

**MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 6 April 2016 at 10.00 am**

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

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, TM James, JLV Kenyon, SM Michael, FM Norman, AJW Powers, WC Skelton, J Stone, EJ Swinglehurst and LC Tawn

**In attendance:** Councillors MJK Cooper and GJ Powell

**169. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JA Hyde and A Seldon.

**170. NAMED SUBSTITUTES**

Councillor SM Michael substituted for Councillor A Seldon and Councillor J Stone for Councillor JA Hyde.

**171. DECLARATIONS OF INTEREST**

**Agenda item 7: 152578 - Proposed New Dwelling At Land At Betty Howells, North West Of Daren Farm, Llanveynoe**

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

**172. MINUTES**

It was noted that draft minute no 161 had been amended to reflect that the interest recorded as having been declared in relation to agenda item 8 had in fact been declared in relation to agenda item 9.

**RESOLVED: That the Minutes of the meeting held on 16 March 2016, as amended, be approved as a correct record and signed by the Chairman.**

**173. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**174. APPEALS**

The Development Manager reported that an appeal decision had been received on Monday 4 April approving a housing development to the South of Ledbury for 321 houses. The Planning Service was reviewing the decision and information on the matter would be included in the report to the next meeting on appeals.

A Member sought clarification on a number of points about the implications of the two recent appeal decisions at Ledbury and Leintwardine where the Inspectors had determined that the Council did not have the required five year housing land supply. The

Chairman reiterated that a seminar was being arranged at which the issues could be discussed.

The Planning Committee noted the report.

**175. 152578 LAND AT BETTY HOWELLS, NORTH WEST OF DAREN FARM, LLANVEYNOE, HEREFORDSHIRE, HR2 0NG**

*(Proposed new dwelling.)*

The Senior Planning Officer gave a presentation on the application. He added that 4 further letters of support had been received. He also corrected paragraph 6.7 of the report noting that it should have referred to criterion 5 of policy RA3 rather than criterion 4.

In accordance with the criteria for public speaking, Mrs J Jones of Longtown Group Parish Council spoke in support of the application. Mr C Morel the applicant also spoke in support.

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

He made the following principal comments:

- The Applicant's family had owned the land on which the site was located for three generations and there were remains of a stone cottage that had been occupied until the 1980s.
- He remarked upon the applicants work in establishing a local business and in running the post office and local shop making them a crucial local service provider.
- The proposed dwelling would be sustainably constructed, virtually to Passivhaus standards.
- There had been no objections from consultees.
- The Parish Council supported the application. There were letters of support from local residents and no objections.
- The application fulfilled the requirements of policy SS2. It met a housing need, supported the local economy and was responsive to the needs of the community.
- Paragraph 6.7 of the report stated that criterion 5 of Policy RA 3 allowed rural exception housing in accordance with policy H2. Paragraph 6.8 of the report stated that proposals for affordable housing schemes in rural areas may be permitted on land which would not normally be released for housing where three criteria were met. Paragraph 6.1.5 of the report praised the proposed development. The only criterion of policy H2 that the report considered was not partially met was that the development must offer reasonable access to a range of services.
- The question of what constituted reasonable access needed to be considered in the local context and the distances from the proposed dwelling to services were reasonable in that context.
- The proposal was the only way the applicant could acquire a home in the locality because he owned the land and had the skills to construct the dwelling.
- The proposal warranted approval as a rural exception site.

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

- The Parish Council supported the proposal, there was local support and no objections.
- There was support for the views of the local ward member that the distance to local services was reasonable in the local context.
- The design of the proposed dwelling was good.
- There had been a dwelling on the site.
- Paragraph 6.9 of the report noted that there was a local need for affordable housing and that, subject to an appropriately worded Section 106 agreement, the development would assist in meeting that need in perpetuity. Members expressed support for such an agreement if the application were approved.
- A request was also made that the woodland surrounding the application site should be managed and protected.

The Development Manager commented that the proposal was for a dwelling in the open countryside contrary to policy. The Senior Planning Officer confirmed that a Section 106 agreement could ensure that the property remained as affordable housing. However, he did not consider that the property could be tied to the business in Longtown. With regard to protection of the woodland, a landscape management plan would be a necessary condition if approval was granted.

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

**RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to a Section 106 agreement to ensure that the property remained as affordable housing in perpetuity and any other conditions considered necessary.**

**176. 151755 - LAND AT DILWYN COMMON, DILWYN, HEREFORDSHIRE**

*(Proposed erection of 4 no. dwellings and associated landscaping and infrastructure.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr A Brown of Dilwyn Parish Council spoke in opposition to the Scheme. Ms L Pledge a local resident spoke in objection. Ms R Powell the applicant and Mr J Hicks the applicant's agent, spoke in support.

