

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 2 September 2015 at 10.00 am

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

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

In attendance: Councillor H Bramer

38. APOLOGIES FOR ABSENCE

None.

39. NAMED SUBSTITUTES

None.

40. DECLARATIONS OF INTEREST

Agenda item 10: 150431 – Land Opposite Brook Farm, Marden

Councillor BA Baker declared a non-pecuniary interest as he had been a Marden Parish Councillor when the Parish Council had considered the original application. He stated that he was able to consider the application before the Committee with an open mind.

Agenda item 11: 152012 – Church Cottage, Hoarwithy, Hereford

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor EL Holton declared a non-pecuniary interest because she knew the applicant as a fellow Councillor.

41. MINUTES

RESOLVED: That the Minutes of the meeting held on 15 July 2015 be approved as a correct record and signed by the Chairman.

42. CHAIRMAN'S ANNOUNCEMENTS

None.

43. APPEALS

The Planning Committee noted the report on appeals that had been circulated as a supplement.

The Senior Litigator agreed to provide a written answer in response to a question about the payment of costs if an appeal was dismissed at a Public Inquiry.

44. 150888 - LAND TO THE WEST OF A40, WESTON-UNDER-PENYARD, HEREFORDSHIRE, HR9 7PA

(Outline application for proposed erection of (up to) 35 dwellings with new access and associated landscaping and parking.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs S Lewis, of Weston under Penyard Parish Council spoke in opposition to the Scheme. Mr C Morris, a local resident, spoke in objection. Mr G Wakefield, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The site had been identified as a preferred site for development in the Parish Council's 2013 housing survey. The only matter of concern was the density of development. The proposal was for 35 dwellings representing 27 dwellings per hectare; the Parish Council had requested that the development should be limited to a maximum of 18 houses representing 14 dwellings per hectare.
- The Neighbourhood Plan was expected to reach the Regulation 16 Stage within two weeks.

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

- A development of 35 houses was not large and would provide 11 affordable homes for local people.
- A density of 18 dwellings was too low and did not make efficient use of the site.
- It was to be hoped that the 30 mph speed limit could be extended to assist with road safety and that a pedestrian crossing to enable people to reach the bus stop safely would be provided.
- It was requested that there should be consultation with the Parish Council on any reserved matters submission.
- It was questioned why at this late stage in the development of the Neighbourhood Plan it was at odds with the Council's view of what level of density of development was acceptable and why this had not been resolved earlier. The Development Manager commented that once the Neighbourhood Plan had been through the local consultation process the Council would comment further on any inconsistencies.

- A Member expressed reservations about the calculation of the five year housing land supply and asked when the Annual Monitoring Report would be produced.
- The Principal Planning Officer responded to a question about housing density in the village confirming that the proposed density for the site with 35 dwellings would be comparable to the density of two neighbouring sites at Penyard Gardens and Seabrook Place.
- A concern was expressed about the provision in the draft heads of terms that the maintenance of any on-site public open space would be made the responsibility of a management company. The security of funding for this arrangement was questioned. It was argued that the developer should provide the funding to ensure proper care was taken of the public open space.

The local ward member was given the opportunity to close the debate. He commented that the site was a locally preferred site for development with access to village facilities within walking distance. He accepted Members' views on the density of development.

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **B01 Development in accordance with approved plans**
5. **C01 Samples of external materials**
6. **The development shall include no more than 35 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **H02 Single access – footway**
8. **H03 Visibility splays**
9. **H06 Vehicular access construction**
10. **H11 Parking – estate development (more than one house)**
11. **H18 On site roads – submission of details**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**

15. **H29 Covered and secure cycle parking provision**
16. **The recommendations set out in the ecologist's report from All Ecology dated October 2014 should be followed. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, The scheme should include a timetable for completion of habitat protection and enhancement measures and they 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 National Planning Policy Framework and the NERC Act 2006.

