

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 16 September 2015 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, PJ McCaull, FM Norman, AJW Powers, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors BA Durkin, DG Harlow, JF Johnson and J Stone

60. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Hardwick, JLV Kenyon, and A Seldon.

61. NAMED SUBSTITUTES

Councillor PJ McCaull substituted for Councillor J Hardwick and Councillor D Summers for Councillor A Seldon.

62. DECLARATIONS OF INTEREST

Agenda item 4; 143489 – Land Adjacent to Brooklands, Wyson Lane, Brimfield

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

Agenda item 6 – 151752 - Land Adjacent to Seven Acres, Kings Caple

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

Councillor EJ Swinglehurst declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

63. 143489 - LAND ADJACENT TO BROOKLANDS, WYSON LANE, BRIMFIELD, LUDLOW, SY8 4NQ

(Site for erection of up to 10 houses with highway access onto Wyson lane, associated infrastructure and landscaping.)

The Development Manager 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 M Tucker, the applicant's agent, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor J Stone, spoke on the application.

He made the following principal comments:

- The revised layout of the scheme represented an improvement, addressing concerns about the effect on dwellings of noise from the A49.
- The access was identified as being in flood zone 3. However, in the 2007 floods flooding had occurred on the opposite side of the lane. There had been no flooding on or near the site. He considered that the flooding in the lane had been the result of surface water run-off. The Environment Agency had made no objection to the access.
- Sewerage overflow had been an ongoing issue in the area and there was concern locally that additional housing would add to the problems. However, Severn Trent had no objection subject to the inclusion of an appropriate condition.
- The Neighbourhood Plan was opposed to development on the site.
- The provision of 3 affordable dwellings was to be welcomed.
- There had been objections from 6 local residents.
- The Parish Council had objected to the proposal and its grounds of objection were set out a paragraph 5.1 of the report, including traffic issues, sewerage and the fact that the site was not included in the Neighbourhood Plan.
- The A49 was not affected too much by the proposal.
- The site had been unused for some time.
- In conclusion, weighing the application in the balance, he noted that the revised scheme contained positive elements including the provision of affordable housing and contributed to the housing target within the Core Strategy, The traffic issues were serious but may not be sufficient to outweigh the positive elements.

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

- The scheme offered community benefits.
- The density of the proposed scheme was below the 30-50 density level provided for in the relevant Unitary Development Plan policy.
- Most of the objections related to speeding traffic and congestion on Wyson Lane rather than to the site itself.
- The Development Manager acknowledged a concern about the importance of retaining the hedge between the development and the A49 and that the retention could be secured by condition.
- It was essential that measures to reduce noise were in place from the outset of the occupation of the development.

- The draft heads of terms referred to the quality and sustainability of the design of the affordable homes. It was requested that a higher level than that set out be sought.
- The Parish Council had objected to the proposal. The site was not included in the Neighbourhood Plan which had reached Regulation 16 stage and could therefore be assumed to be consistent with the Core Strategy, yet the report stated that no weight could be given to the Plan. It was asked if there had been any update to the calculation of the five year housing land supply made in May 2014.

The Development Manager commented that there was not an update to the calculation of the five year housing land supply. When the Core Strategy was adopted the supply would be above that required. However, if the application were approved Brimfield would still have to identify land for a further 47 dwellings to meet the provision in the Core Strategy. A development of 10 houses represented organic growth.

The Development Manager noted that the mix of tenures referred to in paragraph 8 of the heads of terms was yet to be finalised.

The local ward member was given the opportunity to close the debate. He commented that the visibility at the access point was good and would represent an improvement. He supported the retention of the hedge between the development and the A49. He repeated his support for the provision of affordable housing. He considered that there were a number of reasons why the site had not been considered in the Neighbourhood Plan. The proposed development was sustainable.

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. **A05 Plans and particulars of reserved matters**
5. **I20 Scheme of surface water drainage**
- 6 **Hedgerow retention along A49**

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.**

64. 141559 - LAND AT ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORD

(Outline application for 8 affordable dwellings, use of and amendments to access and provision of treatment plant.)

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, Mr J Baly, a local resident, spoke in objection to the application. Mr B Griffin, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward members, Councillors DG Harlow and JF Johnson, spoke on the application.

Councillor Johnson made the following principal comments:

- The development was in a rural setting and the effect upon the setting needed to be balanced against the provision of housing and community benefits.
- There was a requirement for affordable housing in rural areas and provision of housing for a diverse range of age groups.
- Orcop was an extremely rural, very dispersed settlement with no local amenities. The public house had closed.
- Access roads were precarious in the winter months and were also under pressure from the heavier traffic associated with modern farming.
- Orcop Parish Council objected to the proposal. Much Dewchurch Parish Council did not object to or support the application but had raised a number of concerns critical of the proposal.

