

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 16 March 2016 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: PA Andrews, BA Baker, CR Butler, PJ Edwards, KS Guthrie, EL Holton, JA Hyde, FM Norman, AJW Powers, A Seldon, NE Shaw, WC Skelton, D Summers and LC Tawn

In attendance: Councillor WLS Bowen

159. APOLOGIES FOR ABSENCE

Apologies were received from Councillors TM James, JLV Kenyon and EJ Swinglehurst.

160. NAMED SUBSTITUTES

Councillor PA Andrews substituted for Councillor TM James, Councillor NE Shaw for Councillor EJ Swinglehurst and Councillor D Summers for Councillor JLV Kenyon.

161. DECLARATIONS OF INTEREST

Agenda item 7: 151325 - Land Adjacent To Lustonbury, Luston, Leominster, Herefordshire

Councillor FM Norman declared a non-pecuniary interest because she knew some of the objectors.

Mr S Withers, Development Manager, declared a non-pecuniary interest because the applicant knew his father and he was therefore through that association aware of the applicant.

Agenda item 8: 151110 - Three Shires Nurseries, Canon Pyon, Hereford

Mr S Withers, Development Manager, declared a pecuniary interest as the applicant and left the meeting for the duration of this item.

162. MINUTES

RESOLVED: That the Minutes of the meeting held on 24 February, 2016 be approved as a correct record and signed by the Chairman.

163. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

164. APPEALS

A Member sought clarification on the implications of the Inspector's decision on the appeal against refusal of planning permission for application 142215: land off Rosemary Lane, Leintwardine, Herefordshire.

The Development Manager commented that a briefing note had been issued to all Members and a seminar was being arranged at which the implications could be explored.

The Planning Committee noted the report.

165. 151325 - LAND ADJACENT TO LUSTONBURY, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0AP

(Proposed erection of three dwellings with associated landscaping and infrastructure at land.)

The Principal Planning Officer gave a presentation on the application.

(The committee update received following the publication of the agenda simply stated that "two photographs had been received from the detached property to north of site, providing southward views towards the application site and commenting on the lack of screening". The officer comments in response were: "This relationship was referred to at the site inspection. It is considered that there is sufficient distance between this property and unit 3 so as to safeguard residential amenity".)

In accordance with the criteria for public speaking, Mr K Meldrum, a local resident, spoke in objection to the application. Mr J Hicks, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The site was of great historical significance and importance and should be preserved.
- The proposal would be detrimental to the setting of the listed buildings in the vicinity of the application site.
- Previous applications for planning permission to develop the site for housing had been refused and an appeal against refusal had been lost.
- The current application was an improvement on previous proposals. However he considered the design was still unsatisfactory for the setting. The provision of one high quality dwelling would represent a better proposal.
- The proposal that living accommodation would be on the first floor could be intrusive to neighbouring properties.
- The site was a dell, attracting water and wildlife.
- The entrance to the site was narrow and increased traffic would damage neighbouring properties.
- The Parish Council opposed the proposal and in a parish poll 80% had opposed development of Lustonbury.
- There were 15 houses for sale in the area so it did not appear that there was a need for additional houses.

- The economic benefit of the development identified at paragraph 6.14 of the report would be modest and short-lived.
- Pedestrian access to the village centre would be by the road. This was not satisfactory.

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

- The applicant's agent had suggested that the proposed design overcame the objections to previous applications. However, a number of Members considered that this was not the case. A contrary view was expressed by other Members that the design was satisfactory.
- The proposal met most of the criteria in policy RA2, although it could be questioned whether there was a local demand for housing.
- The implication of the Inspector's recent decision on the Council's five year housing land supply was noted. However, the position on the housing land supply was fluid and it was arguable that the application failed the test in paragraph 14 of the National Planning Policy Framework.
- The site had considerable historic value and importance.
- The listed buildings and their setting should be preserved.
- The site had conservation value with a range of species present on the site. The Conservation Manager (Ecology) had initially objected to the proposal.
- It was questioned whether the applicant had consulted appropriately with the local community.
- The exceptional nature of the site meant that it should be treated with the greatest care and sensitivity.
- It was possible that an application for a single well designed house would be acceptable.
- The Parish Council was opposed to the proposal.
- The responses of both Historic England and Natural England were disappointing, appearing to have been written as a desk-top exercise. An observation was made, however, that Historic England's comment on the proposal could be viewed as not positive.
- The access was off a busy road at a dangerous point. A pavement to the village would be required if the development were to proceed.
- The listed buildings were only grade 2 listed.
- The development of brownfield sites was encouraged.
- A Member requested that if the development proceeded the dwellings should be required to have bat slates.
- As a point of principle Members needed to be provided with more detail on proposed drainage plans for developments.
- In response to questions the Principal Planning Officer provided clarification on the footprint of the buildings, their dimensions and positioning within the site.

