

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 13 November 2019 at 2.00 pm

Present: Councillor John Hardwick (chairperson)

Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Dave Boulter, Barry Durkin, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Jeremy Milln, Paul Rone and Yolande Watson

In attendance: Councillors Christy Bolderson, Sebastian Bowen and Jennie Hewitt

50. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Millmore, Seldon and Stone.

51. NAMED SUBSTITUTES

Councillor Boulter substituted for Councillor Seldon and Councillor Durkin for Councillor Stone.

52. DECLARATIONS OF INTEREST

None.

53. CHAIRPERSON'S ANNOUNCEMENTS

The legal advisor to the Committee read a statement to the meeting reminding all present of the requirements of the purdah period preceding the general election on 12 December 2019.

54. 190650 - SITE ADJACENT CHURCH LANE, ALLENSMORE, HEREFORDSHIRE

(Proposed erection of 6 dwellings, garaging and new vehicular accesses.)

The Senior 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 T Cramp, of Allensmore Parish Council spoke in opposition to the scheme. Mr S M'Samri, a local resident, spoke in objection. Mr M Owens, the applicant, spoke in support.

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

She made the following principal comments:

- Allensmore lacked services. There was no fibre broadband in the area of the application site.
- The community had developed a Neighbourhood Development Plan (NDP). The site was outside the settlement boundary. Any development outside the settlement boundary was not considered to be proportionate. This was the principal reason for objection to the proposal.
- The NDP was currently subject to a Regulation 16 consultation. There had been no significant objections during the Regulation 14 consultation. The report stated that limited weight could be given to the Plan at this stage. It was requested that this be reconsidered given the advanced state of the Plan.
- The application site was adjacent to the main built up area of the settlement. The Strategic Housing Local Area Assessment identified a need for additional two and three bed homes in the Parish and considered the application site had potential for housing. Policy RA1 required a minimum of 32 homes to be provided in the Parish by the end of 2031. However, the Parish had already exceeded the minimum target by 3 dwellings. Fifteen dwellings had been approved in the past year and applications for a further 15 dwellings, including the application site, had been lodged with the Planning department. The Conservation Manager (Landscape) had commented that the number of dwellings proposed could be perceived as rather great in relation to the scale of the village.
- She acknowledged that the council was not currently meeting its housing targets across the county as a whole. However, she questioned whether parishes with limited services that were meeting or exceeding their own targets should be expected to accept development outside their settlement boundaries. She highlighted policy RA1 and NDP policies A3 and A4.
- There was a difference of opinion as to the landscape impact that the Committee needed to consider. Policy RA2 stated that proposals for development in locations identified in figure 4.15 such as Allensmore should demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement. It was acknowledged that the pattern of the proposed development was similar to that on the opposite side of the road. The applicant had amended the plans in response to local representations.
- Although outside the settlement boundary the proposal was broadly compliant with NDP policy A4 with the exception of its scale. She spoke favourably about the design characteristics noting that they included sustainable energy efficiency measures.
- There was local concern about the density of development at 7.5 dwellings per acre compared with 3.6 for the village as a whole. An application for 3 or 4 houses or a development of lower density would be looked on more favourably.
- In identifying the site as having potential for development the SHLAA had acknowledged traffic concerns and recommended the widening of church lane. There was concern that the single track road was not appropriate for 6 houses
- Driveways of plots 5 and 6 would face directly into bedroom windows of house opposite.
- There was a high water table and concern about the drainage proposals. Allensmore had had longstanding issues with surface drainage.
- The applicant had worked closely with the council to adapt the plans. However, the local community still had significant concerns, particularly about the landscaping and considered the application did not comply with policies RA1, RA2, A3 and A4. Weight should be given to the NDP.

