

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 11 February 2015 at 2.00 pm

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

Councillors: JM Bartlett, CM Bartrum, AJM Blackshaw, WLS Bowen, AN Bridges, ACR Chappell, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, Brig P Jones CBE, JG Lester, PJ McCaull, J Norris, RJ Phillips, TL Widdows and DB Wilcox

153. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, BA Durkin, J Hardwick, JW Hope MBE, MAF Hubbard, JG Lester, RI Matthews RL Mayo and FM Norman.

154. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JM Bartlett attended the meeting as a substitute member for Councillor FM Norman, Councillor CM Bartrum substituted for Councillor PA Andrews, Councillor WLS Bowen for Councillor J Hardwick, Councillor ARC Chappell for Councillor RI Matthews, Brig PJones for Councillor JG Lester and Councillor RJ Phillips for Councillor JW Hope.

155. DECLARATIONS OF INTEREST

There were no declarations of interest.

156. P140890/N LAND ADJ ASHGROVE, EASTFIELDS FARM, BODENHAM, HR1 3HS

(Proposed construction of earth slurry lagoon.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Hawnt, a local resident, spoke in objection. Mr A Murphy, 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 KS Guthrie spoke on the application.

She commented on a number of issues including:

- The scale of the development was large.
- The slurry pit was situated on the brow of a very steep hill.
- There was concern about the potential for pollution. The pit had been constructed on porous rock and three expert reports had highlighted the harmful effects of a leak. If there was a leak, local boreholes would be contaminated and there was concern that the leakage would flow downhill into the village.

- The banking surrounding the lagoon was not sound. This could compromise any liner put in place. If a leak were to occur it would then be too late to seek to retrieve the situation.
- There was also concern about the smell that the lagoon would cause.
- She cited a number of policies that she considered formed grounds for refusal: S2, DR1, DR2, DR4, DR7, DR8, DR11, E13, M3, M5, M7, LA2, LA5, NC1 and Arch1. The development was also contrary to the three core principles of the National Planning Policy Framework relating to sustainable development.
- In short, the development was wrong, in the wrong place and would have an adverse effect upon the local community.

Councillor JW Millar, as adjoining local ward member, also spoke on the application. He made the following principal points:

- The original retrospective application had been refused on eleven grounds. Only six of these had been fully addressed with the remainder addressed only to some extent.
- Whilst Marden Parish Council supported the application, Bodenham Parish Council remained opposed to it, requiring assurance that all eleven grounds for refusal had been fully addressed.
- There was continuing concern about the risk of leakage. The original excavation had broken through a porous limestone layer. The proposal to install an artificial sealed liner was not infallible. Even with a robust leak detection system there was concern that remedial action could not be taken swiftly enough to prevent pollution.
- The standard of work undertaken to date had been poor. Trees had been damaged. The sides of the pit were collapsing. No archaeological work had been carried out. He did not have confidence in the quality of future work.
- The development presented a risk to the area.

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

- There was concern about the stability of the land and the prevention of future landslips.
- An alternative site should be considered.
- There was doubt about the ability to guarantee the prevention of leakage given that seals on liners did fail.
- Farmers had a duty of care to their neighbours who appeared not to have been consulted about the development.
- The Environment Agency and Natural England had not submitted objections. The Principal Planning Officer commented that she had been unable to recommend refusal in the absence of objections from these bodies, to whom she had made representations, but noted the constraints within which those bodies had to operate.
- Whilst the Environment Agency had stated that it had no objection it was questioned what level of detail it had considered.
- It was suggested that the farming industry now considered metal storage tanks above ground to be the preferred solution for slurry storage.
- It was a concern that given the time that had elapsed the grounds for refusal of an earlier application still remained to be addressed.
- The quality of work undertaken to date at the site was poor.

The local ward member was given the opportunity to close the debate. She reiterated that she considered the development to be inappropriate, presenting an unacceptable risk of pollution to the local area.

Councillor Millar commented that three reports representing independent expert opinion highlighted the risks of the proposed development. He had no confidence in the solutions proposed by the applicant.

It was proposed that the application should be refused on the grounds that the land on which the development was located was unstable, the application presented a risk to water courses, the location was unacceptable being on a steep escarpment, and the development was contrary to a number of policies as outlined by the local ward member.

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 based on the Committee's view that the land on which the development was located was unstable, the application presented a risk to water courses, the location was unacceptable being on a steep escarpment, and the development was contrary to a number of policies as outlined by the local ward member: S2, DR1, DR2, DR4, DR7, DR8, DR11, E13, M3, M5, M7, LA2, LA5, NC1 and Arch1. The development was also contrary to the three core principles of the National Planning Policy Framework relating to sustainable development.

