

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 25 June 2014 at 10.00 am**

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

Councillors: WLS Bowen, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, JG Lester, FM Norman, J Norris, GR Swinford, GA Vaughan-Powell and DB Wilcox

**In attendance:** Councillors AM Atkinson and DC Taylor

**11. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hardwick, RI Matthews and RL Mayo.

**12. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution: Councillor WLS Bowen attended the meeting as a substitute member for Councillor J Hardwick; and Councillor GA Vaughan-Powell attended the meeting as a substitute member for Councillor RI Matthews.

**13. DECLARATIONS OF INTEREST**

7. P140534/F Land adjoining Kingsleane, Kingsland, Leominster, Herefordshire, HR6 9SP

Councillor WLS Bowen, Non-Pecuniary, Chairman of the Kingsland Millennium Green Trust.

8. P140684/O Land east of the A40, Ross on Wye, Herefordshire

Councillor PGH Cutter, Non-Pecuniary, Chairman of the Wye Valley Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee.

Councillor BA Durkin, Non-Pecuniary, Member of the Wye Valley AONB Joint Advisory Committee.

(It was noted that the application site was approximately 1.2 kilometres from the boundary of the AONB)

9. Land for residential development at land adjacent to Harpacre, Clehonger, Hereford

Mr K Bishop (Development Manager), Non-Pecuniary, knew the applicant.

**14. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 4 June 2014 be approved as a correct record and be signed by the Chairman.

## 15. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded members that a training presentation on viability assessments was to be held at 2.00pm that afternoon. He also welcomed Councillor MAF Hubbard back to the committee after a short leave of absence.

## 16. APPEALS

The committee noted the report.

## 17. P140534/F LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

*Proposed development of 12 nos. dwellings consisting of 4 nos. affordable and 8 nos. open market. Works to include new road and landscaping.*

The Senior Planning Officer gave a presentation on the application. The following amendments to the report were identified:

- Paragraph 6.11 of the report should refer to 'the setting of ~~three~~ two nearby listed buildings'.
- Paragraph 3 of the draft Heads of Terms appended to the report should refer to 'The Millennium Green which is owned and maintained by the ~~Parish Council~~ Kingsland Millennium Green Trust'.
- Minor amendments were made to the wording of the recommendation.

In accordance with the criteria for public speaking, Mrs S Sharp-Smith, a local resident, spoke in objection and Mrs W Schenke, the applicant, spoke in support of the application; Mrs Schenke, due to her employment with the council, then left the meeting.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor WLS Bowen, the local ward member, spoke on the application. Councillor Bowen made a number of points, including:

1. The committee was thanked for undertaking a site inspection.
2. Attention was drawn to the planning history and the reasons for refusal in relation to two previous applications for affordable housing units on this site. It was noted that the current application was for open market and affordable housing.
3. It was commented that the adjacent affordable housing development known as Kingsleane was of high quality in terms of both design and setting.
4. The position with the published absence of a five-year housing land supply, as required by the National Planning Policy Framework (NPPF), was acknowledged but this should not override other material planning considerations.
5. Development should preserve or enhance the character and appearance of the Conservation Area and attention was drawn to the comments of both the Conservation Manager (Landscape) and the Conservation Manager (Built Environment).
6. The layout and design of this application were considered mundane and suburban and would not preserve or enhance the Conservation Area. It was also disappointing that the proposal did not include energy efficiency measures.

7. Although Welsh Water had no objections, there were drainage capacity issues in the locality and perhaps this could be addressed by a willow bed drainage system on the site.
8. It was suggested that the proposal should be rejected or deferred until better designs and layout came forward. If the application was to be approved, higher standards should be required to ensure that development made a positive contribution to the Conservation Area and to the village as a whole.
9. Further clarity was needed about the maintenance of hedgerows and about the provision of footpaths.
10. It was considered unfortunate that there had only been a ten year requirement to manage the site as a hay meadow.
11. Referring to the draft Heads of Terms, it was questioned why St Mary's Roman Catholic School had been identified as a potential recipient of educational infrastructure contributions, as there were other schools nearer to the site. Comments were also made about the identified contributions towards off-site play facilities, indoor facilities, bus infrastructure, and waste reduction and recycling.

