

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 12 March 2014 at 10.00 am

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

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RI Matthews, FM Norman, J Norris, GR Swinford and DB Wilcox

In attendance: Councillors JW Millar and PM Morgan

144. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RC Hunt, Brig P Jones and JG Lester.

145. NAMED SUBSTITUTES

There were no substitute members present at the meeting.

146. DECLARATIONS OF INTEREST

Agenda item 9: Sollers Hope Farm, Sollers Hope Court, Herefordshire.

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

Councillor BA Durkin 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 he knew the applicant and was a Member of the Wye Valley AONB Joint Advisory Committee.

Agenda item 11: 13214/F Land to the South of Eastfields Farm, off U94021, Bodenham, Hereford.

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

147. MINUTES

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

148. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that a seminar for all Councillors on the 5 year housing land supply had been arranged for the afternoon of 22 April.

149. APPEALS

The Planning Committee noted the report.

It was asked why in the case of application 130182/F the appeal had been dismissed but an award of costs had been made against the Council. The Development Manager explained that the Planning Inspector had accepted some of the grounds for refusal of planning permission advanced by the Council and hence had dismissed the appeal. However, he had not accepted some of the other grounds for refusal and had therefore made a partial award of costs against the Council

It was requested that Members be informed at regular intervals of the cumulative costs being awarded against the Council at appeals.

150. 132230/O LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ

The Principal Planning Officer gave a presentation on the application, which had been deferred by the Committee on 12 February 2014, highlighting the updates to the previous report.

In accordance with the criteria for public speaking, Mr P Burridge, Vice-Chairman of Credenhill Parish Council spoke on the Scheme.

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

He commented on a number of issues including:

- The offer of the applicant's agent set out at paragraph 6 of the report responded to the local community's wish to see a bus layby established to improve highway safety. The owner of the land required for the layby had indicated that they would release the necessary land.
- He referred to a number of e-mail exchanges with Council officers and the police which he asserted emphasised the highway safety issues at the location and the extent to which these would be mitigated by the provision of a bus layby. He reiterated that evidence from the Safer Roads Partnership recorded more accidents in the location than had been reported to the Committee. He therefore supported the use of all the S106 money to provide a bus layby. If this were not agreed he requested that the Committee refuse the application on highway safety grounds.

The debate opened and the following principal points were made:

- The principle of the development had to be supported given the Council's lack of a 5 year housing supply.
- The site visit had proved useful in assessing vehicle and pedestrian movements and the need for improved highway safety was clear.
- The provision of the bus layby would address the concern about highway safety and all the Section 106 money should be allocated for that purpose.
- The Transportation Manager had not objected on highway safety grounds. It was questioned whether allocating all the Section 106 money for the provision of a bus layby was therefore necessary and the best use of those monies and whether, for example, the Parish Council could help to fund the layby instead. The report stated that there was a risk that the scheme to provide the layby might not be achieved and that in that event after 5 years the Section 106 money, if allocated solely for the layby, would be returned to the applicant.

- The Development Manager commented that it would be open to the Committee to provide in the Section 106 Agreement that if the layby scheme did not come to fruition the section 106 monies would be redirected to other purposes as set out in the original draft Heads of Terms provided.

The local ward member was given the opportunity to close the debate and supported the approval of the application on the basis outlined by the Development Manager.

RESOLVED: That subject to the completion of a Section 106 agreement (in accordance with the Heads of Terms attached as amended in accordance with the provision listed after condition 27 below) 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. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **H01 Single access - no footway**
8. **H09 Driveway gradient**
9. **H18 On site roads - submission of details**
10. **H19 On site roads - phasing**
11. **H21 Wheel washing**
12. **G15 Landscape maintenance arrangements**
13. **H29 Secure covered cycle parking provision**
14. **Before any other works hereby approved on the application site are commenced, the access shall be modified and constructed in accordance with details shown on drawing number 6991-600 Rev B and with engineering details agreed in relation to condition above. Reason: In the interests of highway safety and to conform with the requirements of DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
15. **K4 Nature Conservation - Implementation**
16. **L01 Foul/surface water drainage**
17. **L02 No surface water to connect to public system**
18. **L03 No drainage run-off to public system**
19. **I51 Details of slab levels**

20. **G09 Details of Boundary treatments**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **G04 Protection of trees/hedgerows that are to be retained**
24. **G14 Landscape management plan**
25. **G15 Landscape maintenance arrangements**
26. **I16 Restriction of hours during construction**
27. **I20 Scheme of surface water drainage**

In addition the Section 106 Agreement will provide that the Section 106 monies be allocated solely for a bus layby in the first instance but, if the layby scheme does not come to fruition within 5 years of receipt of the sum, the section 106 monies will be redirected to other purposes as set out in the original Draft Heads of Terms.

