

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 15 December 2010 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, AT Oliver, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors LO Barnett, TM James, MD Lloyd-Hayes and SJ Robertson

78. APOLOGIES FOR ABSENCE

Apologies were received from Councillor H Davies.

79. NAMES SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor AT Oliver attended the meeting as a substitute member for Councillor H Davies.

80. DECLARATIONS OF INTEREST

81. MINUTES

RESOLVED: That the Minutes of the meeting held on 24 November 2010 be approved as a correct record and signed by the Chairman.

82. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced the Officer's who were present at the meeting.

83. APPEALS

Councillors PJ Watts and KS Guthrie agreed to represent the Planning Committee at the forthcoming appeal in respect of the application at Freemans Paddock.

The Committee noted the report.

84. DMN/101505/F - COVENT GARDEN, BROCKHILL ROAD, COLWALL, HEREFORDSHIRE, WR13 6EY

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. During his presentation he addressed the key issues regarding the application, these included the principle of development; the loss of the playing field; the density and design of the development; the transportation issues; the foul drainage and surface water issues in the area; affordable housing; ecology and landscaping.

The Principal Planning Officer also clarified a number of points, including; that the access was 5.5 metres wide; that the visibility splay was 24 metres in one direction and 16 metres in the other; that the gradient into the site was 1 in 12 at its steepest point; and that the affordable housing would be allocated through the local housing association.

In accordance with the criteria for public speaking Mr Ashton, representing Colwall Parish Council, and Mr Hamilton, representing a number of local residents, both spoke in objection to the application, and Mr McCann, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RV Stockton, the Vice-Chairman, speaking in his capacity of local ward member, commented on a number of issues, including:

- The application was acceptable subject to the resolution of the issues regarding the highway and the sewerage.
- The drain in question had been improved after recent cleaning and major work was taking place on 20 and 21 December 2010 to resolve the remaining issues.
- The tennis court could be used for additional parking if required.
- Surface water is stored and released slowly giving a 45% improvement over the current situation.

In response to comments from the public speakers and the local ward member, the Principal Planning Officer confirmed that although the capacity of the sewerage system was a planning matter the maintenance of the system was the responsibility of Severn Trent. He also confirmed that the pupil roll had increased from 202 to 219 although the school had a maximum capacity of 300.

The Area Engineer (Development Control) advised Members that parking restrictions would need to be applied for by the Parish Council and would need to meet the required criteria. He also confirmed that it could take over a year for the works to be commenced.

One of the Members advised the Committee that he had attended the recent site inspection and noted that although the junction had already been improved there was still an issue regarding its navigation by large vehicles. It was noted that delivery vehicles and buses often reversed to the school through a no entry sign. Members noted that improvement works could rectify the issues regarding the junction.

A number of members commented on the application and had concerns regarding the reduced visibility out of the site due to the protected trees. Concerns were also raised in respect of child safety due to pupils having to cross a public footpath which separated the two school playing fields. Other concerns raised related to issues regarding waste water; possible over intensification of the site; concerns regarding traffic and parking; and the loss of amenity space. Due to these concerns a motion to refuse the application contrary to the Officer's recommendation was moved and seconded.

In response to the highways question the Area Engineer (Development Control) confirmed that the visibility splay greatly exceeded the minimum requirements. He also confirmed that the maximum slope into the site was a '1 in 12' gradient and that a slope as steep as '1 in 8' was deemed acceptable.

The Principal Planning Officer advised Members that the tree branches were considerably higher than a car driver's visibility and would therefore not have an impact on the visibility of a driver exiting the site. He also confirmed that the Mathon Road playing field previously referred to was already used by the school, and therefore this would not be affected as a result of the proposed application. In respect of the issue of density, he confirmed that the density of the development was 24 houses per hectare

which was considered to be fairly low. Finally he added that there would be 45% less surface water due to the proposed engineering works on the site.

The Committee noted the concerns raised regarding traffic problems in the area but felt that this could be addressed. Members requested that this issue be delegated to Officers, in consultation with the local ward members and Chairman, if the application was approved.

