

**MINUTES of the meeting of Planning Committee held at Council Chamber, Shire Hall, St Peters Square, Hereford. HR1 2HY on Wednesday 15 July 2015 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

**In attendance:** Councillors PE Crockett, DG Harlow and PM Morgan

**14. APOLOGIES FOR ABSENCE**

None.

**15. NAMED SUBSTITUTES**

None.

**16. DECLARATIONS OF INTEREST**

**Agenda item 8: 143787 – Land at Queenswood, Cradley, Herefordshire**

Councillor EL Holton declared a non-pecuniary interest as one of the Council's representatives on the Malvern Hills AONB Joint Advisory Committee.

**Agenda item 9: 150526 – Burlton Court Farm, Burlton Court Road, Burghill**

Councillor DW Greenow declared a non-pecuniary interest because he knew objectors to the application.

**17. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 16 June 2015 be approved as a correct record and signed by the Chairman.

**18. CHAIRMAN'S ANNOUNCEMENTS**

None.

**19. APPEALS**

The Planning Committee noted the report.

**20. 151111 LAND WEST OF THE POPPINS, WINFORTON, HEREFORDSHIRE, HR3 6EA**

*(Proposed construction of three self-build family homes, alterations to existing access and associated landscaping and drainage.)*

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 R Pryce, the applicant's agent, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor WC Skelton, spoke on the application.

He made the following principal comments:

- An application for five houses on the site had recently been refused. The new proposal for three houses proposed a different access to that originally proposed.
- Existing permissions and applications provided for 20 dwellings in Winforton.
- Given the extent of development within Winforton there was a need for a crossing to be provided across the A438 and for play facilities in the village. However, the scale of the proposed application was insufficient to require S106 contributions and there would be no community benefit.
- He considered details of the scheme could be addressed satisfactorily. On balance given the need to address the housing shortfall in the County he supported the application.

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

- The Development Manager confirmed that land that was the subject of the current application for three houses was not in the flood plain. Part of the area covered by the previous application for five houses, which had been refused, had been in flood zone 2.
- The Development Manager advised that no conditions could be imposed to guarantee that, if approval were granted for the proposed new access to the site off the A438, applications for further development using that access would be refused. However, if the Neighbourhood Plan, which was well advanced at Regulation 16 stage was approved this would provide additional power to control development. In proposing approval for the application a Member requested that an informative should be added indicating the expectation that the access would solely be used by the development which was the subject of the application.
- A number of Members expressed their support for self build schemes, noting that there was a lack of such schemes within the County. The Development Manager commented that the practicalities of using enforcement to ensure self-build schemes proceeded as such, rather than being erected, for example, by a building company, were yet to be resolved nationally. He did not consider an enforceable condition requiring self-build could be imposed. It was noted in relation to self-build development generally in the County that a working group was looking at the potential for such schemes and it was likely that the Council would identify land to promote this initiative. The application itself did not mention self-build and needed to be considered as a straightforward application for three dwellings.

- A Member suggested that a sign displayed by a nearby business might impair visibility from the proposed access and requested that this be addressed.
- Clarification was sought on the weight that could be given to the Neighbourhood Plan noting that the Parish Council had objected to the proposal as it was contrary to the Plan. The outstanding objections to the Plan were solely from the Environment Agency and therefore seemed to have limited bearing on the application. The Development Manager commented that as there were objections to the Plan and these were yet to be resolved only limited weight could be given to the Plan.
- A Member reiterated a request that reports presented to the Committee were consistent in the advice they contained on the weight that could be given to various policies.
- The access was at a point close to where the 30 mph speed limit ended and the national speed limit applied and it would be beneficial to have pedestrian access to services. The Development Manager noted that no footpath was proposed to be provided.
- A Member requested that the development should be built to the highest standards of design and energy efficiency.

The Development Manager commented that in the context of the lack of a five year housing land supply the council had countenanced development adjacent to settlement boundaries and the proposal for three houses represented organic growth. Conditions could not be imposed to prevent future development in the vicinity of the application site. Any future applications would have to be considered on their merits. The adoption of the Neighbourhood Plan would allow weight to be given to it.

The local ward member was given the opportunity to close the debate. He commented that the scale of the development meant that it would have a limited impact in terms of housing development in Winforton. The neighbourhood plan supported self-build and small developments. This proposed development on the edge of the village was acceptable.

