

Supplement to the agenda for

Planning and regulatory committee

Wednesday 15 November 2017

10.00 am

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

4. MINUTES (TO FOLLOW)

To approve and sign the Minutes of the meetings held on 4 October 2017 and 1 November 2017.

Pages

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Minutes of the meeting of Planning and regulatory committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 4 October 2017 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, EPJ Harvey, TM James, JLV Kenyon, FM Norman, D Summers, EJ Swinglehurst and SD Williams

In attendance: Councillors WLS Bowen, JF Johnson and NE Shaw

53. APOLOGIES FOR ABSENCE

Apologies were received from Councillors EL Holton, AJW Powers, A Seldon and WC Skelton.

54. NAMED SUBSTITUTES

Councillor EPJ Harvey substituted for Councillor AJW Powers, Councillor D Summers for Councillor A Seldon and Councillor SD Williams for Councillor WC Skelton.

55. DECLARATIONS OF INTEREST

Agenda item 7: 163391 – Bowling Green Farm, Clehonger

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

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

Councillor FM Norman declared a non-pecuniary interest because she knew one of the public speakers.

Agenda item 9: 172420 – Land adjacent to the Old Chapel, Tillington

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

56. MINUTES

A member questioned the accuracy of the minutes on the grounds that they did not precisely reflect a recording of the meeting in relation to the wording of one of the resolutions.

It was advised that the resolution in question, where an application had been approved contrary to the printed officer recommendation, chiefly reflected the intent of the committee that the application be approved and provided a mechanism to give practical effect to the approval in accordance with established practice.

RESOLVED: That the Minutes of the meeting held on 13 September 2017 be approved as a correct record and signed by the Chairman.

57. CHAIRMAN'S ANNOUNCEMENTS

None.

58. APPEALS

The Planning Committee noted the report.

59. 163391 - BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE

(Proposed erection of four poultry units, feed bins, service building, alterations to existing access and associated development.)

(Councillor SD Williams was fulfilling the local ward member role and accordingly had no vote on this application.)

The Principal Planning Officer (PPO) 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 elaborated on the proposed additional conditions set out in the update.

The Chairman had permitted additional time to be allocated for public speaking. In accordance with the criteria for public speaking, Mrs C Protherough, of Clehonger Parish Council and Mr T Cramp of Allensmore Parish Council spoke in opposition to the Scheme. Mr P Griffiths, a local resident, and Mrs S Woosnam, representing Clehonger and Allensmore Parish Council, spoke in objection. Mr G Clark, the applicant's agent, and Mr P Whittal, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward members, Councillors JF Johnson and SD Williams spoke on the application. *(The vast majority of the development was in Councillor Johnson's ward, the access being in Councillor Williams' ward.*

Councillor Johnson made the following principal comments:

- The application had clearly generated considerable emotion and the aim had to be to seek to strike a balance.
- The site was located well down in the valley and work had been done to mitigate the landscape impact.
- It would be important to ensure that the concerns about the impact on the environment including those associated with waste and odour were managed in accordance with the relevant policies.
- His biggest concern was about flooding. There was an existing flood risk to the A465 downfield from the site, attributed to a culvert that was considered to be of insufficient capacity. He would pursue this issue whether or not the application was approved.
- The access to the east to Clehonger had also generated comment and there was concern about speeding vehicles and a blind corner. However, he considered that the proposed work on the access would make the road safer. He had had many conversations about implementing Traffic Regulation Orders. However, there had been no recorded accidents on that stretch of road so the police would not support them.

- The site was relatively close to Cargill's where the chickens would be processed. The proposal would generate jobs for local businesses.

Councillor Williams referenced the concerns expressed by Clehonger Parish Council about the application. Whilst visibility to the east was fine, to the west it was restricted.

(The meeting adjourned between 11.05-11.10)

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

- The proposed highways mitigation was broadly acceptable. It was asked whether there could be a sign cautioning drivers about the business operation and the road marked with the word "slow".
- The site's location in a dip was acceptable and the landscaping proposals would provide further mitigation.
- Conditions addressed flooding and surface water run off.
- Herefordshire was an agricultural county and such farming operations provided employment benefits to the County that it was important to retain. The proposal was in accordance with policy RA6.
- It was suggested that it would be preferable if as much manure as possible could be spread at the farm rather than transported elsewhere.
- The applicant had sought to modify the proposal to accommodate some of the local concerns that had been expressed.
- The way in which the farm was currently managed gave confidence that the proposed operation would also be well managed.
- An environmental permit had been issued by the Environment Agency.
- Natural England had commented that the proposed development would not have likely significant effects on the River Wye Special Area of Conservation and it had no objection.
- The land drainage officer considered the proposed attenuation pond to be satisfactory.
- The tourism sector was a major employer in the county and the ever increasing number of chicken units in the county posed a risk to its success.
- It remained regrettable that the Core Strategy did not include a specific policy on intensive livestock units.
- The technical reports and assessments, for example those relating to odour, did not reflect the reality. In response the PPO commented that in the most recent appeal the inspector had commented that people living in the countryside should expect higher levels of odour at certain times noting the relatively short time that clearing out, when odour levels peaked, took.
- It was asked whether there was a map showing the location of chicken and egg production facilities in the county to assist in gauging the cumulative impact of such developments. It was noted in reply that some records were currently held but further work would need to be done to produce a map. The Chairman undertook to pursue this request.
- The PPO confirmed that the cumulative impact of odour from units in the locality had been assessed and relevant levels would not be exceeded.
- Noting the matters that fell within the Environment Agency's responsibility, clarification was sought on the transparency of any consultation the Agency

undertook when making its assessment on the granting of an environmental permit and whether there was any link to the Council's planning portal to assist people to respond to any such consultations. The PPO commented that he considered this to be a matter for the Agency.

- In relation to noise the Head of Regulatory & Development Management Services commented that he was not aware of any particular complaints about noise from such units in the locality.

The local ward members were given the opportunity to close the debate.

Councillor Johnson reiterated that a balance needed to be struck between the competing demands of economic development and the preservation of the natural environment. He noted the comments about the economic benefits of tourism. He reiterated that he would pursue the issue of flooding whether the site was approved or not.

Councillor Williams had no additional comment.

Councillor Baker proposed and Councillor Greenow seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 11 votes in favour, 2 against and no abstentions.)

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:- As required by Section 91 of the Town and Country Planning Act 1990;

2. **The development hereby permitted shall be carried out in strict accordance with the following approved plans:-**

- **Location Plan – Drawing number HA24899/01 Revision A (Scale 1:2500 @ A2);**
- **Access arrangements / Upper Section of Proposed Block – Drawing number HA24899/06 Revision A (Scale 1:500 @ A1);**
- **Block Plan – Drawing number HA24899/02 (Scale 1:500 @ A1);**
- **Floor Plans and Elevations and Poultry Service Buildings – Drawing number HA24899/03 Revision A (Scales 1:100 & 1:200 @ A1);**
- **Site Sections – Drawing number HA24899/04 (Scale 1:250 @ A1);**
- **Landscape Proposals – Drawing number PRI19723-11 Sheet 1 of 2 (Scale 1:1000 @ A1) rev.g;**
- **Landscape Proposals – Drawing number PRI19723-11 Sheet 2 of 2 (Scale 1:1000 @ A1) rev.g;**
- **Site Access – Visibility Splays – Drawing number 17480-02 Revision A (Scale 1:1000 @ A3); and**
- **Max Legal Articulated Lorry Tracking – Drawing number 17480-04 (Scale 1:500) @ A3);**

except where otherwise stipulated by conditions attached to this permission;

Reason:- To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031;

3. **The visibility splays in both directions shown upon Drawing number 17480-02 Revision A (Scale 1:1000 @ A3) together with the 160 metre forward visibility shall be provided with no obstruction above 600mm above carriageway level shall be provided prior to commencement of the development hereby permitted and thereafter shall be maintained as such;**

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

4. **The translocation of hedgerows required to meet the requirements of condition 3 shall not take place between 1st April and 31 August (inclusive) in any calendar year;**

Reason:- To ensure that the hedges to be translocated have the best opportunity of survival without dying, to accord with policies SS6, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2011-2031;

5. **Any of the sections of translocated hedgerows that within a period of ten years of their translocation die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation;**

Reason:- To ensure that the development is satisfactorily integrated into the landscape in accordance with policies SS6, LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2011-2031;

6. **All planting detailed upon Landscape Proposals – Drawing number PRI19723-11 Sheet 1 of 2 (Scale 1:1000 @ A1) rev.g and Landscape Proposals – Drawing number PRI19723-11 Sheet 2 of 2 (Scale 1:1000 @ A1) rev.g shall be carried out in the first planting season following completion of the development or first use of any of the buildings for agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation;**

Reason:- To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031;

7. **Prior to the first use of the buildings for agricultural purposes all external elevations of all of the buildings (including the service building & including the doors any louvres and steel supports to those buildings) shall be finished with the HPS200 Ardenne (RAL 7022) matt colour and the roof of the buildings, ridge vents and feed bins shall be finished with HPS200 Anthracite (RAL7016) matt colour and shall thereafter be maintained with those colour finishes;**