In response to a question regarding affordable housing on the site, the Principal Planning Officer confirmed that there would be 4 affordable homes, this was a reduction on the usual 35% requirement in order to take into account a 6 bedroom dwelling at the request of the housing association. He also advised Members that density was considered by the inspector during the UDP consultation. He confirmed that the Inspector took into consideration the AONB, and conservation area, when determining the acceptable density for the site.

A Committee Members noted that the land being lost for development was being replaced through other playing fields. He also noted that the school was opening up its facilities to the wider public to benefit the people of Colwall.

The Assistant Director – Environment, Planning and Waste noted that the Committee had debated the application in detail and advised Members that the application had to be determined under current guidance. He added that Councils had to determine planning applications in accordance with policy unless there were material planning reasons to consider. He also noted that the site had been allocated for housing under our current Unitary Development Plan and had received no objections from the statutory consultees.

The Locum Lawyer and the Democratic Services Officer had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Assistant Director – Environment, Planning and Waste, and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor Stockton was given the opportunity to close the debate in accordance with the Council's Constitution.

A motion to refuse the application contrary to the Officer's recommendation was lost and the resolution below was agreed.

RESOLVED

- 1 The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as an annex).**
- 2 Upon completion of the abovementioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**
 - 1 A01 Time limit for commencement (full permission)**
 - 2 Notwithstanding the detail upon the submitted planning application form, prior to the commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **Written details and samples of all external materials in respect of the buildings;**
- **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning/manoeuvring areas, driveways, car parking areas and pedestrian pathways;**
- **Details of the solar panels**
- **Details of the rooflights**

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved detail and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 3** **Prior to commencement of the development hereby permitted full written details of all proposed boundary treatments (i.e. fences, gates, walls or other means of enclosure) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments for each plot shall be fully implemented prior to the first occupation of the house upon that plot and thereafter maintained as such. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and any order revoking and re-erecting that Order, no other boundary treatments shall be erected without the express consent of the Local Planning Authority.**

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty and to safeguard the privacy of the occupiers of the houses hereby permitted in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 4** **All planting, seeding and turfing in the approved details of landscaping (i.e. drawing number BAN17092-10 Rev E. received 13 October 2010) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure that the development is satisfactorily integrated into the locality in accordance with policy LA6 of the Herefordshire Unitary Development Plan 2007.

- 5** **Prior to the first occupation of the dwellings hereby permitted the vehicular means of access, car parking/garaging, turning and manoeuvring areas for vehicles shall be implemented. Thereafter these areas and facilities shall be kept available for the manoeuvring and garaging/parking of motor vehicles.**

Reason: To ensure adequate on-site car parking provision thus preventing additional parking on Brockhill Road in accordance with policies T11 and H16 of the Herefordshire Unitary Development Plan 2007.

- 6** Prior to commencement of the development hereby permitted full details of all external lighting (if any) shall be submitted to the Local Planning Authority for their written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rural character of the area, the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

- 7** Prior to the commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full details of the surface water drainage design (including the requisite calculations of the balancing storage volume) such that peak surface water discharge from the development site during a 1 in 100 year storm (plus 30% for climate change) does not exceed 5.0 litres per second. These details must include a monitoring and maintenance plan in relation to these surface water drainage arrangements.

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved surface water drainage arrangements shall be fully implemented prior to the first occupancy of any of the houses hereby permitted and thereafter maintained in accordance with the approved maintenance plan.

Reason: To ensure that the land drainage arrangements are satisfactory and do not exacerbate the risk of flooding in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 8** The finished ground floor levels of the houses hereby permitted shall be set 0.15 metre above finished ground level.

Reason: To ensure that the houses are not affected by overland flow of surface water that does occur in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 9** Prior to the commencement of the development, an ecological protection and enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with policies NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and to meet the requirements of Planning Policy Statement 9 and the NERC Act 2006.

- 10** The existing hedgerow along the Brockhill Road frontage (i.e. the eastern boundary of the site) shall remain in-situ and none of it shall be removed other than at the approved vehicular means of access and two pedestrian pathways hereby permitted.

Reason: To ensure that the hedgerow along the road frontage that makes a positive contribution to the character and appearance of the area is

retained in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 11 All works on-site shall be carried out in full accordance with the Arboricultural Method statement prepared by ACD Arboriculture dated 22/10/2009 received on 17 June 2010.

