

**MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Monday 16 March 2015 at 10.00 am**

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

**Councillors:** EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JF Knipe, RI Matthews, PJ McCaull, NP Nenadich, FM Norman, J Norris and AJW Powers

**In attendance:** Councillor AW Johnson

**178. APOLOGIES FOR ABSENCE**

The Chairman reported that Councillor MAF Hubbard had resigned from the Committee with immediate effect. Councillor AJW Powers had replaced Councillor Hubbard on the Committee for the meeting.

On behalf of the Committee, Councillor Cutter thanked Councillor Hubbard for his contribution to the Committee and wished him success with his business.

Apologies were received from Councillors AJM Blackshaw, AN Bridges, BA Durkin, JG Lester, RL Mayo and DB Wilcox.

**179. NAMED SUBSTITUTES**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JF Knipe attended the meeting as a substitute member for Councillor AN Bridges and Councillor NP Nenadich substituted for Councillor DB Wilcox.

**180. DECLARATIONS OF INTEREST**

**Agenda item 8 – P150067/O Land Adjacent to Vine Tree Close, Withington**

Councillor J Hardwick declared a non-pecuniary interest because he knew the landowner.

**181. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**182. 143252 - LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER**

*(Proposed development of 12 nos. dwellings, consisting of 4 nos. affordable and 8 nos. open market. Works to include new road and landscaping.)*

The Committee had approved this planning application on 21 January 2015. The Development Manager reported that although the S106 contributions quoted in that report had been correct, they had differed from the draft heads of terms appended to that report which had been for a previous application.

The correct draft heads of terms were appended to the report before the Committee.

The Development Manager also reported that the local ward member was content with the situation and that as requested by the Committee he and the Chairman had been consulted on and had agreed with the proposed conditions to be attached to the planning permission.

**RESOLVED: That the report be noted.**

**183. 143370 - LAND TO THE EAST OF BROOK LANE, NORTH OF B4220, BOSBURY, HEREFORD**

*(Proposed residential development for up to 37 dwellings of which 13 (35%) will be affordable.)*

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.

He noted that in November 2014 the Committee had refused planning permission for the erection of up to 46 dwellings on land to the west of Upper Court Road, Bosbury (application reference P141550/O), and that application was currently the subject of an appeal.

In accordance with the criteria for public speaking, Mr P Whitehead of Bosbury and Coddington Parish Council spoke in opposition to the Scheme. Mr M Hosking, a local resident, spoke in objection. Mr P Deeley, the applicant's agent, spoke in support.

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

He commented on a number of issues including:

- The village was close to an Area of Outstanding Natural Beauty and the centre of the village was a Conservation Area. The proposed development of 37 dwellings would have a considerable impact. There were 350 dwellings within the whole Parish, but only 100 in the core settlement. The development would therefore represent a 37% increase. The Core Strategy envisaged 14% growth over the period 2011-2031. The proposed development was disproportionate. The Committee had previously refused an application for 46 dwellings which was currently the subject of an appeal.
- The proposal was contrary to policy.
- The development would have a detrimental and unacceptable impact on the visual amenity of the village.
- An application for a single dwelling on a site close to the proposed attenuation pond for the development had recently been refused because of its impact on the visual amenity of the village.
- Whilst officers had made no objection on highway grounds, the proposed access was of concern.
- The site was already vulnerable to flooding caused by rain and development would make the situation worse with consequences for land downstream of the development.
- Improvement to the sewerage works would be required. The application made no reference to this issue.

- The applicant had not consulted the Parish Council and had omitted 50% of residents from the distribution of a letter they had sent out including those most affected by the proposal.
- Weight should be given to the Neighbourhood Plan which the Parish Council had in part funded itself. The Plan would meet the development need envisaged within the Core Strategy through development within the settlement boundary. Sensitive and appropriate growth was acceptable.
- The Council's lack of a five year housing land supply was being exploited by developers creating pressure to accept developments which in other circumstances would have been refused.
- There were sound grounds for refusing the proposal.