Reason:- To ensure a satisfactory appearance to the development in the landscape in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local plan Core Strategy 2011-2031;

8. Prior to the first use of any of the buildings hereby permitted the vehicle access (including passing bays along the internal access route) and vehicle / turning / manoeuvring areas shown upon the approved plans shall be provided and thereafter kept free of obstruction for use by motor vehicles;

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

9. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- A habitat enhancement scheme integrated with the approved landscaping and attenuation pond;
- A hedgerow and tree protection strategy during the construction phase including a protection plan informed by the advice contained with BS5837:2012;
- A plan that identifies levels identified by the topographical survey in the vicinity of the proposed pond and those areas of the swale affected by high water levels, with proposed ground re-profiling to achieve the required freeboard;
- Scaled cross sections of the attenuation pond; and
- A detailed foul water drainage strategy showing how foul water from the package treatment works would be disposed of;

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved details and thereafter maintained as such;

Reasons:-

- a) To secure ecological / bio-diversity enhancement in accordance with policy LD2 of the Herefordshire Local Plan Core Strategy 2011-2031;
- b) To ensure that existing green infrastructure is retained, in accordance with policy LD3 of the Herefordshire Local Plan Core Strategy 2011-2031; and
- c) To ensure satisfactory foul and surface water drainage arrangements in accordance with policies SS6, SD3 and SD4

10. No existing trees or hedgerows within the application site or on the boundaries of the application site shall be removed;

Reason:- To safeguard existing green infrastructure in accordance with policy LD3 of the Herefordshire Local Plan Core Strategy 2011-2031.

11. There shall be no more than eight cropping cycles in any one calendar year;

Reason:- So that the environmental impact of any intensification of production / use can be fully assessed against the provisions of the Development Plan and any other material planning considerations;

12. No gates across the vehicular access shall be provided within 32 metres of the southern carriageway edge of the B4349;

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

- 13. No part of the vehicle access shall exceed a gradient of 1:12;**

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

- 14. CAT Wheel Washing**

Reason:- In the interests of highway safety in accordance with policies SS4 and MT1 of the Herefordshire Local Plan Core Strategy 2011-2031;

- 15. There shall be no more than 212,000 birds accommodated within the buildings at any one time;**

Reason:- So that the environmental impact of any intensification of production / use can be fully assessed against the provisions of the Development Plan and any other material planning considerations and to ensure that the development is delivered within the parameters of the Environmental Statement;

- 16. All recommendations identified in the Betts Ecology Report dated October 2016 shall be fully implemented, unless otherwise agreed in writing by the Local Planning Authority;**

Reason:- To ensure that all species are protected having regard to the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats, c) Regulations 1994 (s amended), policy LA2 of the Herefordshire Local Plan Core Strategy 2011-2031, the National Planning policy Framework (NPPF) and the NERC Act 2006;

- 17. If the development hereby permitted becomes redundant for the keeping / rearing of poultry a fully detailed scheme (including timescales) for the decommissioning of the facility, demolition of the buildings and restoration of the land to its former state shall be submitted to the Local Planning Authority within six months for their written approval. No work pursuant to this condition shall commence until the Local Planning Authority has given its written approval. In the event of the development becoming redundant for the keeping / rearing of poultry, the approved decommissioning and restoration scheme shall be fully implemented;**

Reason: To safeguard the countryside from unnecessary large scale redundant developments and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy

- 18. There shall be no manure stored within 100 metres of the curtilage of any residential property other than that of the applicant only at 'Bowling Green Farm';**

Reason:- To safeguard the amenity of residential properties in the area, in accordance with policies RA6 and SD1;

INFORMATIVES:

- 1. Statement of Positive & Pro-active Working – the Local Planning Authority have acted positively and pro-actively in their processing of this**

application by engaging with the agent for the applicant in a positive manner to address all of the relevant material planning considerations. The Local Planning Authority has made every attempt to process and determine the application in as timely fashion as has been possible given the scale of the application and the issues that have arisen. 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. I11 - HN01 Mud on highway**
- 3. I09 - HN04 Private apparatus within highway**
- 4. I45 - HN05 Works within the highway**
- 5. I05 - HN10 No drainage to discharge to highway**
- 6. I47 - HN24 Drainage other than via highway system**
- 7. I35 - HN28 Highways Design Guide and Specification.**
- 8. In the event that the hedge translocations referred to in condition 4 were to take place between February and April, an Ecologist should undertake a “walkover survey” and inspect for presence of nesting birds.**

(The meeting adjourned between 11.45 and 11.58 am).

60. 171573 - LAND ADJACENT TO GARRISON HOUSE, ORDNANCE CLOSE, MORETON-ON-LUGG, HEREFORDSHIRE

(Site for the proposed erection of up to 10 dwellings with garages and construction of access road (in lieu of planning permission 151315 on adjacent site.)

(Councillor Greenow had left the meeting and was not present during consideration of this application. Councillor Guthrie was fulfilling the role of local ward member and accordingly did not vote on this application.)

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.

In accordance with the criteria for public speaking, Mr D Hamilton, a local resident, spoke in objection. Mr N Williams, the applicant, spoke in support.

In accordance with the Council’s Constitution, the local ward member, Councillor KS Guthrie, spoke on the application.

She made the following principal comments:

- She expressed particular concern about the access to the site off the A49. Accidents that did occur often did not involve injury and were not recorded and there were also a number of near misses. Nonetheless Highways England had no objection and a recent speed review had concluded that there was no safety issue and there were no plans to reduce the speed limit. She considered that signage for the junction should be provided but there was no indication that Highways England would be willing to do so. She highlighted the cumulative impact of increased traffic on the A49 generally.

- She noted that the application was intended to replace a permission previously granted for 9 houses elsewhere on the site. She sought assurance that only one development would proceed. Two developments would exacerbate the traffic issues still further.
- The proposal would lead to a loss of amenity and privacy for existing residents, a loss of a green space and wildlife habitat.
- There were concerns about pedestrian and cyclist safety.
- She referred to the comments of the Conservation Officer (landscape) at paragraph 4.5 of the report that the quality of treatment of the site boundaries was varied, She considered that if the application were to be approved additional tree planting should be required on the eastern boundary to protect the privacy of properties on St Peter's Close.

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

- The Committee had previously approved a development of 9 houses on the adjoining site. Highways England continued to have no objection. There did not appear to be any grounds for refusing the application.
- Some misgivings were expressed about Highways England's stance. It was suggested that in any event that body should extend the 50mph speed limit to include the access point. If not there should be additional signage to warn motorists. It was noted that there was no waiting lane for stationary traffic seeking to turn into the access.
- The proposal was that the properties would be self-build. This raised questions of uniformity of design. Development would also be likely to take longer. It was therefore asked whether the section 106 development authorising the development in lieu of the previously approved application should take effect on the granting of the new permission rather than on its implementation.
- The development was sustainable.
- It was asked if the application could be limited to 9 dwellings like the previous application to permit scope for greater landscaping.
- It was disappointing that no amenity land was being offered. A green space was being lost to the community.
- Connectivity for pedestrians and cyclists to the village was not good. It was noted that lighting was within the Parish Council's remit.
- Assurance was sought that development would take account of the protection of trees on the site.

The Lead Development Manager commented that Moreton-on-Lugg had been identified for development within the Core Strategy with a minimum of 63 dwellings to be provided 14 currently being committed. He confirmed that the S106 agreement would prohibit the currently approved development adjacent to the site commencing. In any event it would be likely that Highways England would object to any further additional traffic that two sites would generate. Landscaping was an important consideration and conditions would govern the overall development of the site. A development of 10 houses could be accommodated with limited impact on trees on the site. In response to a request that reserved matters applications should be brought back to the Committee he observed that as these were to be self-build properties it did not seem the best use of the committee's time to consider a number of single such reserved matters applications. He noted that if there were concerns the local ward member could exercise their power to seek to redirect an application to the Committee.

The local ward member was given the opportunity to close the debate. She reiterated her concerns about highway safety and the importance of tree planting on the eastern boundary of the site to provide privacy for residents of St Peter's close.

Councillor Baker proposed and Councillor Swinglehurst seconded a motion that the application be approved in accordance with the printed recommendation with an amended condition 7 as set out in the update sheet. The motion was carried unanimously with 12 votes in favour, none against and no abstentions.)

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement that ensures implementation only in lieu of planning permission 151315 that planning permission be granted subject to the following conditions and any others considered necessary by officers named in the scheme of delegation to officers:

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. **B01 Development in accordance with the approved plans**
5. **C01 Samples of external materials**
6. **CNS - Contaminated Land**
7. **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 shall be submitted in writing. 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.

8. **The Remediation Scheme, as approved pursuant to condition no. (1) 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.

9. **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.

