

MINUTES of the meeting of Planning Committee held at The Shire Hall, Hereford HR1 2HX on Wednesday 29 October 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, BA Durkin, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, JA Hyde, RI Matthews, RL Mayo, PJ McCaull, NP Nenadich, FM Norman, J Norris, A Seldon, TL Widdows and DB Wilcox

87. APOLOGIES FOR ABSENCE

Apologies were received from Councillors EMK Chave, KS Guthrie and JG Lester.

88. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor Hyde attended the meeting as a substitute member for Councillor Guthrie, Councillor Nenadich for Councillor Lester and Councillor Seldon for Councillor Chave.

89. DECLARATIONS OF INTEREST

Agenda item 7: P141134/O Land Adjacent to Vine Tree Close, Withington, Herefordshire

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

Agenda item 8: P141022/F Land at Pinsley Road, Leominster, Herefordshire

Councillor AN Bridges declared a non-pecuniary interest as an employee of Network Rail which had made representations on the application.

Councillor FM Norman declared a non-pecuniary interest because a relative lived near to the site.

Agenda item 10: P133439/F Land off Acreage, Whitbourne, Herefordshire

Councillor A Seldon declared a non-pecuniary interest because his wife was the Clerk to the Parish Council.

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

Agenda item 12: 142088/FH The Lake House, Underdown, Ledbury Herefordshire

Councillor PGH Cutter declared a disclosable pecuniary interest because of a business interest and left the room for the duration of the remainder of the meeting.

90. MINUTES

RESOLVED: That the Minutes of the meeting held on 8 October 2014 be approved as a correct record and signed by the Chairman.

91. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

92. APPEALS

The Planning Committee noted the report.

93. P141134/O LAND ADJACENT TO VINE TREE CLOSE, WITHINGTON, HEREFORDSHIRE

(Proposed erection of up to 45 dwellings, construction of a new vehicular access and 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 criteria for public speaking, Mrs S Glover, Clerk to Withington Parish Council, spoke in opposition to the Scheme. Mr G Francis, a resident, spoke in objection. Mr P Smith, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke on the application.

He commented on a number of issues including:

- The Parish Council had been active in the area. It had identified other locations for housing development in preparing a Neighbourhood Plan.
- The field it was proposed to develop was at the highest point in the village.
- The access was unsatisfactory. It would involve demolishing one property and would have a demonstrably adverse effect on the two neighbouring properties and properties opposite the entrance to the site.
- There was concern about water run-off from the site, there having been recent experience of flooding as a consequence. However, it was possible that measures could be taken to control this matter.
- The development was out of keeping with the character of Withington.
- He asked whether it would be possible to await a full application rather than determining an outline application.

The debate opened and the following principal points were made:

- Concern was expressed about the size of the development. There was sympathy with written point 2 in the representation from the Parish Council, that, "*whilst there is not a five year supply of land in Herefordshire. It is unreasonable to expect this shortfall to be met by excessive developments in villages when the demand was primarily for housing in Hereford City and the Market Towns.*"
- The Parish Council had also commented at point 13 of its representation that, "*at the highest point the impact of the development on the sky line is a significant intrusion into the landscape*". The development would be detrimental to the character and appearance of the village.