The local ward member was given the opportunity to close the debate. He again emphasised the historic importance of the site and the responsibility to preserve such locations.

The Development Manager commented that the acceptability of the design and its impact on the setting of the listed buildings was a subjective matter upon which the Committee was entitled to take a different view to that in the report informed by the site visit. The report to the Committee outlined the historic significance of the setting of the conservation area and the listed buildings within it but concluded that the development could be accommodated satisfactorily and that policies within the Core Strategy would support development. He cautioned that, in weighing the merits of the application, policy did not require exceptional design or prescribe a duty to enhance. The duty was to preserve or enhance.

A number of grounds for refusal were advanced. These included policy LD4 – Historic environment and heritage assets, policy SS1 – presumption in favour of sustainable development, the adverse impact on the amenity of existing residents of overlooking as a consequence of the proposed first floor living accommodation and relevant paragraphs of the National Planning Policy Framework (NPPF).

RESOLVED: That planning permission be refused and that officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication, based on the Committee’s view that the application should be refused because it was contrary to policies which included LD4 – Historic environment and heritage assets, and SS1 - presumption in favour of sustainable development, the adverse impact on the amenity of existing residents of overlooking as a consequence of the proposed first floor living accommodation and relevant paragraphs of the NPPF.

166. 151110 - THREE SHIRES NURSERIES, CANON PYON, HEREFORD, HR4 8NL

(Proposed change of use to 2 no. Romany gypsy pitches and associated works including 2 no. Static caravans, 2 no. Day rooms, 2 nos. Touring caravans and associated works.)

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

In accordance with the criteria for public speaking, Mrs S Olver, a local resident, spoke in objection to the application. Mr S Rushton, the applicant’s agent, spoke in support.

Councillor WLS Bowen spoke on the application on behalf of the local ward member, Councillor PE Crockett, who had been unable to attend the meeting.

He made the following principal comments:

- The Needs Assessment identified a need for additional pitches to be provided. However, it was important that these were in safe and sustainable locations.
- There were a number of concerns about the proposal before the Committee:
 - Highway safety: the Transportation Manager had expressed concerns about visibility and the access in his response.
 - Flooding – although in flood zone 1 there was photographic evidence showing flooding on the site.
 - Waste water – the condition of the septic tank was a concern
 - Sustainability – the site was in a rural location. There was no footpath.
 - Planning history – An application on the site had been refused in 2012.
 - Local opinion – the Parish Council and local residents objected to the proposal.
- If the application were to be approved he requested that there should be conditions to ensure sewage disposal arrangements were satisfactory before development commenced, and that use of the eastern access should be prohibited.

- He noted that the lack of pitches could give weight to approving the application. However, only 2 pitches would be provided.

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

- The eastern entrance should be closed because of the poor visibility, and enhanced landscaping provided to close it off. Whilst a single central entrance and exit would be the preferred option a western entrance and exit would be acceptable. It was noted that the applicant had indicated that they would be willing to accept the sole use of the western access.
- There were letters of support as well as letters of objection.
- The site was a brownfield site.
- There was a shortage of pitches.
- The site was a small site and would not have a greater impact than the previous use.
- The drainage needed to be addressed.
- Paragraphs 6.5-6.7 of the report set out criteria to be considered in determining such applications and factors to which weight should be attached. The proposal fulfilled the criteria and factors to which weight should be attached were in its favour.
- A view was expressed that the site did not comply with policy H4.
- In response to questions the Acting Principal Planning Officer commented as follows;
 - She confirmed that the applicant was a local person, however Government guidance stated that this was not a material consideration.
 - It was typical for a day room to be provided as part of such a development.
 - A condition restricted occupancy of the second pitch, if it was not occupied by the applicant's brother, to a person who met the definition of a gypsy or traveller.
 - In relation to flooding she confirmed that photographs had been provided of a flooding event, thought to have been in the 1990s. However, the site had no history of flooding. In response to a technical question about the interpretation of the guidance on undertaking flood risk assessments she reiterated her view, supported by the Development Manager, that a flood risk assessment was not required for developments in flood zone 1 unless the site exceeded 1 hectare, which it did not in this case.
- The following additional conditions were proposed:
 - The eastern entrance should be closed and landscaped.
 - Drainage facilities should be approved and installed prior to occupation of the site.