10. **CNS – Trees**

The development shall be carried out strictly in accordance with recommendations set out within the following documents: ‘Arboricultural Impact Assessment & Arboricultural Method Statement. Tree Survey & Arboricultural Impact assessment etc. was carried out on 28th February 2017 by Stretton Tree Services.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National planning Policy Framework

11. **CNS – Drainage**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

12. **CNS – Biodiversity**

Prior to commencement of the development, an extended Ecological Survey with relevant Optimal period surveys should be carried out and a detailed report with recommendations for specific ecological Risk Avoidance Measures and mitigation should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

13. CNS – Biodiversity

Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

14. C97 – Landscape Implementation

15. CAE – Vehicular Access Construction

16. CAL – Access, turning area and parking

17. CAQ – On site roads – submission of details

18. CAR – On site roads – phasing

19. CAS – Road Completion in 2 years

20. CAT – Wheel Washing

21. CAZ – Parking for site operatives and Construction Environmental Management Plan.

22. CB2 – Secure Cycle Parking Provision

23. CBK – Hours of working during construction

24. CE6 – Water Efficiency

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. The applicants attention is drawn to the comments of the Land Drainage Officer and their requirements in respect of condition 8

3. With reference to condition 8

Welsh Water / Dwr Cymru advise that their records show that the proposed development site is crossed by a public sewer and watermain with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence. Thereafter, no part of any building will be permitted within 3 metres either side of the centreline of the rising main.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4. With reference to condition 6

The assessment is required to 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.

And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

5. With reference to conditions 9&10

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

6. **I11 - HN01 Mud on highway**
7. **I54 - HN19 Disabled needs**
8. **I35 - HN28 Highways Design Guide and Specification**

61. 172420 - LAND ADJACENT THE OLD CHAPEL, TILLINGTON, HEREFORD.

(Councillors Greenow and Guthrie had left the meeting and were not present during consideration of this application.)

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, Mrs A Tyler, the applicant's agent, spoke in support of the application.

Councillor WLS Bowen fulfilled the role of local ward member on behalf of Councillor WPC Crockett and spoke on the application in accordance with the Council's Constitution.

He made the following principal comments:

- The site was a small dwelling within Tillington and Tillington Common. The site was sustainable with 6 bus services every weekday and 5 on weekends. The road was wide and open with a 30mph speed limit. There were some verges and these were safe with no hedges to obstruct the view. The village had plentiful facilities.
- He suggested the proposal could be considered under policy RA2 as a location where sustainable housing growth would be supported rather than RA3 as argued in the report.
- The proposed dwelling itself was sustainable and was an interesting design that met the requirements of paragraph 55 of the NPPF. It would provide a good addition to the County's housing stock.

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

- Clarification was sought as to why the report classified Tillington as an RA2 settlement not Tillington Common. It was suggested there was a possible anomaly in that the Rural Settlement hierarchy background paper showed that Tillington Common had been assessed as a sustainable settlement, not Tillington.

The Lead Development Manager commented that Tillington and Tillington Common were two distinct settlements. The Burghill Neighbourhood Development Plan, which was at Regulation 16 stage referred to them as separate areas and defined Tillington Common as being in open countryside with no settlement boundary around it. The Core Strategy identified Tillington, not Tillington Common, as an RA2 settlement.

- In addition to considering the application to be a good application representing sustainable development with other existing buildings around the plot some members considered that the application met the requirements of paragraph 55 of the NPPF. Others considered the application to have merit and to be sustainable but not to fulfil the requirements of paragraph 55 and, as the area was not defined in policy RA2,

and did not meet the criteria in policy RA3 it therefore represented development in the open countryside and approval would be contrary to policy.

- The Lead Development Manager commented that having regard to appeal decisions the proposal could not be considered to meet the requirements of paragraph 55 of the NPPF. The planning authority required an applicant to commission a recognised body at their own cost to undertake a peer review to support a case that an application met the paragraph 55 requirements. No such review had taken place to support this application. The proposal was a good design but could not be considered exceptional.

The local ward member was given the opportunity to close the debate. He considered that the question as to whether the design met the Paragraph 55 test was subjective. However, the design was interesting and innovative; the location was sustainable and the plot was not in the open countryside; there were houses surrounding it.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be approved on the grounds that it met exception criteria 6 in policy RA3. The motion was carried with 7 votes in favour, 3 against and 2 abstentions.)

RESOLVED: that planning permission be granted and officers named in the Scheme of Delegation to officers be authorised to detail the conditions and reasons put forward for approval by the committee and any other conditions considered necessary by officers on the grounds that the proposal met exception criteria 6 in policy RA3.

Appendix - Schedule of Updates

The meeting ended at 1.35 pm

Chairman

PLANNING COMMITTEE

Date: 4 October 2017

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

163391 - PROPOSED ERECTION OF FOUR POULTRY UNITS, FEED BINS, SERVICE BUILDING, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED DEVELOPMENT AT BOWLING GREEN FARM, CLEHONGER, HEREFORDSHIRE,

For: Mr Whittal per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ

ADDITIONAL REPRESENTATIONS

A further representation has been received from the Allensmore & Clehonger Action Group stating:-

“We are aware that this Planning Application is nearing a decision. ACAG still has concerns about the potential environmental effects and its impact on other businesses and residents whose lives will be detrimentally affected for decades to come if Planning Permission is granted.

ENVIRONMENTAL EFFECTS

We are aware that the Environment Agency has decided to grant an Environmental Permit for Bowling Green Farm’s proposed broiler units. You may not be aware that this is normal practice for the Environment Agency. We do not have a figure for how many industrial broiler units or poultry units nationally the Environment Agency has permitted since 2010, but they have confirmed to us that not one has ever been refused. This will also be the case in Herefordshire where we know there are approximately 700 such units spread over 100 Farms. As such Permits are always granted it suggests to us that approval is a formality, which in turn begs the question of how much reliance can be placed on very similar ‘expert’ reports undertaken for different farms about the environmental impact of each project.

Fortunately, the Planning Authority has the final responsibility for evaluating the agent’s Environmental Statement to ensure it addresses all of the environmental issues and that the information is presented accurately, clearly and systematically. Because of the number of these units in Herefordshire, (12 within a five mile radius of this application alone) we believe the Council must by now have some serious concerns about the significant environmental effects of this type of ‘farming’. We noted that the issue of the cumulative effect of so many of these industrial units was raised some months ago by yourself with the agent, since this information was omitted from his Environmental Statement. We are concerned that the E.S. and amended reports still contain errors and omissions, which will not enable the environmental impact of the Bowling Green Farm project to be properly evaluated. According to UK legislation through Town & Country planning assessment of environmental effects, England regulations 2011/known as EIA regulations the authority has to ensure that it has in its possession all relevant environmental information about the likely significant effects of the project before its makes its decision whether to grant planning permission.

IMPACT ON LOCAL BUSINESSES AND RESIDENTS.

We also wish to bring to your attention the Human Rights Act protocol 1, Article 1. This has a substantive guarantee which states that a person has the right to peaceful enjoyment of all their possessions which include the Home and other Land. See also Article 8 (The substantive right of respect for a person's home) The two substantive rights listed above enables those affected by the planning process to reinforce their objections by stating that to allow such a development to proceed or such an enforcement order to stand would infringe their human rights. There are "two procedural guarantees" to ensure that all "victims" are given a fair hearing. In a recent case, *Britton v SOS*, the Courts re-appraised the purpose of the law and concluded that the protection of the countryside falls within the interests of article 8 (2) 'Private and family life' therefore encompasses not only home but also the surroundings.

First protocol article 1 (the protection of property) 2nd paragraph. The grant or refusal of planning permission, listed building consent or conservation area consent will frequently affect the lives, homes and property of others. Notably the applicants and the owners and occupiers of neighbouring properties, all of whom have the right to respect for their home and the right for peaceful enjoyment of their property. In practise, it is likely that the interests of the community and those of the applicant will be balanced. It will be necessary for the local planning authority, the planning inspectorate and the courts to ensure this balance is fair.

Public authorities may also need to consider whether there are situations putting them under obligation to take active steps to promote and protect the right of individuals (Article 8) from systematic interference by third parties, for example private businesses.

We trust that you and the Planning Committee will take all of the above concerns and points into account when considering whether to recommend granting or refusing this Planning Application."

OFFICER COMMENTS

I consider that it is worth elaborating and clarifying further with regard the issue of cumulative impacts referred to in paragraph 6.51 of my report. In addressing cumulative impacts consideration has not only been given to major schemes in the locality with planning permission but not yet implemented and outstanding undetermined applications, but also existing development in the locality (i.e. the existing baseline position).

When visiting the site I was not unduly concerned as to cumulative effects arising as there are no other significant major developments in the immediate vicinity. My primary areas of concern were:-

- a) The matter of whether there would be combined effects of odour with the existing layers building at Building Green Farm itself, some 800 metres to the NNW;
- b) To address concerns in the locality as to potential cumulative effects arising from traffic generation;
- c) To address exacerbated concerns in the locality as at one stage during the processing of this application there was another application that involved

replacing four poultry buildings accommodating 318,000 birds with 8 buildings accommodating 320,000 birds at Stoney Street, Madley, albeit some 4km to the west. I had concern as to the adequacy of the highway network including more traffic having to pass through Clehonger village and pass this application site in an along the B4349. That application has now been refused and no appeal has been lodged.

The issue of combined effects of odour arising from the proposed development and the existing layers building some 800 m to the NNW has been fully assessed and no residential property would in my opinion suffer an undue loss of amenity by way of odour.

