

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 13 July 2016 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, EPJ Harvey, EL Holton, TM James, FM Norman, GJ Powell, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

In attendance: Councillors WLS Bowen and JG Lester

16. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JA Hyde and D Summers.

17. NAMED SUBSTITUTES

It was reported that subsequent to the publication of the agenda papers Councillor D Summers had replaced Councillor JLV Kenyon as a member of the Committee.

Councillor EPJ Harvey substituted for Councillor D Summers and Councillor GJ Powell for Councillor JA Hyde.

18. DECLARATIONS OF INTEREST

Agenda item 8: 160014 - Proposed erection of 12 dwellings, new vehicular access and associated works including new play area/open space at land adjacent to stoke lacy village hall, Stoke Lacy, Herefordshire.

Councillor A Seldon declared a non-pecuniary interest because as a former ward member for that area he knew several residents.

Agenda item 9: P143252/F - Proposed development of 12 nos. Dwellings, consisting of 5 nos. Affordable and 7 nos. Open market. Works to include new road and landscaping at land adjoining Kingsleane, Kingsland, Leominster, Herefordshire.

Councillor DW Greenow declared a non-pecuniary interest because he knew one of the public speakers.

Councillor J Hardwick declared a non-pecuniary interest because he knew one of the public speakers.

Agenda item 10: 160741 - Site for proposed dwelling and garage at land adjacent to Galen House, Cherry Orchard, Kings Acre, Hereford.

Councillor AJW Powers declared a non-pecuniary interest as a member of Breinton Parish Council.

19. MINUTES

It was reported that one of the public speakers had been omitted from the Minutes of 6 June 2016.

RESOLVED: That the Minutes of the meetings held on 6 June 2016, as amended, and 16 June 2016 be approved as a correct record and signed by the Chairman.

20. CHAIRMAN'S ANNOUNCEMENTS

The Chairman invited the Neighbourhood Planning Team leader to provide an update on the production of Neighbourhood Development Plans.

She reported that 3 plans had now been adopted, 3 had had successful referendums and had been submitted to the cabinet member for adoption, 2 further referendums were scheduled, 9 plans were at examination, and 5 plans were at regulation 16 stage. 22 plans therefore now carried material weight. There were 101 designated neighbourhood areas. A further 3 applications to designate neighbourhood areas had been received.

The Chairman reminded Members that a seminar on delivering housing growth had been arranged for the morning of 25 July.

21. APPEALS

The Planning Committee noted the report.

22. 152041 - LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE

(Proposed residential development of 10 dwellings (amendment to original application.)

This item was withdrawn from the agenda.

23. 160014 - LAND ADJACENT TO STOKE LACY VILLAGE HALL, STOKE LACY, HEREFORDSHIRE, HR7 4HG

(Proposed erection of 12 dwellings, new vehicular access and associated works including new play area/open space.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs A Westwood, Clerk to Stoke Lacy Parish Council spoke in opposition to the Scheme. Mr R Baum, a local resident, spoke in objection. Mrs J Joseph, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The application had been subject to good discussion with the local community including at public meetings. The applicant was a local resident who had lived there all his life and had an interest in providing housing for the benefit of future

generations. He had reduced the scale of the proposed development in response to local views.

- The key issue was whether the application represented disproportionate development, noting that the Committee had recently approved an application for 28 dwellings in Stoke Lacy. The nature of the settlement meant that housing development had to be concentrated at Stoke Cross, exacerbating the impact.
- The Parish Council objected to the proposal and there were also 24 letters of objection.

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

- It was asked whether approval of the application would preclude any further development. The Principal Planning Officer commented that each application had to be considered on its merits. The larger the scale of additional development proposed the more likely it would be that the application would be assessed as to whether such growth was proportionate.
- In theory it appeared that there might be no limit to proportionate growth if the housing number base was recalculated after each approved development.
- The A465 was a fast road and it would be difficult to restrict traffic speed to 30 mph. It was important, having regard to paragraph 2a of the draft heads of terms that relocation/redesign of the 30mph features did take place.
- Gateway features were necessary. It was observed, however, that these required maintenance to achieve their purpose.
- Some concern was expressed about the provision for the maintenance of on-site open space.
- The development did not represent overdevelopment of the site in question.
- The proposal provided for areas of new planting. It would be important to ensure that these were properly managed.
- The developer should be encouraged to provide good quality housing incorporating energy efficiency measures.
- Taking account of the recently approved application for 28 homes a total provision of 40 new homes, if the application were approved, did not seem to be proportionate or sustainable. It was regrettable that the Committee was unable to exercise any control over the pace and timing of developments once approved.
- Clarification of paragraph 6.10 of the report was sought. The Lead Development Manager provided a correction confirming that policy RA2 could carry weight in this instance.
- In response to a question about the consistency of paragraphs 6.18 and 6.20 of the report the Principal Planning Officer explained that whilst some of the roadside hedge would be removed, existing hedgerow along the other two boundaries would be retained.