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. **HN10 No drainage to discharge to highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **HN01 Mud on highway**
5. **HN28 Highways Design Guide and Specification**
6. **HN13 Protection of visibility splays on private land**
7. **N11C General**
8. **N14 Party Wall Act 1996**

151. 131680/O LAND OFF TUMP LANE, MUCH BIRCH, HEREFORDSHIRE

The Senior Planning Officer gave a presentation on the application, which had been deferred by the Committee on 11 December 2013, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs A Cooke, Chair of Much Birch Parish Council spoke in opposition to the Scheme. Mr K James and Ms R Rigby, residents, spoke in objection.

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

He commented on a number of issues including:

- He was critical of the application, remarking on an absence of consultation and that he had not been kept informed of any negotiations following the Committee's decision to defer the application..
- The application failed to address the request that there should be a footpath to the A49 to Much Birch. This footpath was vital.
- He had sought without success to find a solution with the landowner.
- The design of the affordable housing was poor.
- The site was a greenfield site.
- He disputed the Transportation Manager's comment at paragraph 4.2 of the report that the proposed footpath linked to Wormelow.
- The Conservation Manager (Landscapes) did not support the proposal as set out at paragraph 4.3 of the report.
- He questioned the statement in paragraph 4.5 of the report that the Housing Association had held various consultation events with the community.
- Contrary to the applicant's agents response at paragraph 5.5 of the report there was not a shortfall of pupils in Much Birch primary school. The school was full.
- A further deferral was not an option. He therefore requested that the Committee refuse the application.

The debate opened and the following principal points were made:

- The application should be refused on the grounds of highway safety and inadequate pedestrian access to Much Birch, the main village which residents of the development would wish to access. It was likely that the occupants of the affordable housing provided for in the development would have to walk their children to school. The development was unsustainable. The principle of the development, the National Planning Policy Framework and the absence of a 5 year housing land supply did not outweigh these concerns.
- It was suggested that landscape impact, drainage and biodiversity, identified alongside highway safety and pedestrian access at paragraph 6.1 of the report as key considerations in the determination of the application, also represented grounds for refusal.
- The design of the affordable housing was poor.
- There was a need for traffic management measures in Tump Lane and, although not within the remit of the planning application, it was important that they were not overlooked.

The local ward member was given the opportunity to close the debate and requested that the application be refused.

The Development Manager commented that when first presented to the Committee officers had recommended refusal of the application on the grounds of pedestrian safety and that the development was unsustainable with no safe means of pedestrian access. He considered that this could still be advanced as a ground for refusal by the Committee if that was the Committee's view. The Conservation Officer (Landscapes) had not supported the application and whilst Planning Officers had not considered this to be a ground for refusal this was a matter of balance and it was within the Committee's discretion to attach greater weight to the Conservation Officer's views.

He did not consider that drainage and biodiversity represented grounds for refusal given the responses from statutory consultees set out in the report.

The Legal Officer commented that refusal on two grounds supported by good evidence was a sound approach, rather than seeking to identify numerous grounds which were not supported by strong evidence.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation be authorised to finalise the reasons for refusal in accordance with the following grounds advanced by Members, namely: highway safety and pedestrian access, the development being therefore unsustainable; and landscape impact.

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(s) for refusal. Members of the planning committee which took the decision to refuse planning permission have stated the concerns in clear terms and these are considered so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.

152. 132959/F SOLLERS HOPE FARM, SOLLERS HOPE COURT, SOLLERS HOPE, HEREFORDSHIRE, HR1 4RW

The Senior 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, including a recommended additional condition.

In accordance with the criteria for public speaking, Mr M Perlman, a resident, spoke in objection. Miss C Harness, the Applicant's agent spoke in support.