There are no other poultry related developments (or indeed other developments emitting odour) in the vicinity that are of a proximity and scale (*in the case of poultry the number of birds*) that would lead me to consider that the assessment of odour should extend to a wider geographic area. I am unaware of any previously expressed concerns as to background odour levels in the vicinity of the application site.

The impact of cumulative impact regarding highway capacity and safety has been addressed.

In terms of air quality and noise, I have sought further advice from our Environmental Health Section regarding the issues surrounding “cumulative impact”. They state:-

“The concerns you raise as regards air quality and other Environmental Health related matters have been previously addressed in my consultation responses. The main concerns as regards cumulative effects on Air Quality appear to be about small /fine particulates. DEFRA research has demonstrated that small particulates (PM₁₀) generated by poultry housing drops to background levels, i.e. an elevation of levels cannot be detected within 100 m. (DEFRA research project report AC0104). DEFRA also provides technical guidance for Local Air Quality Management TG16 2016 which prescribes a screening tool for use when considering the likely effect on Air Quality of large poultry installations so that those that may be problematic might be identified, however this proposal falls outside the scope for consideration in that it is not sufficiently large nor is it close enough to a receptor. The advice only requires that the screening tool provided is used with poultry houses with 400,000 birds or more and are within 100m of a dwelling. According to this advice this proposed poultry housing needs not to be considered as being potentially problematic. Whilst the Government has made a commitment as regards the reduction of fine particulate levels (PM_{2.5}) setting a specific objective for 2020, there is no explicit advice for poultry units. I would refer you to the consultation response dated 8/9/17 which also advises of Public Health England and the Council’s Public Health Consultants advice. Public Health England confirmed in June this year that this was still their position on this matter. You may wish to confirm that our consultant is still of the same opinion.

We have a map of poultry units and have undertaken an initial indicative desk top screening exercise in accordance with DEFRA’s Local Air Quality Management Technical Guidance TG16. This initial screening exercise used Environment Agency permit information to determine sites where poultry numbers were in excess of 400,000 and then to assess mapping data to identify relevant exposure within 100m of the poultry sites. This exercise found that there is one poultry site that

accommodates over 400,000 birds in one location. This site did not have any relevant exposure within 100m of the poultry units. It was found from the mapping and permits that most large poultry operations (even where the Environment Agency Permit identifies bird numbers in excess of 400,000), are spread over a number of locations, therefore it is difficult to apply the DEFRA screening assessment absolutely and work is ongoing to assess poultry units and cumulative impacts in circumstances that do not fit the DEFRA screening. This is considering emissions from all sources.

At present it is not possible to definitively identify areas of concern and applications have to be considered on a site by site basis. Cumulative effects would appear to only be of concern where there is a high density of potentially polluting activities and/or very close to receptors (dwellings).

Due to its location I do not see how cumulative effects on air quality are a factor for this application. Odour from both this and the nearest site have been considered in the odour assessment and it is too distant from other poultry units to be a concern for cumulative effects of on-site noise.”

In terms of the existing baseline, I would stress that this is not an area where the LPA has received any previous concerns / evidence regarding existing background noise levels nor is it an Air Quality Management area.

In terms of Ammonia the application is accompanied by a ‘Report on the Modelling of Dispersion and Deposition of Ammonia’. This includes existing background levels in the form of the APIS (Air Pollution Information System) figures that are based on a national model (FRAME), which takes information on animal numbers / land usage from the UK Ammonia Emission Inventory. I understand that the only tool our own Ecologist would have to examine ammonia impacts is the SCAIL tool. I understand that it only identifies ‘single impact without mitigation’ effects in order to point the way to any requirement for further ammonia screening – it does not allow more than a single site input and so cumulative effects would not be highlighted.

It is understood that the Environment Agency only take in-combination effects into account for SAC/Ramsar sites between 4-20 % and SSSIs between 20-50 % (between Y-Z). So if values are below Y the value is insignificant, and if the value is above Z all it means is that ammonia modelling is required. This application site is not a SAC / Ramsar site nor does it lie with an SSSI.

There is an error within my report. As a consequence I substitute the words “approximately 500 metres” at para. 6.9 with the words “approximately 700 metres”. I would stress that the uninterrupted view from this public right of way, whilst a new hedgerow with hedgerow trees matures, is approximately 300 metres of the aforementioned 700 metres.

I wish to add a paragraph 4.5.3. The Senior Landscape Officer’s comments on the Landscape Plans now under consideration were received on 25.07.2017. He stated:-

“Reference the above application I have now seen the following landscape drawings:

- Landscape Proposals, Drawing No PR119723-11 Revision G, Sheet 1 of 2 and
- Landscape Proposals, Drawing No PR119723-11 Revision G, Sheet 2 of 2

Both these landscape drawings now show the appropriate landscape mitigation and enhancement requirements requested.

Landscape maintenance post Practical Completion shall be for five years.

I have no further comment to make on this application. I do not object.”

For the avoidance of doubt the existing land drainage serves land on Bowling Green Farm and then crosses third party land before discharging into the drainage ditch. The owner of the neighbouring land (Mr J. Harris, Court Plocks, Allensmore) has previously provided a letter confirming that they give their permission for the proposed attenuation pond to be connected to the land drain. Given this letter and the longstanding arrangements between Mr Whittal and Mr Harris it is clear that there is an existing agreement in place for the land drain to be maintained and repaired should any blockage occur.

On page 35 of my report at the end of paragraph 1.24 I wish to delete the sentence “ It is a fundamental of Planning that one should not deal with matters that are controlled under separate legislation”. I wish to replace that sentence with:-

“ The Environmental Permits require that Best Available Techniques (BATS) should be used in respect of pollution control and provides for periodic monitoring and review of impacts which may cause the requirements of an Environmental Permit to be revisited / amended. In consideration of this case the Local Planning Authority can take into account land-use planning impacts and can impose conditions where they feel such impacts can be controlled by the planning system.

On page 68 within paragraph 6.37 there is an error. I substitute the words “St. James Church” with “Church of All Saints”. I also wish to add the following sentence:- “ In addition, there would be no harm to the significance of the asset itself.” I would add that there would be no impact upon the setting and / or significance of other heritage assets within the theoretical sphere of influence.

On page 68 at paragraph 6.38 I wish to delete the sentence “It is also a fundamental principle that the Planning process should not get involved in matters control” and amend the following sentence to read:- “However, to reassure Members as to the land-use implications, I make a number of observations”.

I wish to amend the final sentence of paragraph 7.1 by substituting the sentence:- “ It is considered that the proposal would comply with the overarching aims of the Framework and it would constitute sustainable development” with:- “It is considered that the proposal would overall comply with the provisions of the Development Plan in accordance with s38(6) of the 2004 Act, the overarching aims of the Framework and it would constitute sustainable development”.

CHANGE TO RECOMMENDATION

Amend conditions 2 and 6 by adding “Rev. G” at the end of the Landscape drawing numbers referred to.

Add the following conditions:-

15. There shall be no more than 212,000 birds accommodated within the buildings at any one time and to ensure that the development is delivered within the parameters of the Environmental Statement;

Reason:- So that the environmental impact of any intensification of production / use can be fully assessed against the provisions of the Development Plan and any other material planning considerations;

16. All recommendations identified in the Betts Ecology Report dated October 2016 shall be fully implemented, unless otherwise agreed in writing by the Local Planning Authority;

Reason:- To ensure that all species are protected having regard to the Wildlife & Countryside Act 1981 (as amended), the Conservation (Natural Habitats, c) Regulations 1994 (s amended), policy LA2 of the Herefordshire Local Plan Core Strategy 2011-2031, the National Planning policy Framework (NPPF) and the NERC Act 2006;

17. If the development hereby permitted becomes redundant for the keeping / rearing of poultry a fully detailed scheme (including timescales) for the decommissioning of the facility, demolition of the buildings and restoration of the land to its former state shall be submitted to the Local Planning Authority within six months for their written approval. No work pursuant to this condition shall commence until the Local Planning Authority has given its written approval. In the event of the development becoming redundant for the keeping / rearing of poultry, the approved decommissioning and restoration scheme shall be fully implemented;

Reason: To safeguard the countryside from unnecessary large scale redundant developments and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy

18. There shall be no manure stored within 100 metres of the curtilage of any residential property other than that of the applicant only at 'Bowling Green Farm';

Reason:- To safeguard the amenity of residential properties in the area, in accordance with policies RA6 and SD1;

Add an informative:-

"In the event that the hedge translocations referred to in condition 4 were to take place between February and April, an Ecologist should undertake a "walkover survey" and inspect for presence of nesting birds."

171573 - SITE FOR THE PROPOSED ERECTION OF UP TO 10 DWELLINGS WITH GARAGES AND CONSTRUCTION OF ACCESS ROAD (IN LIEU OF PLANNING PERMISSION 151315 ON ADJACENT SITE). LAND ADJACENT TO GARRISON HOUSE, ORDNANCE CLOSE, MORETON-ON-LUGG, HEREFORDSHIRE

For: Mr Williams per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford HR1 1LH

OFFICER COMMENTS

Officers would like to note the following changes to the report:

Para 1.1 – Ordnance close serves 10 dwellings including Garrison House, not nine as stated.