- There had been 64 letters of objection and more weight should be given to the views of local residents, in accordance with the localism agenda.
- Greater weight should be given to the detrimental effect of large developments on the County's rural villages than to the absence of the five year housing land supply.
- There was a risk that the emphasis on the weight to be given to the absence of a 5 year housing land supply had diverted attention from an analysis of the proposed development itself.
- The Parish Council had identified preferable sites which would meet the housing growth identified for the area in the draft Local Plan – Core Strategy 2013-2031. It should be contended that Withington itself did not therefore have a lack of a five year housing land supply. Localism should therefore prevail and the application, whose benefits were outweighed by the harm it caused, and which did not represent sustainable development, should be refused. At a public presentation only 3% of residents had identified the application site as a preferred site.
- The Principal Planning Officer commented that the draft core strategy contained an indicative growth target for Withington that equated to 65 dwellings of which 37 had been constructed or for which an extant planning permission existed. No application had been submitted to develop the Parish Council's preferred site opposite Orchard House off Southbank road.
- Attention was drawn to paragraph 5.3 of the report containing representations from the Campaign to Protect Rural England. This stated that there was "*nothing innovative or outstanding about this outline proposal as required by NPPF paragraph 63*" (National Planning Policy Framework (NPPF)) and also referenced paragraph 64 of the NPPF: "*Permission should be refused for development of poor design that fails to take opportunities available for Improving the character and quality of an area and the way it functions*".
- None of the statutory consultees or those providing internal council advice had submitted objections to the development. However, the application offered nothing in terms of quality, longevity and energy efficiency.
- It was a speculative application taking advantage of the absence of a five year housing land supply.
- UDP policies LA2 – landscape character and areas least resilient to change and LA 3 – setting of settlements were grounds for refusal. The Conservation Manager (Landscape) had commented that the proposal would "deplete the visual amenity and recreational public value and the potential biodiversity value of the site."
- Water run-off from the site was a concern.
- It was suggested that in considering the sustainability of the scheme weight should be given to the fact that the application required the demolition of a sound, existing property. The Development Manager commented that this could not be considered a ground for refusal given that it was proposed to develop up to 45 new homes.
- There was an adverse impact on the Withington conservation area.
- The Parish Council had invested considerable effort in developing a Neighbourhood Plan and this was nearing completion. The weight that could be given to the draft Neighbourhood Plan having regard to paragraph 17 of the NPPF was discussed. The Development Manager commented that a Neighbourhood Plan could not be adopted until the Core Strategy was approved. A planning inspector would not attribute weight to a draft Neighbourhood Plan. Members expressed dissatisfaction with this view, it being suggested that advice had previously been given to them that greater weight could be given to such draft plans as they reached a more advanced stage of development. It was also to be regretted that the considerable efforts being made to develop such plans were apparently to no avail.

The Development Manager clarified that the authority could not insist on a detailed application being submitted rather than an outline one. Weight could not therefore be given to concerns about design of the scheme at this stage.

The local ward member was given the opportunity to close the debate. He reiterated that his principal concern was the adverse impact of the access to the site.

It was proposed that the scheme should be refused. The following grounds were advanced: the adverse impact of neighbouring residents of the proposed access, surface water run off and saved polices LA2 and LA3 of the UDP.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: the adverse impact on neighbouring residents of the proposed access, surface water run off, and saved polices of the UDP: LA2 – landscape character and areas least resilient to change and LA 3 – setting of settlements.

INFORMATIVE

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 and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

(The meeting adjourned.)

94. P141022/F LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN

(Proposed demolition of existing building and erection of 29 dwellings with associated private drive, landscaping and external works.)

The Principal Planning Officer gave a presentation on the application. He reported that a further letter of objection had been received.

In accordance with the criteria for public speaking, Mr P Ellis of Leominster Town Council spoke in opposition to the Scheme. Mr M Tomkins, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors JM Bartlett and PJ McCaull the two local ward members, spoke on the application.

Councillor Bartlett commented on a number of issues including:

- She expressed concern about the justification for not requiring a S106 agreement and the absence of any provision for the Council to secure benefits for the community should the scheme prove to be more financially viable than expected.
- The basis for not having an S106 agreement was a confidential affordable housing viability report. The conclusions of this assessment meant that the scheme included no social or affordable housing.
- Whilst the site was a brownfield site and in a poor state this did not mean that any application had to be permitted whatever its shortcomings. The site was in a sensitive location within the Leominster River Meadows Conservation Area. A

scheme of a high quality of design was required, consistent with paragraph 17 of the National Planning Policy Framework (NPPF).

- The pressure to give great weight to the absence of a five year housing land supply seemed to be at odds with the provisions of paragraph 17 of the NPPF and undermine the development and importance of a local plan.
- Many of the proposed units were extremely small in size. The assessment of housing need in Leominster was that the greatest need was for 3 bedroom houses. She questioned how the proposal represented sustainable development as defined in the NPPF.