**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. **H06 Vehicular access construction**
6. **H27 Parking for site operatives**
7. **H29 Secure covered cycle parking provision**
8. **The recommendations set out in Section 5 of the ecologist's report from Ecology Services dated April 2015 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 integrated with landscape plan proposals 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

9. Prior to commencement of development the following details shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to occupation of any of the dwellings.

Detailed topographic survey that confirms that the site is located in the low risk Flood Zone 1 and considering the potential effects of climate change.

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy, including the proposed location of package wastewater treatment systems and drainage fields;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

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

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR7 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

10. H28 Public rights of way

**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**
3. **HN05 Works within the highway**
4. **The Planning Committee wishes it to be noted that they would not be supportive of further residential development on the land to the rear of the site.**

**21. 143787 - LAND AT QUEENSWOOD, CRADLEY, HEREFORDSHIRE.**

*(Proposed construction of three no. two storey dwellings with associated garages and landscaping.)*

*(Councillor EL Holton declared a non-pecuniary interest.)*

The Acting Principal Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor PM Morgan, spoke on the application.

She made the following principal comments:

- Whilst the proposed development was small, there was considerable local opposition to it. The proposal was contrary to policy, outside the settlement boundary, and within the Malvern Hills Area of Outstanding Natural Beauty and a conservation area.
- The Parish Council was developing a Neighbourhood Plan. She noted that a development of 60 houses had recently been approved in Cradley. It was considered that development of windfall sites would enable it to meet its housing target. Any further development in Cradley should be organic growth.
- The officer's report concluded that the landscaping proposed delineated the transition from/to open countryside. She requested that careful consideration be given to the appropriateness of proposed conditions governing this aspect.
- The development would have an adverse impact on a listed building.
- The design was poor and inappropriate.

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

- A Member noted that the development was opposite a post-war housing estate and the impact of the proposal on the adjacent listed building was therefore limited. A contrary view was expressed that there would be an adverse impact on a listed building.
- The Parish Council was opposed to the proposal.
- Regard had to be had to the fact the development was within the Malvern Hills Area of Outstanding Natural Beauty (AONB).
- The proposal was contrary to policy and outside the settlement boundary.

- The design was inadequate and out of character.
- There was a concern that the application represented ribbon development.
- The Development Manger commented that a number of Parish Councils had applied for designation as a Neighbourhood Area but had not progressed plans. The Cradley Neighbourhood Plan had not reached Regulation 14 Stage. No weight could be given to it.

The Development Manager commented that the officers' view was that the landscape provided a defensible boundary against further development beyond the proposed site. Conditions required details to be provided on this point. Officers' view was that the design was not inappropriate and, whilst within the AONB, the developer would be required to use natural materials of good quality complementary to the AONB.

He added that the presence of a post-war Council housing estate opposite the site undermined an argument that the site had an adverse impact on the setting of a listed building.

The local ward member was given the opportunity to close the debate. She informed the Committee that a thorough landscape survey had been undertaken to inform the Neighbourhood Plan and progress was being made on the Plan. The Committee had identified the key concerns about the application.

**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 following concerns:**

- i the poor design of the proposed dwellings; and
- li the development would have an adverse effect on the Malvern Hills Area of Outstanding Natural Beauty.

**22. 150526 BURLTON COURT FARM, BURLTON COURT ROAD, BURGHILL, HR4 7RQ**

*(Proposed agricultural machinery and implement storage building.)*

*(Councillor DW Greenow declared a non-pecuniary interest.)*

The Planning Officer 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, Mrs H Philpotts, Clerk to Burghill Parish Council spoke in opposition to the Scheme. Mrs K Ager, a local resident, spoke in objection. Mr R Pryce, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor PE Crockett, spoke on the application.

She made the following principal comments:

- The proposal would increase the size of the industrial site significantly.
- It would have an adverse impact on a greenfield site and on local residents.
- There was concern that it would exacerbate an existing flooding issue.

- She shared the Parish Council's concerns about noise and light pollution.
- There were alternative sites at the Cattle Market and Three Elms trading estate that would offer a better, safer access for slow moving heavy traffic.
- The Parish Council objected to the proposal and 29 letters of objection had also been received.

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

- The Development Manager corrected paragraph 1.2 of the report, confirming that the building was larger than reported measuring 56m in length and with a depth of 12m. The highest point was 6.6m with an eaves height of 5.15m as stated in the report.
- Concern was expressed that the proposal appeared to seek to develop a greenfield site to provide additional space on an existing brownfield site.
- The proposal was for a large building and it would have an adverse impact on local residents.
- There were suitable alternative sites at the Cattle Market and the Three Elms trading estate.
- Paragraph 6.9 of the report seemed to suggest that the proposed development on a greenfield site would be constructed to a lower standard than would be required on either the Three Elms trading estate or Cattle Market sites.
- The planning history of the site and its piecemeal development encouraged reservations about the design of the current proposal.
- The economic argument advanced in support of the development was not sufficiently strong.

