

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 19 February 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, JG Lester, RI Matthews, SM Michael, NP Nenadich, FM Norman, J Norris, J Stone and GR Swinford

In attendance: Councillors CNH Attwood, AW Johnson, SJ Robertson and A Seldon

131. APOLOGIES FOR ABSENCE

Apologies were received from Councillors EMK Chave, J Hardwick, JW Hope MBE, RC Hunt, Brig P Jones CBE, PJ Watts and DB Wilcox.

132. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor SM Michael attended the meeting as a substitute member for Councillor EMK Chave, Councillor NP Nenadich for Councillor DB Wilcox and Councillor J Stone for Councillor JW Hope.

133. DECLARATIONS OF INTEREST

Councillor PA Andrews declared a non-pecuniary interest in agenda item 11:132624/0 Land off Church Way, Holmer, Hereford as a Governor of Holmer Primary School.

Councillor AN Bridges declared a non-pecuniary interest in agenda item 7: 132321/F The Field Adjoining Brookmill Close, Colwall, Herefordshire because network Rail, his employer, was referred to in the report.

Councillor RI Matthews declared a non-pecuniary interest in agenda item 11:132624/0 Land off Church Way, Holmer, Hereford because he knew the applicant. He also declared a non-pecuniary interest in agenda item 12: Land Adjacent to Willowcroft, Sutton St Nicholas, Hereford because he knew the applicant.

Mr K Bishop, Development Manager, declared a non pecuniary interest in agenda item 9: P133115/F Land Adjacent to Gateway Nursery, Longworth Lane, Bartestree, Herefordshire because he knew the applicant. He also declared a non-pecuniary interest in agenda item 10: P132962/F Land Adjacent to October House, Bartestree, Hereford because he knew the applicant. He left the Chamber for the duration of both items.

134. MINUTES

RESOLVED: That the Minutes of the meeting held on 29 January 2014 be approved as a correct record and signed by the Chairman.

135. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

136. APPEALS

The Planning Committee noted the report.

137. 132321/F THE FIELD ADJOINING BROOKMILL CLOSE, COLWALL, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application. He commented that it was now proposed that flood alleviation works should be completed prior to commencement of the development, rather than prior to the first occupation as set out in the draft heads of terms for a Section 106 Agreement.

In accordance with the criteria for public speaking, Mr C Walker, a resident, spoke in objection. Mr Milne, the Applicant and Mr A Jamieson, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors CNH Attwood and AW Johnson, the local ward members, spoke on the application.

Councillor Johnson commented on a number of issues including:

- That residents were not opposed to the development in principle.
- It was accepted that the application site did not contribute to the existing flooding events and the proposed development would not add to the problem, except in respect of the additional traffic it would generate. The Parish Council and residents considered that work should be undertaken to address flooding issues prior to any development taking place. He supported this view.
- The applicant's offer of a contribution to flood measures was welcome. However, as the site was not identified by the Environment Agency as being at risk of flooding there was a concern that the Agency might not make the necessary additional funding for the flood measures available given the competing demands upon its resources.

Councillor Attwood commented on a number of issues including:

- The site did not contribute to the flooding but access to it would be compromised by flooding. The Unitary Development Plan policy opposed development in such circumstances. Increased traffic would exacerbate the problems faced by existing residents. It was therefore essential that work was carried out to mitigate the immediate effects of the flooding. An engineer who served on the Parish Council had identified action that could be taken at once in advance of any Environment Agency Funding being secured.
- It was important that a hedgerow was planted as proposed to separate the development from the adjoining undeveloped land and that that land remained undeveloped.

The debate opened and the following principal points were made:

- The additional affordable housing was welcomed, however, it was disappointing that the it was proposed to be built at energy efficiency level 3; the Council should be encouraging development to attain the highest efficiency levels.

