

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 May 2014 at 10.00 am

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

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, JA Hyde, Brig P Jones CBE, RI Matthews, FM Norman, J Norris, AJW Powers, GR Swinford and DB Wilcox

In attendance: Councillors AJM Blackshaw, MJK Cooper and SJ Robertson

Councillor RC Hunt and PJ Watts

The Chairman paid tribute to Councillor RC Hunt and PJ Watts who had both recently died and offered condolences on behalf of the Committee to their families. The Committee observed a silence in their memory.

183. APOLOGIES FOR ABSENCE

Apologies were received from Councillor DW Greenow, MAF Hubbard and JG Lester.

184. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JA Hyde attended the meeting as a substitute member for Councillor JG Lester and Councillor AJW Powers substituted for Councillor MAF Hubbard.

185. DECLARATIONS OF INTEREST

Agenda item 7: 131529/F Land adjacent to Tadpole Cottage, Eardisland, Leominster, Herefordshire

Councillor FM Norman commented that she knew the applicant and some objectors and declared a non-pecuniary interest as one of the Council's appointments to the Lugg Internal Drainage Board.

Councillor JW Hope MBE declared a non-pecuniary interest as one of the Council's appointments to the Lugg Internal Drainage Board.

Councillor J Hardwick declared a non-pecuniary interest as one of the Council's appointments to the Lugg Internal Drainage Board.

Agenda item 9: 140290/0 Land adjacent to Barberrry House, The Row, Wellington, Herefordshire

Councillor KS Guthrie commented that she was a work colleague of the applicant and declared a non-pecuniary interest as a resident of Wellington, although she emphasised that she did not live near the application site.

Mr M Willimont (Head of Development and Environmental Health) declared a non-pecuniary interest as a resident of Wellington and left the meeting for the duration of the item.

186. MINUTES

RESOLVED: That the Minutes of the meeting held on 23 April 2014 be approved as a correct record and signed by the Chairman.

187. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

188. APPEALS

The Planning Committee noted the report.

189. 131529/F LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9AR

The Principal 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. The update included an additional proposed condition. The Principal Planning Officer added that if the Committee was minded to approve the application it was also proposed that permitted development rights be removed.

In accordance with the criteria for public speaking, Mr A Sheffield of Eardisland Parish Council spoke in broad support of the Scheme. Mrs C Aldred, a resident, spoke in objection. Mrs M Albright, the applicant, spoke in support.

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

He commented on a number of issues including:

- He noted that the Parish Council supported the application subject to conditions being met. However, a number of local residents were concerned about the proposal. The principal concern was that the development would exacerbate flooding problems experienced in the area. There was evidence that the site had flooded and the Environment Agency had not taken account of this. The numerous drafts of the report indicated a level of uncertainty about the scheme and the published report was inconclusive and did not provide categorical assurances to discount the potential flood risk. In his view the flood risk assessment should be discounted. Whilst the proposed building might itself be above flood waters, the technical assessments could not prove that water would not be displaced to the detriment of neighbouring properties.
- He suggested that if the Committee was not minded to refuse the application a deferral should be considered to allow further consideration of the technical aspects of the scheme. If the Committee was minded to approve the application stronger conditions were required.

The debate opened and the following principal points were made:

- In response to questions the Principal Planning Officer commented that the site was not classified as an isolated dwelling because it was immediately adjacent to the village and the settlement boundary. Paragraph 55 of the National Planning Policy

Framework (NPPF) did not therefore apply. He considered that the proposal would help to sustain and grow an existing local business in accordance with paragraph 28 of the NPPF.

- He added that the technical advice from the Environment Agency was clear. The Agency did not object to the proposal, did not consider that the scheme would cause further flooding and in fact concluded that the scheme would provide flood betterment. The Agency had also taken the unusual step of having its advice independently reviewed.
- Technical advice was that the proposed biodisc system was acceptable. Its resilience if there were to be flooding was questioned.
- The risk of flooding and the displacement of floodwater was a concern. There appeared to be some contradiction in the report with the suggestion that the site would not flood sitting alongside a requirement for a flood evacuation plan. Paragraph 6.15 of the report stated that significant parts of the application site and the village were prone to flood events. It was noted in reply that the evacuation plan was proposed to address a circumstance where the development was cut off by floodwater; it was not being suggested that the dwelling itself would flood. The precise location of the property itself was outside the flood zone. The flooding was mainly fluvial and the property would not form a barrier to the dispersal of floodwater.
- It was noted that the proposed condition 10 required the access road to be constructed in accordance with existing ground levels.
- The attributes of the scheme were noted.
- It was considered that deferring a decision would be of little benefit as officers considered all avenues had been adequately explored.
- The Development Manager reminded the Committee of the outcome of a recent appeal for an application at land off Breinton Lee, Kings Acre Road, Hereford where the inspector had given weight to the advice of the statutory consultees on drainage issues and awarded costs against the Council.