The Development Manager commented that the National Planning Policy Framework (NPPF) and saved Unitary Development Plan (UDP) Policies E11 and E15 supported developments of the type proposed, provided buildings were of good design. If permission were approved he requested that authority be delegated to officers after consultation with the Chairman and the local ward member to finalise details including drainage.

The local ward member was given the opportunity to close the debate. She reiterated her opposition to the proposal.

The following reasons were advanced for refusing permission: the development was in the open countryside, was contrary to the NPPF and UDP policies E11 and E15 and there were more suitable alternative sites.

**RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that:**

- i the development was in the open countryside;

- ii **it was contrary to the National Planning Policy Framework and the Council's Unitary Development Plan DP policies E11 (siting of the development) and E15 (development on greenfield sites); and**
- (iii) **there were more suitable alternative sites.**

*(The meeting adjourned between 11.56 am and 12.07 pm.)*

**23. 150962 - LAND TO THE NORTH OF HOPE END FARM, RIDGEWAY CROSS, CRADLEY**

*(Proposed construction of a 3 bed single storey passivhaus, associated landscaping, bio-diversity enhancement, access and flood prevention for adjacent listed buildings.)*

The Acting Principal Planning Officer gave a presentation on the application. He noted that the first five bullet points of paragraph 5.3 related to a different application and should be discounted. He added that the landscape officer had now indicated her support for the application.

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

In accordance with the Council's Constitution, the local ward member, Councillor PM Morgan, spoke on the application.

She made the following principal comments:

- There were some letters of objection but many more letters of support for the application.
- The conservation manager had expressed reservations. However, in her view the proposal would, if anything, have a positive impact. She considered that the proposal did meet the requirements of paragraph 55 of the National Planning Policy Framework and should be supported.
- She highlighted the last three bullet points of paragraph 5.2 of the report which praised the application and suggested that the qualities of the application should be shared with local builders to help to reduce the impact of developments.

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

- The scheme was exemplary, sensitive to its context and made a positive contribution to the landscape.
- It was disappointing that the Parish Council and the campaign to protect rural England objected to the proposal.
- Most Members were content that the proposal met the requirements of paragraph 55 of the NPPF. A contrary view was expressed that the design was not truly outstanding or innovative and therefore did not meet those requirements. Some reservations were also expressed about permitting development in the open countryside outside the settlement boundary.



The local ward member was given the opportunity to close the debate. She reiterated her view that the scheme fitted into the landscape.

The Development Manager commented that the nature of the design was that some people would like it and others would not. However, he considered that the proposal would integrate into the landscape. The development was in the open countryside and outside the settlement boundary. However, he considered that the design was exceptional and fulfilled the requirements of paragraph 55 of the NPPF.

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

1. **C01 – Time limit for commencement**
2. **C07 – Development in accordance with approved plans and details**
3. **C13 – Samples of external materials**
4. **Details of windows, doors and other external details and finishes**
5. **C61 – No balconies/roof amenity area**
6. **C65 – Removal of permitted development rights**
7. **C67 – No new windows in specified elevation**
8. **C97 – Landscaping scheme – implementation**
9. **C98 – Hedgerow, tree and landscape planting**
10. **CA1 – Landscape management plan**
11. **CC2 – External lighting**
12. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

**Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Herefordshire Unitary Development Plan policies DR2 and DR7.**

13. **The recommendations set out in the ecologist's report should 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 proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved. Any further information on protected species gathered from the site together with any proposed mitigation should also be submitted.**

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, relevant aims and**

**objectives of the National Planning Policy Framework and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan**

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

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010, relevant aims and objectives of the National Planning Policy Framework and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan**

15. **C89 – Retention of existing trees/hedgerows/ development in accordance with Tree Survey & Arboricultural Impact Assessment**
16. **Hard landscaping details and implementation**

**INFORMATIVE:**

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.**

**24. 150717 LAND AT WRIGGLEBROOK LANE, MUCH BIRCH, HEREFORDSHIRE**

*(Proposed detached single storey bungalow with storage/garaging under.)*

The Senior Planning Officer gave a presentation on the application. He reported that the Drainage Manager had now submitted comments and had no objection in principle to the development subject to being satisfied with the detail of the drainage proposals prior to the commencement of development.

