

**MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 10 December 2014 at 10.00 am**

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

Councillors: AJM Blackshaw, AN Bridges, ACR Chappell, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, JA Hyde, FM Norman, J Norris, RJ Phillips, J Stone and TL Widdows

**111. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor KS Guthrie, RI Matthews, RL Mayo, PJ McCaull and DB Wilcox.

**112. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor ACR Chappell attended the meeting as a substitute member for Councillor RI Matthews, Councillor JA Hyde for Councillor RL Mayo, Councillor RJ Phillips for Councillor DB Wilcox, and Councillor J Stone for Councillor KS Guthrie.

**113. DECLARATIONS OF INTEREST**

**Agenda item 7 P141917 Land West of Patrick Orchard, Canon Pyon**

Councillor DW Greenow declared a pecuniary interest because he had employed the applicant as an agent for a separate application of his own and left the meeting for the duration of the item.

**Agenda item 8 P 133411/CD Model Farm, Hildersley, Ross-on-Wye**

Councillor AJM Blackshaw declared a non-pecuniary interest as a former Cabinet Member who had had responsibility for the Scheme.

Councillor ARC Chappell declared a non-pecuniary interest as a former Cabinet Member who had had responsibility for the Scheme.

Councillor RJ Phillips declared a non-pecuniary interest as a former Cabinet Member who had had responsibility for the Scheme and as Chairman of the Local Enterprise Partnership Funding Forum.

**Agenda item 9 P141022/F Land at Pinsley Road, Leominster**

Councillor AN Bridges declared a non-pecuniary interest as an employee of Network Rail.

Councillor FM Norman declared a non-pecuniary interest as a relative lived in the vicinity.

**Agenda item 10 – P!40903/F Land Adjacent to Hightown Cottage Peterstow.**

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

**114. MINUTES**

It was noted that a revised set of Minutes had been circulated correcting the omission of some conditions and an informative from Minute no 106 in the original draft. A Member referred to correspondence questioning the omission of these matters from the original Minutes. It was confirmed that the omission had been corrected in the amended Minutes and that the amended Minutes were consistent with the decision notice.

The Planning Lawyer reported that an informative had been omitted from the decision notice issued for application P141550/O – Land West of Upper Court Road Bosbury (Minute no 107 refers). The decision notice could not be amended and she sought and received confirmation that the Committee approved the informative as reflected in the Minutes.

Councillor J Hardwick commented that Minute no 102 needed to be corrected to state that he had declared an interest in relation to Agenda item 7 because he knew the applicant and some objectors.

**RESOLVED: That the Minutes of the meeting held on 19 November 2014, as amended, be approved as a correct record and signed by the Chairman.**

**115. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman drew attention to the inclusion in the report template of a section explaining the reason why each application had been submitted to the Committee.

He added congratulations to Councillor PJ Edwards and his fiancée on their forthcoming marriage and also to Councillor DW Greenow and his fiancée on their forthcoming marriage.

He informed Members that it was expected that the next meeting on 21 January 2015, would need to be an all day meeting.

**116. APPEALS**

The Planning Committee noted the report.

*(The Committee considered agenda item 8 – P133411 – Model Farm Hildersley before agenda item 7 – P141917- Land west of Patrick orchard, Canon Pyon.)*

**117. P141917/F LAND WEST OF PATRICK ORCHARD, CANON PYON, HEREFORD, HR4 8NY**

*(Proposed construction of 27 dwellings to include 9 affordable, new access, sustainable drainage and landscape works.)*

*(Councillor DW Greenow left the meeting for the duration of this item.)*

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 G Vaughan, Chairman of Pyons Group Parish Council spoke on the Scheme. Mr C Nugent, a resident, spoke in objection. Mr R Pryce, the applicant, spoke in support.