The local ward member was given the opportunity to close the debate. He reiterated his concerns about flooding.

A number of grounds for refusal were put forward by Members, including concerns about the effectiveness of the flood plan and the biodisc system, development in the open countryside contrary to policy H7, and paragraph 100 of the NPPF relating to controlling inappropriate development in an area at risk of flooding.

The Development Manager commented that if the Committee wished to refuse the application, policy DR7 (flood risk) should be advanced as a ground for refusal and not the equivalent policy in the emerging Core Strategy. However, Members appeared to be basing a proposal for refusal solely on a technical ground. It had not been suggested in the debate that there was anything inherently unsustainable about the design of the scheme or its locational impact. He expressed concern about the Authority's ability to defend an appeal on flood grounds.

A motion that the application be refused was lost after the Chairman exercised his casting vote, stating that in doing so he was taking particular account of the Development Manager's advice.

A proposal was made that authority should be delegated to officers to approve the application, but that there should be consultation with the Chairman and the local ward member over flood risk assumptions and the operation of biodisc systems in flood events and amended conditions attached as necessary.

RESOLVED: That authority be delegated to officers named in the scheme of delegation to officers after consultation with the Chairman and local ward member to approve the application, subject to further clarification in respect of flood risk assumptions and the operation of biodisc systems in flood events and attach amended conditions to those listed below as may be necessary.

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less

2. B01 – Development in accordance with approved plans
3. C01 – Sample of external materials
4. G10 – Landscaping scheme
5. G11 – Landscaping scheme - implementation
6. G14 – Landscape management plan
7. H03 – Visibility splays
8. H05 – Access gates
9. Floor levels shall be set at a level of at least 85.50m AOD as outlined in the FRA produced by Hydrologic (Report Ref: K0394/1_Rev 0, Sept 2013).

Reason: To protect the development from flooding and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and Paragraphs 100 to 103 of the National Planning Policy Framework.

10. The access road hereby permitted shall be constructed in accordance with existing ground levels and shall remain at this level in perpetuity.

Reason: To ensure that there will be no increased risk of flooding to land or property due to impedance of flood flows and/or reduction of flood storage capacity and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and Paragraphs 100 to 103 of the National Planning Policy Framework.

11. I55 – Site waste management plan
12. M03 – Compensatory flood storage works

13. M05 – No storage of materials in 1% floodplain plus climate change

- 14** Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority's Emergency Planning Officer. The plan shall include a map of both primary and secondary access routes along with guidelines for the maintenance of markers that should be visible under all flooding conditions. It shall also include details of the permanent retention of the plan at the property and a timetable for its revision. The approved measures shall be retained in perpetuity.

Reason: To minimise flood related danger to people in the flood risk area and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

- 15** Permitted Development Rights shall be removed.

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. HN04 – Private apparatus within the highway**
- 3. HN28 – Highway design guide and specification**
- 4. HN05 – Works with the highway**

(The meeting adjourned between 11.25 am and 11.35 am)

190. 133504/F LAND WEST OF A4110, KNAPTON GREEN, HEREFORDSHIRE, HR4 8EP

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.

In accordance with the criteria for public speaking, Ms H Philpotts, Clerk to Burghill Parish Council spoke in opposition to the Scheme. Mr T Bromley, a resident, spoke in objection. Mr J Verdin, the applicant, spoke in support.

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

He commented on a number of issues including:

- Agriculture was important to the County but farmers had to work with neighbours.

- The scheme was sustainable providing produce for Cargill based in the County, reducing food miles and ensuring food traceability..
- He highlighted the representations and the internal council advice set out in the report.
- He noted that a sequential site selection test had concluded that the proposed site was the most suitable as referred to at paragraph 6.3 of the report.
- Mitigation measures were set out at paragraph 6.5 of the report and the applicant had indicated he would invest further in these if required.
- The access was considered acceptable.
- The report stated at paragraph 6.21 that the development complied with relevant policies. He supported the recommendation for approval.

The Chairman also permitted Councillor SJ Robertson, an adjoining ward member, to speak. She outlined concerns about road safety on the A4110. She also commented on the smell and noise that would be associated with the development and noted that there were fifty letters of objection.