In accordance with the criteria for public speaking, Mr D Davies, the applicant, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor DG Harlow, spoke on the application.

He made the following principal comments:

- The applicant had lived in Much Birch for 50 years. The proposal was being made to enable the applicant to cope with his wife's deteriorating health.
- The application had a number of letters in support of it and was supported by the Parish Council.
- Contrary to the officer report he considered that there was sufficient access to local amenities.
- Considerable consideration had been given to the design which was eco-friendly.

- Approving the application would make a real beneficial difference to the lives of two local people.

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

- The applicant was not seeking to profit from the application but was seeking to plan ahead to meet his wife's medical needs and there was no alternative location.
- The local ward member had indicated that there was access to local services and the development was sustainable.
- The applicant had made an effort to make the proposed property energy efficient. This was also relevant to its affordability.
- The application had no adverse impact on the surrounding area.
- The local community supported the application.

The Senior Planning Officer commented that planning permission was rarely granted on the grounds of personal circumstances and this was particularly the case where a new dwelling was proposed.

The Development Manager commented that the development was in the open countryside, was not of exceptional design, although it did promote energy saving, and was contrary to the National Planning Policy Framework, the Unitary Development Plan and the emerging Core Strategy.

The local ward member was given the opportunity to close the debate. He reiterated his support for the application.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to conditions considered necessary by officers, on the grounds that the development was sustainable.**

**25. 143420 - LAND ADJACENT TO 44 AND 45-46, ASHPERTON ROAD, ASHPERTON, LEDBURY, HEREFORDSHIRE**

*(Proposed 3 no new dwellings.)*

The Acting Principal Planning Officer gave a presentation on the application.

Members considered that the application represented infill development in keeping with the character of the settlement.

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

1. **C01 – Time limit**
2. **C07 – Development in accordance with approved plans**
3. **C13 – Samples of external materials**
4. **C26 – Details of window sections, eaves, verges and barge boards**

5. **C27 – Details of external joinery finishes**
6. **C58 – Domestic use only of garage and no conversion to accommodation**
7. **C65 – Removal of permitted development rights**
8. **C95 – Boundary treatments in accordance with approved plans**
9. **C97 – Landscaping scheme - implementation**
10. **C98 – Hedgerow planting**
11. **CAL – Access, turning area and parking**
12. **CAC – Visibility over frontage**
13. **CBO – Scheme of surface water drainage**
14. **CBQ – No surface water to public sewer**

#### **Informative**

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**

#### **26. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

#### **Appendix 1 - Schedule of Updates**

The meeting ended at 1.22 pm

**CHAIRMAN**

## **PLANNING COMMITTEE**

**Date: 15 July 2015**

### **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**

**151111 - PROPOSED CONSTRUCTION OF THREE SELF BUILD FAMILY HOMES, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED LANDSCAPING AND DRAINAGE. AT LAND WEST OF THE POPPINS, WINFORTON, HEREFORDSHIRE, HR3 6EA**

**For: Mr Pryce, Collins Design & Build Ltd, per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL**

### **ADDITIONAL REPRESENTATIONS**

The applicant's agent has submitted a topographical survey reaffirming that the site is outside of the floodplain. Further, that para 50 of the National Planning Policy Framework supports self build sites and the National Planning Policy Guidance - Housing and economic development needs assessments refers to the need for Councils to meet this demand.

### **OFFICER COMMENTS**

This proposal is considered to be acceptable regardless of the question of self build. The government desire for this type of development is evident from the NPPF and from Ministerial statements, however, as yet the practicalities of enforcing it have yet to be resolved. For example if a house approved for self build was being erected by a building company would it be reasonable to require it to be demolished?

### **NO CHANGE TO RECOMMENDATION**

**150526 - PROPOSED AGRICULTURAL MACHINERY AND IMPLEMENT STORAGE BUILDING. AT BURLTON COURT FARM, BURLTON COURT ROAD, BURGHILL, HR4 7RQ**

**For: Mr Mitchell per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL**

### **ADDITIONAL REPRESENTATIONS**

A surface water drainage strategy has now been submitted by the applicant's agent detailing three potential options that would not exceed the existing 'greenfield' surface water run-off rate. These proposals are currently being considered by our drainage consultant.

**OFFICER COMMENTS**

This drainage issue is addressed by a condition and until receipt of a positive response from our drainage consultant, this condition is both appropriate and necessary.

**NO CHANGE TO RECOMMENDATION**

