

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 4 June 2014 at 10.00 am

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

Councillors: AN Bridges, EMK Chave, BA Durkin, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, JLV Kenyon, RL Mayo, FM Norman, R Preece and GR Swinford

In attendance: Councillors JW Millar, A Seldon and J Stone

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors MAF Hubbard, Brig P Jones, JG Lester, RI Matthews and DB Wilcox.

2. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JLV Kenyon attended the meeting as a substitute member for Councillor MAF Hubbard and Councillor R Preece substituted for Councillor RI Matthews.

3. DECLARATIONS OF INTEREST

Agenda item 7: P140844/O - Proposed Erection Of 4 No. Three Bedroom Detached Dwellings On Land At The Sun Inn, Off The A438, Winforton, Herefordshire.

Councillor JW Hope MBE declared a non-pecuniary interest as he was an occasional customer at a number of the public houses within his ward.

Agenda item 8: P140495/F - Development Of 1 Dwelling With Off Street Parking And Garden. At Land Adjacent To, 7 Milvern Close, Bromyard, Herefordshire.

Councillor GR Swinford declared a disclosable pecuniary interest as he was a Partner in the Page Swinford Partnership who had acted as agents for the application. He left the meeting for the duration of this item.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 May 2014 be approved as a correct record and signed by the Chairman.

5. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

6. APPEALS

The Planning Committee noted the report.

7. P140844/O LAND AT THE SUN INN, OFF THE A438, WINFORTON, HEREFORDSHIRE

The Senior Planning Officer gave a presentation on the application and noted an additional representation had been received. This was referred to in the update sheet, as appended to these Minutes. He clarified that whilst the original application had been for 3 three bedroom detached dwellings and 2 two bedroom semi-detached dwellings the application before the Committee was for 4 three bedroom detached dwellings.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JW Hope MBE the local ward member, spoke on the application. He referred to paragraphs 6.6, 6.9 and 6.11 of the report which concluded that the principle of small scale development of the site was acceptable.

The debate opened and the following principal points were made:

- Some concern was expressed about the access to the development. Further information was sought on a recent appeal decision referred to in the report that had concluded that the junction met minimum national highway standards. The Senior Planning Officer confirmed that the Planning Inspector in considering an application for development at Winforton Wood had considered the access of the 'Common Road' junction with the A438 to be acceptable. The officer added that he could not support an alternative proposed access through the Sun Inn car park because of the potential effect upon the viability of the Inn.
- The Council's lack of a 5 year housing land supply was clearly a key factor given that the report stated that the proposal was contrary to the housing policies in the Unitary Development Plan. However, it was requested that where sites were granted permission in such a context every effort should be made to ensure that the development was of high quality design and included the best energy and water efficiency measures.

The local ward member was given the opportunity to close the debate. He commented that he considered the access to be suitable.

RESOLVED: That 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. Details will be submitted at the 'Reserved matters' stage with regards to the proposed foul and surface water drainage arrangements for the site and this will include provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS feature have been maximised, including use of infiltration techniques and on ground conveyance and storage features. Detail will also include discharge rates for all storm events up to and including the 1 in 100**

year rainfall event with a 30% increase in rainfall intensity in order to allow for the effects of future climate change. Detail will also be included indicating that adequate pollution control measures are in place prior to discharge and that there is permission to discharge foul and surface water runoff from the site with the relevant authorities.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies S1 and DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. **G03 Retention of existing trees/hedgerows**
8. **The recommendations set out in Section 8 of the ecologist's report by Phil Quinn dated December 2013 must be followed in relation to the identified protected species. Prior to commencement of the development, a habitat enhancement plan must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work to check for slow worm on the site immediately prior to development.**

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's 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

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**
4. **HN04 Private apparatus within highway**
5. **HN05 Works within the highway**
6. **HN08 Section 38 Agreement & Drainage details**

8. P140495/F LAND ADJACENT TO 7 MILVERN CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UH

(Councillor GJ Swinford left the meeting for the duration of this item.)