Councillor McCaull commented on a number of issues including:

- He was concerned about the quality of design and the small size of many of the proposed units. The location, alongside the railway line, was also unprepossessing. He was opposed to the scheme in its present form.
- The scheme would also mean the removal of the building used by the Leominster Rifle and Pistol Club.

The debate opened and the following principal points were made:

- Network Rail had identified the need for any lighting from the development not to interfere with sighting of signals or train drivers vision. They had also requested a trespass proof fence. It was suggested that this might need to be closed fencing rather than chain-link mesh to avoid train drivers being distracted by lights from cars using the development. The Principal Planning Officer commented that if the scheme were approved these matters would be discussed with Network Rail.
- Some concern was expressed about the proximity of the development to the railway line, the nearest dwelling being about 22 metres away. A number of properties nearby were suffering from cracks attributed to the railway. In contrast, a view was expressed that modern glazing and other measures could mitigate the impact of the railway.
- The small size of some of the proposed dwellings and the density of development was a concern.
- An important footpath ran through the site.
- The location had experienced flooding from surface water. The Land Drainage Engineer had stated at paragraph 4.6 of the report that further information on a number of matters needed to be provided. However, this did not seem to be contained within the report.
- The location was on an important route and in a conservation area. Development on the site needed to be of a high quality.
- The late representation received, to which the Principal Planning Officer had referred in his presentation, set out a number of material planning grounds for giving further consideration to the Scheme prior to determination.
- The site was a brownfield site in a poor state and needed to be developed. There were, however, a number of concerns about the application before the Committee including the design and absence of a section 106 agreement. It was proposed that the Committee should defer determination of the application to allow for further discussions with the applicant and that local ward members should also be further consulted.
- It was cautioned that work on the introduction of the Community Infrastructure Levy had suggested that economic conditions in Leominster were such that a zero rate might be appropriate for Leominster. Support for the application should not therefore be made conditional on securing a S106 agreement. However, consideration might

be given to making an agreement which provided that, if the scheme were to become profitable, a portion of that sum would be secured for community benefits.

Consideration was given to whether deferral or refusal of the application was the better approach. The Development Manager commented that either option was open to the Committee. If the application were to be refused the applicant would have a right of appeal. The Principal Planning Officer referred to the site's planning history and cautioned against refusing the application on the grounds of density. The legal advisor supported the Principal Planning Officer's view.

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

Councillor Bartlett drew attention to the grounds of objection by Leominster Town Council set out in the report.

Councillor McCaull supported deferral of determination of the application.

RESOLVED: That determination of the application be deferred to permit further discussion with the applicant and consultation with the local ward members.

95. P140757/O LAND EAST OF CHURCH HOUSE AND WEST OF A438, BARTESTREE, HEREFORDSHIRE

(Residential development of up to 51 new dwellings of which up to 18 will be affordable.)

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 J Davies of Bartestree and Lugwardine Group Parish Council spoke in opposition to the Scheme. Mr M Fitzgerald, a resident, spoke in objection. Ms V Lane, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke on the application.

He commented on a number of issues including:

- The development would have an adverse effect on the landscape and character of the area. It was an urban development in a rural setting. It would be visible from viewpoints in the Wye Valley AONB. This was in contrast to the sympathetic Frome Park development nearby.
- A pedestrian access alongside the A438 was not suitable. The alternative pedestrian route, whilst satisfactory in the Summer, was not so agreeable in the Winter.
- The proposed vehicular access off the A438 where the speed limit was 40 mph was a concern. The proposed ghost right hand turn lane, so close to another one providing access to St Michael's hospice, would be confusing for oncoming traffic.
- Welsh Water may have submitted no objection. However, problems with foul drainage were being experienced by those currently living in the locality.

The debate opened and the following principal points were made:

- There was disappointment at the applicant's lack of engagement with the Parish Council and the local community.
- Both pedestrian and vehicular access were of concern.