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

He commented on a number of issues including:

- The village had been identified as appropriate for proportionate growth. The Strategic Housing Land Availability Assessment 2012 assessed the site as having low or minor constraints.
- If the application was approved this would provide sufficient growth for the life of the core strategy, allowing for some infill development.
- The applicant had consulted the Parish Council. Some aspects relating to design and layout required further discussion.
- The site was adjacent to the settlement boundary. Part of the site had been identified for development in the Neighbourhood Plan.
- He was not aware of the A4110 suffering impassable flooding at the site's location.
- He highlighted the internal advice set out in section 4 of the report.
- The Parish Council was not opposed in principle to the Scheme. However, it wanted further consideration to be given to the design of the development.
- It was noted that some amendments had already been made to the Scheme. He requested that the applicant, Parish Council and officers should give further consideration to the density of development on the southern part of the site.
- On balance he supported the application.

In discussion the following principal points were made on the application:

- The communication between the applicant and the Parish Council was welcomed.
- The site was in a location that had been identified in the draft Neighbourhood Plan.
- The development was well planned.
- It was requested that conditions relating to slab levels and surface water management were carefully applied.
- The retention and provision of trees was welcomed although it was noted that they needed to be properly managed.
- Funding towards road safety was preferable.
- The Principal Planning Officer confirmed that it was the Council's intention to manage the public open space in the first instance before seeking to find a partner to do so.

The local ward member was given the opportunity to close the debate. He reiterated his support.

**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 (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **The recommendations set out in Section 5 of the ecologist's report from Ecology Services dated April 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a plan showing habitat enhancement proposals integrated with the landscape plans 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 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.**

**To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006**

5. **Prior to commencement of the development, a Tree Protection Plan to include orchard trees and hedgerow following "BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations" should be compiled based upon this survey 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 arboricultural clerk of works should be appointed (or consultant engaged in that capacity) to oversee the arboricultural mitigation work.**

**Reasons:**

**To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.**

**To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006**

6. **E01 Site investigation - archaeology**
7. **H06 Vehicular access construction**

8. H11 Parking - estate development (more than one house)
9. H17 Junction improvement/off site works
10. H18 On site roads - submission of details
11. H19 On site roads - phasing
12. H20 Road completion in 2 years
13. H21 Wheel washing
14. H27 Parking for site operatives
15. I16 Restriction of hours during construction
16. L01 Foul/surface water drainage
17. L02 No surface water to connect to public system
18. L03 No drainage run-off to public system
19. L04 Comprehensive & Integrated draining of site
20. G10 Landscaping scheme
21. G11 Landscaping scheme - implementation
22. G18 Provision of play area / amenity area
23. G19 Details of play equipment
24. I26 Interception of surface water run off / proposed pollution control method

#### **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. **HN01 Mud on highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN15 Affected street lighting or illuminated signs**
5. **HN28 Highways Design Guide and Specification**
6. **HN05 Works within the highway**

## 7. HN17 Design of street lighting for Section 278

### 118. P133411/CD MODEL FARM, HILDERSLEY, ROSS-ON-WYE, HR9 7NN

*(Hybrid planning application for the development of employment uses including B1 (16,500 sq.m GFA), B2 (8,900 sq.m GFA) and B8 (4,000 sq.m) including full details of the access, internal road infrastructure and circulation routes, and landscaping within a landscape buffer zone providing surface water attenuation and planting.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter one of the two local ward members, spoke on the application.

He indicated his support for the development and the employment opportunities it would provide noting that the Highways Agency had now withdrawn its objection to the access to the site. He requested that residents should be provided with reassurance that the development would not increase the risk of flooding and that there should be an appropriate buffer between employment uses on the site and the adjoining residential areas. It would also be important to keep the tenant of the farm informed as any development took place.

In discussion the following principal points were made on the application:

- The local ward member's comments on the need to ensure that the drainage arrangements were sound and that an appropriate buffer zone was provided for the adjoining residential areas were supported.
- Landscaping would be important to ensure the business park blended in to its surroundings.
- Such a site was needed in the area.
- It was requested that reports on applications involving the use of agricultural land should state the grade of the land.

The local ward member had no additional comment.