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

He commented on a number of issues including:

- Farmers did need to diversify. However, he noted that the Land Agent had raised concerns about the viability of the proposed scheme. Two schemes for a 12,000 bird egg production unit on the site had previously been refused.

- He was an enthusiast for the AONB and the AONB Unit had concerns about the Scheme. The NPPF paragraph 14 and footnote 9 and paragraph 115 provided grounds for refusing the application.
- The AONB unit had accepted that the building would be well screened. However, it was concerned about the impact on the local character of the landscape and the detrimental impact on the experience of visitors to the area.
- The highway infrastructure was poor. Even with the proposed restriction on the size of vehicle servicing the development to 26ft a significant size of passing place would be needed to permit a tractor and trailer to pass in the opposite direction. Six passing places were proposed and he was concerned about the cumulative impact on the AONB.
- This was a large intrusion on the AONB and an attractive hamlet.
- There was concern that the development might contribute to an increased risk of flooding.
- The development would create odour, noise and nuisance.

The debate opened and the following principal points were made:

- Farm diversification should be supported.
- The restrictions on access were acknowledged. However, this was to be expected given the location of most farms.
- Unsurfaced and unmaintained passing places had in effect already been created by general use. The creation of properly constructed passing places would be of benefit to all road users.
- The proposed restriction on lorry size was necessary.
- The Conservation Manager (Landscape) had commented in the report that, “the change in visual impact would be negligible.”
- There was debate as to whether the flood risk would be increased.
- In response to questions officers commented that the Section 106 Agreement would ensure that passing places would be constructed to the appropriate standard and would enable the Council to ensure that the egg production Unit could not begin operating until the passing places had been constructed. The Agreement would also limit the size of the lorries collecting eggs to 26ft. No control could be exercised over vehicles already servicing the site. Enforcement would be reliant on local monitoring. The design of the free range area would be subject to condition and had not been indicated on plans. The area could be easily accommodated within the landscape and standards were specified by the Department for Food and Rural Affairs.
- Some concern was expressed about the viability of the scheme but it was noted that that was a matter for the applicant and not a material consideration for the Committee.
- Concern was expressed about the effect on the AONB and the impact of the number of such developments across the County as whole. It was unfortunate that other avenues for farm diversification were not being explored.

- There would be smell.
- Concern was expressed about the visual impact of the fencing that would surround the Unit.
- Account should be taken of the reduced scale of the application.
- There were no material grounds for refusing the application.
- The firm involved in the egg collection had high environmental and animal welfare standards.
- The Development Manager emphasised that the fundamental principle was that the proposed use of the land did not itself require planning permission. The applicant could also build fencing 2m high across the farm without permission if he wished. Because an application had been submitted for the egg production unit there was an opportunity to exercise some control over the development through conditions.

The local ward member was given the opportunity to close the debate. He reiterated his concerns and requested that the Unit should not be permitted to operate until passing places and flood alleviation measures were in place. He also requested that there should be conditions to manage the highway management implications of any construction works.

RESOLVED: That subject to the completion of a Section 106 Agreement restricting the type and size of vehicles delivering feeding stuffs and collecting eggs from the site and securing the provision of 6 passing places, planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **H17 Junction improvement/off site works**
4. **H21 Wheel washing**
5. **H30 Travel plans**
6. **E01 Site investigation - archaeology**
7. **G02 Retention of trees and hedgerows**
8. **G10 Landscaping scheme**
9. **G11 Landscaping scheme - implementation**
10. **C09 Details of cladding (agricultural and industrial buildings)**
11. **F02 Restriction on hours of delivery**
12. **The development hereby approved shall be for the housing of free range egg laying hens only.**

Reason: In consideration of the location for the proposed development and its close proximity to dwellings outside the control of the applicant and to comply with Policy DR2 of the Herefordshire Unitary Development

Plan.

- 13. All manure moved off site will be so in covered and sealed trailers.**

Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 14. I55 Site Waste Management**

- 15. I32 Details of floodlighting/external lighting**

- 16. Diversion of public right of way SHI 7 that crosses the site shall be legally completed before any work commences on site.**

Reason: In order to ensure that the public right of way is not obstructed and to conform with the requirements of Policy T6 of the Herefordshire Unitary Development Plan.