The Principal Planning Officer gave a presentation on the application.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor A Seldon, one of the local ward members, spoke on the application.

He commented that he had no objection to the development in principle. However, the site level was uneven and there was public concern about the stability of the boundary walls and that instability of the ground itself potentially made development unsafe.

The debate opened and the following principal points were made:

- The Development Manager commented that additional conditions could be imposed to ensure the current and future stability of the site including all boundary walls. A condition could also be imposed to ensure appropriate surfacing was used to ensure permeability for surface water.
- Paragraph 4.2, containing an objection from the Traffic Manager relating to car parking and cycle storage, appeared to be in conflict with paragraph 6.4. The Development Manager confirmed that revised proposals which included parking for the existing dwelling and cycle storage for the new dwelling had been put forward and the Traffic Manager was now content with the application.
- The local ward member was given the opportunity to close the debate. He indicated that he was content with the proposed additional conditions.

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

- 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 all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

- 2. B01 Development in accordance with the approved plans**
- 3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a full**

structural report of all boundary walls which shall include recommendations for work to be undertaken to secure their retention. Works to the boundary walls shall be completed in accordance with the approved details prior to any other works commencing on site.

Reason: In the interests of visual amenity and the structural integrity of the boundary wall and to conform to Policies DR1 and DR2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

4. C01 Samples of external materials

5. H10 Parking for proposed house

6. Prior to works commencing on the dwelling hereby approved an area within the grounds of No. 7 Milvern Close shall be properly laid out, consolidated, surfaced and drained for the parking of one car in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

7. I 16 Restriction of hours during construction

8. I 43 No burning of material/substances

9. I 51 Details of slab levels

10. L 01 Foul/surface water drainage

11. L02 No surface water to connect (either directly or indirectly) to the public sewerage system

12. L 03 No drainage run-off to public system

13. The dwelling hereby permitted shall not be occupied until surface drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater

- and/or surface waters;
- 14
- ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: to prevent the increase risk of flooding and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

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 and the National Planning Policy Framework.

INFORMATIVES:

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

2. **Welsh Water Advice:**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by

DCWW.

Welsh Government introduced the Welsh Ministers Standards on 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with use at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Development Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

9. P140116/F LAND ADJACENT TO RECTORY GATE, STOKE PRIOR, HEREFORDSHIRE

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, Mr J Hinton, the applicant, spoke in support of the application.

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

He commented on a number of issues including:

- The principal reason for the Planning Officer recommending refusal was his view that the application did not meet the National Planning Policy Framework's (NPPF's) definition of sustainable development.
- The site was well screened had other properties nearby and was within the village.
- The site was closer to the school than to the centre of the village. The family's two children would contribute to the school's sustainability.
- The applicant had local connections.
- The Parish Council supported the application.
- UDP Policy H6 (housing in smaller settlements) might preclude the development but the New Draft Core Strategy policy RA1 required the growth of villages, including Stoke Prior, and the NPPF said that emerging strategy should be given weight.

In conclusion his view was that the application did represent sustainable development.

The debate opened and the following principal points were made:

- The application would develop a brownfield site and provide a dwelling of a high quality sustainable design. The applicant had confirmed that he wished to build a sustainable dwelling to Passivhaus standards for his family.
- The NPPF was opposed to isolated dwellings. The view was expressed that the application site was not isolated. In reply the Development Manager commented that

the site was isolated, divorced from the settlement of Stoke Prior and surrounded by green field sites. He directed the Committee's attention to the definition of the characteristics of sustainable development, acknowledging that there was a degree of subjectivity involved. He added that if a recommendation to grant permission were to be made this should include Passivhaus house conditions to align with the sustainability aspects being considered by Members.

The local ward member was given the opportunity to close the debate. He reiterated his view that the application site was not isolated and represented sustainable development of a brownfield site.

