

SUPPLEMENT TO THE AGENDA FOR

Planning Committee

Wednesday 18 November 2015

10.00 am

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

	Pages
Schedule of Updates	3 - 12
Public Speakers	13 - 14

PLANNING COMMITTEE

Date: 18 November 2015

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

150990 - PROPOSED ERECTION OF TWO AGRICULTURAL BUILDINGS, FEED BINS AND ASSOCIATED DEVELOPMENT FOR PIG REARING AT THE MEADOWS, ALMELEY, HEREFORD, HR3 6LQ

For: Mr & Mrs Griffiths per Mr Clark, Berrys, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ

ADDITIONAL REPRESENTATIONS

The following responses have been received as a result of comments raised at 5.7 of the report relating to manure and its dispersal:-

Highways Officer – no change to recommendation –within capacity of access and highway network.

Environmental Health – Methodology to predict amount of land required for spreading appears reasonable.

Additional condition re velocity of fans.

Following the site inspection by members the following information was received from the agent

I write to advise you that the applicant has been speaking to local farmers who have expressed an interest in taking manure from the proposed pig unit at The Meadows, Almeley.

As previously advised it is currently proposed that 50% of the manure produced from the proposed pig unit would be taken off-site by third parties. However, following discussions with local farmers it has been established that 100% of the manure could be taken off-site.

I therefore write to confirm that should it be felt that it would be beneficial for the proposal that all the manure from the pig unit is taken off-site that this can be achieved. This would obviously form part of the proposed Manure Management Plan which is to be a condition of any planning approved.

Two farmers, Chris Price, Moor Court Farm and Martin Meredith, Lyonshall have confirmed that they would be able to take all of the manure (50% each) produced by the proposed pig unit. Discussions with these farmers has included the claim by Marches Planning that the amount of manure produced could be in excess of 3,000 tonnes / cubic metres.

Furthermore I can also confirm the following;

- Both farmers have 18 tonnes trailers which are sealed and sheeted, and both have hardstanding areas where manure can be stored prior to being spread.
- Vehicles would not travel through the village of Almeley.
- Both farmers have land available outside of the parish and have arable land which is ploughed.

- Based on 3,000 tonnes of manure and 18 tonne trailers there would be 167 visits required to The Meadows over a 12 month period.
- Records would be kept of these movements from the farm
- The two farmers taking the manure would still be required to follow DEFRA procedures for storage and spreading etc.

11 further letters have been received from different respondents

1. Traffic information inaccurate , there will be more traffic
2. Continue to dispute agents submissions – waste water/manure.
3. Contest officer advice – Ecology/ Environmental Health / Landscape
4. Inaccuracies and omissions in report including comment that Environment Agency did not say no objection and failure to include Natural England condition on dirty water. Failure to include landscape officer condition re size of trees. Failure to consider Great Crested Newt habitats.

OFFICER COMMENTS

The Environmental Health Officer has requested a further condition:- To ensure that roof fans of sufficient velocity to achieve the standards reported in the ES a condition agreeing details of the fans to be fitted is required.

The 'no objection' comment attributed to Environment Agency in the report was an officer summary, however the full text of the response is in the report.

A dirty water condition is included as condition 6 in the recommendation.

The landscape requirement re size of trees is encompassed in condition 9 of the recommendation.

The Ecologist has further advised that the consideration of habitats is in accordance with the Council's Biodiversity SPG.

CHANGE TO RECOMMENDATION

Additional condition.

Before the development hereby permitted is commenced details of the roof fans to be fitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

P132707/O - SITE FOR THE ERECTION OF UP TO 89 DWELLINGS INCLUDING AFFORDABLE HOUSING. CONSTRUCTION OF VEHICULAR ACCESS AND OTHER ASSOCIATED WORKS AT LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE,

For: Mr Peter Smith per Mr Paul Smith, 41 Bridge Street, Hereford, HR4 9DG

ADDITIONAL REPRESENTATIONS

Seven letters of objection have been received including one from the School Governors the issues raised are addressed in the report.