Para 3.9 – Date should be 28/10/2015. It is also noted that the decision was not issued until the 9th May 2016 due to the completion of the section 106 agreement.

Para 6.22 – Natural England comments were received and were included in the report as published. They had no objections subject to conditions (para 4.3)

Previous land use and Contamination

Local residents also raised concern about the potential for contamination due to the former MOD use of the land (POW Camp). The EHO has also been consulted and notes that according to records, the proposed development is, in part, within 250m of an unauthorised tip. This is a potentially contaminative use. As such I'd recommend the following condition be appended to any approval to consider risk from this and any other identified given the proposed sensitive residential use. Conditions are recommended that would address both of the issues raised and would ensure compliance with the requirements of policy SD1 of the Herefordshire Local Plan Core Strategy.

CHANGE TO RECOMMENDATION

Condition 7 – delete reference to Arbortech and replace with: Tree Survey & Arboricultural Impact assessment etc. was carried out on 28th February 2017 by Stretton Tree Services.

**172420 - PROPOSED SINGLE STOREY DWELLING AT LAND ADJACENT
THE OLD CHAPEL, TILLINGTON, HEREFORD,**

**For: Mr Crockett per Mrs Angela Tyler, 39 Grandison Rise, Hereford,
Herefordshire, HR1 1PP**

ADDITIONAL REPRESENTATIONS

Two additional representations have been received namely:-

- concern as to whether a package sewage treatment unit can be provided on site (email from Mr Anthony Vaughan);
- an email to Members of the Planning Committee in respect of the status of Tillington and Tillington Common during the preparation of the Herefordshire Local Plan: Core Strategy, (email from Mr David King). Mr King advocates that neither Tillington Common nor Tillington are Policy RA2 settlements according to defining criteria.

OFFICER COMMENTS

It is considered that a suitable method of waste water collection and disposal can be engineered at this location (whether package sewage treatment scheme or more rudimentary septic tank arrangement).

The planning report is factually correct in that Tillington is the nearest adopted Policy RA2 settlement. As stated in the report Tillington Common is not a Policy RA2 settlement. The Core Strategy is now an adopted document, and had followed due legal process in its adoption.

NO CHANGE TO RECOMMENDATION

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 4 October 2017 at 2.00 pm

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

Councillors: BA Baker, CR Butler, PJ Edwards, EPJ Harvey, TM James, JLV Kenyon, FM Norman, NE Shaw, J Stone, EJ Swinglehurst and SD Williams

In attendance: Councillor JM Bartlett

62. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, KS Guthrie, EL Holton, AJW Powers, A Seldon and WC Skelton.

63. NAMED SUBSTITUTES

Councillor EPJ Harvey substituted for Councillor AJW Powers, Councillor NE Shaw for Councillor EL Holton, Councillor J Stone for Councillor KS Guthrie, Councillor D Summers for Councillor A Seldon and Councillor SD Williams for Councillor WC Skelton.

64. DECLARATIONS OF INTEREST

Agenda item 7: 162556 – Land West of Eaton Hill, Leominster

Councillor FM Norman declared a non-pecuniary interest as a member of Leominster Town Council.

65. 162556 - LAND WEST OF EATON HILL, LEOMINSTER, HEREFORDSHIRE

(Erection of two poultry units, feed bins, widening of existing access, new access track and associated development.)

(Councillor J Stone was fulfilling the role of local ward member and accordingly had no vote on this application.)

The Principal Planning Officer (PPO) 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 R Barton of Leominster Town Council spoke in opposition to the Scheme. Ms A Haydock, a local resident, spoke in objection. Mr G Clark, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward members for relevant wards Councillors J M Bartlett and J Stone, spoke on the application.

Councillor Stone made the following principal comments:

- He expressed concerns about highway safety, noting the objection made by Brightwells who had themselves been refused a comparable access onto the A49. He was surprised that Highways England had no objection given the local traffic conditions. He welcomed the clarification in the update of the condition to avoid right hand turns onto the A49 and the requirement for a traffic management plan. He asked whether special markings could be put on the A49 and whether pedestrian safety on the public footpath was satisfactory.
- He highlighted the other concerns expressed in representations made by Leominster Town Council and Kimbolton Parish Council, the Hereford and Worcester Gardens Trust, and the WoodlandTrust as referenced in the report.
- The proposed development did fall within Flood Zones 2 and 3. It was essential that there was assurance that the proposed mitigation measures would be effective. He referred to the Environment Agency's comments on page 14 of the agenda papers that questioned in terms of a sequential approach whether the site was the most suitable location for the poultry units.
- Regard should also be had to the impact on West Eaton Nursing Home.

Councillor Bartlett made the following principal comments:

- The site was clearly vulnerable to flooding. Whilst some issues had been addressed many matters remained to be resolved. The proposal represented an unacceptable risk to the River Wye. In accordance with paragraph 102 of the NPPF an exception test was required. She considered that the requirement that wider sustainability benefits to the community should outweigh flood risk had not been met.
- She referred to the provision in the Leominster Town Neighbourhood Development Plan, based on the County's former Unitary Development Plan, seeking to regulate agricultural development and livestock farming with which she noted the proposal was in conflict. The development was visually intrusive with an adverse impact. Regard should also be had to the cumulative impact of such developments, noting the proposed development to the west of Baron's Cross.

(note: the Lead Development Manager clarified that whilst the NDP had been signed off by Leominster Town Council with a view to it progressing to Regulation 16 stage the NDP Manager had confirmed by email during the meeting that it had not as yet been formally received by the Council.)

- Paragraph 109 of the NPPF advocated the protection and enhancement of valued landscapes. Eaton Hill was considered a valuable asset within the NDP and part of the site was within a wider area identified in the saved policies of the Unitary Development Plan as a Minerals Safeguarding Area. Paragraph 120 of the NPPF also required that unacceptable risks of pollution should be prevented.
- The Woodland Trust had highlighted the adverse impact on Easters Wood. Paragraph 118 of the NPPF stated that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweighed the loss. In this case the benefits did not outweigh the loss.
- The report quoted policies RA6 and E1 in support of the proposal's contribution to employment. However, the proposal would have the opposite effect. It would create one job but, for example, jeopardise the proposed dementia village at West Eaton nursing home (up to 60 jobs). The site was on the edge of the town. Odour and particulates would be discharged into an area close to a severe air management zone where no further adverse impact should be permitted.

- The proposal was not good enough for such a sensitive area despite the many attempts to modify it and too many issues still remained to be resolved. It should be refused or deferred until the outstanding issues were addressed.

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

- The site was in the flood plain. The phosphate levels in the River Lugg already exceeded permitted limits and were considered by the Wye and Usk Foundation to be at a critical level. The proposal represented too much of a risk.
- The report stated that floor levels of the proposed building were to be above modelled levels of flooding but the reliance that could be placed on models given the nature of recent flooding events was questioned. The PPO commented that the level was above that predicted in a 1 in 100 year flood event with an allowance for climate change of 35% above the modelled level.
- A member commented that in the event of a flood electrical services would be likely to be cut off and the birds would suffocate.
- The amended conditions regarding the access were welcomed.
- Whilst the report stated that concerns raised about the application in relation to flooding and other matters had been answered by the Environment Agency or the local planning authority it was asked if consideration had been given to locating the site on higher ground with appropriate landscaping. In reply the PPO stated that this option had been discussed but landscape officers had considered that the impact would be too detrimental.
- The proposal was close to the Town and would have a considerable impact on a large number of people, both residents and visitors.
- The benefit to one sector of the economy had to be weighed against the multiplicity of interests in the wider area.
- The NPPF contained a presumption in favour of such development. It had been advised that the concerns that had been raised could be dealt with by conditions.

In response to questions the PPO commented as follows;

- There was no intention for there to be any markings or signage on the road. A traffic management plan would be submitted. It was possible that signs could be displayed within the site itself advising no right turn permitted, for example. There was no reason for pedestrian safety to be compromised.
- All surface water from the site would be captured within the attenuation pond permitting particulates to settle. Consultees considered the proposals satisfactory.
- Condition 12 restricted permission to the growing of pullets only.

The Lead Development Manager highlighted that there were no objections from the statutory or internal consultees. He considered that there was a risk of an appeal against any refusal of planning permission and, as in the case of a recent appeal at Moreton-on-Lugg, that costs would be awarded against the council. The question of phosphate levels in the River Lugg would be addressed by the Nutrient Management Plan.

The local ward members were given the opportunity to close the debate.

Councillor Stone commented that with the amended condition 7 the access should be suitable. However, he remained unconvinced about the site's suitability; economic

benefit to Leominster appeared minimal and the environmental impact was adverse. The concerns about flooding and the issues identified by the town and parish councils remained. The application should be deferred or refused.

Councillor Bartlett commented that too many outstanding questions remained. She questioned the soundness of the technical assessments that concluded, in theory, that issues such as flooding could be addressed, and whether the responses could indeed so readily be summarised as “no objection” Even if technically feasible this did not mean it was a good site in planning terms. The site was in a very sensitive area having regard to economic growth and wellbeing, detracting from rather than enhancing the economy. It was not in the right place. At the least the application should be deferred.