A proposal that there should be a site visit was lost.

The Committee discussed reasons for granting permission. The Legal Officer suggested that the grounds for approval could be summarised as a view that the development is in fact sustainable development and that the benefits of the application outweighed any adverse impact.

RESOLVED: That planning permission be granted on the grounds that the application represents sustainable development in accordance with paragraph 14 Of the National Planning Policy Framework and is of benefit to the community and officers named in the scheme of delegation be authorised to finalise conditions which shall include the Passivhaus conditions.

INFORMATIVE

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. 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.

10. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 11.08 am

CHAIRMAN

PLANNING COMMITTEE

Date: 4 June 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

P140844/O - PROPOSED ERECTION OF 4 NO. THREE BEDROOM DETACHED DWELLINGS ON LAND AT THE SUN INN, OFF THE A438, WINFORTON, HEREFORDSHIRE,

For: Mr Greenwood per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN

ADDITIONAL REPRESENTATIONS

One further letter of objection has been received. The letter raises no further issues to those as addressed in the report.

NO CHANGE TO RECOMMENDATION

P140116/F - NEW DWELLING AT LAND ADJACENT TO RECTORY GATE, STOKE PRIOR, HEREFORDSHIRE, HR6

For: Mr Hinton per Mr Garry Thomas, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

ADDITIONAL REPRESENTATIONS

Since the report has been published the applicant's agent has submitted the following information.

The applicant's agent considers that there are a number of policies supporting the proposal

Paragraph 7 of NPPF : Three dimensions to sustainable development : Economic , Social & Environmental.

Economic – *sufficient use of land of right type is available in the right places* - Note land is brown-field site of 448 sq m concrete hard-standing and a 119 sq m portal shed and outbuildings

Social –*providing the supply of housing required to meet the needs of present and future generations* – Applicant grew up in village, wishes to move back and support local primary school.

Environmental - *enhance the natural, built and historic environment* – site removes run-off, installs green technologies, local timber frame and carbon efficient

Paragraph 9 – application meets all the tests (job creation, net gain for nature, replacing poor design with better design improving conditions people work in and widening choice of quality homes).

Paragraph 14 – presumption in favour of sustainable development - proposal accords with the NPPF and meets tests of sustainability. Would under conversion of an agricultural building to residential accommodation bring forward a residential site

Paragraph 48 – Local planning authorities may make an allowance for windfall sites in the five year supply. It is considered a windfall site.

Paragraph 49 – Applications should be considered in context of sustainable development. Application meets the test.

New permitted changes of use that came into force on 6 April 2014 makes allowances for buildings of less than 450 sq m. Application meets the spirit of this change and previous Government consultation dating from July 2012.

Herefordshire Unitary Development Plan – Policy H6 – Stoke Prior has facilities pub, village hall, school, church, footpaths, bus route, employment in agriculture, golf courses. It will remove two substantial buildings and hard-standing and respects character and scale of settlement

Draft Core Strategy - Policy SS2. 5300 houses allocated for larger, smaller villages and outside of villages. Has support of Parish Council

Site not in open countryside. Accords with Policies S1, S2, DR1, DR2, H13 and Paragraph 14 of the NPPF.

OFFICER COMMENTS

The Council is not able to demonstrate a 5 –year supply of deliverable housing sites and therefore, this factor has to be weighed in favour of the development. However, Paragraph 14 of the National Planning Policy Framework makes clear that policies are out of date and therefore permission should be granted *unless* the adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessing the policies in the NPPF. The location is the key issue and the relationship to the village. This is not a sustainable location and therefore it is not supported by Paragraph 14 of the NPPF. The site is clearly in open countryside.

The issues raised in relation to the changes to the General Permitted Development Order are not relevant in this instance as the buildings are proposed to be demolished and in any case were not in agricultural use in March 2013.

NO CHANGE TO RECOMMENDATION

