England, which was sensitive to any adverse impact on the A49, had expressed no objection. Both agencies would be aware of proposed developments in the locality and would therefore take account of any cumulative impact in making their responses. He believed that developers were taking note of examples of good design in recent developments in the county noting also that this assisted the sale of properties. Design and the housing mix would be addressed at the reserved matters stage. The footpath would have to be reinstated to the appropriate standard. Traffic calming and gateway features would also be considered as part of the S106 agreement. There were no matters significant enough to warrant refusal of the application.

The local ward member was given the opportunity to close the debate. She reiterated concerns about the access and requested that if the application were approved traffic calming measures were developed in full consultation with the Parish Council.

Councillor Kenyon proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition as requested in the Housing manager's comments. The motion was carried with 9 votes in favour, 2 against and 2 abstentions.)

*(Councillor Edwards requested that his abstention be recorded.)*

**RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:**

1. **A02 Time limit for submission of reserved matters (outline permission)**

2. **A03 Time Limit for commencement (outline permission)**
3. **A04 Approval of Reserved Matters**
4. **B01 Development in accordance with the approved plans**
5. **I51 Details of slab levels**
6. **C10 Landscaping Scheme**
7. **G11 Landscaping Scheme – implementation**
8. **G14 Landscape Management Plan**
9. **G15 Landscape Maintenance Plan**
10. **CNS Housing Mix**

**Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).**

**Reason: To define the terms of the permission and to comply with Policies RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

11. **CNS Noise Attenuation Measures**

**Prior to the commencement of development a scheme of noise attenuating measures for the proposed dwellings shall be submitted to and be approved in writing by the Local Planning Authority. This scheme shall have regard to the advice provided by BS 8233:2014, Guidance on sound insulation and noise reduction in buildings, The World Health Organisation Guidelines for Community Noise. The approved scheme shall be implemented before the first occupation of the dwellings.**

**Reason In the interests of the residential amenity of future residents in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

12. **L04 Comprehensive and Integrated draining of the site**
13. **CNS Welsh Water suggested condition**

**No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference number SO50452502 and SO50453601 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter, no**

surface, land or highway water shall connect directly or indirectly to the public sewerage system.

**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 having regards to the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

**14. CNS Construction Traffic Management Plan**

The development shall not commence until a Construction Traffic Management Plan (CTMP) which shall include a programme for monitoring and review has been submitted to, and approved in writing by, the local planning authority, in consultation with the highways authority for the A49 Trunk Road. The approved CTMP shall be adhered to throughout the access construction period.

**Reason:** To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

**15. CNS – Construction Management Plan**

No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:

- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
- b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
- c. A noise management plan including a scheme for the monitoring of construction noise.
- d. Details of working hours and hours for deliveries
- e. A scheme for the control of dust arising from building and site works
- f. A scheme for the management of all waste arising from the site
- g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

**Reason:** In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**16. H03 Visibility Splays (2.4m x 59m)**

**17. H06 Vehicular Access Construction**

**18. H09 Driveway gradient**

**19. H13 Access, turning area and parking**

**20. H17 offsite works (s278)**

21. H18 Onsite roads – submission of details (s38)
22. H20 Road completion phasing
23. H29 Cycle parking
24. CNS Biodiversity

The recommendations for species and habitat enhancements set out in the ecologist's report from Ecology Solutions dated August 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

**Reasons:**

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

25. E01 – Site Investigation
26. CE6 Efficient use of water
27. Housing mix condition

**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. Welsh Water advice:

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](http://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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. Having regard to the requirements of conditions 12 and 13 above. I would draw your attention to the advice and comments of the land drainage consultant that can be viewed online at:

<https://myaccount.herefordshire.gov.uk/documents?id=fa0292ae-a835-11e7-97b0-0050569f00ad>

4. I45 Works within the highway
5. I49 Design of street lighting
6. I51 Works adjoining highway
7. I52 Extraordinary maintenance
8. I54 Disabled access

*(The meeting adjourned between 15:05 and 15:10 pm.)*

**92. 171863 & 171864 - OLD COURT, BROBURY, HEREFORD (PLANNING AND LISTED BUILDING CONSENT)**

*(Proposed conversion of existing barns and annex to provide 2 additional dwelling houses.)*

*(Councillor RJ Phillips fulfilled the role of local ward member and accordingly had no vote on this application.)*

The 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 E Pearson-Gregory of Staunton on Wye Parish Council spoke in opposition to the Scheme. Mrs K Dyke, a local resident, spoke in objection. Mr A Coppock, the applicant's agent, spoke in support.

