

MINUTES of the meeting of Planning Committee held at The Shire Hall, Hereford HR1 2HX on Wednesday 8 October 2014 at 10.00 am

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

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, JF Knipe, JG Lester, RI Matthews, PJ McCaull, FM Norman, J Norris, TL Widdows and DB Wilcox

In attendance: Councillors WLS Bowen, H Bramer, AW Johnson and P Sinclair-Knipe

77. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Edwards and RL Mayo.

78. NAMED SUBSTITUTES

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

79. DECLARATIONS OF INTEREST

Agenda item 7: Land Adjacent To The Petrol Station And Mill Lane, Lea, Ross-On-Wye.

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

80. MINUTES

Minutes of 17 September 2014

The accuracy of Minute no 66 was questioned.

The Planning Lawyer and the Development Manager commented and provided clarification in support of the accuracy of the printed Minute.

Minutes of 24 September 2014

In relation to Minute no 73 a Member remarked that as a result of his professional knowledge he had been able to provide the Committee with an explanation of how the new railway crossing at Mill Street would operate and suggested that it would be useful if this were reflected in the Minutes.

RESOLVED:

- That
- (a) the Minutes of the meeting held on 17 September 2014, be approved as a correct record and signed by the Chairman; and
 - (b) the Minutes of the meeting held on 24 September 2014, be approved as a correct record and signed by the Chairman, subject to including

reference to the effect that: “a Councillor as a result of his professional knowledge provided the Committee with an explanation of how the new railway crossing at Mill Street would operate”, and recording the apologies of Councillor DW Greenow.

81. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that it was expected that the Committee's meeting scheduled for 29 October would be an all-day meeting.

82. APPEALS

The Planning Committee noted the report.

83. P141278/O LAND ADJACENT TO THE PETROL FILLING STATION AND MILL LANE, LEA, ROSS-ON-WYE

(Site for a proposed residential development for 39 dwellings.)

The Development Manager gave a presentation on the application. This included reference to the fact that all vehicular access to serve the development would be from the A40 only. In addition, the spire of the listed church could be seen from the site but the development was not detrimental to the Church's setting.

In accordance with the criteria for public speaking Mrs V Eversfield and Mr M Haines, local residents, spoke in objection to the Scheme. Ms J Joseph, the applicant's agent spoke in support.

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

He commented on a number of issues including:

- The majority of Lea Parish Council and Lea Action Group supported the application.
- He complimented officers on the work that had been undertaken with the applicant to seek to mitigate the effects the development would have on local residents, a matter of paramount importance.
- He acknowledged the situation created by the Council's lack of a 5 year housing land supply. However, he remarked that the village currently contained 218 dwellings. There were four current planning applications in the locality which, if all were approved would amount to an additional 150 dwellings. The site that was the subject of the application before the Committee was the Parish Council's preferred site.
- The development was in the centre of the village and would support the local amenities. The school was within walking distance and the developer would provide a new pedestrian crossing.
- The biggest challenge facing Lea was flooding. The S106 agreement provided a substantial sum for flood alleviation matters. This would attract additional Government funding, enabling flooding in Lea to be eradicated to the significant benefit of the residents.

The debate opened and the following principal points were made:

- The flood alleviation works were clearly of benefit.

- The settlement was outside but adjacent to the settlement boundary.
- Account should be taken of the comments of the Conservation Officer (Landscape).
- It was requested that the provision of high level sustainable buildings was encouraged at the reserved matters stage.
- Whilst acknowledging the absence of a five year housing land supply, there was some concern about the potential impact on the village if all the current applications for development were to be approved. Clarification was sought on how pending applications would be considered if the application before the Committee was approved. The Development Manager commented that each application had to be considered on its merits.
- The development was too large. Smaller developments around the village would be a better approach.
- The site was close to amenities.
- The site had been identified in the Strategic Housing Land Assessment Appraisal.

The application was in outline and it would be important to ensure that there was appropriate consultation on the reserved matters. It was requested that particular consideration should be given to the concerns raised by the public speakers about the impact of the scheme.

The local ward member was given the opportunity to close the debate. He considered that it would be possible at the reserved matters stage to mitigate the effects on nearby housing. Restricting vehicular access to the A40 was an important measure. The Parish Council had informed him that plans were in place to implement flood alleviation measures once full planning permission for the development was obtained and the S106 monies released.

The Development Manager commented that the concerns expressed by local residents would be mitigated by conditions. The report to the Committee concluded at paragraph 6.35 by recommending that the developer conducted further consultation with the Parish Council and the local community on the detail of a reserved matters submission to ensure support for the final scheme.

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

1. **A02 Time Limit for Submission of Reserved Matters (Outline Permission)**
2. **A03 Time Limit for Commencement (Outline Permission)**
3. **A04 Approval of Reserved Matters**
4. **C01 Samples of External Materials**
5. **The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in accordance with the approved plans.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

6. **The development shall include a mix of dwellings of no more than 39 dwellings and no dwellings shall be a mixture of one and two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13, HBA4 and the National Planning Policy Framework.