OFFICER COMMENTS

The provision of footpaths around the site in close proximity or otherwise to the primary school will be a matter determined at the detailed/reserved matters stage. The key issue of foul drainage disposal which has protracted the determination of this application will be incorporated in a Section 106 Agreement. This will secure funding for the necessary upgrading of the Waste Water Treatment Works in Peterchurch. Treatment of foul drainage will also be addressed by relevant conditions set out in the recommendation.

Surface water drainage details will be scrutinised in accordance with conditions set out in the recommendation to this report. SUDS management is sought by the applicant and this will be encouraged including the provision of soakaways.

There are no overriding grounds for removing all power-lines in the light of responses from the Council's Conservation Manager

There is recognition by the Council's Transportation Manager that there will need to be improved pedestrian and cycle linkages from the site, as well the creation of a gated village.

Changes to Committee Report and Section 106 Planning Obligation:

Reference is made in Section 4.9 of the report – Parks & Countryside to Policies RST4, RST5 and H19 of HUDP. This consultee response should now refer to Policies OS1 and OS2 in the Core Strategy and Section 3 of the Planning Obligation should now refer to Policy OS2 of Core Strategy.

Revised Draft Heads of Term attached.

CHANGE TO RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the revised Heads of Terms attached to this update, [incorporating a 'Welsh Water' contribution] 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

REVISED DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application – P132707/O/O

Site address:

Land Hawthorn Rise, Peterchurch, Herefordshire.

Planning application for:

the erection of up to 89 dwellings including affordable housing, construction of vehicular access and other associated works on land adjoining Hawthorn Rise, Peterchurch, Herefordshire

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). All contributions in respect of the residential development are assessed against open market units only except for item 3 which applies to all new dwellings.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£2,120	(index linked) for a 2 bedroom apartment open market unit
£3,848	(index linked) for a 2/3 bedroom open market unit
£7,113	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Peterchurch Primary School and Fairfield High School, with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£1,966	(index linked) for a 2 bedroom open market unit
£2,949	(index linked) for a 3 bedroom open market unit
£3,932	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Provision of footway/cycleway to Fairfield School with pedestrian crossing serving the existing bus stop which will be improved through the provision of a shelter

- b) Peterchurch transport package – looking at Gateway features at both ends of the village, providing a ‘square’ in the centre, removal of central white lines and different coloured road surfacing to reduce speeds, making drivers more aware of the village environment they are driving through. This may include a roundabout feature as part of the entrance to the development site. The design of the package will need to consider each junction / crossing point / parking provision.
- c) Improvements to passenger waiting facilities in Peterchurch, shelter and kerbs.

Note: A Cycle/footway will be delivered along existing footpath (PR9 Bazley Lane) to link the Public Open Space to the centre of the village with a gateway feature exiting the cycle/footway. This is necessary to make the development acceptable and will be a condition of the planning permission to be delivered through a Section 278 highway agreement. That agreement may also be required and/or used in lieu of the above contributions depending on the advice from the local Highways Authority

- 3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £80 (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each open market property. The sum shall be paid on or before the commencement of the development
- 4. The developer covenants with Herefordshire Council to provide an area of land of 1.2 hectares for Public Open Space (POS) (shown on drawing no. 752:02 and appended to the agreement), including 1500sqm MUGA/play space/recreation area which is of at least equivalent community benefit and is provided in a convenient and accessible location which would be available for public use as part of the proposed development. The exact detail of the MUGA/play area/recreation space will be sought in consultation with the local parish council. The recreational space and MUGA/play space shall be made available on or before the occupation of the 1st open market dwellinghouse.
- 5. The maintenance of any on-site POS will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

NOTE: Any attenuation basin and/or SUDS which may be transferred to the Council will require a commuted sum calculated in accordance with the Council's tariffs over a 60 year period