- In response to questions the Principal Planning Officer clarified where the drainage scheme for the site would be located and how it would work.
- The Principal Planning Officer stated that he had been advised that a bid to the Environment Agency for funding would have a reasonable chance of success given the offer of £30k from the applicant against an estimated cost for flooding measures of £70k. He reiterated that any flooding scheme would be addressing existing issues and the offer of funding from the applicant presented an opportunity to resolve the matter. If a bid was submitted to the Environment Agency by the March deadline a decision would be expected by autumn 2014.
- The Legal Officer confirmed that if the development were to proceed and flooding occurred on the site there would be no direct liability on the Council's part. Consideration would fall to the wider duties of the Council and reliance on expert opinion was a reasonable basis for a decision. She reminded the Committee that it needed to direct itself to the application before it, the professional evidence presented to it, and bear in mind the advice it had received that the development would not contribute to the flooding situation.
- The application was a good scheme offering 50% affordable housing and should be welcomed. The Committee should not be distracted by matters external to the application site.
- The Development Manager commented that if the Committee was minded to support the application two further conditions had been requested by the Parish Council relating to site operative parking during construction and to the hours of construction. He also reminded Members of the Council's lack of a 5 year housing supply and the need to give this significant weight in the decision making process.

The local ward members were given the opportunity to close the debate. Councillor Attwood reiterated the need for immediate flooding mitigation measures.

The Chairman commented that flooding mitigation measures to address the existing issues needed to be considered by the relevant authorities irrespective of the outcome of the planning application.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement in accordance with the Draft Heads of Terms Full Planning Permission be granted subject to the following conditions:-

1. **A01 Time limit for commencement (full permission)**
2. **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning authority for their written approval:**
 - **A full written schedule and samples of all external materials.**
 - **Written details of all surfacing materials in relation to the vehicular means of access, driveways, vehicle turning / manoeuvring areas vehicle parking areas and pedestrian pathways.**

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

Reason: To ensure a satisfactory appearance to the development in accordance with policies DR1 and H13 of the Herefordshire Unitary Development Plan 2007.

3. B01 Development in accordance with the approved plans

4. Prior to 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 precise bridge design over the Evendine Brook ensuring that the soffit of the bridge is at a minimum of 118.3 m AOD (above ordnance datum)**
- **A detailed surface water management strategy that demonstrates consideration of the use of a Sustainable Urban Drainage Strategy (SUDS) for both infiltration and attenuation of post development flows. Such a strategy must be informed by an assessment of groundwater levels and likely groundwater movements together with on- site infiltration testing. The detailed surface water management strategy must demonstrate attenuation of post-development surface water run-off via a SUDS management train such that no more than 5 litres per second shall enter Evendine Brook from either side**

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

Reason: To ensure compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

5. All of the recommendations set out in Sections 4, 5, 6, 7 and 8 of Appendix 3: Working Statement and Summary Recommendations of the ecologist's report dated 13th March 2013 shall be followed in relation to the identified reptiles and amphibians. In addition, all recommendations specified in Appendix 3; Target notes (for the landscaping scheme) for biodiversity enhancement shall be followed in full.

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 amendment 2012) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with policies NC8 and NC9 of the Herefordshire Unitary Development Plan 1990 in relation to Nature conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

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

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 amendment 2012) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with policies NC8 and NC9 of the Herefordshire Unitary Development Plan 1990 in relation to Nature conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

7. Prior to commencement of the development hereby permitted all existing trees shown to be retained upon the approved drawings shall be protected by fencing of in accordance with the advice contained within BS5837:2012. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority 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 safeguard the trees upon the site that are of amenity value in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.

8. All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting season following completion of the development or the first occupation of the entire development (whichever is the sooner). Any trees or plants which within a period of five years of their planting die are removed or become seriously damaged or diseased shall be replaced in the next plantings 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.

9. 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) for each of the twelve plots shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments for each dwelling shall be fully implemented prior to the first occupation of the dwelling upon that plot and thereafter maintained as such. Notwithstanding the provisions of Class A of Part2 of Schedule 2 of Article3 of the General Permitted Development Order 1995, 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 in accordance with Policies DRI, HI3 and LA1of the Herefordshire Unitary Development Plan 2007.