Councillor Shaw proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 9 votes in favour, 2 against and 2 abstentions.)

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**
3. **C09 – Details of cladding (agricultural and industrial buildings)**
4. **Prior to the commencement of development the applicant shall submit the following information to the local planning authority for their written approval:**
 - a) **Detailed drawings of the proposed attenuation pond and surrounding bund including plans, cross sections, design water levels, freeboard, invert levels, top of bank levels, inlet structures, outlet structures, and high level overflow.**
 - b) **Detailed drawings demonstrating the level-for-level flood compensation for all works that result in loss of the existing floodplain for the 1 in 100 year event with 35% climate change.**
 - c) **Detailed drawings of proposed outfall structures to the receiving watercourse.**
 - d) **Demonstration that there is sufficient capacity within the pumping station in the event of a 24 hour pump failure**
 - e) **Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the Environment Agency**
 - f) **A Flood Emergency and Evacuation Plan**

Reason: In order to ensure that the development does not increase flood risk elsewhere and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

5. **Finished floor levels shall be set no lower than 70.00m AOD in line with Revision 2 of the FRA dated 27 October 2016 (Section 8.3) with flood resilient techniques incorporated to a level of 70.30m AOD (Section 8.4) unless otherwise agreed in writing by the LPA.**

Reason: To protect the proposed units from flood risk for the lifetime of the development and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

6. **Prior to the commencement of development details of the septic tank and raised mound soakaway system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

Reason: In order to protect the water environment of the local area and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.

7. **Prior to the development hereby approved being first brought into use the applicant shall submit a Traffic Management Plan for the written approval of the local planning authority. The plan shall particularly provide details of arrangements to ensure that vehicles entering the site do so from a northerly direction and exit in a southerly direction only so as to avoid right turns on the A49(T).**

Reason: In order to ensure that the free flow of traffic on the A49(T) is ensured in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy

8. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**

- a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
- b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
- c. **A noise management plan including a scheme for the monitoring of construction noise.**
- d. **Details of working hours and hours for deliveries**
- e. **A scheme for the control of dust arising from building and site works**
- f. **A scheme for the management of all waste arising from the site**
- g. **A travel plan for employees.**

The agreed details of the CMP shall be implemented throughout the construction period.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. **All planting detailed upon the Landscape Mitigation Plan by Haire Landscape Consultants – Figure 2 Revision B shall be carried out in the first planting season following completion of the development or first use of the building for agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.

10. The recommendations for species and habitat enhancements set out in the ecologist's report from Turnstone Ecology dated August 2016 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A five year plan for habitat establishment and for management should be submitted to the local planning authority for approval. The plan 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.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

11. No as-dug excavated materials (soils, subsoils, overburden, minerals etc.) shall be removed from the land-holding or sold on to third parties.

Reason: To safeguard mineral reserves and because such removal would constitute minerals extraction which would require specific consideration by the Local Planning Authority under saved Policies S9, M2, M3 and M5 of the saved Herefordshire Unitary Development Plan, and the National Planning Policy Framework.

12. The building hereby permitted shall only be used for the growing of pullets and not for any other form of poultry related production (e.g. broilers).

Reason: The processes / activities associated with different forms of poultry related production have materially different environmental impacts that would require assessment.

13. If the development hereby permitted becomes redundant for the keeping / rearing of poultry a fully detailed scheme (including timescales) for the decommissioning of the facility, demolition of the buildings and restoration of the land to its former state shall be submitted to the Local Planning Authority within six months for their written approval. No work pursuant to this condition shall commence until the Local Planning Authority has given its written approval. In the event of the development becoming redundant for the keeping / rearing of poultry, the approved decommissioning and restoration scheme shall be fully implemented;

Reason: To safeguard the countryside from unnecessary large scale redundant developments and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy

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. It is brought to the landowner/applicant's attention that the application site is identified under saved Policy M5 of the saved Herefordshire Unitary Development Plan (2007) as an area where there is the potential for sand and gravel deposits. If sand deposits are found during construction of the development and is of such a quality that you wish to prior extract this mineral resource you are advised to contact the Local Planning Authority.**
- 3. Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permitting Regulations (England and Wales) 2010. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.**

(The meeting adjourned between 15.45 and 15.57pm).

66. 171535 - LAND ADJACENT TO WOODHOUSE FARM, EDWYN RALPH, HEREFORDSHIRE.

(Proposed 3 no dwellings & garages.)

(Councillors James and Kenyon had left the meeting and were not present during consideration of this application. Councillor Baker was fulfilling the role of local ward member and accordingly had no vote on this application.)

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.

In accordance with the criteria for public speaking, Mr D Roberts, of Thornbury Group Parish Council spoke in opposition to the Scheme. Mr A Evans, a local resident, spoke in objection.

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

He made the following principal comments:

- Edwyn Ralph was classified as an RA2 settlement. Development was concentrated to the west and north of the B4214. Land to the south east was considered to be of great landscape value. He questioned the sustainability of the site, noting the distances to schools and shops and that there was 1 bus a month.
- A previous application for 5 dwellings had been dismissed on appeal because of the impact on a listed building. The current application for 3 dwellings would still have an impact.

- There was a concern that anthrax infected cattle were buried on the site. No detailed excavation had been undertaken. It was therefore essential that an independent expert examination funded by the applicant be undertaken prior to any works disturbing the site.

In discussion a view was expressed that the proposal appeared to be infill but there was a question as to the need for 4 bedroom houses. A view was also expressed that the proposal was not in keeping with the area. Some surprise was also expressed that Edwyn Ralph had been classified as an RA2 settlement. It was noted that a public right of way diversion would be required

However, the principal concern related to the locally expressed view that there were anthrax infected cattle buried on the site. The Lead Development Manager (LDM) commented that standard conditions relating to contaminated land set out in the recommendation would be modified to address the concern and prevent the ground being disturbed in advance of an assessment of the presence of anthrax being made. He advised against a suggestion that consideration of the application should be deferred until an assessment had been carried out because of the risk of an appeal for non-determination and the award of costs against the council given that the previous inspector had accepted that conditions could cover this aspect.

The LDM added that the Core Strategy, in identifying Edwyn Ralph as an RA2 settlement allocated a minimum of 13 units to the settlement; to date 3 had been committed. No housing needs survey had been undertaken to assess the type of dwellings required.

He confirmed that supported by the appeal decision on an earlier application on the site, development of the site could not be extended beyond the application site. The appeal decision had indicated that the plot on the site with road frontage was acceptable for development, other plots on the site were not.

Members proposed that a landscaping condition should be imposed to avoid any impact on the historic asset together with a condition removing permitted development rights.

The local ward member was given the opportunity to close the debate. He reiterated that he did not consider the proposal to represent sustainable development.

Councillor Edwards proposed and Councillor Hardwick seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions governing contamination, landscaping and the removal of permitted development rights. The motion was carried with 9 votes in favour and 2 against with no abstentions.)

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**
- 3 **C01 - Samples of external materials**
- 4 **G02 - Retention of trees and hedgerows**
- 5 **G10 - Landscaping scheme**
- 6 **G11 - Landscaping scheme - implementation**

- 7 **H03 - Visibility splays**
 - 8 **H04 - Visibility over frontage**
 - 9 **H05 - Access gates**
 - 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 **H21 - Wheel washing**
 - 15 **H27 - Parking for site operatives**
 - 16 **H28 - Public rights of way**
 - 17 **H29 - Secure covered cycle parking provision**
 - 18 **F17 - Obscure glazing to window**
 - 19 **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 (6) of the Herefordshire Local Plan Core Strategy 2011-2031**
- 20 **I16 - Restriction of hours during construction**
 - 21 **I32 - Details of floodlighting/external lighting**
 - 22 **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 i.e pathogenic spores, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**

PQB

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 shall be submitted in writing. 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 and to comply with Policy SS6 of Herefordshire Local Plan-Core Strategy.

- 23 The Remediation Scheme, as approved pursuant to condition no. (3) 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 and to comply with Policy SS6 of Herefordshire Local Plan-Core Strategy.

- 24 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 and to comply with Policy SS6 of Herefordshire Local Plan-Core Strategy.

- 25 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, E and H of Part 1 and of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with

Policy SD1 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. 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. **HN01 - Mud on highway**
3. **HN02 - Public rights of way affected**
4. **HN04 - Private apparatus within highway**
5. **HN05 - Works within the highway**
6. **HN10 - No drainage to discharge to highway**
7. **HN13 - Protection of visibility splays on private land**
8. **HN28 - Highways Design Guide and Specification**

67. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 4.32 pm

Chairman

PLANNING COMMITTEE

Date: 4 October 2017

Afternoon

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

162556 - ERECTION OF TWO POULTRY UNITS, FEED BINS, WIDENING OF EXISTING ACCESS, NEW ACCESS TRACK AND ASSOCIATED DEVELOPMENT AT LAND WEST OF EATON HILL, LEOMINSTER, HEREFORDSHIRE

For: Mr Corbett per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ

ADDITIONAL REPRESENTATIONS

Correspondence has been submitted by the Board of Directors of Brightwells. They comment as follows:

We wish for our objection to be taken into account, on the basis of traffic, noise, odour and the proximity to the town of Leominster. We would also like to remind the Planning Committee that Brightwells has previously been denied road access by the Highways Agency onto the A49, which is comparable to the access detailed in this planning application.