17. **G04 Protection of trees/hedgerows that are to be retained**
18. **G09 Details of boundary treatments**
19. **G10 Landscaping scheme**
20. **G11 Landscaping scheme - implementation**
21. **L01 Foul/surface water drainage**
22. **L02 No surface water to connect to public system**
23. **L03 No drainage run-off to public system**
24. **L04 Comprehensive and integrated draining of site**
25. **E01 Site investigation - archaeology**
26. **I13 Scheme to protect new dwellings from road noise**

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. **HN10 No drainage to discharge to highway**
3. **HN08 Section 38 Agreement & Drainage details**

4. **HN07 Section 278 Agreement**
5. **HN04 Private apparatus within highway**
6. **HN01 Mud on highway**
7. **HN24 Drainage other than via highway system**
8. **HN05 Works within the highway**
9. **HN28 Highway Design Guide and Specification**

45. 151251 - LAND ADJACENT TO THE B4222, LEA, ROSS ON WYE, HEREFORDSHIRE

(Proposed erection of up to 38 dwellings (including details of access))

The Principal Planning Officer gave a presentation on the application. He noted that the application was a resubmission of an application that had been refused by the Committee on 11 February 2015.

In accordance with the criteria for public speaking, Mr P Fountain of Lea Parish Council spoke in opposition to the Scheme. Mr S Banner, Chairman of Lea Action Group, spoke in objection. Mr B Weatherley, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The site was in the open countryside not on the edge of the village.
- It was a mile from the school and the access would mean that people would have to drive to it.
- He did not consider it to be the most suitable site in the village for development, as had been suggested by officers.
- Lea had met its housing allocation with up to 59 dwellings having been approved in the past 6 months.
- The site was in a valley and he considered it likely to be at risk of flooding.
- In summary nothing had changed since the Committee had refused the application in February. The grounds on which that application had been refused, set out at paragraph 3.1 of the report, remained valid.

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

- The emerging Core Strategy identified a 14% minimum growth target for Lea over the plan period. That target had already been exceeded.
- The application was a resubmission and there needed to be good grounds for the Committee to overturn its previous decision. There had been no significant change

to the application. The reasons for refusing the application in February remained valid.

- There had been no accidents in the location and highway safety was not a ground for refusal.
- Drainage issues could be resolved and were not a ground for refusal. In relation to this view it was observed that Welsh Water had expressed strong concerns about overland flooding downstream of the proposal. It was also noted that the exact cost for the flood attenuation works was not yet known.
- A Planning inspector had stated in response to an appeal in another county that because an area of land had no landscape designation that did not mean that the landscape could be considered to have no value.
- The Council had indicated that it was reluctant to adopt the bridges shown on the indicative layout plans. This had implications for future maintenance.
- A concern was expressed that the provision in the Core Strategy of minimum growth targets put the Committee in a difficult position in refusing applications, particularly whilst such weight continued to be given to the absence of a five year housing land supply. It was asked when the Annual Monitoring Report and a revised assessment of the County's five year housing land supply, the current calculation of which was questioned, would be produced.

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

The Principal Planning Officer commented that the growth targets in the Core Strategy were minimum targets. National guidance was that setting a ceiling on growth was not the preferred course and that there should be flexibility. Officers remained of the view that the site was the most appropriate for development in Lea.

He added that the draft heads of terms provided for a sum for the delivery of a flood attenuation scheme. He noted that the sum was calculated on the basis of a reduced affordable housing provision of only six dwellings. The applicant could have asked for a further reduction.

RESOLVED: That planning permission be refused for the following reasons:

- 1. The proposal represents the addition of a significant residential development in Lea where; in the context of this village location, other large-scale development has recently been approved. It is therefore considered that this proposal represents an over-development that would detrimentally change the rural character of the eastern fringe of the village, contrary to Policies DR1, H13 and LA3 of the Herefordshire Unitary Development Plan. The Council does not consider that the visual impacts of the development can be mitigated through the imposition of conditions. The scheme fails to contribute to the protection or enhancement of the natural or built environment and therefore the proposal also fails to meet the aims of the National Planning Policy Framework.**
- 2. The application is not accompanied by a completed Section 106 agreement which is considered necessary to make the development acceptable. It is therefore contrary to Policy DR5 of the Herefordshire Unitary Development**

Plan and the Council's Supplementary Planning Document on Planning Obligations.