10 I16 – Restriction of hours during construction

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.

11 H27 - Parking for site operatives

Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to

and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety 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. 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. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats including nesting birds. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 0300 060 6000.

3. The attention of the applicant is also drawn to the provisions of the Conservation of Habitats and Species Regulations 2010. In particular, European protected animal species and their breeding sites or resting places are protected under Regulation 40. It is an offence for anyone to deliberately capture, injure or kill any such animal. It is also an offence to damage or destroy a breeding or resting place of such an animal.

4. HN05 Works within the highway

5. HN04 Private apparatus within highway

138. 132588/F 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY

The Senior Planning Officer gave a presentation on the application, which had originally been submitted to the Committee on 29 January 2014 and deferred for a site visit.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors J Lester and A Seldon, the local ward members, spoke on the application.

Councillor Seldon commented that, although supporting the principle of improved dental surgery provision in the locality, he remained concerned about the application on the grounds of highway safety.

Councillor Lester commented that the proposal would lead to an improved facility for the Town. However, he remained concerned about the negative impact of the proposal on the amenity of neighbouring residents. He also had concerns about highway safety.

The debate opened and the following principal points were made:

- The significant improvements to visibility that were proposed as part of the development needed to be balanced against the increased vehicle movements that would be generated.
- It would be helpful if work to the highway could be undertaken to allow any vehicles that needed to wait to turn into Hatton Park to pull off the main road to do so.
- That whilst the area was busy with traffic the movements were at low speed and, having undertaken a site visit, it did not appear that conditions were dangerous. It was noted that the Transportation Manager was content with the proposal.
- The Development Manager commented that the proposal would deliver a substantially improved access that would benefit residents and the area. The proposal complied with the Highway Code.

The local ward members were given the opportunity to close the debate and reiterated their concerns.

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 the approved plans**
3. **The change of use shall not commence until visibility at the junction between the A44 and Hatton Park has been improved through the resiting of the front boundary hedgerow in accordance with the detail provided on drawing no. 1712-2 rev. b. Nothing shall be planted, erected and/or allowed to grow on the area of land which would be forward of the hedgerow.**

Reason: To ensure that visibility is acceptable from Hatton Park along the A44 in an easterly direction and in the interests of highways safety as required by Policy DR3 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

4. **H14 Turning and parking: change of use - domestic**
5. **F02 Restriction on hours of delivery**
6. **I16 Restriction of hours during construction**

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.**

(The meeting adjourned between 11.37 and 11.45 am)

139. P133115/F LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA

(Mr K Bishop declared an interest and left the meeting for the duration of this item.)

The Senior 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, including a recommendation that an additional condition be imposed. She added that the Parish Council had confirmed that it supported the amended Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke on the application. He indicated his support for the application.

The debate opened and a proposal was made that an additional condition be imposed relating to the hours of construction.

RESOLVED: That Planning Permission be granted subject to the following conditons:

1. **A01 Time limit for commencement (full permission)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **F07 Domestic use only of garage**
5. **F08 No conversion of garage to habitable accommodation**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **G12 Hedgerow planting**
9. **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.**
10. **H03 Visibility splays**
11. **H13 Access, turning area and parking**
12. **H27 Parking for site operatives**
13. **The approved secure and covered cycle storage (Asgard Design Cycle Storage Lockers – Plot 2 and Wall mounted cycle storage for plots 1 and 3) shall be installed/provided and made available for use prior to the first occupation of the dwelling to which it relates.**

Reason: To ensure that there is adequate provision for secure cycle

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 and the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, the northerly section of new footpath indicated on drawing BR9B shall be provided in accordance with a specification that has first been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with details so approved.

Reason: To improve the sustainability of the site by facilitating pedestrian access to the local services, facilities and public transport in accordance with policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.

15. L01 Foul/surface water drainage

16. L02 No surface water to connect to public system

17. L03 No drainage run-off to public system

18. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

2. The Remediation Scheme, as approved pursuant to condition no. (1) 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.

