

**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 11 April 2018 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, JLV Kenyon, FM Norman, A Seldon and SD Williams

**In attendance:** Councillors WLS Bowen and DG Harlow

**162. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors TM James and AJW Powers.

**163. NAMED SUBSTITUTES**

None.

**164. DECLARATIONS OF INTEREST**

**Agenda item 8: 180557 – Wynyats, Chase Road, Ross-on Wye**

Councillors PGH Cutter and J Hardwick declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

**165. MINUTES**

**RESOLVED:** That the Minutes of the meetings held on 14 March 2018 be approved as a correct record and signed by the Chairman.

**166. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor Williams to the Committee, replacing Councillor Swinglehurst.

He also congratulated Mr K Bishop, Development Manager, on reaching 40 years service to Herefordshire and thanked him for his contribution.

**167. 173224 - LAND TO THE NORTH OF IVY COTTAGE, GARWAY, HEREFORDSHIRE**

*(Proposed erection of eight residential dwellings (C3) along with associated garages, parking, roads, highways access and associated infrastructure.)*

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr M Hooper, of Garway Parish Council spoke in opposition to the Scheme. Mr L Watson, a local resident, spoke in objection. Mr M Tompkins, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The application had attracted a high level of public comment. Some 25% of local residents had objected to the proposal, as had the Parish Council.
- The Parish Council was developing a neighbourhood development plan. Approval of the application would undermine confidence in that process.
- The applicant had sought pre-application advice from the Council and had modified the proposal to seek to make it more palatable, however, it was still not acceptable to the local community.
- The size and scale of the development was inappropriate.
- The location was a concern. Access was off a single track unclassified road that struggled to cope with existing levels of traffic. The school was some 800m away with no access path meaning that children would be driven there.
- It was questioned whether the development was sustainable with drainage being one concern.
- The need for additional homes to support the sustainability of the village was recognised. However, it was considered that the proposed location was not suitable.

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

- In reply to questions the Lead Development Manager confirmed that the housing land supply was at 4.54 years. The Core Strategy required a minimum of 25 dwellings to be delivered at Garway. Eight dwellings had been committed leaving a minimum of a further 17 dwellings to be developed.

He also clarified the relationship between condition 16 and informative 2 as set out in the report, confirming that full details of the proposed drainage scheme would have to be submitted and approved prior to the commencement of any development.

- In response to concern about the width of the access road, the additional traffic that would be generated, and potential conflict with agricultural vehicles, the Transportation Manager commented that the accesses to the development would be of a standard road construction enabling them to be classed as passing places. Notwithstanding the narrowness of the road, the additional traffic that the development would be expected to generate would not be classed as an intensification of use.
- In the absence of a neighbourhood development plan weight had to be given to the lack of a five year housing land supply. The Core Strategy provided for development in Garway.
- The site was close to the rest of the village. The design of the development was in keeping with existing dwellings in Garway. The site layout was acceptable and the provision of semi-detached dwellings was a welcome aspect.
- There were two accesses lessening the impact on the road network.
- The potential impact of traffic driving on the common to allow vehicles to pass was a matter of concern
- Several members remarked on the extent of local opposition to the proposal and that this should carry weight. However, other members, whilst sympathetic to the local views, considered that it was difficult to identify planning grounds for refusing the application.

- The Lead Development Manager commented that weight could not be given to the neighbourhood development plan which had not yet reached regulation 14 stage. However, weight did have to be given to the lack of a five year housing land supply. The development was of low density, which would assist in providing a suitable drainage solution, was well designed and represented proportionate organic growth in keeping with the linear character of development in Garway. It would generate a low amount of traffic.

The local ward member was given the opportunity to close the debate. He commented that he considered that both sides of the argument had been debated.

Councillor Edwards proposed and Councillor Guthrie seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 3 against and no abstentions.

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

1. **A01 - Time Limit for Commencement (Full Permission)**
2. **B01 - Development in Accordance with the Approved Plans**
3. **C01 - Samples of External Materials**
4. **D05 - Details of External Joinery Finishes**
5. **G04 - Protection of Trees/Hedgerows that are to be Retained**
6. **G10 - Landscaping Scheme**
7. **G11 - Landscaping Scheme - Implementation**
8. **H03 - Visibility Splays**
9. **H06 - Vehicular Access Construction**
10. **H09 – Driveway gradient**
10. **H13 - Access, Turning Area and Parking**
11. **H17 – Junction improvement/off site works**
12. **H21 – Wheel washing**
13. **H27 – Parking for site operatives**
14. **H29 - Secure Covered Cycle Parking Provision**
15. **I16 - Restriction of Hours During Construction**
16. **I18 - Scheme of Foul Drainage Disposal**
17. **M17 - Water Efficiency – Residential**
18. **The recommendations for species and habitat enhancements set out in the ecologist's reports from Swift Ecology dated April 2017 and August 2017 should be followed unless otherwise agreed in writing by the local planning**

authority. A working method statement for protected species should be submitted to the local planning authority in writing and, together with the provisions of the biodiversity enhancement plan, the scheme shall be carried out 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.