The debate opened and the following principal points were made:

- a. Although the NPPF indicated a presumption in favour of sustainable development, the planning authority should still insist on the highest possible standards.
- b. The local ward member's comments were supported, particularly in respect of design, energy efficiency features, drainage, hedgerows, footpaths, and educational infrastructure.
- c. It was considered regrettable that the biodiversity interest of the hay meadow had been lost and it was suggested that the restoration of part of it could be required as a condition on any planning permission granted. It was also commented that such features should be protected in perpetuity rather than for a set period.
- d. A number of members felt unable to support the application in its current form, especially given the comments of the Conservation Managers.
- e. It was noted that the housing land supply issue related only to the supply of housing, it did not impact on other adopted policies.
- f. A concern was expressed about the position of affordable housing units.
- g. It was considered that this was potentially an acceptable site to develop in terms of its relationship to the village, however the design and layout needed to be improved substantially in line with the Conservation Managers' comments.
- h. It was noted that the condition of the hedgerows needed urgent attention.

In response to comments made by members, the Development Manager confirmed that the impact of the development on heritage assets was a material planning consideration which was unaffected by the housing land supply issue.

A committee member did not consider that deferral would necessarily achieve the fundamental changes required to the proposal and emphasised the need to recognise and preserve the unique assets of small settlements and where development is

permitted high standards of design and layout are incorporated. It was considered that, whilst the site might be appropriate for some form of development, the current application was deficient in terms of design/layout and would have a detrimental impact on the Conservation Area.

The local ward member was given the opportunity to close the debate. Councillor Bowen commented that: it was apparent that the committee was fully aware of the importance of the Conservation Area; there were significant concerns about the current application; there were many good examples of vernacular architecture in the county that could inform any future proposal.

**RESOLVED:**

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

- 1. The proposed development by reason of its design and layout does not enhance or preserve the Conservation Area and therefore will have a detrimental impact on the setting of the settlement. The proposed development is accordingly considered contrary to Policies HBA6, LA3 and H13 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**
- 2. No completed Section 106 Agreement under the Town and Country Planning Act 1990 in relationship to planning obligations accompanied the application. Therefore, the proposal is considered contrary to Policy DR5 of the Herefordshire Unitary Development Plan.**

**18. P140684/O LAND EAST OF THE A40, ROSS ON WYE, HEREFORDSHIRE**

*Development of up to 290 dwellings, including affordable housing, public open space, access, landscaping, ground modelling and associated works.*

As Councillor PGH Cutter took his position as a local ward member, Councillor PA Andrews was in the Chair for this item.

The Principal Planning Officer gave a presentation on the application. It was reported that:

- The Head of Terms for the proposed planning obligation agreement had not been included in the agenda as there had been a delay in the completion of a plan by the parks department in respect of investment required in sports improvements for the town. The plan identified deficiencies in sports pitch provision and associated infrastructure. Therefore, a contribution of £143,715 was now sought.
- The Heads of Terms would also include contributions towards a new controlled crossing facility on Ledbury Road, sustainable transport measures, enhanced educational infrastructure, waste reduction and recycling, and library facilities.
- In light of the need for further discussions on the Heads of Terms, minor amendments were made to the wording of the recommendation; as reproduced in the resolution below.

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

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

Councillor Atkinson made a number of points, including:

1. The committee was thanked for undertaking a site inspection.
2. Additional housing was needed in Ross on Wye and some form of development of this site was possible but there were significant issues that had to be addressed, especially road safety.
3. The A40 was described as a very fast stretch of road, particularly given its proximity to the M50, and local residents were not convinced that vehicle speeds had reduced.
4. The site was physically divorced from the main body of Ross on Wye; a comparison was made with Greytrees which was served by a bridge and an underpass.
5. The new residents of the development would expect road safety to be of paramount importance and this had to be addressed as part of this proposal.
6. Pedestrian and cycle connectivity to the town had not yet been secured for the recent Persimmon Homes development.
7. Road narrowing to reduce speeds was supported but there also needed to be sufficient reservations for pedestrians to cross safely.
8. There were significant road infrastructure issues in the town, with numerous single track pinch points, and the planning obligation agreement should identify contributions to help to alleviate these problems, particularly as additional vehicle movements from the development would exacerbate the situation.
9. It was noted that there was an error in the draft Heads of Terms, as reference should be made to the recycling centre at Ross on Wye, not Leominster.
10. It was important that officers, in consultation with the local ward members, looked closely at the road safety issues and connectivity to the town.

Councillor Cutter supported the comments of Councillor Atkinson and made a number of further points, including:

- i. An overview was given of the road network and the existing traffic problems.
- ii. It was estimated that the development could involve approximately 900 residents, with 700 vehicles.
- iii. It was noted that schools, facilities and services were located on opposite sides to the development and it was essential that safe passage for pedestrians and cyclists was secured from the outset.
- iv. The need to deal with existing issues with traffic and congestion in the town was emphasised.

The debate opened and the following principal points were made:

- a. In response to a question, the Principal Planning Officer confirmed that the application was made in outline with all matters apart from access reserved for future consideration.