Councillor Harlow made the following principal comments:

- The proposal was far from ideal.
- The village had no shop or amenities.
- The access lanes were narrow and unsuitable.
- A number of previous applications for development on the site had been refused.
- Although three Parish Councils had been consulted Orcop was the parish most affected by the proposal and Orcop Parish Council had objected to the proposal.
- There was a need for affordable housing, even if this was not for existing Orcop residents.
- The provision of housing might increase support for local facilities such as the closed public house.
- The application demonstrated the importance of developing Neighbourhood Plans.
- He was undecided on the application. If it were to be approved conditions would be needed to control parking, traffic and access.

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

- The access lane was very narrow. The situation was made more problematic by the larger farming vehicles now being used, making the lane unsafe.
- One view questioned the need for 8 additional affordable houses. An opposing view was that there would be a demand.
- The site was very isolated but so were a number of settlements in the County.
- There were problems with water run-off and foul drainage. The development was high on a hill and would exacerbate these problems.
- The application was in the open countryside on the crest of a hill and should be refused for the same reasons as the application on a similar site described at paragraph 3.2 of the report.
- The only grounds on which the site's development could be permitted was as a rural exception site. The Senior Planning Officer confirmed that the section 106 agreement would ensure the dwellings would remain affordable housing in perpetuity. The detail of tenure would be discussed with the local ward members and Parish Councils.
- Paragraph 3.3 of the report noted that the application referred to at paragraph 3.2 had been refused for being contrary to Unitary Development Plan (UDP) policy H10 (rural exception sites). However, the UDP could no longer be solely relied upon to determine the acceptability of the application before the Committee.
- The Development Manager commented that Orcop was a settlement identified for proportionate growth in the emerging Core Strategy. In a number of areas the requirement to provide additional housing meant that sites previously not considered suitable for development were having to be revisited. The proposal provided affordable housing for which there was a need and had other environmental benefits as defined within the National Planning Policy Framework. The proposed drainage system involving the provision of a treatment plant would not affect other properties.
- The report's conclusion that the site was sustainable was questioned noting the absence of amenities. The application would have been refused at the outset if it had not been solely for affordable housing. It was, however, important that affordable housing was provided in sustainable locations. The accessibility of a site, the availability of services, transport and schools had a bearing on affordability.

The local ward members were given the opportunity to close the debate. Councillor Harlow commented that if the development had not been solely for affordable housing he would have been opposed to it. The site was not in a good location. There were local objections to it.

Councillor Johnson considered the application to be finely balanced. An application not for affordable housing would not have been countenanced. The development did provide an opportunity for young people to move to the Parish.

RESOLVED: That authority be delegated to officers named in the Scheme of Delegation to Officers to grant outline planning permission for the development

subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement providing the requisite legal mechanism to provide and secure the provision of affordable units and subject to the following conditions:

1. **A02 Time limit for submission of reserved matters (outline permission) – Landscaping & Scale**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters – Landscaping & Scale**
4. **A05 Plans and particulars of reserved matters – Landscaping & Scale**
5. **B01 Development in accordance with the approved plans**
6. **The recommendations for species survey and mitigation with habitat enhancements set out in the ecologist's report from Wyedean Ecology dated December 2014 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of further surveys specified, confirmation of the results together with any mitigation required should be made in writing to the local planning authority together with enhancement measures proposed.**

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.

7. **G11 – Landscaping scheme - implementation**
8. **I51 Details of slab levels**
9. **C01 Samples of external materials**
10. **H06 - Vehicular access construction**
11. **H09 - Driveway gradient**
12. **H11 - Parking - estate development (more than one house)**
13. **H13 - Access, turning area and parking**
14. **H17 - Junction improvement/off site works**
15. **I18 Scheme of foul drainage disposal**

16. **I20 Scheme of surface water drainage**
17. **Prior to the first occupation of the dwellings hereby approved, adoption and maintenance schemes for the foul and surface water drainage systems shall be submitted to and approved in writing by the local planning authority. The foul and surface water drainage systems shall be adopted and maintained in accordance with the approved details.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

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.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

19. **The Remediation Scheme, as approved pursuant to condition no. 18 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.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

20. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local**

planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

21. 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. 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. HN01 – Mud on highway**
- 3. HN04 – Private apparatus within the highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980**
- 4. HN05 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**
- 5. HN07 – Section 278 Agreement**
- 6. HN08 – Section 38 Agreement & Drainage details**
- 7. HN10 – No drainage to discharge to highway**
- 8. HN22 – Works adjoining highway**
- 9. HN24 – Drainage other than via highway system**
- 10. HN28 – Highways Design Guide and Specification**
- 11. The contaminated land assessment required to by condition 18 of this permission must 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.**
- 12. All investigations of potentially contaminated sites must undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**

65. 151752 - LAND ADJACENT TO SEVEN ACRES, KINGS CAPLE, HEREFORDSHIRE, HR1 4TZ

(Proposed erection of 2 no. new detached dwellings.)