The local ward member was given the opportunity to close the debate. He commented that highway measures were needed. He added that proportionate growth should be calculated against a fixed base point and must not be limitless as it would otherwise potentially be if that point were to be moved after each approved development.

The Transportation Manager confirmed that 1 accident injury had been recorded in the vicinity of the proposed development. Work would be carried out to ensure the gateway

was effective. A Section 278 Agreement would include works of the appropriate standard deemed necessary to make the development acceptable in highway safety terms. Account had been taken of the cumulative population growth in making his safety assessment.

The Lead Development Manager commented that weight could be given to policy RA2. The settlement was listed as suitable for growth. With regard to what constituted proportionate growth there had been appeal decisions where applications for growth in excess of 20% had been dismissed. The production of a Neighbourhood Development Plan was the way to manage growth. In terms of highway safety he suggested that a standard condition could be added providing that no occupation of the development occurred until the required highway modifications had been made.

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. **C02 - A02 Time limit for submission of reserved matters (outline permission)**
2. **C03 - A03 Time limit for commencement (outline permission)**
3. **C04 - A04 Approval of reserved matters**
4. **None of the dwellings shall be occupied until the roadworks necessary to provide vehicular access from the A465 have been completed in accordance with details submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure an adequate and acceptable means of access is available before the first dwelling is occupied and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5. **Development shall not begin in relation to the provision of road and highway drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.**

Reason: To ensure an adequate and acceptable means of access is available before any dwelling is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**

- d. Details of working hours and hours for deliveries
- e. A scheme for the control of dust arising from building and site works
- f. A scheme for the management of all waste arising from the site
- g. A travel plan for employees.

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- 8. Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking in perpetuity.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9. Prior to the first occupation of any of the dwellings hereby approved a Travel Plan which contains measures and targets to promote alternative sustainable means of transport for residents and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. No development shall commence on site, including any site clearance, or materials or machinery brought to the site for the purposes of development

until a scheme of habitat protection works (trees and hedgerows as identified in the ecology report recommendations) has been submitted to and approved in writing by the local planning authority and the agreed scheme implemented on site. The protection measures shall be maintained in good condition in situ on site until the completion of all works and the removal of materials and machinery at the end of development, at which time they must be removed from site and any disturbance made good.

Reason: The proper consideration of potential impacts on protected species and biodiversity assets is a necessary initial requirement before any groundworks are undertaken so as to ensure that the nature conservation interest of the site is protected. So as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. In this condition ‘retained tree/hedgerow’ means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to retained trees/hedgerows.. Measures to protect retained trees/hedgerows must include:

a) Root Protection Areas for each retained tree/hedgerow must be defined in accordance with BS3998:2010 – Tree Work - Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each retained tree/hedgerow. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each retained tree/hedgerow.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any retained tree/hedgerow without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any retained hedgerow or the crown spread of any retained tree.

e) There shall be no alteration of soil levels within the Root Protection Areas of any retained tree/hedgerow.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. No new development shall commence on site until, based on the recommendations in the ecology report, a detailed habitat & biodiversity enhancement scheme, including type and location of bat roosting and bird nesting mitigation/enhancements, a lighting plan, landscape & planting proposal and an associated 5 year maintenance and replacement plan has

been submitted to, and approved in writing by, the local planning authority. 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), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. No development shall commence until a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. H17 off site highway works

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. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
3. I 09 Private apparatus within the highway
4. I 11 Mud on the highway
5. I 35 Highways Design Guide
6. I 41 Travel Plans
7. I 45 Works within the highway
8. It is possible that unforeseen contamination may be present on the site as a result of its former agricultural/orchard use. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should there be any concern about the land
9. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e.

a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"-7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

10. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
11. The landscaping/enhancement scheme should take in to account Chalara Ash Dieback Disease that is now endemic to the UK and widespread across Herefordshire. With a 95-98% ash mortality consideration should be given as to the management of existing ash trees on site and ensure appropriate additional mitigation planting of future standard hedgerow trees of alternative species (eg Oak, Small-leaved Lime and Hornbeam) is included in the scheme submitted for approval. With a much better take up by wildlife the enhancement scheme should also see the inclusion of bat roosting opportunities within the houses (see Bat Conservation Trust website for details of appropriate 'bat bricks' raised ridge tiles and bat boxes) and the use of woodcrete bird nesting boxes including sparrow terraces. The lighting plan is needed so as to ensure bats and other nocturnal animals and the wider landscape are not impacted by any additional lighting and support the objectives of the 'dark skies initiative'.

(The meeting adjourned between 11.15 am and 11.25 am.)

24. P143252/F - LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

(Proposed development of 12 nos. Dwellings, consisting of 5 nos. Affordable and 7 nos. Open market. Works to include new road and landscaping.)

The Lead 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.

He noted that the Committee had originally approved the application in January 2015, subject to a Section 106 agreement. However, following the decision a Judicial Review had been made and the decision notice subsequently quashed. The application had been resubmitted for determination. The presentation highlighted the position of the listed buildings in the locality together with the Conservation Area. Members had visited the site and surrounding area as part of a committee site visit the day before.

In accordance with the criteria for public speaking, Mr D Thompson, of Kingsland Parish Council spoke in opposition to the Scheme. Mr D Drayton, of DPDS consulting,

speaking on behalf of Mr and Mrs Sharp-Smith, local residents, spoke in objection. Mrs W Schenke, the applicant, spoke in support.

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

He made the following principal comments:

- He highlighted the significance of the protection of the conservation area, and the boundary of the settlement area. The Core Strategy supported the importance of preserving conservation areas and listed buildings and their settings. The development was outside the settlement boundary but inside the conservation area. There was a duty to protect the conservation area.
- Some weight should be given to the Neighbourhood Development Plan which supported infill and windfall development within settlement boundaries.
- A number of previous applications to develop the site had been refused because of the impact on the Conservation Area before permission had been granted in January 2015. That grant of permission had, however, been overturned by judicial review.
- Kingsland had a number of identified sites for housing development including affordable housing. The proposed development was therefore unnecessary. Small pockets of development were preferred.
- He questioned Welsh Water's lack of objection to the proposal. This did not appear to acknowledge the ongoing problems with sewerage.

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

- It appeared that there was a difference of opinion within the local community about the application.
- The Committee had approved the same application in January 2015. Whilst that decision had been quashed following judicial review, the grounds for that challenge, as referred to at paragraph 1.5 of the report were questioned. It was asserted that the development would not be detrimental to the conservation area that there was no adverse impact on the heritage assets in the vicinity and that the provision of 12 houses including 5 affordable dwellings would be of benefit, noting the Council did not have a 5 year housing land supply. The design of the proposed dwellings were an improvement upon the earlier application.
- There was a presumption against development in a conservation area where the public benefit did not outweigh the harm. The public benefit of the development was not sufficient to offset the harm to the conservation area and the erosion of the gap between settlements. The application did not enhance the environment.
- The Campaign for the Protection of Rural England had highlighted that the site had been part of a Special (local) Wildlife Site, categorised as an unimproved hay meadow. Although that designation had lapsed and the field had been ploughed the land had now been reseeded and it was considered that if left alone and cut for hay some of the previously identified meadow flora would probably re-emerge.
- Clarification was requested on the status of the Neighbourhood Development Plan (NDP). The Lead Development Manager referred to the schedule of updates which stated that although the NDP had been resubmitted and was the subject of a Regulation 16 consultation the expectation was that the previous objections would be levied and that only limited weight could therefore be given to the Plan.

- A member expressed concern about the consistency of advice being provided by the Council to those preparing NDPs.

The Lead Development Manager referred to the application of paragraph 134 of the NPPF and the requirement to balance the public benefit of the scheme against the harm it would cause. His view was that the proposal would cause irretrievable damage to the conservation area.

The legal adviser clarified the factors that could be addressed through a judicial review, noting that these could include an assessment of whether the process followed had been lawful and whether the application of policies had been interpreted correctly.