- The Conservation Manager (Landscape) had objected to the development and set out good grounds for refusing the application in the report.
- There was some support for the application, provided assurance could be provided that proposed conditions 6 and 7 set out in the report would ensure a safe vehicular access, and that a 30 mph speed limit could be imposed; that landscaping would prevent intrusion into the Frome Park development, and that trees and hedgerows would be protected as far as possible.
- The Engineering Manager commented that it was considered that a safe access could be provided. The introduction of a 30mph speed limit would have to be subject to a separate Traffic Regulation Order process. The Principal Planning Officer commented that there would be a landscaping scheme and condition 16 provided for the protection of trees and hedgerows.
- Concern was expressed at the weight it was suggested should be given to the lack of a five year housing land supply and the undermining of the Parish Council's development of a Neighbourhood Plan.
- The development was disproportionate.
- Having regard to the provisions of the NPPF, the harm caused by the development outweighed the benefits.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the application and questioned some aspects of the proposed S106 agreement.

It was proposed that the scheme should be refused. The following grounds were advanced: the Council's Saved UDP policies LA2: Landscape character; LA3: Setting of settlements; LA4: Protection of historic parks and gardens; LA5: Protection of trees, woodland and hedgerow; and that the adverse impact of the development outweighed the benefits as set out in the NPPF.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: Council's Saved UDP policies LA2: Landscape character; LA3: Setting of settlements; LA4: Protection of historic parks and gardens; and LA5: Protection of trees, woodland and hedgerows, and that the adverse impact of the development outweighed the benefits as set out in the NPPF.

INFORMATIVE

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 and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

96. P133439/F LAND OFF ACREAGE, WHITBOURNE, HEREFORDSHIRE, WR6 5SA

(Erection of 20 no. new houses, bungalows and apartments and associated parking and amenity space.)

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, Chairman of Whitbourne Parish Council, spoke in opposition to the Scheme. Mr S Gent, a resident, spoke in objection. Mr J Evans, landowner, and Mr N Knight, a resident, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor GR Swinford, the local ward member, spoke on the application.

He commented on a number of issues including:

- He outlined the steps he had taken to seek to ensure that the issues had been discussed in the local community and that there was an awareness of the provisions of the National Planning Policy Framework (NPPF).
- There was concern about the volume of extra traffic that the site would generate and the impact on the A44 junction, and the narrow road from the A44 to the village.
- He had advocated a revision to the location of the access and the applicants had amended their Scheme. However, concerns remained about the adequacy of the proposed visibility splays.
- Verbal confirmation had been provided that a footpath would be provided alongside the road to the development. He requested that if the application were approved the provision of this footpath should be included as a condition.
- If the scheme were approved measures should be implemented to moderate traffic speed.
- Whilst layout and design were subjective matters the report described the house designs in the scheme as not groundbreaking.
- The application proposed that the affordable dwellings would be provided to code level 3.
- Whitbourne had a mix of dwellings. It would be hard to argue that the development was out of keeping.
- He considered, contrary to the officer view, that given the elevated position of the development the visual impact would be substantial.
- There were concerns about the water run off from the site and flooding. It was a peculiarity of the planning system that whilst the report stated that a detailed drainage strategy was required, details did not have to be provided prior to an outline planning application being determined.
- The development was on grade 2 agricultural land and he was surprised that the report described this as being of low ecological value.
- The site was outside, although adjacent to, the defined settlement boundary.
- He invited the Committee to consider the cumulative impact of the following concerns he had identified: traffic, access, road layout, visual impact, flooding and the loss of grade 2 agricultural land.

The debate opened and the following principal points were made:

- The original access proposed might have been preferable.
- The development created a village within a village.
- The harm caused by the development outweighed the benefits.
- The view expressed at paragraph 55 of the officer report that, "*Government guidance is clear that 'decision takers' can only attach weight to Neighbourhood Plans once they have been submitted to the local planning authority for examination. As such no weight can be given to the Whitbourne Neighbourhood Plan at this stage.*" was questioned suggesting this was contrary to the guidance offered on the Government's planning portal that the greater advanced the plan the

greater the weight that could be given to it. Greater weight should therefore be given to Whitbourne's draft Neighbourhood Plan. It was noted that the Parish Council was proposing that development needs could be met through infill and conversions for the period of the draft Core Strategy.