The Acting Principal Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin, spoke on the application.

He made the following principal comments:

- The development was in the Wye Valley Area of Outstanding Natural Beauty (AONB). It was in the right place for infill development. However, visual impact must be considered and screening must be maintained. Design of the properties should also be of superior quality.
- The proposed development was two four-bedroomed houses. In the rural villages of the Ross Housing Market Area identified in the Core Strategy (the district including Kings Cople) the requirement for 4-bedroom houses was 3.9% of the total. This would equate to one house of such size in Kings Cople required over the plan period. The provision of a development of smaller houses would be preferable.
- The Parish Council supported the proposal.
- There had been one letter of objection.
- There were no local facilities other than the school.

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

- The Parish Council supported the proposal and there had been only one letter of objection.
- Good design would be important.

The Development Manager commented that the detail of the scheme would be considered at the reserved matters stage. The design currently proposed mirrored existing development but there was an opportunity to provide something of exemplary design befitting the AONB.

The local ward member was given the opportunity to close the debate. He had no additional comments.

RESOLVED: That outline 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. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

6. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 7. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

- 8. 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), NERC Act 2006, the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

- 9. C89 – Retention of existing trees/hedgerows: scope of information required**
- 10. C90 – Protection of trees/hedgerows that are to be retained**
- 11. G09 – Details of Boundary treatments**
- 12. G10 – Landscaping scheme**
- 13. G11 – Landscaping scheme - implementation**

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. 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.**

66. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

PLANNING COMMITTEE

Date: 16 September 2015 (2:00 pm)

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.

143489 - SITE FOR ERECTION OF UP TO 10 HOUSES WITH HIGHWAY ACCESS ONTO WYSON LANE, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT LAND ADJACENT TO BROOKLANDS, WYSON LANE, BRIMFIELD, LUDLOW, SY8 4NQ

For: Mr Gorringe per Savills LLP, The Quadrangle, Imperial Square, Cheltenham, Gloucester, GL50 1PZ

ADDITIONAL REPRESENTATIONS

Parish Council comment on amended plans-

We object to this application - the reduction of houses from 12 to 10 does not significantly change the dangers involved in accessing this development onto Wyson Lane. Reducing the number of houses by 2 will potentially increase speeding and parking problems in Wyson Lane as previously identified.

In addition, the narrow, busy junction located within a very short distance where visibility is already very poor would be subject to extra traffic which would pose further dangers.

Paragraph 32 of the National Planning Policy Framework. Safe and suitable access to the site has not been established, especially where the junction to the main village is concerned”.

Housing Commissioning Officer- I refer to the above application and the amended plans. I am in support for 3 of the units to be designated as affordable housing. The tenure of these units will need to be agreed with local connection to Brimfield.

OFFICER COMMENTS

No further comment

NO CHANGE TO RECOMMENDATION

141559 - OUTLINE APPLICATION FOR 8 AFFORDABLE DWELLINGS, USE OF AND AMENDMENTS TO ACCESS AND PROVISION OF TREATMENT PLANT. AT LAND AT ETNA, ORCOP HILL, MUCH DEWCHURCH, HEREFORD,

For: Mr Jones per Mr B Griffin, The Cottage, Green Bottom, Littledean, Cinderford, Gloucestershire GL14 3LH

ADDITIONAL REPRESENTATIONS

A copy of an email from a local resident to all members of the planning committee has been forwarded to the case officer. The email reiterates previously expressed concerns for the safety of Lyston Lane and its ability to accommodate further traffic movements. It is also requested that a condition be added to any permission given requiring parking and access for site operatives be agreed before development begins.

OFFICER COMMENTS

To be read after paragraph 6.11 of the officer report:

6.11a Policy RA1 and RA2 of the emerging Core Strategy requires the parish of Orcop to accommodate a minimum of 26 new dwellings over the plan period. Whilst the Core Strategy does not yet benefit from the weight necessary to determine a planning application it does provide a sense of local policy direction. The Core Strategy identifies Orcop Hill as the settlement which should be the 'main focus of the proportionate housing growth' in the Parish of Orcop. Orcop village (distinct from Orcop Hill) is listed as a smaller settlement where housing will also be appropriate.

NO CHANGE TO RECOMMENDATION