The local ward member was given the opportunity to close the debate. He supported the Parish Council's strategy for housing provision set out in the NDP which principally provided for infill and windfall development within existing settlement boundaries. He reiterated that the proposal would have a major adverse impact on the conservation area that was not outweighed by any public benefit.

It was proposed that the application should be approved. Reasons advanced for approval included the reasons for approval in January 2015 and that the public benefit including 5 affordable dwellings and the improved design outweighed the harm to the conservation area, policies SS2, SS3, RA1, RA2, RA3 and H3 and the contribution the application would make to reducing the housing shortfall in Kingsland Parish. It was added that approval should be subject to a S106 agreement and provision for consultation on the detailed conditions with the Chairman and local ward member.

The motion that the application be approved was lost.

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

1. **The proposed development fails to preserve or enhance the character and appearance of the Conservation Area by eroding the open space and thereby coalescence of the built form contrary to policy LD4 and RA2 of the Herefordshire Local Plan – Core Strategy and NPPF.**
2. **The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality by impact detrimentally to the setting and approach to Kingsland contrary to Policy LD1 of the Herefordshire Local Plan - Core Strategy.**

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.**

25. 160741 - LAND ADJACENT TO GALEN HOUSE, CHERRY ORCHARD, KINGS ACRE, HEREFORD, HR4 0SG

(Site for proposed dwelling and garage.)

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.

Although some people had registered to speak none were present when the application was considered.

Councillor WLS Bowen fulfilled the role of local ward member for this application in place of Councillor RI Matthews. In accordance with the Council's Constitution he spoke on the application making the following principal comments:

- The application was infill development and was in accordance with the Core Strategy.
- There were amenities within walking distance.
- A development of a single dwelling was sustainable.
- The access had been used as an access for agricultural purposes for a number of years prior to serving the current housing development. He had no knowledge of any access problems having arisen. Two additional dwellings had been approved in recent years causing no problems. Paragraph 32 of the NPPF stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development were severe. The applicant had stated that it was proposed to develop passing bays along the access road which would represent an improvement to the access.

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

- The development of a single dwelling in a sustainable location complying with policy could be supported.
- The Development Manager clarified that if the owner of the land proposed for passing bays declined to make that land available the applicant would not be able to implement any grant of planning permission.
- In response to a question about the net environmental benefit the Development Manager commented that landscaping would be considered at the reserved matters stage.
- The access was extremely narrow and the scope for the provision of passing bays was questioned. There was no justification for exacerbating the existing access problem.
- It was disappointing that the site had not been identified during the development of the Neighbourhood Development Plan and had only emerged at this late stage.
- Reference was made to the Parish Council's objection to the proposal.

Councillor Bowen was given the opportunity to close the debate. He acknowledged the scheme was not perfect but considered that it was nonetheless worthy of support.

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

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. **C06 - Approved Plans**
5. **C01 - Samples of external materials**
6. **G11 - Landscaping scheme – implementation**
7. **Prior to the commencement of development, engineering details and plans (including drainage arrangements) for the proposed improvements to the access from the A438 to the application site, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved plans and details and shall be completed prior to the first occupation of the dwelling hereby permitted.**

Reason: To ensure that an adequate and acceptable means of access is available before the dwelling is occupied and to provide improvements in the interests of highway safety having regard to the requirements of Policy MT1 of the Herefordshire Local Plan - Core Strategy.

8. **H27 - Parking for site operatives**
9. **H29 - Secure covered cycle parking provision**
10. **I16 - Restriction of hours during construction**
11. **H13 - Access, turning area and parking**
12. **M17 - Water Efficiency – Residential**
13. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**

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

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. **HN22 Works adjoining highway**

26. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of updates

PLANNING COMMITTEE

Date: 13 July 2016

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

152041 - PROPOSED RESIDENTIAL DEVELOPMENT OF 10 DWELLINGS (AMENDMENT TO ORIGINAL APPLICATION) AT LAND TO THE NORTH OF ASHPERTON VILLAGE HALL, ASHPERTON, HEREFORDSHIRE,

For: Mr Davies per Twyford Barn, Upper Twyford, Hereford, Herefordshire HR2 8AD

ADDITIONAL REPRESENTATIONS

A heritage update will be given verbally at the meeting

NO CHANGE TO RECOMMENDATION

P143252/F - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 5 NOS. AFFORDABLE AND 7 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

For: Mr & Mrs Glynne Schenke per Mr R Mills, Les Stephan Planning Ltd, 9 Sweetlake Business Village, Shrewsbury, SY3 9EW

ADDITIONAL REPRESENTATIONS

62 Petition letters have been received which were also emailed to members.

The applicants have submitted a conservation rebuttal together with the previous landscape officer's advice which objected to the development of the site. The rebuttal concludes 'overall it is considered that the proposal constitutes a subtle extension of the Kingsland village reinforcing its existing form and maintaining a cherished character which is rightly identified as being worthy of conservation'.