- 17. No development approved by this permission shall be commenced until a scheme for the provision, and implementation, of compensatory flood storage and/or flood relief works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the construction of the poultry unit and in accordance with the approved programme and details.**

Reason: To ensure no increase in flood risk post development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 18. Prior to the commencement of the development hereby approved, details with regards to the installation of water tight manhole covers to be installed in the area of land indicated to flood in the 1 in 100 year event will be submitted to and approved in writing by the Local Planning Authority. The approved covers shall be installed prior to the first use of the egg production unit and retained in perpetuity.**

Reason: In order to prevent the ingress of flood water into the surface attenuation system and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN01 Mud on highway**
- 3. HN04 Private apparatus within highway**
- 4. HN07 Section 278 Agreement**

5. **HN05 Works within the highway**
6. **HN21 Extraordinary maintenance**
7. **HN26 Travel Plans**

153. 133325/F ROYAL GEORGE INN, LYONSHALL, KINGTON HR5 3JN

The applicant withdrew this application in advance of the meeting.

154. 132141/F LAND TO THE SOUTH OF EASTFIELDS FARM, OFF U94021, BODENHAM, HEREFORD, HR1 3HS

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr D Jackson, of Bodenham Parish Council, spoke in opposition to the Scheme. Mr B Corbett, the Applicant's agent, spoke in support.

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

He commented on a number of issues including:

- The way in which the use of the former farmhouse had been dealt with and the current breach of Regulations referred to at paragraph 6.4 of the report had caused residents and the Parish Council to have some concern about the current application.
- He acknowledged the rationale of the Planning Officer's report.
- He suggested that the concerns of the local community could be addressed by deferring consideration until an alternative site nearby had been considered. If the application were to be approved enforceable conditions should be attached to ensure that what was proposed in the application was delivered in practice.

The debate opened and the following principal points were made:

- There were no material reasons to refuse the application and planning guidance should be followed.
- Concern was expressed about the way in which the ownership of the former farmhouse had been arranged in breach of a planning condition, as described at paragraph 6.5 of the report.
- The Development Manager commented that if the Committee was concerned, occupancy of a new dwelling could be restricted to someone working on the farm and the property could be tied to the farming enterprise by a Section 106 Agreement. This could prevent the selling away or transferring of the property to other persons not connected to the business.
- He considered that a suggestion that, if not required for an agricultural worker the property should become affordable housing in perpetuity, would represent a different proposal to the application before the Committee and it would be inadvisable to consider attempting such a course.

The local ward member was given the opportunity to close the debate. He welcomed the proposed action to address some of the Parish Council's concerns.

RESOLVED: That planning permission be granted subject to a Section 106 Agreement to tie the property to the farming enterprise and the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **F14 Removal of permitted development rights**
4. **F27 Agricultural occupancy**
5. **G12 Hedgerow planting**
6. **L01 Foul/surface water drainage**
7. **L02 No surface water to connect to public system**
8. **L03 No drainage run-off to public system**

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. **W01 Welsh Water Connection to PSS**

155. 132536/F LAND ON LEDBURY ROAD WEST OF WILLIAMS MEAD, BARTESTREE, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr G Davies, Vice-Chairman of Bartestree and Lugwardine Parish Council spoke in opposition to the Scheme. Ms L Rowberry, a resident, spoke in objection. Mrs S Griffiths, the Applicant's agent, spoke in support.

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

He commented on a number of issues including:

- Maintaining the separation between the two villages of Bartestree and Lugwardine was important. The report stated at paragraph 4.6 that the scheme proposed would occupy the one remaining clear and undeveloped area between the two villages.
- The Conservation Manager (Historic buildings and Conservation) had commented that the development would be contrary to policy HBA4.
- An application for 50 houses was too big. The Strategic Housing Land Availability Assessment had identified 25 units on this site. An allocation of 190 houses had been identified for Bartestree and Lugwardine over 20 years. Several applications were pending which could mean the area having 118 houses built within two years.
- Some recent applications for small infill housing developments had been supported locally.
- He criticised the proposed location of the affordable houses within the development.
- There were concerns about highway safety and pedestrian safety.
- The Conservation Manager (Landscapes) had expressed several reservations about the development including questioning whether its sustainability had been demonstrated as defined in UDP policies S1 and S2.
- There was a concern that flooding would be increased.
- There was no public open space provided within the development itself.
- Better applications would come forward which would command local support. The views of local people should not be overridden simply because of the absence of the 5 year housing land supply.