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 for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

157. P141487/O LAND TO THE EAST OF THE A49, HOLMER, HEREFORDSHIRE

(Site for proposed erection of 52 no. residential dwellings, parking, landscaping, drainage and other associated engineering works. Vehicular access from A49.)

The Development Manager 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 M Millmore of Holmer and Shelwick Parish Council spoke in opposition to the Scheme. Mr D Weaver, 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 SJ Robertson spoke on the application.

She commented on a number of issues including:

- The Conservation Manager (Landscapes) had objected to the development, as summarised at paragraph 6.15 of the report, referring to policies that directed refusal

of development that would adversely affect either the overall character of the landscape or its key features.

- The site had been assessed via the Strategic Housing Land Availability Assessment as having major constraints due to landscape sensitivity;
- The development would represent urbanisation, spoiling the rural setting.
- The Parish Council objected to the development.
- St Bartholomew's Church, Holmer was described in the report by the Conservation Manager (Historic Buildings) as being of exceptional importance and significance. Its setting would be adversely affected by the development.
- The development was at odds with the general pattern of development in the local area.
- The A49 was busy with fast moving traffic. She questioned paragraph 6.19 which stated that accessibility could be achieved through non-car borne access to amenities.
- Negotiations with the Highways Agency were ongoing about the A49. She expressed a number of concerns about the proposed access to the development.
- She questioned the pressure the development would place on schools. Holmer School was not referred to in the S106 agreement and she requested involvement in any future discussions on that agreement.
- There were ongoing sewer problems which the development could only exacerbate.
- If the application were to be approved she requested that the developer provide money to expand the burial ground.
- The development would place a high dependence on the car, was not sustainable and therefore paragraph 14 of the National Planning Policy Framework did not apply.
- The application should be refused on numerous policy grounds including policies LA 3 and LA4 of the Unitary Development Plan.

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

- It was requested that regular updates on the five year housing land supply should be provided to the Committee given the weight reports coming before the Committee recommended should be attached to the absence of that land supply.
- The Section 106 agreement offered a number of positive elements.
- A number of matters were identified as requiring future consideration including foul water and waste disposal, and the need for design and build to be of good quality and meet environmental requirements. It was suggested the need to consider these matters might be reflected in the decision notice as informative notes.
- The bulk of the required housing development in the County should take place in Hereford City and the Market Towns. The area had once been rural but was now urbanised and the site was a logical location for development.
- The proposed access was of concern. The Highways Agency should be requested to put in a central reservation to facilitate turns into the development.
- Heritage assets were important and efforts should be made to protect the setting of the church.
- Concern was expressed about highway safety issues. The A49 was already extremely busy and the development could only make things worse. It was difficult for pedestrians to cross the A49. It was suggested that if the application was

approved the Highways Agency should be requested to work with the developers to make safety improvements including extension of the 30mph speed limit.

- It was asked if the developer could provide land to enable the burial ground to be extended.

The Development Manager commented that the extension of the 30 mph speed limit was provided for within the S106 agreement. If the application was approved discussions would take place with the Highways Agency about safety issues. Concerns about flooding would be addressed at the reserved matters stage. In terms of the landscape impact the only question to be considered was whether the development had a detrimental impact, including a detrimental impact on a listed building under policy HBA4.

The local ward member was given the opportunity to close the debate. She reiterated her opposition to the scheme noting that both the Conservation Manager (Historic Buildings) and the Conservation Manager (Landscapes) objected to the development because of its significant adverse impact.

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 be authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary, after consultation with the Chairman and local ward member.

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 Archaeological site investigation**
6. **I17 Scheme of foul drainage disposal**
7. **H01 Single access - no footway**
8. **H03 Visibility splays**
9. **H04 Visibility over frontage**
10. **H06 Vehicular access construction**
11. **H08 Access closure**
12. **H11 Parking - estate development (more than one house)**
13. **H17 Junction improvement/off site works**
14. **H21 Wheel washing**
15. **H27 Parking for site operatives**
16. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 17. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 18. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 19. Foul flows from the site shall connection to public foul sewerage system located to the South of the proposed development at manhole SO50426101.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 20. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.**

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

- 21. No development shall take place until a potable water scheme to satisfactorily accommodate the potable water supply to the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved potable water system has been constructed, completed and brought into use in accordance with the approved scheme.**

Reason: To protect the integrity of the existing public sewerage system and to prevent pollution of the environment.

- 22. No structure is to be sited within a minimum distance of 4.5 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.**

Reason: In order to protect the integrity of the water main in accordance with policy

- 23. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.**

Reason: In order to protect the integrity of the water main in accordance with policy

24. **No part of the development hereby permitted shall be brought into use until the works as shown indicatively on Drawing No. C712/03 Rev A have been completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.**

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for the through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interest of road safety.