Technical notes about the condition

1. I would also mention that 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 2012.

2. And as a final technical point, 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.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority and to comply with Policy DR10 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

- 19 Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out.**

Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

- 20 I16 Restriction of hours during construction**

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.

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. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 3. N11C General**
- 4. HN07 Section 278 Agreement**

5. **HN04 Private apparatus within highway**
6. **HN28 Highways Design Guide and Specification**
7. **HN05 Works within the highway**

140. P132962/F LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA

(Mr K Bishop declared an interest and left the meeting for the duration of this item.)

The Senior 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, including a recommendation that an additional condition be imposed.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke on the application. He indicated his support for the application.

The debate opened and a proposal was made that a further additional condition be imposed relating to the hours of construction.

A Member expressed regret about the energy efficiency and sustainability of the proposed dwellings. The Chairman reported that a briefing note on sustainability in construction would be circulated to Members shortly.

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

1. **A01 Time limit for commencement (full permission) REDUCED TO ONE YEAR**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **F07 Domestic use only of garage**
5. **F08 No conversion of garage to habitable accommodation**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme – implementation**
8. **G12 Hedgerow planting**
9. **The recommendations set out in Section 4.1 and 4.3 of the ecologist's report dated 15/10/13 concerning hedge planting, fruit tree establishment and bird boxes should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat enhancement plan noting planting and erection of boxes 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.

10. H03 Visibility splays (2.4m x 60m)
11. H13 Access, turning area and parking
12. H27 Parking for site operatives
13. The approved secure and covered cycle storage (Asgard Design Cycle Storage Lockers – Plots 1 and 2 and Wall mounted cycle storage for plot 3) shall be installed/provided and made available for use prior to the first occupation of the dwelling to which it relates.

Reason: To ensure that there is adequate provision for secure cycle 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 and the National Planning Policy Framework.
14. Prior to the first occupation of any of the dwellings hereby approved, both of the new footpaths indicated on drawing FHR4.A shall be provided in accordance with a specification that has first been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with details so approved.

Reason: To improve the sustainability of the site by facilitating pedestrian access to the local services, facilities and public transport in accordance with Policy DR3 of the Herefordshire Unitary Development Plan and National Planning Policy Framework.
15. L01 Foul/surface water drainage
16. L02 No surface water to connect to public system
17. L03 No drainage run-off to public system
18. Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted

under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out in respect of the property approved on Plot 3.

Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

19 I16 Restriction of hours during construction

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.

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. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 3. N11C – General**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private apparatus within highway**
- 6. HN28 Highways Design Guide and Specification**
- 7. HN05 Works within the highway**

141. 132624/O LAND OFF CHURCH WAY, HOLMER, HEREFORD

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr J Norris and Mr T Ball, local residents, spoke in objection. Mr D Hutchison, the applicant's agent spoke in support.

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

She commented on a number of issues including:

- She highlighted the comments of the Parish Council set out in the report, noting in particular concerns about road safety. She requested that detail of the highways proposals should be finalised in consultation with the Chairman of the Committee.
- There was concern about the impact on the landscape and a change in its character. She considered it would be important when considering reserved matters that consideration was given to planting mature trees which would also have the benefit of protecting the amenity of Rose Lofts.
- She questioned why the draft heads of terms did not propose any contribution to Holmer Primary School.

The debate opened and the following principal points were made:

- A question was asked about the absence of any affordable housing in the development. The Senior Planning Officer replied that as the development was adjacent to the City boundary the size of development fell below the level at which provision of affordable housing would be required. Some members questioned this assessment considering the development was within the Parish of Holmer.
- That as the site was at the gateway to the City it was important that the design was appropriate. Sustainability of the construction of the dwellings was also important.
- It was noted that an application for the erection of 9 bungalows had previously been refused. It was suggested the grounds for refusal should have been specified in the report.
- It was suggested that a layby should be created to help address the difficulty caused by on street parking.
- The development seemed quite intensive given the size of the site.
- It was proposed that the Chairman of the Committee and the local ward member should be consulted on the detail of the application before permission was granted.
- The Development Manager noted that the application was an outline application looking only at the principle of development and the access. There was scope for the Chairman of the Committee and the local ward member to be involved in discussions of the S106 Agreement.