- Employment opportunities were available in Bromyard and Worcester meaning that most residents of the new development would have to drive to work. In addition Whitbourne Primary School had recently closed. It was therefore questioned whether the development was sustainable having regard to the NPPF.
- Whilst the UDP might have designated Whitbourne as a main village circumstances changed. The village was content with its character as set out in its draft Neighbourhood Plan.
- The site was elevated and visually intrusive and outside the settlement boundary.
- The Parish Council had objected to the proposal, and their objection was supported by 53 letters of objection.
- It was questioned whether housing need could be met by infill and conversions and whether such properties would be affordable to young families. Villages needed young people if they were to survive.
- The Development Manager commented that the site had been identified as having low constraints in the Strategic Housing Land Availability Assessment. That was being reviewed but the draft core strategy identified Whitbourne as a location suitable for proportionate development. He considered that the development was sustainable. He acknowledged, that at any appeal little weight could be attached to the draft Core Strategy. However, in his view it would be difficult to defend a refusal at appeal.
- Concerns about access and traffic could be addressed.

The Head of Environmental Health and Trading Standards stated that officer advice remained that no weight could be given to the Whitbourne Neighbourhood Plan at this stage. Highways concerns could be addressed. The development was sustainable.

The local ward member was given the opportunity to close the debate. He had nothing to add to his opening remarks.

It was suggested that Chapters 7, 8 and 11 of the NPPF provided grounds for refusal, along with highways concerns, sustainability and the provisions in the Neighbourhood Plan.

A motion that the application be refused was lost after the Chairman exercised his casting vote.

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 planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **A01 Time limit for commencement**
2. **B02 Development in accordance with approved plans and details**
3. **C01 Samples of external materials**
4. **The recommendations set out in Section 5 of the ecologist's report dated October 2013 should be followed in relation to precautionary**

mitigation and ecological enhancement. 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.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

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

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

6. H13 Access, turning area and parking
7. I16 Restriction of hours during construction
8. F07 Domestic use only of garage
9. F08 No conversion of garage to habitable accommodation
10. F14 Removal of permitted development rights
11. F16 No new windows
12. G04 Protection of trees/hedgerows that are to be retained
13. G09 Details of Boundary treatments
14. G10 Landscaping scheme
15. G11 Landscaping scheme – implementation
16. G14 Landscape management plan
17. G19 Details of play equipment
18. H06 Vehicular access construction
19. H17 Junction improvement/off site works
20. I17 Scheme of foul drainage disposal
21. I22 No surface water to public sewer
22. I20 Scheme of surface water drainage , based on infiltration tests

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. **HN04 Private apparatus in the highway**
3. **HN28 Highways Design Guide**
4. **HN05 Works within the highway**

(The meeting adjourned between 2.45 and 2.55pm)

97. P141956/F LAND ADJACENT TO BRANTWOOD, BARROW COMMON LANE, KINGSTONE, HEREFORDSHIRE, HR2 9HD

(New four bedroom detached dormer style house.)

The Senior Planning Officer gave a presentation on the application.

Councillor JF Knipe, the local ward member, questioned why the application had been brought before the Committee.

It was clarified that the proposed development was immediately adjacent to but outside the village settlement boundary. It was therefore contrary to the relevant saved policy in the Unitary Development Plan and accordingly had had to be submitted to the Committee for determination.