Councillor RJ Phillips was fulfilling the local ward member role on behalf of Councillor Skelton. In accordance with the Council's Constitution he spoke on the application making the following principal comments:

- The buildings were a good example of a traditional Herefordshire farmstead. There were few now remaining. It was important that the integrity of the site was retained.

- The application had been the subject of protracted discussions and attended by a number of errors in processing it. This had created frustration and led to the Parish Council and residents losing confidence in the process.
- There was particular concern about the unique status of the two barns each of which was listed in its own right. He questioned whether the Committee had been presented with sufficient information to determine the application and suggested that consideration be deferred pending a full appraisal of the buildings and their setting.
- Concerns about drainage and ecology and the suggestion that there was contaminated land on the site also required further consideration.

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

- The proposal appeared capable of being carried out satisfactorily, subject to the proposed conditions and the council maintaining a watching brief to ensure that the character of the buildings was preserved. It would ensure that the barns were put to good use.
- Some members spoke in support of deferring consideration of the application until further detailed survey work had been undertaken.
- It was observed that the Ecologist had initially expressed some concerns about the discharge of phosphates from the proposed package treatment plant to the watercourse, leading to the River Wye SAC/SSSI and it would be important to ensure that the conditions required by the Ecologist were adhered to.

The Lead Development Manager (LDM) commented that condition 3 as set out at page 61 of the agenda papers provided that no development should commence until the specified survey had been carried out. The historic buildings officer supported the application subject to conditions and Historic England had no objection. He also clarified in relation to a question about the removal of permitted development rights that condition 4 on page 59 of the agenda papers removed such rights and any proposals to construct new buildings on the site would require an application for planning permission. In relation to concerns about the sequencing of works and ensuring the completion of works to barn 2 before the residential conversion he indicated that there was a requirement to that effect.

Councillor Phillips was given the opportunity to close the debate. He requested that the Parish Council and local ward member should be informed of the outcome of the survey of the buildings and given access to it and the opportunity to make further representations at that point.

The LDM commented that parish councils and others could sign up to receive alerts that would enable them to monitor progress in relation to the discharge of the conditions.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 10 votes in favour, 3 against and 0 abstentions.

### **Application 171863**

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

1. **A01 Time limit for commencement**
2. **B01 Development in accordance with the approved plans**



3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**
5. **G03 Retention of existing trees/hedgerows**
6. **H29 Secure covered cycle parking provision**
7. **I16 Restriction of hours during construction**
8. **I20 Scheme of surface water drainage**
9. **I33 External lighting**
10. **K4 Nature Conservation – Implementation**
11. **K5 Habitat Enhancement Scheme**
12. **M01 Surface water drainage works to be agreed**
13. **M07 Evacuation management plan**
14. **M17 Efficient use of water**
15. **Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

#### **INFORMATIVES**

- 1 **N06 Listed Building Consent**
- 2 **N11C General**
3. **N11B Wildlife & Countryside Act 1981 (amended) Cons hab/spec 2010 Bats**
4. **HN16 Sky glow**
5. **N03C Adjoining Property Rights**
6. **The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bird nesting and invertebrate/pollinator/solitary bee homes to be incorporated in to the converted buildings as well as consideration for a hedgehog house within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies Initiative (DEFRA/NPPF Guidance 2013).**
7. **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.