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 reason 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 between 11.27 and 11.40 am)

46. 143842 - LAND TO THE NORTH OF THE A40, EAST OF HUNSDON MANOR, WESTON-UNDER-PENYARD, ROSS-ON-WYE, HEREFORDSHIRE

(Outline application for 37 dwellings 13 of which would be affordable) with all matters except access reserved for future consideration)

The Principal Planning Officer gave a presentation on the application. He noted that, as stated in the Committee update, no specific representations of objection had been received in relation to the reconsultation exercise for the revised scheme before the Committee for 37 dwelling houses.

In accordance with the criteria for public speaking, Mrs S Lewis of Weston under Penyard Parish Council spoke in support of the Scheme. Mr C Bailey, a local resident, spoke in objection. Mr P Deeley, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The Parish Council had no objection to the proposal and the site was a preferred site for development in the Neighbourhood Plan. He too supported the proposal.
- He welcomed the public open space to be provided and the provision of a pedestrian crossing which would also benefit neighbouring developments.
- The density of development reflected the fact that part of the site would not be developed in order to preserve archaeological remains. The Neighbourhood Plan supported provision of up to 37 dwellings on the site.

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

- It would be important to ensure that the public open space was properly maintained.
- The pedestrian crossing and extended 30mph speed limit should be in place before the site was occupied. The highway safety requirements of this application and application 150888 – land to the west of A40 Weston under Penyard, approved by the Committee earlier in the meeting needed to be considered in conjunction with one another.

- The Principal Planning Officer confirmed that there was capacity at the primary school. The Development Manager confirmed that if this was the case the school could not therefore benefit from the S106 agreement. It was requested that this matter should be discussed with the Chairman and local ward member.
- The Parish Council was to be congratulated for its work in completing a Neighbourhood Plan.

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

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

- 1 The development shall not commence until approval of the following reserved matters have been obtained from the Local Planning Authority:-

- Appearance
- Landscaping
- Layout
- Scale

An application for reserved matters shall be made to the Local Planning authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of five years from the date of approval of the last reserved matters to be approved, which is the later.

Reason: No such details have been submitted and in accordance with Section 92 of the Town and Country Planning Act 1990.

- 2 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.

- 3 The Remediation Scheme, as approved pursuant to condition number 2 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.

- 4 The recommendations sections 1.2.1 and 1.2.9 of the updated ecologist's report from James Johnston dated January 2015 shall be followed in relation to species mitigation and habitat enhancement.

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 National Planning Policy Framework and the NERC Act 2006.

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

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 National Planning Policy Framework and the NERC Act 2006.

- 6 Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full foul and surface water drainage details (including a) a revised drainage drawing with supporting calculations showing the final size of the infiltration basin and proposals in relation to the existing pond; b) results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels; c) evidence that the applicant has considered ground contamination risks; and d) proposals for the adoption and maintenance of the surface and foul water drainage systems).
- Full details as to the proposed importation of protective topsoil and the anti-metal detecting “seeding” to the safeguarded archaeological area detailed upon Drawing number DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015.
- Full details (siting/ design appearance and wording) of the archaeological remains interpretation board / sign.
- Full details of all means of enclosure (i.e. fences, walls, gates or other means of enclosure).
- Full written details of the surfacing materials to be used upon the access, driveways, turning / manoeuvring areas and parking areas.
- Unless otherwise agreed in writing with the Local Planning Authority, full details of the restoration and retention of the roadside water trough.

Development shall not commence until the written approval of the Local Planning Authority has been obtained. The development shall be carried out in strict accordance with the approved detail and thereafter maintained.

Reasons:

- a) To ensure satisfactory drainage details.
- b) To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.
- c) To ensure a satisfactory appearance to the development in accordance with Policies DR1, LA2 and H13 of the Herefordshire Unitary Development Plan 2007.
- d) To ensure that a structure of local historical interest is retained.