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

- In response to questions it was confirmed that there had been no discussions about reducing the number of dwellings proposed. Securing and maintaining the public right of way crossing the site was a matter for the Public Rights of Way Officer to ensure. His comments were at section 4.4 of the report. The Plans had been amended to accommodate the retention of 2 metre wide footpath.
- In relation to foul water drainage a question was asked about security of access to the shared pipework serving the package treatment plants noting that this would cross land in the landowner's ownership not that of the owners of the dwellings. It was advised that the test was whether the drainage scheme was acceptable and would work. Each package treatment plant was within the relevant property boundaries. The issue related to the pipework that would take foul water to the proposed attenuation pond and reed bed. It would be a matter for the solicitors acting for any purchasers to ensure appropriate access to the pipework system.
- The density of development was acceptable, noting that it included much needed 2 bedroom properties.
- As stated at paragraph 6.44 of the report, although the Parish had exceeded its minimum housing target this was not a ground for refusal given the absence of a 5 year housing land supply.
- There were no objections from consultees with the exception of the comments of the Ramblers Association and the Open Spaces society and those had been addressed, subject to a two meter width of the footpath being maintained.

The Lead Development Manager commented that the NDP could only be given limited weight. The landscape impact had been highlighted and the Conservation Manager (Landscape) had not objected to the application. The development represented organic growth, maintaining the linear character of the area.

The local ward member was given the opportunity to close the debate. She reiterated the importance of retaining local character and considering the provisions of policy RA2 and the weight that could be given to the NDP.

Councillor Polly Andrews proposed and Councillor Hunt seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, 1 against and 2 abstentions.

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. **C02 Time limit for submission of reserved matters (outline permission)**
2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters**
4. **C05 Plans and particulars of reserved matters**
5. **C06 Development in accordance with the approved plans**
6. **CBK Restriction of hours of construction**
7. **C13 Samples of external materials**

8. **Details of physical sustainability measures**
9. **CCK Details of slab levels**
10. **CAB Visibility splays**
11. **CAE Vehicular access construction**
12. **CAH Driveway gradient**
13. **CAI Parking**
14. **CAT Construction management plan**
15. **CB2 Secure cycle parking**
16. **Prior to the commencement of the development a tree and hedgerow protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. **Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority. No external lighting should illuminate any enhancement or boundary feature.**

Reason: To ensure that all species and habitats are protected, conserved and enhanced (Biodiversity net gain) having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

18. **All foul water shall discharge through private treatment plants and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19. **Notwithstanding the drainage strategy permitted by condition 17, and indicated on drawing number ALLE-ICS-01-XX-DR-C-010 Rev P2, prior to the commencement of development details and specification of the reed bed within the attenuation pond will be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any building hereby permitted.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy 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. I11 – Mud on the road**
- 3. I09 – Private apparatus on the highway**
- 4. I45 – Vehicle Crossing licence**
- 5. I05 and I47 - drainage highway**
- 6. I35 – Highways design guide.**

55. 191081 - BRYNGLAS, CUSOP DINGLE, HR3 5RD

(Proposed two storey three bedroom dwelling house.)

The Senior 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.

With reference to a high-pressure fuel pipeline crossing the site she added that the location was mapped. However, if it was found that this had been done incorrectly and had an impact on the siting of the dwelling the permission may need to be altered. This did not prevent the current application being considered. Any implications for the pipeline itself would be a civil matter between the applicant and the pipeline owners.

In accordance with the criteria for public speaking, Mrs K Hainge, a local resident, spoke in objection to the application. Mrs E Garner, the applicant, spoke in support.

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

She made the following principal comments:

- She highlighted the concerns that had been raised about the possible effect on the pipeline of heavy vehicles crossing the site operating during the construction phase.
- The development would bring change to the relationship to the existing settlement but this did not appear to be of major significance. However, she was concerned that the proposed dwelling would be extremely close to Brynglas almost to the point where it was like an extension to it. This was not an issue at present given the family relationship between the owners of Brynglas and the prospective owners of the new

development. However, it could create an issue in the future if one of the properties were to be vacated.

- The new building would compromise the amenity of Brynglas contrary to NDP policy 7.
- Account should be taken of the cumulative planning impact. If similar developments were to take place along the length of the road this would have an adverse impact on the character of the neighbourhood.
- Cusop had exceeded its minimum housing target by some 50%. She was concerned about the capacity of services to cope. She noted the pressures on parking at Clifford primary school and highway safety issues that had arisen as a consequence.

Because of personal circumstances the Parish Council had not been able to register a representative to speak at the meeting. The local ward member read out a statement on the Parish Council's behalf. This requested that the application be rejected.