#### **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. In relation to Condition 16, above the following information has been provided:
  - A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
  - Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
  - Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
  - Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;

- **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.**

**If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.**

3. **HN01 - Mud on highway**
4. **HN04 - Private apparatus within highway**
5. **HN05 - Works within the highway**
6. **HN10 - No drainage to discharge to highway**
7. **HN24 - Drainage other than via highway system**
8. **HN28 - Highways Design Guide and Specification**
9. **N11C – General**

*(The meeting adjourned between 10.55 to 11.05 am)*

**168. 180077 - 1 HIGHFIELD CLOSE, KINGSLAND, HEREFORDSHIRE**

*(Proposed demolition of existing dwelling and erection of a replacement dwelling.)*

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs C Sawyers of Kingsland Parish Council spoke in opposition to the Scheme. Mr J Hicks, the applicant's agent, spoke in support.

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

He made the following principal comments:

- Highfield Close was of a consistent and harmonious design with which the proposal would be at odds.
- It seemed a shame to demolish a satisfactory dwelling. The demolition work would create noise and disruption.
- The principle of development on the site was clearly established by the presence of the existing bungalow. It was acknowledged that the design of the proposed house had regard to environmental considerations. However, there was concern about the modern and startling nature of the design and the colours. The design included aluminium and wooden windows and a metal roof.
- The proposal did not reflect the main buildings in the conservation area and did not preserve or enhance that area. The application should be refused.

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

- Several members expressed the view that the design was incongruous and there was concern too about the scale and mass of the development which was out of character in that location in a prominent position on the corner. It did not preserve and enhance the conservation area.
- Some other members considered the proposal did have merit and noted the comments of the Building Conservation Officer who had no objection.

The Lead Development Manager commented that a number of other schemes of modern design in established settings had been approved. Officers considered the proposal was satisfactory. He highlighted the comments of the Building Conservation Officer at paragraph 4.3 of the report that the proposal would be more sensitive to the elements that enhance the conservation area than the dwelling it was proposed to replace and cautioned against refusing the application.

The local ward member was given the opportunity to close the debate. He reiterated that the design was incongruous and inappropriate in that location.

A motion proposed by Councillor Seldon and seconded by Councillor Williams that the application be refused was lost on the Chairman's casting vote there having been 5 votes in favour, 5 against and 2 abstentions.

Councillor Cutter proposed and Councillor Guthrie seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 5 votes in favour, 4 against and 3 abstentions.

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

1. **A01 - Time Limit for Commencement (Full Permission)**
2. **B02 - Development in Accordance with Approved Plans and Materials**
3. **I16 - Restriction of Hours during Construction**
4. **F08 - No Conversion of Garage to Habitable Accommodation**
5. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

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

6. **The ecological recommendations and Biodiversity Enhancements in the Bat and Bird Nesting Assessment by Star Ecology dated May 2017 and the retained tree and hedgerow protection identified on supplied plans shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.**

7. **No further development is permitted to the west of the property (i.e. adjacent to High Field).**

**Reason: Further development would have an adverse effect on the amenity of neighbouring properties due to overlooking and overshadowing.**

- 8 **F14 – Removal of permitted development rights.**

**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.**

*(Councillor J Hardwick, Vice-Chairman, in the chair.)*

**169. 180557 - WYNYATS, CHASE ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JH**

*(Demolition of existing shed & kitchen area. New single storey kitchen and dining area. New stair access and bedroom/en suite formed in roof space.)*

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

The Senior Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Cutter, spoke on the application. He indicated his support for the case officer's recommendation.

Councillor Greenow proposed and Councillor Holton seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, none against and no abstentions.

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

1. **A01 – Time Limit for Commencement**
2. **B02 – Development in Accordance with Approved Plans and Materials**
3. **C04 – Matching Brickwork**
4. **D09 – Details of Rooflights**

**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.**

**170. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

The meeting ended at 11.47 am

**CHAIRMAN**