- 7 Prior to the first occupation of the dwellinghouses within 30 metres of the A40, the noise mitigation measures specified in Section 4 on pages 5 and 6 of the Hepworth Acoustics Noise and Vibration Consultants ‘Noise Assessment’ dated March 2015 shall be fully implemented.

Reason: To ensure that the occupiers of the proposed dwellinghouses enjoy a satisfactory level of amenity not adversely affected by road traffic noise, in accordance with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification, the area outlined in green on DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 shall be kept free of any development, other than any play equipment

agreed in the cross-hatched area and any other form of development permitted by virtue of the conditions upon this planning permission.

Reason: To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 9** Prior to commencement of the development hereby permitted all of the trees shown to be retained, the tree the subject of the Tree Preservation Order upon the site and the trees the subject of a Tree Preservation Order the other side of the western boundary of the site whose roots and canopies encroach upon the site, shall be protected by fencing in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 10** Prior to commencement of the development hereby permitted the area outlined in green on DRG REF: MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 shall be protected by appropriate robust fencing. Once these protective measures have been erected but prior to commencement of the development a suitably qualified archaeological consultant appointed by the developer shall inspect the site and write to the Local Planning authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning authority the development may commence but the tree protective measures must remain in-situ until completion of the development.

Reason: To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 11** No materials shall be stored, no vehicles or machinery stored or parked and no fires lit within the fenced areas referred to in conditions 9) and 10) above.

Reasons:

a) To ensure that there is no damage during the construction phase to the trees on the site to be retained and that are recognised to be of amenity value, in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

b) To ensure suitable protection to the extensive archaeological remains of high significance, in accordance with the Central Government advice contained within paragraph 135 of the National Planning Policy Framework and Policy ARCH4 of the Herefordshire Unitary Development Plan 2007.

- 12 With regard all that part of the application site outside the area outlined in green on DRG REF : MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015, no development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: The application site outside of the safeguarded area in green, contains some additional archaeological remains that whilst not meriting preservation in-situ, do merit appropriate archaeological recording as mitigation of their loss. This recording would be in line with paragraph 141 of the National Planning Policy Framework, and would comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan 2007.

- 13 No work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby permitted shall only take place in accordance with the detailed scheme pursuant to this condition.

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise disturbance through a sympathetic foundation design.

- 14 Prior to the first occupation of any of the dwellinghouses hereby permitted, visibility splays of 2.4m x 120 metres in both directions shall be provided and be kept free of obstruction above 0.9 metre measured from ground level. Thereafter these visibility splays shall be maintained free of obstruction.

Reason: In the interests of highway safety, in accordance with Policy DR3 of the Herefordshire Unitary Development Plan 2007.

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 The contaminated land assessment is required to be undertaken in accordance with good practice and needs to be carried out by a suitably competent person as defined within the National Policy Framework 2012.
- 3 The Local Planning Authority require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included in any submission.

4 Whilst plans MF.14.GRWP.003A and DRG REF: MF/14/GRWUP/003A/COL.ID/PLAN received 27 July 2015 has been approved in terms of access, the layout has NOT been approved. Furthermore the applicant or any future applicant with regard any subsequent reserved matters application is informed that the Local Planning Authority would be seeking an appropriate open market housing mix such as:-

- 7 x 2 bed
- 14 x 3 bed
- 3 x 4 bed

An appropriate housing mix is required to ensure compliance with para. 5.2.2 and Policy S3 of Herefordshire Unitary Development Plan together with the emerging Core Strategy.

NOTE

(In response to questions raised earlier in the meeting the Head of Development Management and Environmental Health reported the following statement received from the Assistant Director Economic Environmental and Cultural Services: "The status of the Annual Monitoring Report is that the receipt of the Inspector's report on the Core Strategy is awaited. The Annual Monitoring Report for 2014-15 should therefore be prepared by the end of this calendar year, as required by government. In the event that the Inspector concludes that the core strategy (local plan) meets the tests of soundness and that the Council can proceed to its adoption we would at that point anticipate having a 5 Year Housing Land Supply based on the release of strategic housing sites and their proposed trajectories".)