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

- An application for a single dwelling close to the application site which had had local support had been refused.
- The Parish Council and local ward member opposed the development.
- The Conservation Manager (Landscape) objected to the proposal.
- The development was disproportionate.
- There would be detrimental impact on the village and its historic buildings.
- The development was visually intrusive.
- Although the area was not designated it was an important setting close to an AONB.
- Weight should be given to the Neighbourhood Plan.
- The site was outside the settlement boundary.
- The grounds for refusal outweighed the Council's lack of a five year supply of housing land.
- A Member suggested that evidence presented at the public examination of the Core Strategy supported the view that the Council had a five year supply of housing land.
- There was no reference to energy efficiency measures in respect of the proposed dwellings.
- There was insufficient local employment available.
- If the development were to be approved regard should be had to the recommendations of the Conservation Manager (Landscape) set out on pages 18/19 of the agenda papers.

The Development Manager commented that, given the Committee's view appeared to be opposed to the development the strongest grounds for refusal were those advanced by the Conservation Manager (Landscape). Weight should be given to the Council's lack of a five year housing land supply. Only limited weight could be given to the Neighbourhood Plan as it had only reached Regulation 15 stage. The Core Strategy envisaged 14% growth calculated with reference to the 350 dwellings in Bosbury Parish not with reference to the 100 dwellings in the main village.

He added that housing development in the County had previously taken place at 200 dwellings per year. Some 825 dwellings a year needed to be built to meet the Core Strategy target. Sites such as the one proposed would need to be developed if this target was to be met. The five year housing land supply figures would shortly be

submitted to the Planning Inspector for final consideration. The Scheme did provide 35% affordable housing.

He urged some caution regarding the possibility of an appeal against refusal of permission.

The local ward member was given the opportunity to close the debate. He acknowledged the pressures officers faced in relation to the absence of a 5 year housing land supply. However, the village did not have the ability and facilities to absorb a development of the scale proposed. The development would not have been countenanced before such weight had been required to be attached to the housing land supply.

The following grounds for refusing the application were advanced: the development would have a detrimental effect and was contrary to policies LA2 and LA3, contrary to the NPPF and the Neighbourhood Plan; and there was also a lack of a signed section 106 agreement.

**RESOLVED: That planning permission be refused and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication, based on the Committee's view that the proposal would have a detrimental effect and was contrary to policies LA2 and LA3, contrary to the NPPF and the Neighbourhood Plan; and there was also a lack of a signed section 106 agreement.**

**184. 143720 - LAND SOUTH OF A438 FORMING PARCEL NO 0008 AND PART PARCEL NO 2308, BARTESTREE, HEREFORD**

*(Proposed erection of 40 dwellings including 14 affordable houses and change of use of land to form community open space.)*

The Principal Planning Officer gave a presentation on the application. An application for 60 dwellings on the site had been refused by the Committee on 27 August and was the subject of an appeal. The revised application before the Committee was for 40 dwellings to be constructed on the eastern parcel of the application site (where 49 were previously proposed) with the whole of the western parcel transferred to the Parish Council and protected for community use as public open space.

In accordance with the criteria for public speaking, Mr M Thomas, a local resident, spoke in objection to the application. Mr B Eacock, the applicant's agent, spoke in support.

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

He commented on a number of issues including:

- At a meeting of the Parish Council residents present had been asked for their views and had narrowly voted in support of the application. The Parish Council had noted that those supporting the application appeared to do so reluctantly acknowledging that there would have to be some development in the villages. The Parish Council had voted by a majority to support the application.
- A difficult balance had to be struck. The reasons for refusing the previous application still applied: adverse effect on the character and setting of the village. and visibility from the AONB. However, the new proposal was for a smaller development with the offer of a parcel of land to the Parish Council.

- Other applications for development in the locality had been lodged, one for over 100 houses. The previous application was the subject of an appeal. It was understood that the developer would proceed on the basis of the application before the Committee rather than the original application if planning permission was granted.
- At least one property neighbouring the development relied on a private water supply. If permission were granted the developer should be requested as part of the development works to explore linking any such properties to the mains water supply.

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

- The development would have an adverse impact on the setting of listed buildings and the landscape. It was important that if it proceeded particular consideration was given to landscaping at the reserved matters stage.
- It was requested that the developer should be asked to work with neighbours in relation to the water supply.
- Further work should be done at the reserved matters stage on pedestrian access. In response to this point the Principal Planning Officer clarified the position regarding pedestrian access and officers' conclusion that there was no highway safety issue.
- The development offered the opportunity to preserve a green space in the village.
- The development should be built to a good and sustainable standard.
- The Parish Council had indicated support for the development.
- It was suggested that the application should not have been brought forward until relevant appeals had been decided.
- Whilst the proposal was an improvement on the previous application the Conservation Manager (Historic Buildings) and the Conservation Manager (Landscape) maintained their objections.
- There had been 40 letters of objection.
- The school was at capacity.
- The road had been designated a 'road for concern' by the West Mercia Safe Roads Partnership.

