

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 15 April 2015 at 10.00 am

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

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, JLV Kenyon and DB Wilcox

In attendance: Councillor DC Taylor

205. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, JG Lester, RL Mayo, J Norris, and TL Widdows.

206. NAMED SUBSTITUTES

There were no named substitutes.

207. DECLARATIONS OF INTEREST

Agenda item 8: 142443 Land adjacent to Garnom Bungalow, Clehonger

Councillor FM Norman declared a non-pecuniary interest because she knew the member of the public speaking in objection to the application.

Agenda item 10: Lavender Cottage, Common Hill, Fownhope, Hereford

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

Councillor BA Durkin Councillor PGH Cutter 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 a Member of the Wye Valley AONB Joint Advisory Committee.

(It was noted that Councillor AN Bridges was acting on behalf of the local ward member in relation to a planning application in Clehonger. However, this did not represent an interest in any of the applications in Clehonger to be considered by the Committee.)

208. MINUTES

RESOLVED: That the Minutes of the meetings held on 16 March 2015 and 25 March 2015 be approved as a correct record and signed by the Chairman.

209. CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members who had served on the Planning Committee during the four years of the term of the current Council for their work in tackling the difficult task faced in discharging the Committee's functions.

He thanked Councillor PA Andrews and BA Durkin for their support to him as Vice-Chairmen.

He also thanked Governance Services and Legal Services for their work and in particular officers from Planning Services for their support to him as Chairman over the past four years, noting the public scrutiny and challenge they faced.

210. APPEALS

The Development Manager highlighted the appeal decision on application 132536: Land at Ledbury Road West of Williams Mead, Bartestree. The application had been refused by the Committee contrary to officer recommendation. However, the appeal had been dismissed on the grounds advanced by the Committee, in particular the importance of maintaining a strategic gap between Bartestree and Lugwardine.

Councillor DW Greenow thanked Mr E Thomas, Principal Planning Officer, and Mr K Bishop, Development Manager, for their work on the appeal and welcomed the appeal decision as evidence that the Committee could resist inappropriate development where there were grounds to do so.

The Planning Committee noted the report.

211. 140554 LAND AT FORMER MUSHROOM FARM, MUCH BIRCH, HEREFORD, HR2 8HY

(Outline planning application for 5 no. detached dwellings and garages and access onto A49.)

The Senior Planning Officer gave a presentation on the application.

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

It was noted that the local ward member was unable to attend the meeting for family reasons.

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

- The development was sustainable and given the absence of the five year housing land supply there were no grounds for refusal.
- It was important that any issues relating to previous contamination of the land were properly addressed.
- The access to the site now appeared to be satisfactory.
- It was to be hoped that care would be taken with the detailed design and that energy efficient buildings would be provided.
- There was some regret at the absence of any community benefit from the scheme.

- It was disappointing that the Parish Council had decided not to produce a Neighbourhood Plan. It was to be hoped that they could be encouraged to do so.

The Development Manager commented that the Scheme represented organic growth. However, as a consequence, the development was not large enough to meet the national threshold requiring the developer to provide community benefits. The development was adjacent to the built up area, Much Birch having no settlement boundary. Negotiations had enabled a satisfactory access to be provided. He noted that the code levels for sustainable homes had now been abolished and had been replaced by Building Regulation standards.

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

1. **A02 - Time limit for submission of reserved matters (outline permission)**
2. **A03 - Time limit for commencement (outline permission)**
3. **A04 - Approval of reserved matters**
4. **A05 - Plans and particulars of reserved matters**
5. **B01 – Development in accordance with the approved plans**
6. **G02 – Retention of trees and hedgerows**
7. **H03 - Visibility splays**
8. **H06 - Vehicular access construction**
9. **H11 - Parking - estate development (more than one house)**
10. **H17 - Junction improvement/off site works**
11. **H20 - Road completion in 2 years**
12. **H21 - Wheel washing**
13. **H27 - Parking for site operatives**
14. **H29 - Covered and secure cycle parking provision**
15. **I18 – Scheme of foul drainage disposal**
16. **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 the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

17. The Remediation Scheme, as approved pursuant to condition no. 14 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 the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment as required by Policy DR10 of the Herefordshire Unitary Development Plan and the NPPF.