The debate opened and the following principal points were made:

- The Conservation Manager (Landscapes) and the Conservation Manager (Historic Buildings and Conservation) had both been scathing about the development.
- The housing land supply situation was acknowledged. However, whilst the Home Farm, Belmont appeal had concluded that the Council was not meeting the 5 year housing supply the appeal had been dismissed on the grounds that the development was inappropriate in the setting. Herefordshire was characterised by the fact that, outside the City and the Market Towns, settlements had not converged. Policy LA 3 was clear that convergence did not have to be supported. The strength of local opposition to the development and the convergence it brought between Bartestree and Lugwardine was clear. The Conservation Manger at point 4.6 on page 106 of the agenda papers had concluded that, "In principle it is considered that the development of the greenfield site for housing would be detrimental to the legibility and character of Bartestree and Lugwardine."
- The development was overbearing and the impact too severe. It was questioned whether such big blocks of development were sustainable.
- Members advanced several grounds for refusing the application considering that these did outweigh the presumption in favour of development within the NPPF: LA3, LA2, DR1, LA5, LA6, HBA4, Pedestrian Access, Negative Effect on footpath LU6F1, Water Pressure issues, the lack of certainty about the future management of the Sustainable Urban Drainage System (SuDS) pond, Absence of Open Space in the

development, There was not a sufficient mix of homes as required by the NPPF (paragraph 56), and MT1

- The NPPF provided that if the land was grade 1 or grade 2 agricultural land it should not be built upon. The grading needed to be clarified to establish whether this represented an additional ground for refusal.
- It was accepted that concerns about drainage had been satisfied.
- In response to a question the Development Manager commented that in terms of school provision the Education service had identified capacity issues but had not objected to the development.
- In response to questions about the standard of the access onto the A438, the Principal Planning Officer explained the approach that had been taken to the definition of the visibility splays and confirmed that this was to the higher Design Manual for Roads and Bridges standard.
- In relation to the absence of open space within the development, the Principal Planning Officer commented that the provision of off-site contributions to support/enhance local recreational facilities was regarded as the most appropriate approach by the Parks and Countryside team
- The Development Manager commented that the issues of landscape character and avoiding convergence between Bartestree and Lugwardine were material considerations, as was the impact upon the setting of the adjacent listed building. Whilst officers had weighed this in the planning balance in the report and recommended approval it was open to the Committee to reach the view that the impact of the development outweighed the benefits. He suggested that if this was the Committee's conclusion, policies LA2, LA3 HBA4, DR1, H13 and HBA9 would be defensible grounds for refusal. The agricultural land classification would be examined and consideration given to including this in the reasons for refusal.
- The Legal Officer commented that she was satisfied that the reasons for refusal, as commented upon by the Development Manager, were supported by expert opinion. She further noted that there were some distinctions between the site at Home Farm, Belmont and the site before the Committee. She reiterated that the 'planning balance' should be considered in reaching a decision.

The local ward member was given the opportunity to close the debate and reiterated his request that the application be refused.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: policies LA2, LA3 HBA4, DR1, H13 and HBA9.

INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

156. 132221/O TALBOTS FARM, THE RHEA, SUTTON ST NICHOLAS, HEREFORDSHIRE, HR1 3BB

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr M Winnell, of Sutton St Nicholas Parish Council spoke in opposition to the Scheme. Mr K Lawton, a resident, spoke in objection. Mr C Goldsworthy, the Applicant's agent spoke in support.

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

She disagreed with a number of points made by the Planning Officer, commenting that the laneway had deteriorated and there would be an increase in traffic and adding that the application may be a case of one house too many and contrary to a number of policies. She requested that a site visit be undertaken in order for Members to reach an informed decision on the matter.

RESOLVED: That consideration of the application be deferred pending a site visit.