The local ward member was given the opportunity to close the debate. He reiterated his support for the 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 three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos: TJ15-SLP, TJ15-BLOCK revision B, TJ15-DAYROOMS) received by the local planning authority on 9th April 2015 and 15th March 2016, except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure the development is carried out in accordance with the approved plans and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3 **Prior to the construction of the day rooms details (or samples) of the materials and finishes to be use externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. **The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.**

Reason: To accord with the requirements of Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the Planning Policy for Traveller Sites (DCLG – August 2015).

- 5 **No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 2 shall be a static caravan) shall be stationed on the site at any time.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. **Any material change to the position of the static caravans, or their replacement by other caravans in a different location, shall only take place in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

7. **No commercial activities shall take place on the land, including the storage of materials.**

Reason: In order to safeguard the character and amenity of the area, and the living conditions of neighbouring properties, in accordance with policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

8. The applicant's brother, William (known as Billy) Jones shall only occupy a pitch on the site whilst being a dependant relative of Mrs T Jones and his occupation shall cease if at any time Mrs T Jones ceases occupation of the site.

Reason: It would be contrary to Policy RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework to grant planning permission for caravans/dayroom in this location except to meet the expressed personal circumstances of the applicant's brother or for a gypsy or traveller.

9. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a revised landscape design, to include the permanent closure and landscaping of the existing eastern vehicular access onto the C1109 and the eastern section of the site, has been submitted to and approved in writing by the Local Planning Authority. The details submitted should also include the landscaping shown on drawing TJ15-BLOCK revision B and as described in the Rushton Planning letter dated 9.4.2015 and shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Details of any external lighting proposed shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Prior to the first use of the application site hereby approved the existing vehicular access at the eastern end of the road frontage of the site onto the adjoining highway (C1109) shall be permanently closed. Details of the means of closure and reinstatement of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of work, with the exception of any site clearance and groundwork (excluding any works to retained features), on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy MT1 of

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Before any other works hereby approved are commenced, with the exception of any site clearance and groundwork (excluding any works to retained features), details of improvements to the visibility splays to the retained vehicular access to the western part of the site onto the highway (C1109) shall be submitted to and approved in writing by the Local Planning Authority. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility shown on the approved drawing. The approved improvements to the access shall be carried out prior to the first occupation of either of the gypsy and traveller pitches hereby approved.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. Prior to the first occupation of either of the gypsy and traveller pitches hereby approved details shall be submitted to the Local Planning Authority to either confirm that:

- the existing septic tank and soakaway system meets the requirements of British Standard BS 6297: 1983 and that there shall be no connection to any watercourse or land drainage system and no part of the soakaway system shall be situated within 10 metres of any ditch or watercourse.
- or
- provide details of a new proposed foul drainage system

15. Development shall be carried out in accordance with the approved details and shall be completed prior to first occupation of either of the gypsy and traveller pitches hereby approved.

Reason: To prevent pollution of the water environment and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a scheme for the provision of surface water drainage works and details of the water supply to serve the site have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of either of the gypsy and traveller pitches hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and ensure satisfactory water supply to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy 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. The development may mean that non mains drinking water is necessary for the scheme. All new non-mains water supplies must be wholesome and comply with the standards set out in the Private Water Supplies Regulations 2009. Shared and commercial private water supplies must be risk assessed and sampled by the Environmental Health and Trading Standards Division in accordance with the Regulations.
3. The proposed caravan site may require a site licence issued by the Licensing section of the Council's Environmental Health and Trading Standards Division.

167. 160202 - 48 MOUNT CRESCENT, HEREFORD, HEREFORDSHIRE, HR1 1NJ

(Proposed two storey side extension.)

(Mr S Withers, Development Manager, declared a pecuniary interest and left the meeting for the duration of this item.)

The Senior Planning Officer gave a presentation on the application.

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 JS/161/15/2)
3. I16 - Restriction of hours during construction

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, 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.

168. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