The local ward member was given the opportunity to close the debate and indicated her intention to ensure that local residents were consulted on the detail of the development.

RESOLVED: That subject to the completion of a Section 106 Agreement, and consultation with the Chairman of the Committee and the local ward member, planning permission be granted subject to the following conditions:

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **G09 Details of Boundary treatments**

8. **G11 Landscaping scheme - implementation**
9. **G14 Landscape management plan**
10. **G15 Landscape maintenance arrangements**
11. **Prior to the commencement of development a hedgerow translocation method statement and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. Works and maintenance shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity, landscape and nature conservation having regard to the requirements of policies DR1, H13 and LA6 of the Unitary Development Plan and the requirements of the National Planning Policy Framework.
12. **Prior to any other works hereby approved on the application site are commenced, the proposed access shall be constructed, and road realignment undertaken and visibility splays provided in accordance with the details shown on drawing number H450/05 and those details agreed by conditions H18 below.**

Reason: In the interests of highway safety and to ensure an adequate and acceptable means of access is available during construction and to serve the dwellings hereby approved in accordance with the requirements of policy DR3 of the Unitary Development Plan and the requirements of the National Planning Policy Framework.
13. **H09 Driveway gradient**
14. **H18 On site roads - submission of details**
15. **H19 On site roads - implementation / completion**
16. **G15 Landscape maintenance arrangements**
17. **H29 Secure covered cycle parking provision**
18. **H08 Access closure**
19. **H17 Junction improvement/off site works**
20. **The precautionary mitigation and recommendations set out in the Section 5 of the JJE ecologist's report dated September 2013 concerning birds and further reptile surveys with mitigation should be followed. Prior to commencement of the development, a biodiversity enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

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 NPPF and the NERC Act 2006

- 21. L01 Foul/surface water drainage**
- 22. L03 No drainage run-off to public system**
- 23. I51 Details of slab levels**
- 24. I20 Scheme of surface water drainage**

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. HN10 No drainage to discharge to highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN01 Mud on highway**
- 5. HN28 Highways Design Guide and Specification**
- 6. HN13 Protection of visibility splays on private land**
- 7. N11C General**
- 8. N14 Party Wall Act 1996**

142. 132374/O LAND ADJACENT TO WILLOWCROFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE

The Senior 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. He added that officers considered that all the Section 106 monies relating to highway aspects should be used to fund the construction of a footpath from the development to the school.

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

She commented on a number of issues including:

- There was local concern about the size of the development. There was also a view that the application was premature as the Parish was in the process of completing a Neighbourhood Plan and consultation had not taken place.
- The development was sustainable and overall there was a case to support it.
- She highlighted the update to the report that had been circulated.
- She requested that she should be consulted on the reserved matters.

The debate opened and the following principal points were made:

- The letters in support of the development were noted.
- That a condition on the hours of construction should be imposed.
- The Development Manager confirmed that the proposed footpath to the school would be on the same side of the road as the development and that funding was available for this as part of the S106 Agreement. He acknowledged the importance of Neighbourhood Plans being agreed but the Committee had to determine the application before it. The Strategic Land Availability Assessment had identified the site as the most appropriate for development in the locality.

That the local ward member should be involved in discussions about the detail of the development.

The local ward member was given the opportunity to close the debate and reiterate the importance of taking local views into account.