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

1. **A01 Time limit for commencement (full permission) - 1 year**
2. **B02 Development in accordance with approved plans and materials**
3. **F14 Removal of permitted development rights**
4. **G02 Retention of trees and hedgerows**
5. **G11 Landscaping scheme - implementation**
6. **H03 Visibility splays (2 metres by 33 metres in each direction)**
7. **H05 Access gates**
8. **H09 Driveway gradient**
9. **H12 Parking and turning – single house**
10. **I16 Restriction of hours during construction**

INFORMATIVES:

1. **N11C General Ecology**
2. **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.**

98. P142088/FH THE LAKE HOUSE, UNDERDOWN, LEDBURY, HEREFORDSHIRE, HR8 2JE

(Proposed installation of 16 photovoltaic panels on the roof of 1 3-bay open fronted store.)

(Councillor PGH Cutter declared a disclosable pecuniary interest and left the room for the duration of the remainder of the meeting.)

(Councillor PA Andrews Vice-Chairman in the chair.)

The Planning Officer presented the report.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor TL Widdows, one of the three local ward members, was invited to speak on the application. He had no comments.

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

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved 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 Ecology**

99. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 3.08 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 29 October 2014

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

P141134/O - PROPOSED ERECTION OF UP TO 45 DWELLINGS, CONSTRUCTION OF A NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT LAND ADJACENT TO VINE TREE CLOSE, WITHINGTON, HEREFORDSHIRE,

For: Mr Smith per Mr Paul Smith, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG

ADDITIONAL REPRESENTATIONS

Amended Development Framework plan:-

This amended plan, prompted in part by comments made by representatives of the Parish Council, was received subsequent to completion of the officer report.

The amendments are as follows:

- The proposed footpath along the rear boundary of Vine Tree Close properties has been omitted and the connection with Veldo Lane re-routed.
- An area of Public Open Space (POS) adjoining the ecological buffer area/POS along the western site boundary has been shown. This area of POS could accommodate an equipped small children's play area, removing the need for small children to walk from the site to Withington Playing Fields.
- The Building Exclusion Zone has been extended in the south-west corner of the site.
- The indicative footpath link through the wooded area has been re-routed to the south-west corner of the site.

OFFICER COMMENTS

Amended Development Framework Plan

The amended Development Framework plan was received too late for re-consultation and has not, therefore, been included with the presentation. Whilst accepting that the Parish is objecting to the principle of development it nonetheless serves to illustrate that potential exists to address some of the stated concerns.

Affordable Housing tenures

The Parish Council has also questioned the need for additional social rented affordable housing at Withington given the relatively high provision that exists. As this is an outline application the affordable housing tenure split can be revisited according to need that exists at the time of development. This will necessitate a revision to the draft Heads of Terms that presently requires 50% of the affordable element to be social rented.

NO CHANGE TO RECOMMENDATION

P140757/O - RESIDENTIAL DEVELOPMENT OF UP TO 51 NEW DWELLINGS OF WHICH UP TO 18 WILL BE AFFORDABLE. AT LAND EAST OF CHURCH HOUSE AND WEST OF A438, BARTESTREE, HEREFORDSHIRE,

For: Braemar Property Developments Ltd per Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE

ADDITIONAL REPRESENTATIONS

Welsh Water has confirmed a meeting with representatives of the Parish Council has taken place. Whilst detailed assessment of the network is being commissioned, Welsh Water maintains its stance of no objection subject to conditions.

From calculations carried out the catchment should technically be well within the capacity range for the network.

OFFICER COMMENTS

Officers consider the off-site orchard planting and maintenance thereof is best secured via the S106 agreement. The draft heads of terms will be amended accordingly.

NO CHANGE TO RECOMMENDATION

P133439/F – ERECTION OF 20 NO. NEW HOUSES, BUNGALOWS AND APARTMENTS AND ASSOCIATED PARKING AND AMENITY SPACE AT LAND OFF ACREAGE, WHITBOURNE, HEREFORDSHIRE, WR6 5SA

For: West Mercia Developments Ltd per DJD Architects, 2 St Oswalds Road, Worcester, WR1 1HZ

ADDITIONAL REPRESENTATIONS

Further e-mails have been received from Robert Brown of 19 Old Forge but they do not raise any matters not previously raised or considered elsewhere in the report.

NO CHANGE TO RECOMMENDATION