Reason: To safeguard all trees of amenity value that are worthy and capable of retention in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 12 Prior to commencement of the development hereby permitted the protective fencing as detailed upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 and according with the advice in section 9.2 of BS5837:2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005 shall be erected in the positions shown upon that plan. Once these protective measures have been erected but prior to the commencement of the development a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 13 All of those parking areas, pedestrian pathways and parts of the vehicular means of access that are shaded in blue upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 shall be constructed in full accordance with the "no-dig" method as set out in para. 11.8 of BS5837:2005 and thereafter maintained in accordance with that detail.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 14 During the course of development and thereafter there shall be no excavation (including pipework and other excavation for services) within those areas of land that are shown upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 to be enclosed by tree protection fencing and marked as exclusion zones.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 15 That part of the vehicular means of access to the site shown upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 to be constructed using a "no-dig" method as advised in BS5837:2005 shall be constructed in full accordance with that detail prior to any construction

traffic entering the site. Thereafter that access detail shall be maintained in-situ in accordance with that detail.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

- 16 H27 - Parking for site operatives
- 17 H18 - On site roads - submission of details
- 18 I55 - Site Waste Management
- 19 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 20 Prior to commencement of the development a timetable shall be submitted, for approval in writing of the Local Planning Authority, agreeing deliveries taken at or despatched from the site during the construction phase to ensure no conflict with school traffic and development carried out in accordance with this condition.
- 21 All construction deliveries related to the development hereby permitted, including preparation prior to building operations, shall only take place outside the hours of 08:30 and 09:30 and 15:00 and 16:00.

Reason: In the interest of highway safety.

INFORMATIVES:

- 1 Reason for approval:- The development accords with the provisions of the Development Plan in that it involves house building upon a site specifically allocated for housing development. The detail of the development is considered to preserve the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty. It is not considered that any unacceptable risk to highway safety would arise and both the foul and surface water drainage arrangements are considered to be acceptable. There would not be any adverse impacts upon trees the subject of a Tree Preservation Order nor would there be any undue loss of amenity to neighbouring residents. The loss of the playing field would not lead to a deficiency of open space and recreational provision within the locality. There are no other material planning considerations that would justify a refusal of planning permission.
- 2 N19 Avoidance of doubt - Approved plans
- 3 HN08 Section 38 Agreement & drainage details
- 4 HN01 Mud on highway
- 5 HN04 Private apparatus within highway

- 6 **HN05 Works within the highway**
- 7 **HN28 Highways Design Guide and Specification**
- 8 **I13 - This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**

85. DMSE/100298/O - LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ

The Head of Development Management advised Members that further information regarding the application had been received. He requested that Members defer the consideration of the application pending further discussions with the applicant.

RESOLVED

THAT the determination of the application be deferred.

86. DMN/102035/O - HIGHTREE NURSERIES, HIGHTREE BANK, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LU

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor LO Barnett, the local ward member, commented on a number of issues, including:

- The application should be supported as it would provide an affordable home for a local young family.
- None of the affordable homes referred to at Dark Lane would be available for sale to local people.
- Other neighbouring authorities appear to be more open to these types of applications.
- The poor health of the applicant's wife appears to have been disregarded in the report.
- The site was not an unreasonable distance from Leintwardine.

One Member of the Committee felt that in his opinion the application was similar to the traveller's site application which was refused contrary to Officer's recommendation recently.

Members discussed the application and felt that the proposed dwelling was adjoining to an established rural settlement. They noted that the applicants were local residents who were currently on the Homepoint waiting list.

In response to a question regarding the affordability of the home, the Principal Planning Officer confirmed that the dwelling would be sold at 60% of market value in perpetuity. In response to a further question he also confirmed that there had been no details in the application in respect of any special requirements for the dwelling to make it suitable for any person with a disability.

The Assistant Director – Environment, Planning and Waste advised Members that the application needed to be determined on its merits taking into consideration current planning policy but having regard to any material planning considerations which could support the application. He stressed the importance of Unitary Development Plan Policy H10 in the determination of the application.

The Head of Development Management advised that if permission were to be granted it would be appropriate for the dwelling to be subject to it being for affordable housing, be as such in perpetuity and any resale should be at 60% of the normal market value.