25. **No trees or shrubs shall be planted within a strip measured 3m from the back of the visibility splay.**

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for the through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interest of road safety.

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. **I05 - HN10 No drainage to discharge to highway**

3. **I06 - HN02 Public rights of way affected**

4. **I07 - HN08 Section 38 Agreement & Drainage details**

5. **I11 - HN01 Mud on highway**

6. **HN28 - Highways Design Guide and Specification**

158. **P141651/O THE FULL PITCHER PUBLIC HOUSE AT LAND TO THE REAR OF THE FULL PITCHER, NEW STREET, LEDBURY, HR8 2EN**

(Site for residential development of up to 100 dwellings with associated means of access and car parking.)

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr K Francis of Ledbury Town Council spoke in opposition to the Scheme. Mr I Smethurst, a local resident, spoke in objection. Mr R Yeoman, Chairman of Ledbury Cricket Club, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors TL Widdows and EPJ Harvey, two of the three local ward members, spoke on the application.

Councillor Widdows commented on a number of issues including:

- The proposal on the face of it might seem a good deal when considered alongside the relocation of the cricket pitch. However, he had a number of concerns.
- The proposal would involve the loss of public open space contrary to policy RST4.

- It would also involve the loss of the only pitch where adult football could currently be played. That alternative facility only had junior pitches.
- The Town Council was developing a Neighbourhood Plan and wanted to consult on possible housing sites. The application was therefore premature.
- He questioned whether the road system could cope with a development of the scale proposed which was also too close to the roundabout where New Street joined the A417.
- The site to which the cricket club proposed to relocate was not adequate. Access by means other than car would involve crossing the bypass which had a 60mph speed limit and walking 500m alongside the bypass to the site.

Councillor Harvey commented on a number of issues including:

- The Town Council and the Core Strategy had identified the possibility of siting housing north of the railway viaduct, with sports provision forming part of that development. She suggested the proposal was premature adding that she would like to see exploration of all the options as part of the neighbourhood planning process.
- The proposed access was of concern. The junction was close to the roundabout where New Street joined the A417 and traffic travelled at speed. There were 50 vehicles per hour at peak travel times and the Full Pitcher pub was open all day. She considered that the assessment of traffic movements was optimistic and did not take full account of the school run and shopping trips. She believed there was the possibility of traffic backing up. If the Committee was minded to refuse or defer determination of the application she could provide policy grounds for doing so.

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

- The fact that there were only six letters of objection to a development of 100 houses suggested that there was support for the application.
- As paragraph 6.13 of the report stated the site was within the constraint of the A417 which formed a development boundary and was a logical addition to the town.
- It was important to seek to meet the bulk of the County's housing shortfall by expansion of the city and the market towns.
- The alternative site for the cricket club was not equivalent to the current provision on the edge of the Town. Ledbury had a shortage of public open space and policy RST4 was relevant.
- The cricket club would have better facilities on the alternative site being proposed.
- New Street was a busy street and its capacity to absorb traffic from 100 dwellings was questioned.
- The proposal offered the opportunity to address some of the existing concerns about speed and highway safety at the roundabout.
- The NPPF stated that developers should work with the local community. Discussions should take place with the Town Council and the Neighbourhood Planning Group about design and layout of the scheme.
- It was proposed that determination should be deferred to permit discussion of the options to take place as part of the neighbourhood plan process.

The Development Manager commented that the Ledbury Football Club ground was not part of the application. There was a proposed replacement for the cricket facilities that

currently used the application site. In terms of access to those new facilities he noted that the site was close to Ledbury Rugby Club.

The Transportation Manager informed the Committee that a new design for access to the Full Pitcher site had recently been drawn up, superseding that referred to in the presentation. The change to the design would mean that speeds would be lower and the access safe. Traffic movements were calculated using a national database. It was considered that a right hand turn lane into the site was not required and that cost saving could fund improvements to the roundabout where New Street joined the A417 which was an accident cluster site.

The local ward members were given the opportunity to close the debate.

Councillor Widdows commented on the importance of preserving sporting facilities and open space. The NPPF provided that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. This had not been addressed. He added that the bypass might form a development boundary but this did not mean that all green space within that boundary should be developed.

Councillor Harvey endorsed Councillor Widdows' comments. She considered that there had been few letters of objection because a number of previous applications had been unsuccessful and the belief was that development of the site would not be permitted. She reiterated concerns about the adequacy of the replacement sports provision and the insufficiency of green open space within the Town. She also questioned the changes to the proposed access and whether there had been adequate consultation on this aspect.

