

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 30 October 2013 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, DW Greenow, KS Guthrie, JW Hope MBE, MAF Hubbard, JG Lester, RI Matthews, PJ McCaull, FM Norman, AJW Powers and GR Swinford

**72. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors AM Atkinson, AN Bridges, PJ Edwards, J Hardwick, RC Hunt, Brigadier P Jones CBE, and PJ Watts.

**73. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PJ McCaull attended the meeting as a substitute member for Councillor PJ Edwards.

**74. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**75. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 9 October 2013 be approved as a correct record and signed by the Chairman.

*(With reference to Minute 67 of the Planning Committee meeting held on 9 October: The Slip Tavern, Much Marcle, Ledbury, the Development Manager advised Members that the request to the applicant to cover the cost of an independent valuation of The Slip Tavern, as resolved by the Committee, had been declined and the Council did not have the funds available to cover this expenditure.)*

**76. CHAIRMAN'S ANNOUNCEMENTS**

**Observers from Shropshire Council**

The Chairman welcomed representatives from Shropshire Council who were attending to observe the meeting.

**Retirement of Mr M Willmont – Head of Neighbourhood Planning**

The Chairman paid tribute to Mike Willmont who was retiring. He praised his consummate professionalism and long and dedicated service to the County and wished him a long and happy retirement.

**77. APPEALS**

The Planning Committee noted the report.

**78. 132226/F - FORMER WHITECROSS HIGH SCHOOL, BAGGALLAY STREET, HEREFORD**

The Principal Planning Officer gave a presentation on the application. With reference to point 9 of the Heads of Terms appended to the report (p42 of the agenda papers) she commented that it was expected that at least 70%, as opposed to the stated figure of 80%, of the affordable housing units would be made available for social rent.

In accordance with the criteria for public speaking, Mr J Baker, a resident, spoke in objection. Ms J Morgan spoke on behalf of the applicant in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, one of the local ward members, spoke on the application informing the Committee that she was also speaking on behalf of the other two local ward members.

She expressed support for the application. The site had been earmarked for residential development in the Unitary Development Plan. The two main points of concern were flood risk and access. The Environment Agency would determine whether a suitable flood alleviation scheme could be put in place. In relation to access it had not proved possible to secure an alternative to Baggally Street, but it should be borne in mind that the road had previously serviced an 800 pupil school. The applicant had indicated that they would work with local residents to seek to minimise disruption caused by construction work. She considered it to be a sustainable development.

The debate opened and the following principal points were made:

- Disappointment was expressed, as a matter of principle, at the design of the proposed houses, highlighting the risk of future rises in energy bills.
- Concern was also expressed about the loss of mature trees, an important feature of the City and its environs and the County. A proposal was made that there should be a condition requiring that a minimum of 50% of the mature trees should be replaced with mature species that grow to full size, as opposed to ornamental trees. It was noted that flood alleviation methods would present some restrictions in relation to the location of trees.
- A Member also requested conditions relating to a number of other matters including ecology and archaeology.
- The Development Manager commented that the matters highlighted by Members were covered by conditions set out in the printed recommendation, noting in particular that a landscaping scheme would have to be submitted by the applicants and there was scope for account to be taken of the concerns Members had expressed in that process. Members proposed that the local ward members should be involved in discussions on this aspect of the development.
- A Member commented that it was unfortunate that the report did not incorporate a final, definitive view from the Environment Agency. It would be preferable if the Committee could have this information before it when determining applications.

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

**RESOLVED:**

**That following the resolution of the outstanding issues raised by the Environment Agency planning permission be granted subject to the following conditions, and any other conditions deemed necessary following consultation with the**

Environment Agency, and subject to local ward members being consulted on the landscaping scheme and related conditions including ecology and archaeology:

1. A01 Time limit for commencement (full permission)
2. B01 Development in accordance with the approved plans
3. C01 Samples of external materials
4. E01 Site investigation - archaeology
5. G10 Landscaping scheme
6. G11 Landscaping scheme - implementation
7. G04 Protection of trees/hedgerows that are to be retained
8. G17 Provision of open space and play areas (outline permissions)
9. H11 Parking - estate development (more than one house)
10. H18 On site roads - submission of details
11. H20 Road completion in 2 years
12. K4 Nature Conservation - Implementation
13. K5 Habitat Enhancement Scheme
14. L01 Foul/surface water drainage
15. L02 No surface water to connect to public system
16. L03 No drainage run-off to public system
17. L04 Comprehensive & Integrated draining of site
18. *“The recommendations set out in Section 6.3.10 and 6.3.11 of the ecologist’s preliminary report dated January 2013 should be followed unless otherwise agreed in writing by the local planning authority. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to carry out further survey work to establish the presence or otherwise of reptiles and protected species of mammal, and 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 & 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.

19. ***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.***

**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.

20. ***“Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise, vibration and potential siltation/run-off arising from and construction process. The Plan shall be implemented as approved.”***

**Reasons:** To ensure that all species and sites 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's Unitary Development Plan.

To comply with policies NC8 and NC9 within 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

21. I 16 Construction Management Plan
22. I51 – Details of Slab Levels
22. B07 - Section 106 agreement (as set out in the Heads of Terms attached to the report as amended at the meeting)

#### **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

**79. 132033/F & 132034/C LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE**

The Development Manager explained that discussions were taking place with the applicant and a revised application was to be submitted. The application was therefore deferred until the next meeting.

**80. 132098/O LAND ADJACENT TO WHITE HOUSE, BARTESTREE, HEREFORD, HR1 4BY**

The Development Manager gave a presentation on the application.

In accordance with paragraph 4.8.8.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke to indicate his support for the application.

**RESOLVED:**

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

- 1. A02 Time limit for submission of reserved matters (outline permission) reduced to 2 years – no contributions**
- 2. A03 Time limit for commencement (outline permission) reduced to 2 years – no contributions**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. Prior to the first occupation of either of the dwellings hereby approved a full specification of the construction of a footpath, parallel and adjacent to the A438 from the vehicular access into the site to the junction of the vehicular access to the Village Hall with the A438, shall be submitted to, approved in writing, and carried out fully on site in accordance with the approved details.**

**Reason: In the interests of highway safety, to improve pedestrian access to and from the site and to conform with the requirements of Policies S1 and DR3 of Herefordshire Unitary Development Plan and the principles 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.**

**81. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

*(The Schedule of Committee Updates solely reported that the application relating to land at the Chestnuts Ross-on Wye (Minute 79 refers) had been deferred to the next meeting and has not therefore been appended to these Minutes.)*

The meeting ended at 11.00 am

**CHAIRMAN**