

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Monday 16 March 2015 at 2.00 pm

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

Councillors: EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JF Knipe, RI Matthews, PJ McCaull, NP Nenadich, J Norris and AJW Powers

In attendance: Councillors MJK Cooper and DC Taylor

186. APOLOGIES FOR ABSENCE

Apologies were received from Councillors AJM Blackshaw, AN Bridges, BA Durkin, JG Lester, RL Mayo, FM Norman and DB Wilcox.

187. 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 AN Bridges and Councillor NP Nenadich substituted for Councillor DB Wilcox.

188. DECLARATIONS OF INTEREST

There were no declarations of interest.

189. P140928 N - GELPACK INDUSTRIAL LTD, UNIT 4, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ

(Proposed polythene film recycling and production facility, with associated parking and access.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr P Corcoran of Madley Parish Council spoke in support of the Scheme. Mr A Fowler-Wright, an adjoining owner, spoke in objection. Mr G Davis, the applicant, 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 commented on a number of issues including:

- The firm was a valuable employer. There was a need to recycle waste from the existing factory and a plant should be provided on site as proposed. This would bring additional jobs.
- The Parish Council supported the proposal.
- A traffic management plan had been agreed.

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

- The proposal had clear economic benefits.
- The lack of a substantive response from the Environment Agency was questioned. The Principal Planning Officer clarified the application process. She confirmed that the Agency had not submitted an objection and there appeared to be no significant issues to be addressed. If planning permission were granted the Agency would then have to consider an application for an Environmental Permit.
- It was essential that the traffic management plan was managed effectively. Clarification was sought on the concerns raised by the adjoining owner. The Transportation Manager confirmed that he was now satisfied that a satisfactory access could be secured through a condition and a section 278 agreement for highway works.

The local ward member was given the opportunity to close the debate. He had no additional comments.

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

1. **C01/A01 [Time limit for commencement (full permission)]**
2. **C06/B01 [approved plans]**
3. **C13/C01 [external materials]**
4. **No development shall take place until the following sequential investigation 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 establish the nature and extent and severity of any contamination, incorporating the conceptual model for all 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, to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with the requirements of policies S2 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

5. Any such remediation scheme submitted under condition 4 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, to ensure that the proposed development will not cause pollution to controlled waters or the wider environment, and to comply with the requirements of policies S2 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

6. No development shall take place unless or until a finalised comprehensive Traffic Management Plan (TMP) has been submitted to and approved in writing by the local planning authority. The scheme shall include final details of the physical arrangements for the site entrance, to incorporate the following in particular:

- A final detailed and annotated plan based on the previously submitted drawings 106C and 108B (Bay Associates);
- Coloured surfacing within the highway boundary to define (a) pedestrian access across the site frontage and (b) connectivity between the 2 sites;
- Rumble strip on the north edge to keep vehicles to the centre of the access;
- 'Give Way' junction markings to delineate 'in' and 'out';
- Footpath fronting the existing site, highlighted in red surfacing, to prevent HGVs parking and blocking visibility;
- Planting overgrowth within the entrance to be kept trimmed back, to prevent visibility blocking;
- Works to reinforce the roadside verge with kerbing on the opposite side of the U73209 for the length of the site access;
- Comprehensive details of a road signage scheme to inform visiting drivers as to the various accesses and facilities at the site.
- Reference to, and/or incorporation of, the details required in the following nine conditions as required by the Transportation Manager;
- Reference to, and/or incorporation of, the previously approved TMP relating to the existing Gelpack Industrial site on adjacent land;
- Provision for regular review of the scheme, audit, tool-box talks, revision if necessary.

The TMP shall be implemented as approved and maintained for the life of the development hereby permitted.

Reasons: In the interests of highway safety, to ensure that traffic management arrangements are effective, up-to-date and adaptable to current circumstances, to provide safe and workable access arrangements, to prevent indiscriminate parking on the highway and to accord with policies S6, DR3 and T8 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

7. CAB/H03 – [Visibility splays]
8. CAE/H06 – [Vehicular access construction]
9. CAL/H13 – [Access, turning area and parking]
10. CAO/H16 – [Parking/unloading provision]
11. CAP/H17 – [Junction improvement/off site works]
12. CAT/H21 – [Wheel washing]
13. CAZ/H27 – [Parking for site operatives]
14. CB2/H29 – [Secure covered cycle parking provision]
15. CB3/H30 – [Travel plans]
16. No development shall take place unless or until a comprehensive drainage scheme to show final detailed proposals and supporting calculations for surface water management have been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the submitted Drainage Strategy Report plus the addendum received on 7 August 2014 and shall also include the following in particular:
 - a) Results of infiltration testing and contamination risk assessment in respect of all soakaways and/or any other systems that may be proposed;
 - b) A large-scale site plan showing the location of all clean and dirty water drainage arrangements;
 - c) An operational method statement for clean and dirty water management;
 - d) Details of rainwater harvesting and storage if necessary;
 - e) Details of final disposal or discharge;
 - f) Details of proposed ownership and maintenance of the scheme and works;
 - g) Evidence of any necessary agreements with other landowners or the highways authority as applicable.
 - h) The drainage scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment, to ensure adequate drainage arrangements to appropriate standards in advance of the development, and to comply with the requirements of policies S2, DR1, DR4

and DR7 of the Herefordshire Unitary Development Plan and the guidance in the National Planning Policy Framework

17. Before the development hereby approved begins, a working Ecological Method Statement shall be submitted to and approved in writing by the local planning authority. The Method Statement shall include the following in particular:
- a) Confirmation that the protective recommendations set out in Section 6 of the submitted ecological report (Aspect Ecology July 2014) shall be followed;
 - b) A habitat and biodiversity enhancement plan;
 - c) The appointment of a named appropriately qualified and experienced ecological clerk of works (or consultant engaged in that capacity) to oversee the scheme.