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

1. **A02 – Time limit for submission of reserved matters**
2. **A03 – Time limit for commencement**
3. **A04 – Approval of reserved matters**
4. **A05 – Plans and particulars of reserved matters**
5. **F06 – Restriction on use**
6. **The development hereby approved shall be limited to the following combined gross external floor areas for Class B uses as defined by the Town & Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:**

- **B1 – 16,500 square metres gross floor area**
- **B2 – 8,900 square metres gross floor area**
- **B8 – 4,000 square metres gross floor area**

**Reason:** In order that the local planning authority can consider the implications on highway safety and the network capacity of any intensification in use and to comply with Policy T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. **G10 – Landscaping scheme**
8. **G11 – Landscaping scheme - implementation**
9. **G14 – Landscape management plan**
10. **H03 – Visibility splays**
11. **H17 – Junction improvements/off site works**
12. **H31- Outline travel plan**
13. **I33 – External lighting**
14. **The recommendations set out in Section 5.2 of the ARUP ecologist's report dated December 2013 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.**

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan. To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

15. **No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.**

**Reason: To ensure the protection of controlled waters and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.**

**Reason: To ensure the protection of controlled waters and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 17. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 18. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in**



writing with the Local Planning Authority in advance of works being undertaken.

**Reason:** To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

19. L01 Foul/surface water drainage
20. L02 No surface water to connect to public system
21. L03 No drainage run-off to public system
22. Prior to the commencement of the development hereby approved a detailed survey of the existing culvert under the former railway embankment shall be completed. The survey should establish whether the culvert is blocked or damaged and that it has sufficient capacity to accommodate the outflows from the proposed attenuation ponds.

Prior to the commencement of any development, the findings of the report shall be submitted to and approved in writing by the local planning authority. If the report concludes that that the culvert has insufficient capacity the report should also recommend a range of measures to be implemented to ensure that sufficient capacity is available. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that effective surface water drainage facilities are provided for the proposed development and to protect nearby dwellings from an increased risk of flooding in compliance with Policy DR4 of the Herefordshire Unitary Development Plan 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, 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
4. HN04 Private apparatus within highway
5. HN28 Highway Design Guide and Specification
6. HN05 Works within the highway

**119. 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, which had been deferred by the Committee on 29 October, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He highlighted correspondence from the Environment Agency and the proposal that officers be authorised to approve the application after consultation with the Chairman and local members, subject to the objections raised being addressed.

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.

Neither of the two local ward members had been able to attend the meeting. Councillor JM Bartlett had submitted a statement. This had been circulated to Members of the Committee. The principal points were:

- The recommended provision of a clause requiring an overage payment was to be welcomed.
- Concerns remained that the proposal represented overdevelopment which would have knock on effects on infrastructure such as Pinsley Road.
- In relation to drainage and flooding issues here were outstanding objections from the land drainage engineer, Welsh Water and the Environment Agency.
- In summary there were still fundamental questions and outstanding objections that had not been resolved and the application was therefore not sound.

In discussion the following principal points were made on the application:

- The discussions that had taken place with the applicants had resulted in improvements such as the inclusion of a clause requiring an overage payment.
- The concerns over flooding and drainage expressed by the Environment Agency, Welsh Water and the land drainage engineer were serious and of concern too to the adjoining residents.
- The development represented overdevelopment.
- The development would not be of benefit to the area or the Town. It did not conserve or enhance the location.
- A park would be preferable.
- The traffic generated by the development would create problems. The width of the road was below the Council's standard.
- The development would provide starter homes and meet a housing need.
- A concern was expressed about the quality of the development. Smaller properties need not be of poor design.
- Account should be taken of the reasons for the Town Council's objection to the proposal.

The Planning Lawyer commented that it would be quite difficult to defend a refusal of the application in the event of an appeal given the previous grant of permission for development on the site and the weight that needed to be given to the presumption in favour of sustainable development in accordance with the National Planning Policy Framework.

The Development Manager commented that the scheme was a reduction on the 30 dwellings previously approved. He supported the view that an appeal would be difficult to defend. There was no objection from the Transportation Manager. The principal reason for deferring the scheme had been addressed by the provision of an overage clause. It was proposed that concerns about flooding and drainage would be subject to further discussion and authority granted to approve the scheme only if those concerns were overcome. The current site was an eyesore and needed to be developed.