The Development Manager commented that conditions could reflect the Committee's wish that the development be of a high standard. Organic growth alone would not bring forward developments of the scale required including 35% affordable housing. The Parish Council supported the proposal. He cautioned that highway grounds had not featured in the Committee's previous grounds for refusal. He added that the S106 agreement provided for a number of highway measures.

The local ward member was given the opportunity to close the debate. He reiterated that the grounds for refusal previously advanced remained valid. However, the opportunity to secure a 4 acre field as public open space for future generations was attractive. Mindful of an outstanding appeal and recent decisions of the Planning Inspectorate, the opportunity was one that on balance he considered should be taken.

**RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.**

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. **C01 Samples of external materials**
5. **The development shall include no more than 40 dwellings and no dwelling shall be more than two and a half storeys high.**

**Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.**

6. **H06 Vehicular access construction**
7. **H09 Driveway gradient**
8. **H11 Parking - estate development (more than one house)**
9. **H17 Junction improvement/off site works**
10. **H18 On site roads - submission of details**
11. **H19 On site roads - phasing**
12. **H20 Road completion in 2 years**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Secure covered cycle parking provision**
16. **H30 Travel plans**
17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L04 Comprehensive & Integrated draining of site**
20. **G04 Protection of trees/hedgerows that are to be retained**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **The recommendations set out in Sections 8.3 to 8.8 of the Phase 1 ecologist's report from Phil Quinn dated May 2014 and Section 7 of the Great Crested Newt report from Phil Quinn dated May 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work 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 and NC7 of the Herefordshire Unitary Development Plan.**

- 24. Prior to commencement of the development, a reptile survey for should be conducted with results and any mitigation necessary submitted to, and be approved in writing by the local planning authority, and the work 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 and NC7 of the Herefordshire Unitary Development Plan.**

- 25. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of private water supplies should be highlighted such as pollution risk and increased use projections. The Plan shall be implemented as approved.**

**Reasons: To ensure that all species and sites 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's Unitary Development Plan.**

**To comply with policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF 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. HN10 No drainage to discharge to highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private apparatus within highway**
- 6. HN28 Highways Design Guide and Specification**
- 7. HN27 Annual Travel Plan Reviews**
- 8. HN25 Travel Plans**
- 9. HN13 Protection of visibility splays on private land**

## 10. N02 Section 106 obligation

*(The meeting adjourned between 11.50 am and 12.10pm)*

### 185. P150067/O - LAND ADJACENT VINE TREE CLOSE, WITHINGTON, HEREFORDSHIRE

*(Proposed erection of up to 31 dwellings. Construction of new vehicular access and associated works. Demolition of no. 5 Vine Tree Close.)*

The Principal Planning Officer gave a presentation on the application. He noted that an application for 45 dwellings had been refused by the Committee on 29 October 2014 and was currently the subject of an appeal. The application was a resubmission proposing up to 31 dwellings.

In accordance with the criteria for public speaking, Mr P Bainbridge, Chairman of Withington Parish Council spoke in opposition to the Scheme. Mr M Warner, a local resident, spoke in objection. Mr P Smith, the applicant, spoke in support.

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

He commented on a number of issues including:

- The objections to the original proposal remained valid. The site was at the highest point of the village and highly visible. The demolition of a house to provide an access was unwelcome. All the works traffic would have to travel between the two dwellings either side of the proposed access which in addition to having an adverse effect on those two properties would also adversely affect other neighbours.
- There was concern about flooding from the site affecting homes below the site.
- There were alternative sites for development.
- There had been 96 letters of objection and in canvassing opinion on a visit to the area he had found no support for the development.

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

- The grounds on which the Committee had previously refused the application remained valid.
- The Strategic Housing Land Availability Assessment had categorised the site as having significant constraints.
- The character and ambience of Vine Tree Close would be adversely affected by the development.

The Development Manager commented that at the current appeal the Council was not defending the lack of a proven surface water drainage proposal, one of the Committee's original grounds for refusal. He requested that this should be withdrawn as a ground for refusing the resubmitted application. No weight could be given to the Neighbourhood Plan. The Housing Development Officer supported the application. There was a need for affordable housing in the village which the scheme would provide. Weight should be given to the Council's lack of a 5 year housing land supply.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the Scheme because of its adverse impact.