47. 150431 - LAND OPPOSITE BROOK FARM, MARDEN, HEREFORDSHIRE, HR4 9EA

(Proposed residential development of up to 50 homes)

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 R Bartup of Marden Parish Council spoke in opposition to the Scheme. Mr M Parkes, a local resident, spoke in objection. Ms R Andrews, the applicant's agent, spoke in support.

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

She made the following principal comments:

- The site was in an elevated position in the open countryside on the edge of Marden. It was isolated and not close to the school or shops. She agreed with the Parish Council's view that the site was not sustainable. It conflicted with the National Planning Policy Framework in that it was not land of the right type, not in the right place and did not meet the community's need.

- The large development proposed would have an adverse impact on the setting and landscape and would be out of character.
- Haywood lane which joined the A49 to Marden crossed the Grade 2* listed Leystone bridge. Heavy traffic had to cross this bridge to reach the S& A Davies site which was opposite the proposed development. The lane was also subject to flooding and was then closed by new floodgates.
- The Neighbourhood Plan was at Regulation 14 Stage. The Plan sought to achieve a vibrant village centre with proportionate growth, retaining the villager character. A consultation exercise had concluded that this was the least favoured site for development out of five identified. There was a preferred site in the heart of the village. It was proposed that a community hall would be provided as part of that development.
- There were concerns that the site was close to the River Lugg flood plain and that water run off could have an adverse effect on the River Lugg and the River Wye Special Area of Conservation (SAC). She highlighted the comments of Natural England set out in the Committee update relating to phosphate levels in the River Wye.
- She cited a number of policy grounds for refusing the application.

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

- The development would provide affordable housing.
- The village was sustainable. The development had connectivity to the village and was also therefore sustainable. There were no strong grounds for refusal.
- A Member commented that the report stated that the development would not have an adverse impact on the River Lugg. Others expressed the view that the cumulative effect of phosphates in the rivers was of concern.
- The Parish Council was opposed to the proposal.
- The access to the development was 800m from the school/village hall and shop. It was generally accepted that people would use cars to travel distances greater than 400m.
- The site had been considered during the 2009 Strategic Housing Land Availability Assessment. to have significant constraints. This related to the apparent lack of pedestrian access to the village. There was a risk to pedestrians from the lorries travelling to the S&A Davies site.
- There was some suggestion that the proposed footpath from the development would not connect with the existing footpath as there was an area between the two that was in private ownership. In response the Traffic Manager commented that a footpath could be provided within the highway boundary.
- There were two other proposed potential sites within the centre of Marden, one for 90 houses next to the school.

- A concern was expressed that the development was in conflict with the neighbouring farming operation which generated frequent lorry movements. Noise attenuation measures were unsatisfactory. The development was contrary to policy DR13. It did not fulfil the definition of sustainable development within the NPPF.
- The benefits of the scheme had to be balanced against the harm it might cause. The development was on an elevated site and would have a negative impact on the landscape and the historic setting. The Conservation Manager (Landscape) had expressed some reservations. There were also environmental concerns about the impact on the River Lugg and the River Wye SAC. These factors weighed against the development.
- It had been clarified since the Committee's previous meeting that if the Committee were to refuse an application a Planning Inspector hearing any appeal would take account of the circumstances before him including any developments that might have taken place since the Committee made its decision such as, in this case, the adoption of both the Core Strategy and the Marden Neighbourhood Plan. Paragraph 17 of the NPPF stated that one of the planning principles should be that planning was plan led. This supported a decision to refuse the application.

The Development Manager commented that the Committee should consider the site on its own merits. There was no evidence that technical issues including water management could not be addressed.