19. C01 Samples of external materials
20. G10 – Landscaping scheme
21. G11 – Landscaping scheme – implementation
22. I16 – Restriction of hours during construction

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. N11C – General

- 3. The contaminated land assessment pursuant to conditions 14, 15 & 16 is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.**
- 4. All investigations of potentially contaminated sites will be required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**

212. 142443 LAND ADJACENT TO GARNOM BUNGALOW, CLEHONGER, HEREFORDSHIRE, HR2 9SY

(Outline permission for the erection of three dwellings.)

The Senior Planning Officer gave a presentation on the application. He noted that comments had now been received from Welsh Water overtaking the information issued in the Committee update.

In accordance with the criteria for public speaking, Mrs C Protherough, a local resident, spoke in objection to the application. Mr C Goldsworthy, the applicant's agent, spoke in support.

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

He made the following principal points:

- He requested that as much as possible of the hedgerow bounding the site be retained.
- He considered that the dwellings should be single storey. This would be in keeping with the properties to the north. Two storey dwellings would overshadow neighbouring properties. It was to be hoped that the buildings would be designed to be as unobtrusive as possible.
- There were some difficulties regarding access and it would be helpful if a boundary wall of a property neighbouring the site could be moved back about 1 metre to improve visibility.

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

- The development represented organic growth and was close to amenities.
- The applicant should be encouraged to provide single storey properties at the detailed design stage to reduce overlooking.
- Quality of design would be important.
- The Traffic Manager had no objection to the proposed access, which would be an improvement on the current situation.

- It was requested that the applicant should be encouraged to work with the Parish Council and local ward member to provide a traffic calming measure at the entrance to the village as a community benefit with an informative to that effect. There was also a request for signing for walkers and others.
- It was asked if the proximity of stables to the proposed dwellings was a concern. The Development Manager indicated that this was not a concern.
- It was observed that no affordable housing could be required as part of a small development and this was a matter that the Committee should be mindful of given the continuing shortage of affordable housing in the County.

The Development Manager commented that the access had been carefully assessed by the Traffic Manager. He advised that a condition could be included restricting the development to single storey dwellings. However, the developer could submit a full planning application for two storey dwellings which would be considered on its merit. The key would be the quality of the design proposed in relation to the surroundings. An informative could be added to encourage the applicant to provide a traffic calming gateway feature in conjunction with the Parish Council.

The local ward member was given the opportunity to close the debate. He reiterated that he considered it was important that the dwellings provided were single storey and repeated his request relating to moving a boundary wall of a neighbouring property.

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site at an appropriate time of year and ensure there is no impact upon protected species during vegetation clearance of the area. The results and actions from the inspection shall be relayed to the local planning authority upon completion.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

7. **The recommendations set out in the ecologist's evaluation from the ecology practice dated July 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be**

submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

8. H04 Visibility over frontage
9. H06 Vehicular access construction
10. H13 Access, turning area and parking
11. H17 Junction improvement/off site works
12. H27 Parking for site operatives
13. H29 Covered and secure cycle parking provision
14. I18 Scheme of foul drainage disposal
15. I20 Scheme of surface water drainage
16. Prior to the first occupation of the dwellings hereby approved, adoption and maintenance schemes for the foul and surface water drainage systems shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage systems shall be adopted and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

17. C01 Samples of external materials
18. G10 Landscaping scheme
19. G11 Landscaping scheme – implementation
20. I51 Details of slab levels
21. I16 Restriction of hours during construction

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. HN05 Works within the highway**
- 5. HN08 Section 38 Agreement & Drainage details**
- 6 The applicant is encouraged to work with the Parish Council to provide a traffic calming gateway feature at the entrance to the village.**

213. 141905 LAND ADJACENT TO GLASNANT HOUSE, CLEHONGER, HEREFORD, HR2 9SL

(Proposed erection of four dwellings and construction of vehicular access.)

The Principal Planning Officer gave a presentation on the application.

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

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

He made the following principal comments:

- The proposed non-mains sewerage solution would prove costly unless a mains solution could be provided soon and this issue therefore needed to be addressed as swiftly as possible.
- The access was ideal.
- The development was in accordance with the Parish Plan which sought small developments of between 5-10 dwellings.

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

- It was requested that the applicant should be encouraged to work with the Parish Council to provide a traffic calming gateway feature at the entrance to the village as a community benefit, with an informative to that effect.
- Reference was made to the Parish Council's concerns over access and the potential linkage to a separate larger application that had been submitted by another developer. It was stated that the proposed access for the separate application by another developer for a larger development to the rear of the application site was in a different location.
- It was to be hoped that the condition requested by the Conservation Manager would be enforced.