A further letter of objection has also been received from a local resident. In summary the matters raised are as follows:

- The proposal is damaging to the quality of life of local residents by virtue of increases in odour, air and water pollution.
- Damaging to the attractiveness of the area to visitors.
- The proposal is within 200 metres of the R. Lugg in which phosphates are seven times the Natural England recommended level.
- Parts of Leominster have the worst air pollution in the county. The proposal will add to this.

OFFICER COMMENTS

The concerns raised by the additional objections does not raise any new matters. Traffic, noise, odour, biodiversity and landscape impact are all considered in the officer's appraisal and the proposals are considered to be policy compliant in each case. The fact that Highways England were not minded to support proposals for Brightwells to create an access directly onto the A49 is not material to the determination of this application. However the significantly different amounts of traffic likely to be generated by the respective sites is considered to be why Highways England have arrived at different conclusions in each case.

As written, condition 7 does not preclude vehicles from turning right as they exit the site. It is therefore proposed to amend condition 7 to prevent right turns out of the site onto the A49.

I wish to amend the final sentence of paragraph 6.50 by adding “in accordance with s38(6) of the 2004 Act” after development plan

CHANGE TO RECOMMENDATION

Amended condition 7

Prior to the development hereby approved being first brought into use the applicant shall submit a Traffic Management Plan for the written approval of the local planning authority. The plan shall particularly provide details of arrangements to ensure that vehicles entering the site do so from a northerly direction *and exit in a southerly direction only* so as to avoid right turns on the A49(T).

Reason: In order to ensure that the free flow of traffic on the A49(T) is ensured in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy

The following additional condition is also recommended:

13) If the development hereby permitted becomes redundant for the keeping / rearing of poultry a fully detailed scheme (including timescales) for the decommissioning of the facility, demolition of the buildings and restoration of the land to its former state shall be submitted to the Local Planning Authority within six months for their written approval. No work pursuant to this condition shall commence until the Local Planning Authority has given its written approval. In the event of the development becoming redundant for the keeping / rearing of poultry, the approved decommissioning and restoration scheme shall be fully implemented;

Reason: To safeguard the countryside from unnecessary large scale redundant developments and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy

**171535 - PROPOSED 3 NO DWELLINGS & GARAGES AT LAND
ADJACENT TO WOODHOUSE FARM, EDWYN RALPH,
HEREFORDSHIRE,**

**For: Johnson Brothers & Co Ltd per Mr John Needham, 22 Broad Street,
Ludlow, Shropshire, SY8 1NG**

ADDITIONAL REPRESENTATIONS

A covering letter attached to a petition raises the following main points:

- Not following due process, why was Heritage Statement withdrawn, not opportunity for scrutiny
- Contamination risk needs to be subject of scrutiny; application states no contamination of site
- Footpath incorrectly shown on plans

- Applicant has stated no trees /or hedgerows to be removed – not case with removal for access. Seen bats in adjoining pasture, contend bats use the hedgerow as well as a large number of species
Footpath obstructed 'previous scheme removed plot to retain route between houses lowers quality of views for walkers
- Anthrax concern
- Negative impact on setting of listed building – note preserve significance of The Manor
- Lack of demonstrable need for development
- Land designated as AONB, example of land protected in NPPF from development
- Does not satisfy RA3 in Core Strategy
- Woodhouse Farm is a Heritage Asset
- What are published criteria for non-designated assets
- 'Fixing our broken housing market ' - White Paper relevant

OFFICER COMMENTS

The withdrawal of the heritage statement by the applicant has not removed the obligation on the authority to assess the impact of the three dwellings on the significance of the setting of The Manor. This was one of the key issues when the appointed Inspector determined that the cul-de-sac form of development of 5 dwellings harmed the significance of a heritage asset.

The authority does not have published criteria/list for non-heritage assets. Each application is determined on the significance of the setting, which includes buildings and landscape. The Conservation Manager has addressed the significance of Woodhouse Farm in his consultation reply as did the appointed Inspector when determining the appeal for 5 dwellings earlier this year.

This is not an AONB. Edwyn Ralph is a designated settlement and therefore attracts development in accordance with Policy RA2.

An ecological assessment has been made of the roadside hedgerow and trees, which was the subject of the aforementioned dismissed Appeal. Therefore, it is not considered that are grounds for resisting development on bio-diversity grounds.

The applicant will need to apply for a diversion of the footpath separately from the determination of this application. Development cannot proceed until such time as this separate legal matter is resolved.

NO CHANGE TO RECOMMENDATION

Minutes of the meeting of Planning and regulatory committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 1 November 2017 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, FM Norman, AJW Powers, A Seldon, EJ Swinglehurst and SD Williams

In attendance: Councillors EPJ Harvey, AW Johnson, RJ Phillips, D Summers and A Warmington

68. APOLOGIES FOR ABSENCE

Apologies were received from Councillor WC Skelton. Councillor J Kenyon was absent.

69. NAMED SUBSTITUTES

Councillor SD Williams substituted for Councillor WC Skelton.

70. DECLARATIONS OF INTEREST

Agenda item 8: 1725544 – North Farm, Birchwood Farm Road, Bosbury.

Councillors J Hardwick and TM James declared non-pecuniary interests because they had previously been trustees of the Buchanan Trust.

Councillors BC Baker, PGH Cutter and A Seldon declared non-pecuniary interests because of military connections.

71. MINUTES

The Chairman reported that the minutes of the meetings held on 4 October would be submitted to the Committee's meeting on 15 November.

72. CHAIRMAN'S ANNOUNCEMENTS

None.

73. APPEALS

The Planning Committee noted the report.

74. 164078 - LAND TO THE SOUTH OF LEADON WAY, LEDBURY, HEREFORDSHIRE

(Application for approval of reserved matters following outline approval p143116/o for 321 residential dwellings.)

(Councillor Holton was fulfilling the local ward member role and accordingly had no vote on this application.)

The Principal Planning Officer (PPO) 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, Ms N Shields, a local resident, spoke in objection to the application. Mr M Elliot, the agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor EL Holton, spoke on the application, together with adjoining ward Councillors EPJ Harvey and A Warmington whose wards were materially affected by the application.

Councillor Holton commented that the development was unwanted. However, the Inspector had granted permission on appeal and officers had worked hard to seek to address concerns expressed by residents about the development and to secure the best scheme for the town. In the circumstances, the focus should now be on the positive aspects of the development such as the economic benefit the development would bring to the town.

Councillor Warmington also remarked that the development was not wanted. It would nonetheless proceed but he considered that there were major deficiencies in the proposed scheme. These included the proposed housing mix, on which he was aware Councillor Harvey would elaborate, and connectivity which was critical to the development's sustainability. Some improvements requested by the inspector in relation to connectivity had not been made and in some aspects the current proposals were worse than earlier ones for example pedestrian/cycle access. He also questioned whether the single means of access, off Leadon Way, presented a risk to access by emergency vehicles. He outlined a number of other unresolved issues. He concluded that whilst the principle of development may have been established the Committee did not have to accept a deficient scheme.

Councillor Harvey too noted that the Council had refused permission for the scheme. However, the focus now had to be on how best to integrate the development into the community. She commented that the development had a significant impact on the landscape and views approaching the Malvern Hills AONB. The applicant may be challenging the authority for non-determination of the application but the fact remained that the applicant had not addressed a number of key matters including several points required by the Planning Inspector. In terms of connectivity there had been changes to the pedestrian and cycleways, some further information had been supplied to the highways department only last week and other information being sought by the highways department on a number of aspects was outstanding. She particularly highlighted concern about the change to the housing mix for the open market housing which provided no single bed houses, fewer two bedroom houses and more 4 bed and more properties than provided for in the Council's policy as set out in the Local Housing Market Assessment. The proposal was therefore contrary to policy H3 of the Core Strategy. There were a number of other issues where information was outstanding meaning that officers had not had time to address them. She therefore considered that consideration of the application should be deferred, or it should be refused on the grounds that it did not comply with paragraph 50 of the National Planning Policy

Framework (NPPF), or officers should be given delegated authority to approve the application subject to the agreement of local ward members.

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

- It was questioned whether the proposal was in accordance with policy H3 and paragraph 50 of the NPPF.

The Lead Development Manager commented that the Local Housing Market Assessment 2013 that remained valid until the end of 2017 recommended that in terms of the mix of open market housing planning policies should not be over prescriptive and that in most instances the market was best placed to determine what would sell. The Council therefore had no specific policy in relation to the mix of open market housing on a development. This could be reviewed as part of the review of the Core Strategy. The scheme was compliant with policy in relation to the provision of affordable housing.

- The report suggested that the 3 bedroom properties were relatively modest in size but this did not mean they could be equated with 2 bedroom properties.
- Councillor Powers moved and Councillor Norman seconded a motion to the effect that subject to the scheme being amended by reducing the number of open market houses of 4 and more bedrooms by 25 and increasing 2 bedroom houses by 25 and authorisation by all 3 local ward members officers be given delegated authority to grant permission.