- b. In view of the nature of the site, members would welcome high quality design and energy efficiency measures to feature strongly as part of any reserved matters application.
- c. The development would result in the enclosure of this section of the A40 by housing. Consequently, the road needed to be perceived as a town road rather than a boundary road. It was suggested that the Head of Terms should provide the financial means to address the identified issues and any problems that might arise subsequently.
- d. It was commented that it had taken years to secure a Traffic Regulation Order (TRO) to reduce the speed limit to the west of Hereford city and a TRO should be considered as part of this application. A number of members supported a reduction in the speed limit.
- e. Priority had to be given to pedestrians and cyclists, with pragmatic measures which minimised the potential for conflict between different users. A member commented that this could be an appropriate location for innovative underpass solutions. Other members supported surface crossings.
- f. It was questioned whether a condition could require the maintenance of a public right of way to the south. The Principal Planning Officer advised that the route fell outside the application site.
- g. It was suggested that, if suitable off-site provision could not be brought forward, there might be a need to incorporate sports pitch provision within the site.
- h. In response to questions, the Principal Planning Officer confirmed that the A40 was no longer a trunk road and the plans included controlled crossing points, as well as uncontrolled pedestrian reservations at the roundabout approaches.
- i. In response to a suggestion, the Principal Planning Officer said that the primary purpose of protecting the land near to the Rudhall Brook from development was for biodiversity enhancement and the introduction of allotments might not serve to achieve that aim.
- j. It was suggested that further consideration be given to the position and access onto the roundabouts, to minimise the potential for congestion and accidents.
- k. It was questioned whether the undeveloped land could be protected in perpetuity by a planning condition or an informative note be included, if the current application was granted planning permission. The Development Manager suggested that this should not be necessary as any development would require planning permission and would have to be considered in accordance with policy.
- l. It was suggested that Ross Town Council be consulted about the draft Heads of Terms given the point made in the representations section of the report.
- m. In response to a question, the Principal Planning Officer said that the mature hedgerow was to be retained as part of the scheme; it was felt that a solid boundary would appear suburban and would detract from the landscape quality. A member suggested that the hedgerow be stock-proofed and maintained.

The Highways Engineering Manager responded to questions and comments from members, the main points included:

- Since initial discussions through to detailed negotiations, road safety remained a key concern of officers and the applicant.
- Connectivity to the north, west and south of the site was explained.
- Section 278 agreements enabled proposed works on existing highways to be scrutinised in detail, particularly to ensure that they conformed to design standards.
- TROs were subject to the engineering measures that could be put forward; 30mph might be considered too low without housing frontage on the road.
- Bridges and underpasses were explored but these were not desired solutions within the 'Manual for Streets' guidance; surface crossings were the preferred approach.
- Roundabouts did influence vehicle speeds and additional measures, such as narrowing and surface treatments, would help to change the road environment.

The Development Manager commented that: other developments would be coming forward, in response to the five-year housing land supply issue and the housing growth identified in the Core Strategy; there were relatively few objections received in relation to this application given its scale; the committee had a good debate on this application, with the main focus on landscape, access and connectivity, and infrastructure requirements; and, although the code for sustainable homes was being abolished, the developer was likely to be mindful of the comments about energy efficiency measures for the reserved matters.

The local ward members were given the opportunity to close the debate. Councillor Atkinson re-iterated that: there was a need for housing in the locality but it was critical that road safety was addressed; it was essential that the local ward members had input into the discussions on planning obligations and highways and connectivity matters; and, as road surface treatments could erode after a short time, appropriate weight should be given to permanent solutions. Councillor Cutter commented that: the new residents of the Persimmon Homes development would be using the same roundabout; and local residents and the ward members had fought hard to secure safety improvements for other developments and would monitor the situation carefully with this site.

#### **RESOLVED:**

**That, subject to the completion of a Section 106 obligation agreement in accordance with terms to be finalised by officers, in consultation with the Chairman and local members, officers named in the Scheme of Delegation to Officers be authorised to grant outline planning permission subject to the conditions below and any further conditions that are considered necessary by officers.**

- 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. E01 Site investigation - archaeology**

6. The recommendations set out in Sections 5.2 and 5.3 the ecologist's report from Ecological Solutions Ltd. dated January 2014 should be followed in relation to the identified species and habitats. Prior to commencement of the development, a full working method statement for ecological works including the species mitigations with the full habitat protection and enhancements proposed should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

7. L01 Foul/surface water drainage
8. L02 No surface water to connect to public system
9. L03 No drainage run-off to public system
10. L04 Comprehensive & Integrated draining of site
11. Foul flows only from the proposed development shall be discharged to the 375mm public combined sewerage system located in Over Street, at or downstream of manhole SO60242601.