The Development Manager commented that in the light of the new access arrangements he would support deferral of determination of the application.

RESOLVED: That determination of the application be deferred.

159. P142517/F LAND TO THE SOUTH OF ROSS ROAD, LEDBURY, HEREFORDSHIRE

(Proposed erection of cricket pavilion, formation of car park and overflow car park and associated engineering works in association with the relocation of Ledbury Cricket Club and the formation of a proposed vehicular access off Orlham Lane to serve the site.)

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr K Francis of Ledbury Town Council spoke in support of the Scheme. Mr J Lightowler, a local resident, spoke in objection. Mr M Ehrlich, Secretary to the Cricket Club, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors TL Widdows and EPJ Harvey, two of the three local ward members, spoke on the application.

Councillor Harvey commented on a number of issues including:

- The proposal provided better provision for the cricket club, but did not provide for replacement of the existing football training pitch. The NPPF and UDP required that replacement sports facilities should be of a similar or improved standard.

- There was concern about the access and the width of the verges alongside the road. A cycle path would have been a preferred solution. There was concern about junior players being able to cross the 60mph road safely.

Councillor Widdows commented on a number of issues including

- There was concern about parking provision at the site.
- The site was a greenfield site on grade 2 agricultural land on the edge of Town. There should be more discussion of the options for preserving sporting facilities within the Town
- The access was flawed.

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

- Some concerns about highway access were acknowledged.
- There was no objection from the statutory consultees. Sport England considered the replacement facilities fit for purpose.
- If possible, consideration should be given to the provision of a footway and cycleway to the development.
- The Committee had to consider the suitability of the application before it. If alternative sites were to emerge in future it was a matter for the developer to consider whether one of those was preferable.
- There was insufficient car parking.
- The development provided an opportunity for the cricket club to secure its future. It also provided scope to develop a sports hub with the Rugby Club.

The local ward members were given the opportunity to close the debate. Councillor Widdows supported comments made about the importance of ensuring connectivity to the town through footpath and cycle links.

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 approved plans**
3. **G10 – Landscaping scheme**
4. **G11 – Landscaping scheme (implementation)**
5. **H05 – Access gates**
6. **H13 – Access, turning area and parking**
7. **H17 – Junction improvements / off site works**
8. **H29 – Secure cycle parking provision**
9. **I41 – Scheme of refuse storage (commercial)**
10. **The development hereby approved shall be carried out in accordance with the ecological enhancements as set out in Section 4 of the ecologist's**

report from Crossman Associates dated July 2014. 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.

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 and NC7 of Herefordshire Unitary Development Plan, and Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

11. Prior to the commencement of development the applicant shall submit the following information to the local planning authority for its written approval:

- Provision of infiltration rates and depth to groundwater, with tests undertaken in accordance with BRE 365, to demonstrate that the proposed solution is appropriate to underlying soil conditions;
- Provision of a detailed surface water strategy for the entire development including the pavilion, sports pitch, car park and overflow car park, informed by the results of on-site infiltration testing;
- Details of the proposed outfall to the existing ditch along Orham Lane;
- Provision of detailed calculations of the size of the proposed soakaways and/or attenuation features, demonstrating that discharge from the site will be limited to existing greenfield rates for a range of events up to the 1 in 100 year event and that sufficient onsite attenuation will be provided up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Demonstration that appropriate pollution control measures are in place in the car park and overflow car park prior to discharge;
- Demonstration that the Applicant has considered designing for exceedance.

The development shall be carried out in accordance with the approved details.

Reason: In order to prevent groundwater pollution and to ensure that any surface water run-off from the site is mitigated, and to comply with Policy DR4 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. I09 – Private apparatus in the highway**
- 3. I35 – Highway Design Guide**
- 4. I45 – Working within the highway**

160. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 5.19 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 11 February 2015

(Afternoon)

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

P141487/O - SITE FOR PROPOSED ERECTION OF 52 NO. RESIDENTIAL DWELLINGS, PARKING, LANDSCAPING, DRAINAGE, AND OTHER ASSOCIATED ENGINEERING WORKS. VEHICULAR ACCESS FROM A49 AT LAND TO THE EAST OF THE A49, HOLMER, HEREFORDSHIRE

For: Mr & Mrs West per Pegasus Group, First Floor South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

ADDITIONAL REPRESENTATIONS

The applicants have confirmed that the new footway along the A49 will be 2m wide as agreed with the Highways Agency.

Discussions are on-going regarding the S106 contributions relating to Education.

OFFICER COMMENTS

The existing recommendation covers these aspects

NO CHANGE TO RECOMMENDATION