The Highways Manager commented that Pinsley Road was narrow but was a cul-de-sac and could be regulated. There should not be problems with traffic queuing at the access.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission after consultation with the Chairman and local ward members subject to the objections raised by the Environment Agency being addressed and the completion of an agreement under Section 106 of the Town & Country Planning Act to secure an overage payment if the scheme exceeds a baseline profit margin that planning permission be granted subject to the following conditions:**

1. **A01 – Time limit for commencement (full permission)**
2. **B01 – Development in accordance with approved plans**
3. **C01 – Sample of external materials**
4. **F14 – Removal of permitted development rights**
5. **G10 – Landscaping scheme**
6. **G11 – Landscaping scheme – implementation**
7. **H13 – Access, turning area and parking**
8. **H17 – Junction improvement**
9. **H21 – Wheel washing**
10. **H27 – Parking for site operatives**
11. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
  - a) **a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
  - b) **if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of**

all the potential pollutant linkages and an assessment of risk to identified receptors.

- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Reason:** In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

12. The Remediation Scheme, as approved pursuant to condition no. 11 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

**Reason:** In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

**Reason:** In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policies DR6 and DR10 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, details of the boundary treatment of the site shall be submitted to the local planning authority for their written approval, in consultation with Network Rail. The development shall be completed in accordance with the approved details and shall be completed before the first occupation of any of the dwellings. The treatment should take the form of a trespass proof fence and should be of a minimum

height of 1.8 metres. It should be located wholly within the application site and provision should be made for its maintenance and renewal.

**Reason:** In order to protect public safety and the integrity of the rail network and to comply with Policy DR2 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework.

15. The recommendations set out in Section 4.13 of the ecologist's report dated July-October 2012 should be followed in relation to the identified protected species and Section 4.10 and 4.11 in relation to swifts on new buildings. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work 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.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

16. L04 – Comprehensive and integrated draining of site
17. E01 Site investigation - archaeology

**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
4. HN04 – Private apparatus within the highway
5. HN05 – Works within the highway
6. HN28 – Highways Design Guide and Specification

**120. P140903/F LAND ADJACENT TO HIGHTOWN COTTAGE, PETERSTOW, HEREFORDSHIRE**

*(Proposed erection of two dwellings.)*

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.

It was noted that it was proposed to amend the recommendation to provide for it to commence within 3 years rather than 1 year in accordance with Department of Communities and Local Government guidance.

In accordance with the criteria for public speaking, Mr C Goldsworthy, the applicant's agent spoke in support of the application.

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

She commented on a number of issues including:

- Peterstow was not a defined main village in the Unitary Development Plan. However, it had many amenities and the emerging Core Strategy identified Peterstow as a village that could accommodate proportionate housing growth of approximately 14% (approx. 18 dwellinghouses). The development represented a small step to meet need in a sympathetic way.
- The Parish Council had no objection.
- The Scheme had been designed to have the minimum impact. Conditions would protect the setting.
- The development was appropriate.

In discussion the following principal points were made on the application:

- The wording in the report that no weight could be given to the Neighbourhood Plan at this stage was questioned. It was suggested that "very little weight" would be a better phrase.
- The development was in an appropriate setting on the edge of the village, was well designed of modest size and sustainable.
- It was confirmed that there was no other access to the site.

The local ward member had no additional comment to make.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**

**Reason: - Required to be imposed by Section 91 of the Town and Country Planning Act 1990;**

**2 The development shall be carried out in strict accordance with the following approved plans (including materials specified thereon):-**

- **Application Site Plan – Drawing number 13/707.01A (Scale 1:1000) received 24 March 2014;**
- **Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200);**
- **Proposed Ground Floor Plan for Plot 1 – Drawing number 13/707.05B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed First Floor Plan for Plot 1 – Drawing number 13/707.06B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed Elevations Plot 1 – Drawing number 13/707.10D (Scale 1:100 @ A2) received 31 October 2014;**
- **Proposed Ground Floor Plan for Plot 2 – Drawing number 13/707.07B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed First Floor Plan for Plot 2 – Drawing number 13/707.08/B (Scale 1:50 @ A2) received 31 October 2014;**
- **Proposed Elevations for Plot 2 Drawing number 13/707.11C (Scale 1:100 @ A2) received 31 October 2014;**