**Reason:** To protect the integrity of the public sewerage system and to comply with Policy CF2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

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



**Reason:** In order that any potential risks from contaminated land are properly assessed and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

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

**Reason:** In order that any potential risks from contaminated land are properly assessed and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved the applicant or any successor in title shall enter into an agreement under Section 278 of the Highways Act 1980 to determine the extent and precise details of highway improvement works required along the A40. The works as approved shall be completed in accordance with a timetable to be submitted to and agreed in writing by the local planning authority.

**Reason:** In order to provide an appropriate means of access to the site and to comply with Policies H13 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

15. I13 Scheme to protect new dwellings from road noise
16. H17 Junction improvement/off site works
17. H21 Wheel washing
18. H30 Travel plans

**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. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway
5. HN07 Section 278 Agreement
6. HN08 Section 38 Agreement & Drainage details
7. HN10 No drainage to discharge to highway

**19. P140056/O LAND ADJACENT TO HARPACRE, CLEHONGER, HEREFORD**

*Land for residential development.*

The Principal Planning Officer gave a presentation on the application. The following amendment was identified:

- Paragraph 2.1 of the Head of Terms appended to the report should read 'The provision of a enhanced bus waiting facilities.'

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DC Taylor, the local ward member, spoke on the application. Councillor Taylor made a number of points, including:

1. The principle of development was generally acceptable but Welsh Water maintained a holding objection.
2. The implications of this development upon other potential housing sites were questioned; it was noted that the parish council would prefer future development to be located to the south of the B4349.
3. It was requested that a small section of hedge be translocated further into the site to enable vehicles emerging from the site to see vehicles coming from the direction of Madley.
4. It was requested that the Heads of Terms be amended to reallocate funds to a local pre-school play group to support its relocation plans.

The debate opened and the following principal points were made:

- a. The site was adjacent to the settlement boundary and was suitable for development, with few objections received.
- b. It was noted that the application had been submitted by a local developer.
- c. It was hoped that the holding objection of Welsh Water could be removed, otherwise the application could not be approved.
- d. The matters raised by the local member about visibility splays and contributions towards the pre-school play group were supported.

In response to questions, the Principal Planning Officer advised that:

- i. Discussions were on-going with Welsh Water and, if connection to the public sewerage system could not be achieved, other appropriate drainage solutions might need to be considered.
- ii. Planning permission was sought in outline with all matters reserved but, in recognition of the proximity of this site to the junction, officers had not been content to move forward without a firm indication of where the access would be located.

The local ward member was given the opportunity to close the debate. Councillor Taylor indicated that he was content with the conclusions of the committee.

**RESOLVED:**

**Subject to the completion of a Section 106 obligation agreement in accordance with the heads of terms stated in the report and the removal of Welsh Water's holding objection, officers named in the Scheme of Delegation to Officers be authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary by officers:**

- 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. H04 Visibility over frontage**
  - 5. H08 Access closure**
  - 6. H09 Driveway gradient**
  - 7. H11 Parking - estate development (more than one house)**
  - 8. H13 Access, turning area and parking**
  - 9. H17 Junction improvement/off site works**
  - 10. H20 Road completion in 2 years**
  - 11. H21 Wheel washing**
  - 12. H27 Parking for site operatives**
  - 13. I51 Details of slab levels**
  - 14. G04 Protection of trees/hedgerows that are to be retained**
  - 15. G10 Landscaping scheme**
  - 16. G11 Landscaping scheme - implementation**
  - 17. Development shall not commence until details of the scheme for translocation of an agreed area of existing grassland on site (between 0.1-0.2ha) has been submitted to and approved by the local planning authority. The scheme shall include detailed proposals for the removal, storage, transportation and re-laying of the grassland at a location that shall also be agreed in writing.**
- Reason: To ensure that the ecological interest associated with the site is preserved so as to comply with Unitary Development Plan Policies NC1 and NC7 and the National Planning Policy Framework.**
- 18. I18 Scheme of foul drainage disposal**
  - 19. I20 Scheme of surface water drainage**

**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. **N16 Welsh Water Informative**
5. **HN05 Works within the highway**
6. **HN22 Works adjoining highway**
7. **HN08 Section 38 Agreement & Drainage details**
8. **HN07 Section 278 Agreement**

**20. DATE OF NEXT MEETING**

It was noted that the next scheduled meeting of the Planning Committee was 16 July 2014.

The meeting ended at 12.35 pm

**CHAIRMAN**