**RESOLVED:** That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: the adverse impact on neighbouring residents of the proposed access, and saved policies of the UDP: LA2 – landscape character and areas least resilient to change, and LA 3 – setting of settlements.

**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 and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

**Appendix 1 - Schedule of Updates**

The meeting ended at 12.48 pm

**CHAIRMAN**



# **PLANNING COMMITTEE**

**Date: 16 March 2015**

**Morning**

## **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

**143370 - PROPOSED RESIDENTIAL DEVELOPMENT FOR UP TO 37 DWELLINGS OF WHICH 13 (35%) WILL BE AFFORDABLE AT LAND TO THE EAST OF BROOK LANE, NORTH OF B4220, BOSBURY, HEREFORD**

**For: Mr Watkins & Mr P Bennett per RCA Regeneration Ltd,  
Unit 6 De Salis Court, Hampton Lovett, Droitwich Spa,  
Worcestershire, WR9 0QE**

### ADDITIONAL REPRESENTATIONS

Email correspondence has been submitted on behalf of the Bosbury Neighbourhood Plan Committee to advise that the plan has been submitted under Regulation 15 of the Neighbourhood Planning Regulations 2012. The email refers to an appeal case in Devizes, Wiltshire where an Inspector concluded that material weight could be given to a Neighbourhood Plan submitted at Reg. 15.

Further correspondence has also been received from Severn Trent Water. Notwithstanding their original advice contained within the report, they request that a Grampian Style planning condition be imposed so that the Sewage Treatment Works (STW) can be upgraded before the development is first occupied. They advise that the STW is already slightly overloaded by approximately 11% and an increase in the number of dwellings in the village by approximately 27% will exacerbate the situation.

They also advise that the matter has been discussed with the Sewage Treatment Team and the improvement works are already included in the next Asset Management Plan (AMP) period commencing April 2015.

### OFFICER COMMENTS

The Bosbury Neighbourhood Plan has been scrutinised by the Council's Neighbourhood Planning team to establish its compliance with Reg.15. They have found that Bosbury have undertaken the appropriate consultation process, with an initial six week consultation and then a formal Reg. 14 eight week consultation consulting the necessary statutory bodies. The submission also confirms that various site options have been considered and that the draft Neighbourhood Development Plan (NDP) has been subject to several consultation and Planning For Real events. Notwithstanding this, the site that is preferred locally (land at Old Court Farm) is contained, at least in part, within a Flood Zone 2 & 3. Neither the Environment Agency or Severn Trent Water have replied to the consultation undertaken.

There is a concern about the potential capacity for development within the settlement boundary identified by the NDP. It relies upon the conversion of buildings at Old Court Farm and it is noted that the buildings and land are owned by the Church Commissioners, who were the applicants for the site refused planning permission that is now the subject of an appeal. There may be some doubt about the deliverability of the site.

Although the Bosbury Neighbourhood Plan appears to be compliant with Reg. 15, the advice given by the Council's Neighbourhood Planning team is that it should have limited weight as a material planning consideration because of the outstanding matters outlined above. It cannot be assumed that a lack of a consultation response from statutory consultees indicates their acceptance of the plan. It will assume greater weight once further consultation has been completed under Reg.16, but this cannot be commenced at this stage as the Council finds itself in a pre-election period.

In light of the fact that there is a programme of improvement works scheduled in the next AMP period (2015 to 2020), the request to impose a Grampian style condition to prevent occupation of dwellings until the improvement works are complete is not unreasonable and would not compromise the delivery of the site.

#### **CHANGE TO RECOMMENDATION**

In accordance with the request from Severn Trent Water the following condition is added to the recommendation:

No development shall take place until details of a phased drainage scheme, that has been informed by an assessment of the hydrological and hydro-geological context of the development in relation to the disposal of surface water and an assessment of the need for improvements to the public foul sewerage system necessary to ensure that there is sufficient capacity within the public sewerage system to accommodate the development, has been submitted to and approved in writing by the local planning authority.

No dwelling hereby permitted shall be first occupied until the drainage scheme approved by the local planning authority has been implemented and the works completed in accordance with the approved details and until confirmation of such, in respect of the public foul sewerage system improvements have been obtained from Severn Trent Water Limited and a copy of that confirmation has been provided in writing to the Local Planning Authority.”

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