157. 131899/F HEREFORD LEISURE CENTRE (RACECOURSE), 37-39 HOLMER ROAD, HEREFORD, HR4 9UD

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr S Humphreys, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors PA Andrews and EMK Chave, two of the three local ward members, spoke on the application. Both indicated their support.

The Committee noted the advice that it had to consider the application before it and that questions of land ownership that had been raised were a separate issue.

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.**
- 4. Prior to the first use of the building hereby permitted, the improvements identified in the drawing entitled "Job - Golf Range Visibility Splay" at Hereford Leisure Centre, Dated July 2010 shall be implemented in full.**

Reason: In order to ensure that vehicles accessing and existing the site ensure the safety of users on the A49 having regard to Policy DR3 of the Herefordshire Unitary Development Plan.

- 5. Prior to the first use of the building hereby permitted the car parking approved under application number DMS/100824/F on the 28 September 2010 shall be implemented in full.**

Reason: To prevent indiscriminate parking on the highway in the interests of highway safety having regard to Policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

- 6. None of the existing trees and/or hedgerows on the site other than those specifically shown to be removed on the approved drawings (plan received 30 July 2010) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the Local Planning Authority.**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

- 7. No development shall take place until a scheme of hedge planting has been submitted to and approved in writing by the Local Planning Authority as per the scheme detailed in the letter dated 29 July 2010 and plan received 30 July 2010. All hedge planting shall be carried out in accordance with those details and shall be carried out concurrently with the development hereby approved and shall be completed no later than the first planting season following the completion of the development.**

The hedges shall be maintained for a period of 5 years. During this time, any shrubs that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan and National Planning Policy Framework.

- 8. The floodlighting/external lighting hereby permitted shall not be switched on outside of the following times: - 7.15 am - 9.45 pm Mondays to Fridays, 7.15 am - 5.30 pm on Saturdays and Sundays.**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan and National Planning Policy Framework.

- 9. The proposed floodlighting shall be carried out strictly in accordance with the proposed plan (UKS6328 - Berm Lighting) and the details supplied in the Abacus Lighting Limited Technical Report received on 9 April 2010.**

Reason: In the interests of local amenity having regard to Policy DR15 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

- 10. Notwithstanding condition 9, no light source shall be visible from outside the extremities of the application site or produce more than 1 Lux of horizontal or vertical illuminance at any adjacent property boundary.**

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan and National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

158. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 – Schedule of Committee Updates

The meeting ended at 3.35 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 12 March 2014

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

8 131680/F - PROPOSED ERECTION OF 12 AFFORDABLE DWELLINGS, COMPRISING A MIXTURE OF 2 AND 3 BED HOUSES AT LAND AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE

For: Markey Builders (Gloucester) Ltd per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH

ADDITIONAL REPRESENTATIONS

Two additional letters received. One letter reiterates concerns already raised with regard to the danger to schoolchildren using a road that is 5m wide in places and 4.8m at pinch points

The second letter addresses points raised in applicant's letter summarised in Section 5.6 of this report.

- Site referred to at Orleton, not comparable. Only 6 properties or so on lane (Kitchen Hill Road). Nearly 80 dwellings and large hotel access Tump Lane
- Facilities are not regularly accessed from Orleton site, as is the case with Tump Lane . Also Tump Lane has accesses onto two important 'A' roads. Kitchen Hill Road has only access to the B4361 road
- Proposed footpath does not link existing footpath to Wormelow. There is still a shortfall of some 60 feet at end of road making it unsafe for any purpose.

OFFICER COMMENTS

Whilst acknowledging the Planning Committee's desire to secure a continuous footpath link the full length of Tump Lane, this has not proven deliverable and the applicant has requested determination of the application in its original form. On balance, it is considered that the provision of much needed affordable housing and the proposed improvements to footpath links enable a positive recommendation to be made.

NO CHANGE TO RECOMMENDATION

9 P132959/F - CONSTRUCTION OF A 6,000 BIRD "FREE RANGE" EGG PRODUCTION UNIT. CHANGE OF PUBLIC RIGHT OF WAY TO REFLECT O.S. MAP. AT SOLLERS HOPE FARM, SOLLERS HOPE COURT, SOLLERS HOPE, HEREFORD, HR1 4RW

For: Mr Powell per Mr Anthony Lee, Badger Farm, Willowpit Lane, Hilton, Derby, Derbyshire, DE65 5FN

ADDITIONAL REPRESENTATIONS

A response has been received from the Land Drainage Manager indicating no objections in principle on flooding and drainage grounds, subject to the provision of watertight manhole covers in the area of land indicated to flood in the 1 in 100 year plus Climate Change event.