- It was suggested that the wording of condition 14 proposed in the recommendation should be amended to reflect the wish that a mains solution to sewerage should be provided as swiftly as possible.
- It was requested that open space be included within the development to reduce its impact.
- The Parish Council supported small scale development of the type proposed.

The Development Manager commented that the access to the site was good, as was the site's connectivity. There was a separate application by another developer for a larger development to the rear of the application site. The wording of condition 14 could be slightly modified to reflect the desire for there to be a mains sewerage solution. An informative could be added to encourage provision of a traffic calming gateway feature.

The local ward member was given the opportunity to close the debate. He indicated his support for the application with the hope that a mains sewerage solution would be secured promptly.

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **The maximum combined gross floor space of the development hereby approved shall be no more than 1000sqm.**

Reason: Having regard to the National Planning Practice Guidance revisions dated 28 November 2014, there is no requirement for contributions and affordable housing subject to compliance with this criteria.

8. **G11 Landscaping scheme - implementation**
9. **H06 Vehicular access construction**
10. **H13 Access, turning area and parking**
11. **H27 Parking for site operatives**
12. **I16 Restriction of hours during construction**
13. **H29 Secure covered cycle parking provision**
14. **No foul or surface water discharges from the site shall connect either directly or indirectly at any time to the public sewerage system.**
15. **L04 Comprehensive & Integrated draining of site**

16. The recommendations set out in Section 8 of the ecologist's report from Paul Quinn dated May 2014 should be followed in relation to mitigation and habitat enhancement. Prior to commencement of the development, habitat protection and enhancement plan integrated with the landscape scheme 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.

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

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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. HN05 Works within the highway
- 3 The applicant is encouraged to work with the Parish Council to provide a traffic calming gateway feature at the entrance to the village.

(The meeting adjourned between 11.25 and 11.30 am.)

214. 143833 LAVENDER COTTAGE, COMMON HILL, FOWNHOPE, HEREFORD, HR1 4QA

(Proposed new double garage including garden store, lean-to firewood store and home office above; to include change of use of land from orchard to residential.)

The Acting Principal Planning Officer gave a presentation on the application. *(The Committee update noted that at paragraph 2.1 of the Officer's Report there should be reference to Chapter 11 – Conserving and enhancing the natural environment.)*

In accordance with the criteria for public speaking, Mr M Simmons, Chairman of Fownhope Parish Council spoke in opposition to the Scheme. Mr I Jones, a local resident, spoke in objection. Mrs A Hayter, the applicant, spoke in support.

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

He made the following principal comments:

- He supported the views expressed on behalf of the Parish Council and the public speaker opposing the Scheme. The proposal was for a large structure that would dominate the main dwelling.
- The area was rural and unspoilt and development in such areas was tightly controlled.
- The development would overlook neighbouring properties such as Croft Cottage and was close to a listed building. A single storey development with a pitched roof would be more appropriate.

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

- A Scheme of the size proposed was out of character with the location and would have a detrimental effect on the landscape particularly as it was within the Wye Valley Area of Outstanding Natural Beauty.
- There was support for the views of Fownhope Parish Council opposing the development.
- There were other ways of meeting the need. There did not seem to be any reason, for example, why a small extension could not be made to the existing dwelling. A single storey dwelling would be preferable.
- The applicant had taken pre-application advice from officers. The Scheme did offer economic benefit. The materials to be used in its design were satisfactory. There were grounds for supporting the proposal in accordance with the officer recommendation having regard to the National Planning Policy Framework.

The Development Manager detailed the dimensions of the development noting that these were significantly reduced from the original application for a building of 96sqm. The application now represented a very modest proposal for a development of just over 40sqm. Such applications would normally be dealt with under delegated powers. The proposed office space area was small, situated in what was in effect an attic. The development was at a lower level than the host dwelling and so would not dominate it. A condition could be imposed regulating slab levels.

The local ward member was given the opportunity to close the debate. He reiterated that the development would be dominant in the landscape. The revised application had resulted in a proposal for a building that was only 0.7m lower in height. A single storey development would be more in keeping with the location.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal was out of character with the location, would dominate the main dwelling, and would have a detrimental effect on the landscape particularly as it was within the Wye Valley Area of Outstanding Natural Beauty.

The meeting ended at 12.10 pm

CHAIRMAN