7. **H03 Visibility Splays**
8. **H06 Vehicular Access Construction**
9. **H09 Driveway Gradient**
10. **H11 Parking - Estate Development (more than one house)**
11. **H17 Junction Improvement/Off Site Works**
12. **H18 On Site Roads - Submission of Details**
13. **H19 On Site Roads - Phasing**
14. **H20 Road Completion in 2 years**
15. **H21 Wheel Washing**
16. **H27 Parking for Site Operatives**
17. **H29 Secure Covered Cycle Parking Provision**
18. **H30 Travel Plans**
19. **L01 Foul/Surface Water Drainage**
20. **L02 No Surface Water to Connect to Public System**
21. **L04 Comprehensive & Integrated Draining of Site**
22. **G04 Protection of Trees/Hedgerows that are to be Retained**
23. **G10 Landscaping Scheme**
24. **G11 Landscaping Scheme - Implementation**
25. **K4 Nature Conservation - Implementation**
26. **All vehicular access to the development shall be from the A40 only**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any**

representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2. HN10 No Drainage to Discharge to Highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private Apparatus Within Highway**
- 6. HN28 Highways Design Guide and Specification**
- 7. HN27 Annual Travel Plan Reviews**
- 8. HN25 Travel Plans**
- 9. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 10. N11C General**

84. P141538/F LAND AT THE WILLOWS, POWGREEN, NR BOSBURY

(Proposed change of use of land from agriculture to a one family travellers site, with stationing of one static mobile home, two touring caravans, new access, ablution block and septic tank.)

The Senior Planning Officer gave a presentation on the application. He reported that one further letter of support for the Scheme had been received.

In accordance with the criteria for public speaking, Mr J Hughes, a representative of some local residents spoke in objection to the Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AW Johnson, one of the two local ward members, spoke on the application.

He commented that the Parish Council had no objection in principle. However, it had had some concerns regarding the scale of the drawings submitted with the application which had made it hard for the Parish Council to form a judgment on the application. He supported the Parish Council's request that more detailed drawings should be submitted prior to a decision being made. He noted also that a Government Consultation: "Planning and Travellers - proposed changes to planning policy and guidance", was shortly to be concluded. He therefore suggested that it would be appropriate for the Committee to defer consideration of the matter.

The debate opened and the following principal points were made:

- Some concern was expressed about the ability to ensure that conditions on the application were adhered to and enforced.
- There was criticism that planning policy countenanced applications of this nature in open countryside locations.

- The argument advanced in the report that the application represented sustainable development was questioned.
- The Transportation Manager's assessment that there was no objection on highway grounds was supported. Reference was made to observation of the behaviour of traffic on the site visit.
- It was noted that the applicants had longstanding connections to the local area, owned the land and contributed to the local economy.
- There remained a shortfall in provision of pitches for Gypsies and Travellers.
- It was noted, with reference to the representations made by the Parish Council, that the report stated that the plans that had been submitted were of an appropriate, acceptable accuracy and detail.
- The applicants had submitted the application prior to seeking to undertake any development and appeared willing to comply with conditions.
- The development was of a sensible scale and utilised a modest proportion of the entire site.
- It was proposed that the application should be supported and conditions finalised after consultation with the Chairman and local ward member.

The Senior Planning Officer responded to questions. He clarified the landscaping conditions. He also confirmed that the Government's consultation on "Planning and Travellers - proposed changes to planning policy and guidance" was to conclude on 23 November. However, it was understood that significant objections on the basis that proposals breached the Human Rights Act were already being prepared. There were a number of other single sites already around the village and the existence of an existing local authority site had no bearing on the application.

The Development Manager commented that the application had been submitted in accordance with the correct procedure. The authority was moving towards meeting the number of pitches required and applications of this nature contributed to that process. The provision of sufficient pitches would increase the authority's ability to take enforcement action if required on unauthorised sites.

The local ward member was given the opportunity to close the debate. He welcomed the proposal to consult the Chairman and him on the conditions. The applicants were from a respected extended family that played an active part in the community. It would, however, be important to ensure that the conditions restricting additional development were enforced.

RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary, after consultation with the Chairman and the local ward member.

1. **A01 - Time limit for commencement (full permission)**
2. **B02 - Development in accordance with approved plans and materials**
3. **G02 - Retention of trees and hedgerows**
4. **G09 - Details of Boundary treatments**
5. **G10 - Landscaping scheme**

6. **G11 - Landscaping scheme – implementation**
7. **H03 - Visibility splays**
8. **H13 - Access, turning area and parking**
9. **Restrictive occupancy condition**
10. **Limitation on number of caravans**
11. **Restriction on size of caravans**
12. **Defining area caravans can be located in**
13. **Colour and finish of caravans and ancillary structures**

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. **HN04 - Private apparatus within highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)**
3. **HN28 - Highways Design Guide and Specification**
4. **HN05 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**

85. P141808/F LAND TO THE REAR OF 35 YORK ROAD, BROMYARD, HEREFORDSHIRE, HR7 4 BG

(Proposed 1 no. two bedroom bungalow with 2 off road parking spaces.)

The Principal Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Lester, one of the two local ward members, spoke on the application.

He reported that no local residents had notified him of any concerns and he therefore supported the application.

The Development Manager commented that two letters had been received about the application. The concerns these raised were addressed by the recommended conditions.

It was noted that the Town Council supported the application.

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

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission

Reason: To comply with the provisions of section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4th March , 2009 to suspend (effective from 1st April, 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. B01 Development in accordance with the approved plans
3. C01 Samples of external materials
4. H13 Access, turning area and parking
5. I 16 Restriction of hours during construction
6. I 43 No burning of materials/ substances
7. L01 Foul/surface water drainage
8. L02 No surface water to connect (either directly or indirectly) to the public sewerage system
9. L03 No drainage run-off to public system
10. H27 Parking for site operatives
11. Secure cycle storage shall be provided in accordance with submitted plans before first occupation of the dwelling and shall be retained to the satisfaction of the local planning authority

Reason: To ensure that there is adequate cycle storage accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

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. Welsh Water Advice:

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

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 we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA)1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

3. **HN4 Private Apparatus within Highway**
4. **HN5 Works within the Highway**
5. **HN28 Highways Design and Specification**

86. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.