RESOLVED: That subject to the completion of a Section 106 agreement, and consultation with the Chairman of the Committee and local ward member, planning permission be granted subject to the following conditions:

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **H14 Turning and parking: change of use - domestic**
8. **H18 On site roads - submission of details**
9. **H19 On site roads - phasing**
10. **H29 Secure covered cycle parking provision**
11. **H27 Parking for site operatives**
12. **I16 Restriction of hours during construction**
13. **I51 Details of slab levels**
14. **L01 Foul/surface water drainage**

15. L02 No surface water to connect to public system
16. L03 No drainage run-off to public system
17. L04 Comprehensive & Integrated draining of site
18. K4 Nature Conservation - Implementation
- 19 I16 Restriction of hours during construction

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, 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. HN07 Section 278 Agreement
3. HN08 Section 38 Agreement & Drainage details
4. HN01 Mud on highway
5. N11C General
6. N02 Section 106 Obligation

143. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 1.10 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 19 February 2014

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

P133115/F - DEMOLITION OF REDUNDANT BUILDINGS AND ERECTION OF 3 NO. DWELLINGS, NEW ACCESS AND DRIVEWAYS. AT LAND ADJACENT TO GATEWAY NURSERY, LONGWORTH LANE, BARTESTREE, HEREFORDSHIRE, HR1 4GA

For: Mr Reynolds per Mr Daniel Forrest, Court Cottage, Bartestree, Hereford, Herefordshire HR1 4DA

ADDITIONAL REPRESENTATIONS

The Parish Council's comments in respect of the amended plans will be reported verbally if received prior to the meeting.

OFFICER COMMENTS

An additional condition is recommended to ensure that the future privacy and living conditions of adjoining neighbours and between the approved properties is satisfactorily controlled.

- 1) Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out.

Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

CHANGE TO RECOMMENDATION

Additional condition to be imposed.

P132962/F - PROPOSED ERECTION OF 3 DETACHED DWELLINGS, NEW ACCESS, DRIVEWAY AND GARAGE AT LAND ADJACENT TO OCTOBER HOUSE, BARTESTREE, HEREFORD, HR1 4DA

For: Messrs D Forrest, L Hansford & B Reynolds per DA Forrest Architectural Services, Court Cottage, Bartestree, Hereford, HR1 4DA

ADDITIONAL REPRESENTATIONS

The Parish Council's comments in respect of the amended plans will be reported verbally if received prior to the meeting.

OFFICER COMMENTS

An additional condition is recommended in respect of Plot 3 to control future forward extension in the interests of the living conditions of Orchard House and Plot 2.

- 1) Notwithstanding the provisions of Article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D and E of Part 1 and of Schedule 2, shall be carried out in respect of the property approved on Plot 3.

Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

CHANGE TO RECOMMENDATION

Additional condition to be imposed.

132374/O - PROPOSED ERECTION OF 15 NOS. DWELLINGS. AT LAND ADJACENT TO WILLOWCROFT, SUTTON ST NICHOLAS, HEREFORD, HEREFORDSHIRE,

For: Mr & Mrs Chambers per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH

ADDITIONAL REPRESENTATIONS

Further comments from the Parish Council have been received in respect of the revised Heads of Term:

1. Generally it was felt that more than £16,400 (20%) should be spent to improve village facilities.

2. Why is money going to the Academy School, which was outside the control of Herefordshire Council at a time when LEA schools are having to work with less funds?
3. Monies to be used to purchase and fit a bus shelter for pupils who catch the school bus outside the school/village hall.
4. Monies should **only** be used to provide new highway and sustainable transport infrastructure to serve the development and the Village. (The Sutton Parish Plan 2003 has a new footpath on the Marden Road from Ordis Cottages to the old Post Office, this is an outstanding infrastructure project)
5. Monies to be used to improve the infrastructure of the village hall, in particular the car park lights and the community garden.

OFFICER COMMENTS

1. The contributions requested are in accordance with the Planning Obligations Supplementary Planning Document.
2. The draft heads of terms do not include a contribution towards Aylestone Business and Enterprise College
3. The provision of a bus shelter can be considered to be funded by the sustainable transport infrastructure contribution
4. Agree
5. The expenditure of the monies will be negotiated with the parish council on receipt

CHANGE TO RECOMMENDATION

No change to recommendation