**Application 171864**

**RESOLVED:** That listed building consent is granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. With the exception of further conditions listed below, the scheme is carried out exactly in accordance with the supplied justification statement and drawings:**

**A.195 13.03 P.13 A Proposed Floor Plans Annexe dated 14 August 2017**

**A.195 13.03 P.21 A Proposed Floor plans – Barn 1 Dated 14 August 2017**

**A.195 13.03 P.22 A Proposed GF – Barn 2 dated 14 August 2017**

**A.195 13.03 P.23 Proposed floor plans annexe dated 15 May 2017**

**A.195 13.03 P.31 Proposed elevations - Barn 1 dated 15 May 2017**

**A.195 13.03 P.32 Proposed elevations - Barn 2 dated 15 May 2017**

**A.195 13.03 P.33 Proposed side elevations Barn 2 dated 15 May 2017**

**A.195 13.03 P.55 A Granary Annexe Proposed Elevations dated 14 August**

The scheme is carried out exactly in accordance with the drawing A.195 13.03 P.13 except for items labelled 5 'Hereford Stone paving slabs'. This material should not be used within the courtyard as shown here on the south elevation of the annexe and west elevation of barn 1. It may be used on the rear north elevation of the annexe and east elevation of barn 1.

- 3. No development approved by this permission shall commence until a Level 2 Survey, as defined in English Heritage's guidance 'Understanding Historic Buildings: A Guide to Good Recording Practice' of the Granary Annexe, Barn 1 and Barn 2 has been submitted to and approved in writing by the Local Planning Authority.**

*(Note: the above condition is an amended condition made under delegated powers following the meeting.)*

- 4. Prior to first occupation of any of the new dwellings the completion/installation certificate for a relevant Package Treatment Plant with additional +P phosphate stripping system Certificated to a Phosphate (P) outfall level less than 1mg/litre; along with a signed copy of a 5 year maintenance agreement for the installed PTP with +P system shall be supplied to the Planning Authority for approval.**

**93. 171897 - THE MASTERS HOUSE ST KATHERINES, BYE STREET, LEDBURY, HEREFORDSHIRE, HR8 1EA**

*(To erect signage to the external facade on the east side of the building and on the chimney breast.)*

*(Councillors Kenyon and Williams had left the meeting and were not present during consideration of this application.)*

The Senior Planning Officer gave a presentation on the application.

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

She explained why signage was considered necessary and reported that there had been considerable consultation which had included user groups and the friends of the Masters House, representing a good example of consultation by the council. A number of options had been considered before the current proposal had been settled upon and she supported it.

The Lead Development Manager commented that the solution was considered the best for the setting, which he noted was due to be enhanced by further landscaping works.

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

**RESOLVED: That Listed Building Consent be granted subject to the following conditions and any other conditions considered necessary by officers names in the scheme of delegation to officers:**

1. **D01 Time limit for commencement (Listed Building Consent)**
2. **B01 Development in accordance with the approved plans**

**94. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix - Schedule of Updates**

The meeting ended at 4.10 pm

**Chairman**



# **PLANNING COMMITTEE**

**Date: 15 November 2015**

***Afternoon meeting***

## **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**

**171863/171864 - PROPOSED CONVERSION OF EXISTING BARN AND ANNEX TO PROVIDE 2 ADDITIONAL DWELLINGHOUSES. AT OLD COURT, BROBURY, HEREFORD,**

**For: Mr Bulmer per Mr Alex Coppock, Studio 1, The Grange, Shelwick, Hereford, Herefordshire HR1 3AW**

### **ADDITIONAL REPRESENTATIONS**

Further representation: Neighbour (10/11/2017)

- Raises concern over omissions in Committee Report referring for example to flood risk;
- Raises concern over access to consultation responses.
- Historic fabric and setting impact and assessment
- Concern over rigour of assessment
- Work involved in conversion
- Impact of courtyard and pre-eminence of farmhouse

Further Comments: Drainage Comments (13/11/2017)

No objection subject to pre-commencement conditions.

### **NO CHANGE TO RECOMMENDATION**