OFFICER COMMENTS

It is recommended that a condition is attached to any permission securing the provision of water tight manhole covers in the area of land indicated to flood in the 1 in 100 year plus Climate Change event.

In response to comments made on the Site Inspection, officers are seeking further clarification in response to the means of securing the necessary attenuation within the applicant's ownership. An update on this issue will be reported verbally.

CHANGE TO RECOMMENDATION

Add condition:

Prior to the commencement of the development hereby approved, details with regards to the installation of water tight manhole covers to be installed in the area of land indicated to flood in the 1 in 100 year event will be submitted to and approved in writing by the Local Planning Authority. The approved covers shall be installed prior to the first use of the egg production unit and retained in perpetuity.

Reason: In order to prevent the ingress of flood water into the surface attenuation system and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

12 132536/F - DEVELOPMENT OF 50 NEW DWELLINGS OF WHICH 18 WILL BE AFFORDABLE. AT LAND ON LEDBURY ROAD WEST OF WILLIAMS MEAD, BARTESTREE, HEREFORDSHIRE,

For: David Wilson Homes (Mercia) Ltd per Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa, Worcestershire, WR9 0QE

ADDITIONAL REPRESENTATIONS

Five additional letters of objection and an email have been received. Some of the content is already summarised in the published report before Members. Additional or further highlighted material considerations are summarised as follows:

- Significant concern is expressed in relation to the treatment of foul and surface water drainage. Property in Lumber Lane has very nearly been inundated on two

occasions, the most recent in mid-February 2014. The proposed erection of 50 dwellings on higher ground will increase this risk unacceptably;

- Concern is expressed in relation to the condition and capacity of an existing pipe in third party ownership between the site and Lumber Lane and the future maintenance of the surface water drainage arrangements;
- It is suggested that this is fundamental to the granting of permission which should not be granted until it has been determined what work needs to be done to make the culvert fit for purpose;
- The development is too close to properties in Williams Mead and the adjacent grade II listed Prospect Cottage;
- The development would lead to coalescence with Lugwardine;
- Water supply is already compromised during periods of peak demand.

OFFICER COMMENTS

Water supply and surface water drainage

Conditions 15 & 16 address the issue of water supply. Condition 20 requires the submission of a detailed design strategy prior to commencement of development and the consultation response from the Land Drainage Manager confirms that the proposed attenuation basin has been designed to accommodate a 1 in 100 year plus 30% for climate change event. The outfall from the system will be attenuated to green-field equivalent rates and it is concluded there is no increased risk of flooding as a consequence.

The agent has confirmed that any spillages of potentially contaminative material on the estate road would be protected by deep sealed trapped road gullies and the highway authority would be responsible for their maintenance. If contaminants did enter the surface water system the proposed attenuation basin would act as an interceptor and dilute any contaminants acting as a buffer until such time as the maintenance provider cleaned the pond/system. It is also stated that drainage calculations are based on the site being wholly impermeable, when in reality there will be the opportunity for infiltration of rainwater falling on gardens. As such the calculations are based on the worst-case scenario.

It has been confirmed that due to the extent of landownership within the control of the applicant, surface water run-off could be further attenuated to achieve a 5 litre/second outfall and this is the recommendation of the Council's Land Drainage Engineer. This would represent betterment when considered against existing Greenfield run-off rates (9 litres/second) since it would reduce the volume of water currently flowing through the pipe referred to by the adjacent landowner. The discharge rates through existing infrastructure and overland flows together with future management arrangements for the attenuation pond would need to be addressed as part of the discharge of Condition 20.

Boundary treatments

In response to a query over boundary treatments adjacent Williams Mead the agent has confirmed that no wall or fencing is proposed along this boundary edge. It is intended the existing hedgerow will provide the boundary. In terms of its maintenance the responsibility for maintaining one side of the hedge will be with the householders in Williams Mead and the other half was with the application site landowner.

NO CHANGE TO RECOMMENDATION