**Reason: To ensure adherence to the approved plans and in the interests of a satisfactory form of development and to comply with Policies DR1, H13, HBA4 and HBA6 of the Herefordshire Unitary Development Plan 2007;**

**3 Notwithstanding the provisions of condition 2 above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **A full written detail as to the precise natural slate to be used upon the roofs;**
- **A full written detail as to the precise natural stone to be used upon the elevations;**
- **A full written detail as to the precise rainwater goods to be used (including their colour);**
- **Written details of the permeable surfacing material to be used upon driveway and vehicle manoeuvring/parking area(s);**
- **Full details fo all external lighting (if any);**
- **Full details (siting, design and material) detail of any proposed means of enclosure (fences, gates, walls or other means of enclosure)**

**The development shall not commence until the Local Planing Authority has given such written approval. The Development shall be carried out in full accordance with the approved details and thereafter maintained as such.**

**Reason:- To ensure a satisfactory appearance to the development in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.**

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, B, C, D, E, F and G of Part 1 and Classes A of Part 2 of Schedule 2 of Article 3 of the General Permitted Development Order 1995 shall be carried out without the express consent of the Local Planning Authority.**

**Reason:- To safeguard the architectural integrity of the scheme and to safeguard the character and appearance of the area in accordance with Policies DR1, H13, HBA4, HBA6 and LA1 of the Herefordshire Unitary Development Plan 2007.**

- 5 The car parking areas shown upon Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200) hereby permitted shall be permanently kept available for the parking of private motor vehicles;**

**Reason:- In the interests of highway safety and to ensure that the site is not dominated by the parking of private motor vehicles thus ensuring that the character and appearance of the landscape is not adversely affected, in accordance with Policies T11 and LA1 of the Herefordshire Unitary Development Plan 2007;**

- 6 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping using indigenous species must include details of the location of all planting, the species, size and density of planting;**

**Reason:- To ensure that the development is satisfactorily integrated into the locality, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;**

- 7 All planting in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellinghouses hereby permitted or completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local planning Authority gives written consent to any variation;**

**Reason:- To ensure that the development is satisfactorily integrated into the landscape, in accordance with Policies LA1 and LA6 of the Herefordshire Unitary Development Plan 2007;**

- 8 Other than works in relation to the vehicular access shown upon 'Proposed Site Plan – Drawing number 13/707.04D (Scale 1:200), the existing frontage hedgerow along the eastern boundary shall be retained. If within a period of five years any part of that hedgerow dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting**



season with plants of similar size and species unless the Local Planning Authority gives written consent to any variation;

Reason:- To ensure that the existing roadside hedge which makes a positive contribution to the character and appearance of the area is maintained in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007;

- 9 The recommendations set out in section 5 of the ecologist's report dated August 2013 shall be followed in relation to native trees, hedgerows and birds. Prior to commencement of the development, a habitat enhancement plan incorporating the recommendations should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved;

Reasons:-

- a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.
  - b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.
- 10 An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:-

- a) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.
- b) To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

#### **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. N11A – Wildlife and Countryside Act 1981 (as amended) - Birds

**3. N11C – General**

**Appendix 1 - Schedule of Committee Updates**

The meeting ended at 12.32 pm

**CHAIRMAN**

## **PLANNING COMMITTEE**

**Date: 10 December 2014(am)**

### **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**

**P141917/F - PROPOSED CONSTRUCTION OF 27 DWELLINGS TO INCLUDE 9 AFFORDABLE, NEW ACCESS, SUSTAINABLE DRAINAGE AND LANDSCAPE WORKS AT LAND WEST OF PATRICK ORCHARD, CANON PYON, HEREFORDSHIRE, HR4 8NY**

**For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL**

### **ADDITIONAL REPRESENTATIONS**

One additional letter of representation has been received from Chris Nugent Canon Court. This letter has been circulated to Members and has been published to the website. The letter provides a response to comments from the Emergency Planning Officer and further comments on sites that may be sequentially preferable for development in Canon Pyon as identified in the emerging Neighbourhood Plan.