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

He made the following principal comments:

- There was a need for development in Dilwyn. However, the design was not in keeping with the conservation area.
- He supported the grounds of objection raised by Dilwyn Parish Council. Insufficient weight had been given to the Parish Council's views and the significant number of letters of objection.
- He expressed regret that a site visit had not been undertaken.
- The Transport Manager had originally objected to the application stating that a proper assessment of the usage of the lane was required. Following consideration of additional information, including a traffic assessment provided by the applicant, the Transport Manager had submitted a further response that did not object. The local

ward member questioned whether the traffic assessment undertaken by the applicant had been adequate. He knew that there had been accidents on the access road even if these had not been officially recorded. He also expressed concern about the use of a traffic assessment produced by residents in confidence.

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

- The proposal was a modest development that would provide homes, with gardens, for young families.
- There had been some suggestion that, contrary to paragraph 2.3 of the report, the Parish Council was developing a neighbourhood development plan. The Development Manager confirmed that no plan had been registered with the neighbourhood development team.
- There were insufficient grounds to support a refusal of the application.
- Although the view was that highway safety was not a ground for refusal in this case, it would be important to ensure that the detailed conditions relating to highway safety were implemented.
- Whilst it was clear that discussions had taken place leading to amendments to the original application it was unfortunate that there still appeared to be such local dissatisfaction with the proposal. It was to be hoped that there might still be room for some negotiation. This possibly even merited deferral of the consideration of the application.
- A Member sought clarification on the effect the absence of a 5 year housing land supply had on the application of housing related policies in the Core Strategy. He also emphasised the importance of the Committee being given definitive advice on this matter and on the annual monitoring report.
- Clarification was also sought over a concern expressed by the local ward member and objectors about the use of a traffic assessment produced by residents.

The Development Manager commented that a Court of Appeal decision meant that in the absence of a 5 year housing land supply several policies in addition to those directly related to housing, such as locational policies, were rendered out of date. However, environmental and qualitative policies still carried weight. He added that the officer recommendation would have been for approval of the application had a 5 year housing land supply been in place. The Scheme had already been considerably amended following discussions with the applicant.

The Development Manager also clarified the dispute that had arisen over the use of a traffic survey provided by local residents, referring members to the Transportation Manager's conclusion that the development was not contrary to highway safety.

The Transportation Manager commented that the provision of a footpath from the development to the village had been explored but there had been found to be no benefit in pursuing such a proposal. He added that he had no highway safety concerns about the scheme. There had been no personal injury accidents recorded; visibility splays exceeded requirements; and the speed of traffic using the road was low in both directions.

The Chairman reiterated that a seminar on the 5 year housing land supply was being arranged. He also explained that a request from the local ward member for a site visit had been received too late, Members of the Committee having already been advised that no visits would take place.

The Development Manager commented on the impact of the development on the conservation area and noted that the Conservation Manager had raised no objections to the amended scheme. However, the weight to be given to the presumption in favour of housing development was significant. He added that the scale of the development represented organic growth favoured by the Committee.

The local ward member was given the opportunity to close the debate. He reiterated that accidents had taken place on the access road. He remained of the view that insufficient regard had been had to the objections of the Parish Council and local residents.

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

- 1. A01 (one year commencement)**
- 2. B03 Amended plans**
- 3. C01 Samples of external materials**
- 4. D04 Details of window sections, eaves, verges and barge boards**
- 5. F08 No conversion of garages to habitable accommodation**
- 6. G02 Retention of existing trees/hedgerows**
- 7. G04 Protection of trees/hedgerows that are to be retained**
- 8. G09 Details of boundary treatments**
- 9. G10 Landscaping scheme**
- 10. G11 Landscaping scheme – implementation**
- 11. H03 Visibility splays**
- 12. H06 Vehicular access construction**
- 13. H09 Driveway gradient**
- 14. H13 Access, turning area and parking**
- 15. H17 Junction improvement/off site works**
- 16. H20 Road completion in 2 years**
- 17. H27 Parking for site operatives**
- 18. H29 Covered and secure cycle parking provision**

**The recommendations set out in the ecologist's report from Star Ecology dated May 2015 should be followed unless otherwise agreed in writing by the local planning authority. 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.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

19. CD3 Foul/surface water drainage
20. CD5 No drainage runoff to public system
21. I20 Scheme of surface drainage
22. I21 Scheme of surface water regulation
23. I18 Scheme of foul drainage disposal
24. I16 Restriction of hours during construction

Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: - To ensure water conservation and efficiency measures are secured, in accordance with Policy SD3 of the Hereford Local Plan – Core Strategy

25. I32 Details of external lighting

**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 highway
4. HN05 Works within highway
5. HN07 Section 278 Agreement
6. HN08 Section 38 Agreement & drainage details
7. HN21 Extraordinary maintenance
8. HN24 Drainage other than via highway system

**9. HN28 Highways design guide and specification**

**10. N16 Welsh Water informative**

**177. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

The meeting ended at 12.03 pm

**CHAIRMAN**