The Locum Lawyer and the Democratic Services Officer had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Assistant Director – Environment, Planning and Waste, and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor Barnett was given the opportunity to close the debate in accordance with the Council's Constitution.

RESOLVED

THAT planning permission be granted subject to the restrictions discussed and to any other conditions considered appropriate by officers in consultation with the Chairman and the local ward member.

87. DMN/102310/F - 36 CHURCH STREET, KINGTON, HEREFORDSHIRE, HR5 3BE

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mrs Newman, representing Kington Town Council, and Mrs Baines, representing a number of local residents, both spoke in objection to the application, and Mr Simpson, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor TM James, the local ward member, commented on a number of issues, including:

- The area was a mixture of small retail shops and residential dwellings.
- There were a number of concerns regarding highways issues due to cars parking on double yellow lines outside the nearby takeaway and supermarket.
- The nearby takeaway closed at 9pm and was not open 7 days a week.
- The town currently had an issue with antisocial behaviour which would be exacerbated with an additional late night premise.
- The proposed development was 150 metres from the nearest car park.
- The application should be refused due to the highways issues and the impact on the amenity of the residents of the neighbouring residential dwellings.

Members discussed the application and noted the concerns raised regarding highways and parking. Members felt that people would park outside the premise which, coupled with the traffic from the nearby supermarket and Chinese takeaway, would have an adverse impact on highway safety in the area.

Members also raised concerns in respect of the loss of amenity to the neighbouring residents. They noted that once a class A5 usage was established any type of takeaway

could operate from the premise. Concerns were raised in respect of the suitability of the extraction system due to the location of the extraction flume.

In response to comments made by Members, the Assistant Director – Environment, Planning, and Waste noted that concerns regarding traffic and parking and the impact on neighbouring residents were material planning considerations and acceptable reasons for members to refuse the application.

The Locum Lawyer and the Democratic Services Officer had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Assistant Director – Environment, Planning and Waste, and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor James was given the opportunity to close the debate in accordance with the Council's Constitution.

RESOLVED

THAT the application be refused on the following grounds.

- 1 The proposed development is considered to have a detrimental impact on public highway issues and is therefore considered contrary to Policies DR2 and T11 of the Herefordshire Unitary Development Plan.**
- 2 It is considered that the proposed development will have a detrimental impact on the amenity of dwellings within close proximity to the application site, by means of odour and noise that would be generated from the proposed development. Therefore the proposal is considered contrary to Policies S5, DR2 and DR4 of the Herefordshire Unitary Development Plan.**

88. DMS/102193/F - LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mrs Reynolds, representing Burghill Parish Council, and Mrs Roberts, a local resident, both spoke in objection to the application, and Mr Ball, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor SR Robertson, the local ward member, commented on a number of issues, including:

- There were a number of local concerns regarding the highways and road safety.
- 55 metres of hedgerow would have to be removed to allow for a suitable access.
- There was no footpath so people would have to walk along a busy road.
- The site was in a dominant position and would therefore change the character of the area.
- There would be no new employment opportunities as all of the staff would be moved from the current operation.
- The site was not suitable for any further expansion.

The Committee felt that a site inspection would be beneficial to assess the setting and surroundings and to make a judgement on the visual impact of the proposal.

RESOLVED

THAT a site inspection be undertaken on the following grounds.

A judgement is required on visual impact, and;

the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

89. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.20 pm

CHAIRMAN

PLANNING COMMITTEE

15 December 2010

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.

<p>7 DMN/101505/F - Proposed construction of 20 new dwellings and new access road and associated works at Covent Garden, Brockhill Road, Colwall, Herefordshire, WR13 6EY</p> <p>FOR: MR PAUL MCCANN, BANNER HOMES MIDLANDS LTD. 5 BROOKLANDS, MOONS MOAT DRIVE, REDDITCH, WORCESTERSHIRE, B98 9DW</p>
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ADDITIONAL REPRESENTATIONS

Sixteen further letters of objection have been received on the same grounds as summarised within the report. Three are from occupiers of dwellings who had not previously made representations.

I have received copies of a letter sent by the School and the applicant to Members. The one interesting point made is that it is stated that the merged school has 219 pupils (including 26 boarders) and that prior to the merger the school had 202 pupils (including 18 boarders).

NO CHANGE TO RECOMMENDATION