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

- The site could accommodate the proposed dwelling.
- There were 6 dwellings on the opposite side of the road. The new dwelling would mean 5 dwellings facing those 6.
- It would be preferable if the dwelling was not so close to Brynglas but the situation was not an impossible one. Any future buyer would be able to decide whether the proximity was a deterrent to purchasing it.
- Officers confirmed that the applicant would need to obtain a licence from the pipeline owner to undertake works. There was no overlooking or overshadowing of neighbouring dwellings aside from Brynglas. A single storey of the proposed dwelling would be about 2 metres in front of Brynglas.
- Piecemeal development did have an effect on the character of the area. However, given the nature of the surrounding dwellings the change was in this case acceptable.

The local ward member was given the opportunity to close the debate. She reiterated her concerns about the proximity of the dwelling to Brynglas, the adverse effect on the character and amenity of Brynglas, what level of growth was sustainable and the character of the landscape.

Councillor Rone proposed and Councillor Hunt seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 12 votes in favour, 1 against and 1 abstention.

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. **C01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C13 Samples of external materials**
4. **CE6 Efficient use of water**
5. **CBK Restriction of hours during construction**

6. **All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

7. **Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, TWO bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

8. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

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

9. **CA1 Landscape scheme**
10. **Protection of trees/hedgerows that are to be retained**
11. **CKB Protection during Construction**
12. **C65 Removal of permitted development rights**
13. **CAB Visibility splays (2.4m x 43m with a 1m running lane)**
14. **CAE Vehicular access construction**
15. **CAD Access gates (5m)**
16. **CAI Parking – single/shared private drives**
17. **CAH Driveway gradient**
18. **CAT Construction management plan (including parking for site operatives)**
19. **CB2 Secure covered cycle parking provision**
20. **CCK Slab level**

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.**

56. 192773 - THE STABLES, NEW HOUSE FARM, CHURCH ROAD, LUCTON, LEOMINSTER, HR6 9PQ

(Retrospective planning permission to erect a wooden fence and two galvanised metal gates.)

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Bowen, spoke on the application. He indicated his support for it.

Councillor James proposed and Councillor Durkin seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried unanimously with 14 votes in favour, none 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. C07 Development in accordance with approved plans and materials**

INFORMATIVE:

- 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.**

57. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 4.20 pm.

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 13 November 2019

Afternoon

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

190650 - SITE FOR ERECTION OF 6 DWELLINGS, GARAGING AND NEW VEHICULAR ACCESSSES. AT SITE ADJ. CHURCH LANE, ALLENSMORE, HEREFORDSHIRE,

For: Mr Owens per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG

ADDITIONAL REPRESENTATIONS

The applicant's agent has contacted the case officer in relation to the dwelling mix and to highlight an error at paragraph 6.14 of the officer report.

OFFICER COMMENTS

Report corrections

Paragraph 6.14 of the officer report should read as 2 x 2 beds, 2 x 3 beds and 2 x 4 beds being proposed rather than 4 x 3 beds and 2 x 4 beds.

NO CHANGE TO RECOMMENDATION

191081 - PROPOSED TWO STOREY THREE BEDROOM DWELLING HOUSE AT BRYNGLAS, CUSOP DINGLE, HR3 5RD

For: Mr & Mrs Garner per Mr Paul Spooner, 8 Egerton Road, Streetly, Sutton Coldfield, B74 3PQ

ADDITIONAL REPRESENTATIONS

One additional representation has been received from a neighbouring dwelling stating the following:

I have just noticed that the latest block plan is drawn in a different way to previous versions and this masks a very significant change. In all of the previous iterations the front of the ground floor was in line with the front of Brynglas with the upper floor set slightly back. This is no longer the case. Now the upper floor is in line with the front of Brynglas and the lower floor, under the sedum roof is set forward. This is completely out of keeping with the street setting.

OFFICER COMMENTS

The change to the block plan was not found to necessitate further re-consultations given the scale and nature of the amendment. The additional representation is not found to fundamentally change the assessment within the officer report.

NO CHANGE TO RECOMMENDATION