Neighbourhood Plans Manager - updated comments - The Kingsland Neighbourhood Plan has been re-submitted by the Parish Council. This plan is now on consultation under Reg16 from 11 July to 22 August 2016. The previous submitted Neighbourhood Plan was withdrawn by the parish council on 8 July 2016 to enable the resubmitted plan to be considered.

The direction of travel of the re-submitted plan is substantially the same as the previously submitted document. There has been no change to the settlement boundary or any additional allocation of housing. The parish council have provided additional justification within the plan and supporting evidence documentation to support the housing strategy within the plan. This strategy is to allow infill and windfall development within the Kingsland, Cobnash and Shirlheath settlement boundaries with an allowance for windfall within the wider parish under RA3.

The policies map has been amended to remove reference to the previous commitment at Kingsleane. Four policies have also been amended to reflect issues with waste water and water quality.

As the consultation period only commenced on Monday, judgments under para 216 cannot be anticipated with regards to outstanding issues and objections.

Given the objections previously it is anticipated that these will be re-submitted and therefore only limited weight can be given to the plan.

OFFICER COMMENTS

The petition letters refer the previous decision which was quashed. The report has been updated including revised consultation responses given the change from Unitary Development Plan to Core Strategy. The conclusions of the report are clear and confirm that the proposal is contrary to the Core Strategy and NPPF.

Regarding the re-submitted Neighbourhood Plan status, given the objections previously it is anticipated that these will be re-submitted and therefore only limited weight can be given to the plan in the decision making process.

NO CHANGE TO RECOMMENDATION

**160741 - SITE FOR PROPOSED DWELLING AND GARAGE
AT LAND ADJACENT TO GALEN HOUSE, CHERRY
ORCHARD, KINGS ACRE, HEREFORD, HR4 0SG**

**For: Mr Matthews per Mr John Phipps, Bank Lodge, Coldwells
Road, Holmer, Hereford, Herefordshire HR1 1LH**

ADDITIONAL REPRESENTATIONS

Breinton Parish Council has made the following further comments:

On behalf of Breinton Parish Council we would like to provide a brief update to the Officers report in respect of Breinton Neighbourhood Development Plan (BNDP). The BNDP is currently undergoing inspection which is anticipated to be complete towards the end of this month.

During the Regulation 16 consultation the BNDP received 25 comments during the consultation process of which 23 were in support of the BNDP. The two unresolved objections to boundaries referred to in the officer's report are from local landowners. One of the sites used as a basis for the objection has recently been rejected on appeal.

The site currently under consideration never came forward in either of Herefordshire Council's HELAA or SHLAA studies as being suitable for development and no submissions on this were received during any of the two year consultation processes except during the final Regulation 16 consultation.

OFFICER COMMENTS

The Neighbourhood Planning Manager has provided further advice that corroborates the Parish Council update. Your officers maintain the view that the unresolved issue around
Schedule of Committee Updates

reference to sites adjacent to the settlement boundary defined at Kings Acre leads to some doubt, at this time, about the conformity of policy B2 of the BNDP and policy RA2 of the Herefordshire Local Plan Core Strategy.

Accordingly it is considered that significant weight cannot currently be given to BNDP and that greater weight should be given to policy RA2. In this respect, the site is adjacent to the settlement boundary at Kings Acre and it is not considered that there would be any harmful intrusion into the countryside beyond the well-established cul-de-sacs at Four Acres and Yew Tree Gardens. Accordingly and on balance, it is considered that the modest economic and social benefits associated with this proposal, outweigh any environmental concerns

Last sentence of paragraph 6.36 – Omit reference to the legal undertaking as there is not one required in this instance.

NO CHANGE TO RECOMMENDATION