- 6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£878.00 (index linked) for a 1 bedroom open market dwelling

£1066.00 (index linked) for a 2 bedroom open market dwelling

£1,442.00 (index linked) for a 3 bedroom open market dwelling

£1,756.00 (index linked) for a 4 bedroom open market dwelling

The contributions will provide for outdoor sports infrastructure to serve the development in accordance with the findings of the Playing Pitch Assessment for the Golden Valley Area and emerging Investment Plan and on priorities identified at the time of receiving the contribution. On receipt of the contribution the Council will consult on the expenditure with the local parish council, community and local sports clubs. The sum shall be paid on or before occupation of the 1st open market dwellinghouse and may be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council that 35% (31 on basis of a gross development of up to 89 units) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

Please note that the following mix of tenure and size is required:

46% social rent - TBC

54% intermediate housing tenure - TBC

For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.

8. All the affordable housing units shall be completed and made available for occupation in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
9. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - 9.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 9.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
10. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 10.1. a local connection with the parish of Peterchurch
 - 10.2. in the event of there being no person with a local connection to Peterchurch any other person ordinarily resident within the administrative

area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.

11. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - 11.1. is or in the past was normally resident there; or
 - 11.2. is employed there; or
 - 11.3. has a family association there; or
 - 11.4. a proven need to give support to or receive support from family members;
or
 - 11.5. because of special circumstances;
12. The developer covenants with Herefordshire Council to make a financial contribution towards the necessary upgrade of the waste water treatment works in accordance with a scheme to be agreed in writing. The work shall be completed prior to first occupation of the development.
13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4 and 6 above, for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
14. The sums referred to in paragraphs 1, 2, 3, 4 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
15. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
16. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in

connection with the preparation and completion of the Agreement.

Peter Clasby
Planning Obligations Manager
20151113v2.0 - update of earlier 2013 version

PLANNING COMMITTEE - 18 NOVEMBER 2015

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
---------	-----------	-------------------	-----------------	----------

7	Mr & Mrs Griffiths Per Mr Clark	Proposed erection of two agricultural buildings, feed bins and associated development for pig rearing at The Meadows, Almeley, Hereford, HR3 6LQ	150990	23
---	---------------------------------------	---	--------	----

PARISH COUNCIL	MR B HALL (Almeley Parish Council)
OBJECTOR	MR J CRIPPIN (Objector)
SUPPORTER	MR G CLARK (Applicant's agent) and MR A GRIFFITHS (Applicant)

8	Mr P Smith Per Mr Paul Smith	Site for the erection of up to 89 dwellings including affordable housing. Construction of vehicular access and other associated works at Land Adjoining Hawthorn Rise, Peterchurch, Herefordshire	132707	47
---	------------------------------------	--	--------	----

PARISH COUNCIL	PETERCHURCH PARISH COUNCIL (TBC)
OBJECTOR	MRS L HASKINS
SUPPORTER	MR P SMITH (Applicant's agent)

9	Mr Stokes Per Mr S Barter	Proposed erection of a replacement dwellinghouse and the erection of 1 no. new dwellinghouse within the curtilage at Land at Fernleigh, Eau Withington, Hereford	152240	77
---	---------------------------------	---	--------	----

SUPPORTER	MR S BARTER (Applicant's agent)
------------------	--

10	Mr Rone Per Mr M Powles	Proposed conversion of former pub function rooms into 6 self-contained apartments and external stair to north elevation at 1 St Martins Street, Hereford, HR2 7RD	152246	85
		OBJECTOR	MR A LEE (Local resident)	

11	Mr Willis Per Mr P Smith	Proposed erection of one dwelling at Land at Applewood House, Bridstow, Ross-on-Wye	151630	91
		OBJECTOR	MR P NEWTON (Local resident)	
		SUPPORTER	MR P SMITH (Applicant's agent)	