Three additional letters of support have also been received that confirm that whilst there is surface water that runs from Nupton Lane past the Nags Head the run-off is not so deep or run so fast that it has been impossible to drive or walk through. They also confirm that the site will be in an ideal location in the middle of the village.

### **OFFICER COMMENTS**

The additional queries in respect of the sequential testing have been further considered through reference to the 2012 Strategic Housing Land Availability Assessment that clearly identified that the site with Planning Permission to the south and the application site were the two sequentially preferred sites in the village for residential developments.

### **NO CHANGE TO RECOMMENDATION**

**P141022/F - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 29 DWELLINGS WITH ASSOCIATED PRIVATE DRIVE, LANDSCAPING AND EXTERNAL WORKS AT LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN**

**For: Mr Tomkins per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP**

### **ADDITIONAL REPRESENTATIONS**

Correspondence has been received from the Environment Agency. Based on the detail contained within the Flood Risk Assessment submitted they are minded to object to the proposal and request additional information in order to make an informed decision on the flood risk associated with this site.

They note that the site lies within Flood Zones 2 and 3 and therefore expect confirmation that the Sequential Test has been considered and that there are no alternative sites in an area of lower risk.

They also advise that The FRA must confirm that the development will be safe over its lifetime and will not act to increase flood risk elsewhere.

They conclude that the FRA does not currently demonstrate that the development is safe when climate change impacts are considered or that flood risk elsewhere will not be increased as there is insufficient detail on the flooding of the site during a 1 in 100 year plus climate change events.

One further letter of representation has been received expressing concern that there has been no archaeological investigation of the site. It also reiterates concerns raised about the density of the scheme.

The Council's Archaeologist has commented on the application in light of the additional representation received and raises no objection to the proposal subject to the imposition of a condition to require archaeological investigation prior to the commencement of development.

## **OFFICER COMMENTS**

The comments made by the Environment Agency have not taken into account additional information submitted by the applicant's agent following an initial consultation response from the council's Land Drainage Engineer. The further information addressed similar concerns raised by the Land Drainage Engineer to those latterly raised by the Environment Agency. The Environment Agency have indicated in a separate email that their concerns relate solely to fluvial flood risk and it is not envisaged that the objection made is insurmountable.

The matter of sequential testing has also been raised. The site is predominantly located within Flood Zone 2 and the NPPF requires that consideration be given to sites in less vulnerable locations in the first instance.

There will be sequentially better sites to develop in Leominster in terms of flood risk – the proposed site for the urban expansion being one. However, there are other material planning considerations to be taken into account and these are as follows:

- The fact that this is previously developed land
- The fact that planning permission has previously been granted for residential development on the site.
- The fact that two separate developments have been granted immediately adjacent that also lie within a Flood Zone 2 area
- The fact that the Council does not have a five year housing land supply.

All of these matters weigh heavily in favour of the development and it is not consider that it would be reasonable to refuse the application on grounds that there are sequentially preferable sites.

## **CHANGE TO RECOMMENDATION**

The imposition of an additional condition to require archaeological investigation of the site prior to the commencement of development.

In light of the comments outstanding from the Environment Agency it is recommended that the application is delegated to officers to approve in consultation with the Chairman and local members, subject to the objections raised being addressed.

**P140903/F - PROPOSED ERECTION OF TWO DWELLINGS  
AT LAND ADJACENT TO HIGHTOWN COTTAGE,  
PETERSTOW, HEREFORDSHIRE,**

**For: Mrs Roberts per Mr Colin Goldsworthy, 85 St Owen  
Street, Hereford, Herefordshire, HR1 2JW**

#### **CHANGE TO RECOMMENDATION**

**Amend condition 1 to read:-**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**

**Reason: - Required to be imposed by Section 91 of the Town and Country Planning Act 1990;**