The Head of Development Management and Environmental Health commented that noise had not been raised as an issue with the Environmental Health Service. In response to a question he stated that, historically there had been some local public concerns about the operation of S&A Davies. However, a residents liaison group had been established and his understanding was that matters were now satisfactory.

The local ward member was given the opportunity to close the debate. She reiterated her opposition to the proposal. She considered the development in the open countryside to be very detrimental. There were concerns about the location near to S&A Davies including noise and highway safety issues.

A motion that the application be approved was defeated.

Members advanced a number of grounds for refusal taking into account the representation of the Parish Council set out at paragraph 5.1 of the report and a number of policies cited as grounds for refusal by the local ward member. Following a brief adjournment the Senior Litigator suggested that the principal grounds for refusal Members had identified could be summarised as landscaping, lack of integration with the community and sustainability.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the grounds of landscaping, lack of integration with the community and sustainability.

48. 152012 - CHURCH COTTAGE, HOARWITHY, HEREFORD, HR2 6QQ

(Proposed oak framed conservatory to the side elevation (south))

(Councillor PGH Cutter, J Hardwick, EL Holton and EJ Swinglehurst declared non-pecuniary interests.)

The Principal Planning Officer gave a presentation on the application.

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

1. C01 – Time limit for development
2. C07 – Development in accordance with approved plans and details
3. The external joinery of the conservatory should be finished in a colour no paler than oak.

Reason: To ensure a satisfactory appearance to the development and in the interests of maintain and enhancing the character and appearance of the conservation area and to satisfy Herefordshire Local Plan policies DR1 and HBA6 and the relevant heritage aims and objectives of the National Planning Policy Framework.

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.

49. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 1.20 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 2 September 2015

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

143842 - OUTLINE APPLICATION FOR 37 DWELLINGS (13 OF WHICH WOULD BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS RESERVED FOR FUTURE CONSIDERATION AT LAND TO THE NORTH OF THE A40, EAST OF HUNSDON MANOR, WESTON-UNDER-PENYARD, ROSS-ON-WYE, HEREFORDSHIRE

For: Mr & Mrs Mills per c/o RCA Regeneration Limited, Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE

ADDITIONAL REPRESENTATIONS

No specific representations of objection have been received in relation to the reconsultation exercise with respect to the revised scheme for 37 dwellinghouses.

OFFICER COMMENTS

The third sentence in paragraph 6.5 should read:-

“It is understood that 2 have already been built and 8 were committed as of 1st April 2014, leaving a residual of at least 55 new dwellinghouses”

NO CHANGE TO RECOMMENDATION

150431 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 50 HOMES AT LAND OPPOSITE BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

For: Mr Paske per Hook Mason Limited, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA

ADDITIONAL REPRESENTATIONS

Natural England

**River Wye SAC - Habitats Regulations Assessment (HRA) screening needed.
- Consideration is required of how and if this proposal will fit into the tally of modelled headroom.**

Natural England is concerned that the cumulative impact of developments approved should be considered relative to the conservation objective target for phosphates in the River Wye SAC.

The proposed housing numbers within the emerging Core Strategy are based on modelling which has shown that up to approximately 5300 population equivalent can be accommodated across rural HMAs 1) within the existing discharge consents (permission for Welsh Water to discharge to the River Wye SAC, granted by the Environment Agency), and 2) without causing the River Wye SAC conservation objective target for phosphates to be exceeded (without causing adverse effect on integrity (AEOI)). Additional development above what has been proposed in the emerging Core Strategy and therefore modelled as part of the Nutrient Management Plan (NMP) will affect the ability of the NMP to reduce phosphate in the River Wye SAC, and the emerging Core Strategy's HRA compliancy.

OFFICER COMMENTS

The comments from Natural England point to the need to monitor planning permissions granted, which is work on-going for a number of reasons. Ultimately sufficient headroom capacity exists to accommodate this development and the Natural England comments are not a barrier to granting outline planning permission in this case; particularly in the light of Welsh Water's acknowledgement that they can accommodate foul waste from this site without the need for any sewerage system upgrade.

NO CHANGE TO RECOMMENDATION