The debate opened and the following principal points were made:

- Some concern was expressed about the nature of the development and its impact. However, it was also noted that whilst the development would have an impact the applicant had taken all possible steps to seek to mitigate it.
- The site was separated from dwellings by at least 400m.
- Paragraph 6.3 of the report stated that the sequential site selection test had concluded that the proposed site was the most suitable.
- It was requested that mature trees be used in any relevant landscaping work.
- Concerns were raised about the cumulative impact of HGV movements and the apparent lack of information on this within the supporting documents and the report.
- A view was expressed that road safety problems were not necessarily related to HGVs but also to car users.
- In response to a question, the Development Manager advised that the decision to move away from potato production and into poultry whilst clearly impacting upon HGV movements was a commercial decision and not one that could be controlled by means of a condition.

The local ward member was given the opportunity to close the debate. He reiterated his earlier comments.

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. **C09 Details of cladding (agricultural and industrial buildings)**
4. **I32 Details of floodlighting/external lighting**
5. **G02 Retention of trees and hedgerows**

6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **G14 Landscape management plan**
9. **I55 Site Waste Management**
10. **All manure moved off site will be so in covered and sealed trailers.
Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**
11. **The recommendations set out in Section 7.6.7 of the Wold Ecology ecologist's report dated November 2013 must be followed in relation to the identified protected species. Prior to commencement of the development, an ecological assessment for great crested newt will be carried out. If great crested newts (or any other protected species) are identified a full working method statement must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7 NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**
12. **Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.
Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**
13. **Prior to any development on site full details of the required "Give Way" markings/signage to be located at least 5 metres back from the back edge of the adjoining carriageway, together with a timescale for its installation shall be submitted to and approved in writing by the Local Planning Authority. The approved markings/signage shall be provided prior to the first use of the development hereby approved and shall be maintained in perpetuity.
Reason: In consideration of the location for the proposed development, and a nearby roadside verge mature tree and to comply**

with Policy DR3 of the Herefordshire Unitary Development Plan.

14. L04 Comprehensive & Integrated drainage of site

15. I55 Site Waste Management

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.

(Councillor PA Andrews requested that her abstention be recorded.)

(The meeting adjourned between 12.35 am and 12.40 am)

191. 140290/O LAND ADJACENT TO BARBERRY HOUSE, THE ROW, WELLINGTON, HEREFORDSHIRE

(Mr M Willimont declared a non-pecuniary interest and left the room for the duration of this item.)

The Principal 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 J Gowan, Chair of Wellington Parish Council, spoke in opposition to the Scheme. Mr A Hughes, a resident, spoke in objection. Mr G Thomas, the applicant's agent spoke in support.

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

He commented on a number of issues, highlighting the response of Wellington Parish Council published in the agenda papers. He questioned the feasibility of the technical solution to the access which relied on a neighbour making land available. He praised the work of the Parish Council in developing a Neighbourhood Development Plan.

The debate opened. The Council's lack of a 5year housing land supply was noted. However, the consensus was that, having regard to paragraph 14 of the National Planning Policy Framework, the adverse impact of the development would outweigh the benefits that the limited amount of housing development would provide.

The local ward member was given the opportunity to close the debate. He acknowledged the grounds for refusal set out in paragraph 3 of the recommendation.

RESOLVED: That planning permission be refused for the following reasons:

1. The development of this application site, by virtue of the site's location and topography, would result in a form of development that would adversely impact upon the character of the area that also has significant landscape

and biodiversity value and interest and that forms part of the setting of the settlement of Wellington contrary to Policies LA2, LA3 and H13 of the Herefordshire Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

2. The application would lead to the loss or partial loss of important trees that form part of a UK priority habitat contrary to the requirements of Policies LA5, NC1 and NC6 of the Herefordshire Unitary Development Plan. The application does not provide sufficient information in order to demonstrate that an enhancement and benefit could be secured and as such does not comply with the requirements of Policy NC8 of the Herefordshire Unitary Development Plan.
3. The proposed development, by virtue of the site's location, topography and relationship with neighbouring properties, would represent an overbearing and intrusive form of the development that would potentially impact upon privacy and amenities currently enjoyed contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework.

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.

192. 140904/CD JEWSON BUILDERS MERCHANT, CANAL WHARF, CANAL ROAD, HEREFORD, HR1 2EB

The Development Manager gave a presentation on the application.

Some Members questioned the value and purpose of the application but it was also recognised that the application had to be considered on its individual merits. The Development Manager confirmed that the application was a small element of a larger plan.

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 (Drawing numbers 1DMCXN018-P-001 and 002)**

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National

Planning Policy Framework.

- 2. N11A Wildlife and Countryside Act 1981 (as amended) – Birds**
- 3. N11C General**

193. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 1.20 pm

CHAIRMAN