The Method Statement shall be implemented as approved.

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, policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan, and the National Planning Policy Framework with reference to section 11. Also 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

18. No external lighting shall be installed on the proposal site, including on the external elevations of the building, unless it accords with the submitted Lighting Scheme (Madera MD04 00 DEL01 002, 9 September 2014), the details of which are hereby approved as submitted.

Reason: To safeguard the character and amenities of the area, to prevent adverse effects on nocturnal wildlife, and to comply with Policies DR14, NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

19. CCC/I43 [No burning of material/substances]
20. Within the application site there shall be no outdoor deposit or storage of any waste, plastic, packaging or other materials

Reason: To protect the appearance of the locality and to comply with Policy E8 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1. The local planning authority has acted positively and pro-actively in determining this by identifying matters of concern within the application as original submitted. The authority has actively engaged in dialogue and negotiations with the applicant and his consultants to secure acceptable amendments. 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 in the National Planning Policy Framework.

2. With regard to the requirements of condition 4, the following advice is offered:
 - a). The assessment 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.
 - b). We require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.
3. Conditions 7 to 15 inclusive as detailed above may, if practicable, be addressed within the comprehensive Traffic Management Plan (TMP) required by condition 6 provided each of the above conditions is clearly identified. The following notes are intended to assist in informing the content of the TMP.

Highways and Transportation Informative Notes

- (a) I11/HN01 – Mud on highway
 - (b) I45/HN05 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004
 - (c) I08/HN07 – Section 278 Agreement
 - (d) I05/HN10 – No drainage to discharge to highway
 - (e) I52/HN21 – Extraordinary maintenance
 - (f) I51/HN22 – Works adjoining highway
 - (g) I47/HN24 – Drainage other than via highway system
 - (h) I41/HN25 – Travel plans
 - (i) I37/HN26 – Travel Plans
 - j) I36/HN27 – Annual travel Plan Reviews
4. I30/N11A – Wildlife and Countryside Act 1981 (as amended) - birds
 5. I46/N11B – Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations (as amended)
 6. I33/NC11C – Wildlife general
 7. This proposal is subject to the issue of an Environmental Permit by the Environment Agency. The information detail to be submitted to the Agency in applying for the Permit should correspond and complement the planning permission and information relating to it.
190. P143390 F - THE ELMS, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9BN

(Proposed erection of 10 houses with associated highway infrastructure and landscaping.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr L Stead, a local resident, spoke expressing concern about aspects of the detail of the application, not the principle. Mr J Hicks, 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 MJK Cooper, spoke on the application.

He commented that the impact of flooding was the principal issue and expressed concern about the risk associated with building on land adjacent to the flood plain.

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

Concern was expressed about foul waste disposal in the absence of mains drainage. In response the Development Manager commented that satisfactory arrangements were proposed.

Whilst the site itself was highly unlikely to flood, the surrounding area was very vulnerable to flooding. It was questioned how emergency services would reach the site. In response the Emergency Planning Officer explained how a flood management and evacuation plan would be drawn up.

It was noted that whilst the Environment Agency had felt it had no option but to object to the proposal, it had stated that it did appreciate that this would prevent any additional development within Eardisland itself and why the Council might wish to approve the application.

The Parish Council supported the proposal.

The Development Manager commented that the site was the only site within the village outside the flood plain that provided an opportunity for growth at Eardisland. Weight should be given to the fact that the development would provide 3 affordable houses. Concerns about drainage and other technical matters could be addressed by conditions. A drainage system had to be approved before development could take place. The site itself was in flood zone 1. The Emergency Planning Officer had explained how a flood management and evacuation plan would operate. Eardisland was identified in the Unitary Development Plan and the Core Strategy as a sustainable village where growth should take place.

The local ward member was given the opportunity to close the debate. He commented that a difficult balance had to be struck. The Committee had considered the key issues of flooding and drainage.

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

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **The recommendations set out in Section 9 and 10 of the ecologist's report from Star Ecology dated August/November July 2013 must be followed in relation to species mitigation and habitat enhancement. Prior to**

commencement of the development, a species and habitat enhancement plan integrated with the landscape plan must 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 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006'

4. Notwithstanding the approved plans prior to any development on site details of the proposed solar panels and their construction will be submitted to the Local Planning Authority and approved in writing.

Reason: In consideration of the impact on the surrounding Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

5. G02 Retention of trees and hedgerows
6. G03 Retention of existing trees/hedgerows
7. G09 Details of Boundary treatments
8. Finished floor levels will be of 86.25mAOD as indicated in Section 3.2 of the flood risk assessment submitted in support of the application .

Reason: With consideration to flood risk and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan.

9. L04 Comprehensive & Integrated draining of site
10. I55 Site Waste Management
11. I52 Finished floor levels (area at risk from flooding)
12. M07 Evacuation management 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. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General

191. 143124 - LAND REAR OF 53 YORK ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BG

(Proposed development of 1 x 2-bedroom bungalow, together with 2 off road parking spaces)

The Principal Planning Officer gave a presentation on the application.

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

It was noted that the site was within the settlement boundary.

RESOLVED: That Outline 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. **H13 Access, turning area and parking**
6. **I43 No burning of material/substances**
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. **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. **HN04 Private apparatus within highway**
4. **HN05 Works within the highway**
5. **HN28 Highways Design Guide and Specification**

192. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 3.20 pm

CHAIRMAN