Some members suggested that the proposal was too prescriptive and officers should be afforded greater flexibility.

- A number of issues were outstanding making it difficult to assess the sustainability of the proposal and whether the Inspector's requirements would be met.
- There was a lack of clarity about the provision of public open space and its ongoing maintenance.
- It was suggested that road signage could be improved.
- It was questioned why there was no pedestrian access to the west.
- Concern was expressed about the noise generated by a nearby business.
- As the site was on the other side of the bypass from the town account should be taken of the scope for the design to reflect the transition from town to countryside.
- The quality of the development would be important. It was noted that the historic buildings officer had commented that no attempt had been made to respect the local distinctiveness of the area.
- The site was in proximity to Malvern Hills AONB. It was important to seek to reduce the impact of the harm.
- In relation to the question of non-determination the lead development manager commented that in the absence of a five year housing land supply a judgment would have to be made as to where the planning balance lay. He suggested that if members wished further consideration to be given to the open market housing mix it would be preferable if any resolution was not prescriptive. He noted that such a proposal may also require further consultation dependent on the revisions.

The PPO commented as follows:

- It was not a requirement of the reserved matters application to address all the conditions imposed by the Inspector. With reference to condition 21 relating to noise,

for example, the Environmental Health Officer had to be satisfied that a scheme could be implemented to mitigate that issue. It was then incumbent upon the developer to submit a suitable scheme to enable the application to proceed. The absence of the detailed scheme at this stage was not a ground upon which to refuse a reserved matters application.

- Condition 17 required appropriate pedestrian/cycle improvements. A separate application to vary this condition had been received and would be considered. He was not aware that the width of the footpath/cycleway at 3m represented a reduced proposal. The location of the pedestrian crossing of the A417 was in accordance with the Inspector's condition.
- A detailed landscaping scheme had been received but the plans were too large to have been shown as part of the presentation.
- The applicant was providing an increased area of public open space, above the minimum requirement. Condition 2 required the outstanding information required by the Parks and Countryside Officer to be produced.
- He considered that outstanding matters were addressed by conditions.

The Lead Development Manager commented that the application had to be considered on its merits. No regard could be had to any stated intentions to develop adjoining sites. There were no current applications.

The local ward member and adjoining local ward members were given the opportunity to close the debate.

Councillor Warmington commented that noise from the bypass was a concern. He remained concerned that the width of the proposed footpaths/cycleways was too narrow at 3m. He firmly believed there was scope to revise the open market housing mix.

Councillor Harvey reiterated that current policy supported a revision to the open market housing mix the applicant was now proposing.

Councillor Holton considered that the conditions provided for the concerns that had been raised to be addressed by officers.

Following advice Councillor Powers moved and Councillor Norman seconded the following revised proposal: that subject to the scheme being amended by reducing the number of open market four (and more) bed units and increasing the number of 2 bed units and conditions referred to in the report and the update report, delegated authorisation be given to officers to grant permission in conjunction with the Chairman of the Planning Committee (in discussion with the three ward members).

There were 12 votes in favour, 1 against and no abstentions.

RESOLVED: That subject to the scheme being amended by reducing the number of open market four (and more) bed units and increasing the number of 2 bed units and conditions referred to in the report and the update report, delegated authorisation be given to officers to grant permission in conjunction with the Chairman of the Planning Committee (in discussion with the three ward members).

(The meeting adjourned between 11.45 am and 11.58am)

75. 172544 - NORTH FARM, BIRCHWOOD FARM ROAD, BOSBURY, HEREFORDSHIRE, HR8 1JY

(Demolition of steel frame buildings, conversion of existing brick and timber clad farm buildings and construction of new single storey units to provide accommodation for ex-service personnel with communal and visitor rooms.)

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr P Whitehead of Bosbury and Coddington Parish Council spoke in support of the Scheme. Mr A Bower, the applicant, also spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor AW Johnson, spoke on the application. He expressed his support for the application, praising the aspiration of the scheme and noting the Parish Council's support for it.

In the Committee's discussion of the application several members welcomed the support the scheme would provide to ex-service personnel.

It was observed that an element of the proposal was contrary to policy and possibly highlighted an omission in the exception criteria in policy RA3.

Clarification was sought regarding condition 9 which related to a situation in the event that the charity ceased to operate. Officers confirmed that the condition was enforceable should such a situation arise.

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

Councillor Greenow moved the recommendation as printed and this was seconded by Councillor Holton. This was carried unanimously.

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**
- 3. C03 Matching external materials (general)**
- 4. C01 Samples of external materials**
- 5. Prior to commencement of the development, a detailed habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

- 6. G10 Landscaping scheme**
- 7. I17 Scheme of foul drainage disposal**

8. **I20 Scheme of surface water drainage**
9. **In the event that the charity cease to operate the occupation of the new build units shall revert to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.**

Reason: To ensure compliance with policy RA3 of the Herefordshire Local Plan – Core Strategy in the event that the charity ceases to operate.

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 enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. In addition to any bat mitigation/compensation required by a European protected Species Licence, at a minimum we would be looking for significant proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new/converted space buildings as well as consideration for hedgehog houses and unrestricted hedgehog movement in and around the development and amphibian/reptile refugia within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.**

76. 163948 - LAND ADJACENT TO THE MEADOWS, ALMELEY ROAD, EARDISLEY, HEREFORD

(Proposed construction of a two bedroom dormer bungalow.)

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, Councillor RJ Phillips spoke on the application fulfilling the role of local ward member. He commented that the applicant had fully discussed the proposal with officers. It would represent a visual improvement of the site and reflected the layout of the area. The Parish Council supported the proposal which complied with the Neighbourhood Development Plan.

Councillor Greenow moved the recommendation as printed and this was seconded by Councillor Cutter. This was carried unanimously.

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

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **C01 Samples of external materials**

4. **H05 Access gates**
5. **F14 Removal of permitted development rights**
6. **CBK Restriction of hours during construction**
7. **H14 Sealed access**
8. **L02 No surface water to connect to public system**
9. **H29 Secure covered cycle parking provision**
10. **H12 Parking and turning - single house**

INFORMATIVES:

1. **HN01 Mud on highway**
2. **151 - Works adjoining highway**
3. **105 - No drainage to discharge to highway**
4. **135 - Highways Design Guide and Specification**
5. **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.**

77. 163946 - LITTLE MEADOWS, EARDISLEY, HEREFORD, HR3 6PP

(Proposed erection of storage building.)

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, Councillor RJ Phillips was invited to speak on the application fulfilling the role of local ward member. He indicated his support for the application.

The Lead Development Manager confirmed that the land was in the same ownership as the site that was the subject of application 163948, the previous agenda item, and approval would not set a precedent for further development of the site.

Councillor Greenow moved the recommendation as printed and this was seconded by Councillor Powers. This was carried unanimously.

RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:

1. **A01 Time limit for commencement (full permission)**

2. **B02 Development in accordance with approved plans and materials**
3. **C07 Dark roof colouring (agricultural buildings)**
4. **I20 Scheme of surface water drainage**
5. **I33 External lighting**
6. **H14 Sealed access**

INFORMATIVES:

1. **HN01 Mud on highway**
2. **HN16 Sky glow**
- 3 **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.**

78. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 12.40 pm

Chairman

PLANNING COMMITTEE

Date: 1 November 2017

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

164078 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL P143116/O FOR 321 RESIDENTIAL DWELLINGS. AT LAND TO THE SOUTH OF LEADON WAY, LEDBURY, HEREFORDSHIRE,

For: Mr Elliot per Mr Mark Elliot, 60 Whitehall Road, Halesowen, B63 3JS

ADDITIONAL REPRESENTATIONS

Comments from the Transportation Manager are as follows:

Initial comments were saved on Civica in June 2017 following a meeting with Andy Banks and Andy Byng 23rd June 2017, in an internal meeting. Highways were waiting for the comments raised to be addressed by the applicant.

The application has been brought forward by the applicant for non-determination and to be heard at committee Wednesday 1st November, 2017.

In lieu of no response to the aforementioned comments from the applicant, the comments below are in response to the current submitted drawings.

Planning application P143116/O and the subsequent appeal determined access for 321 houses on this site via a roundabout. The details of the access and connectivity to the wider network is subject to a S278 agreement which is currently working through the Technical Approval process.

The Inspector upheld the appeal but conditioned any approval going forward. For clarity the Highways conditions are listed below:

Highways/Parking/Travel Plan

15) No dwelling shall be occupied unless and until the roundabout access shown on Plan No 1394/10 has been constructed, surfaced and drained in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

16) No dwelling on any phase of the development hereby permitted shall be occupied unless and until a 40 mph speed limit on that stretch of Leadon Way between the Full Pitcher roundabout and a point to be agreed with the local planning authority to the east of the proposed roundabout has been introduced.

17) No dwelling on any phase of the development hereby permitted shall be occupied unless and until the pedestrian/cycle improvements shown on Plan No 1394/11 have been completed in accordance with the approved details.

18) No development in relation to the provision of roads and drainage infrastructure within any phase shall take place until details of the engineering and specification of the roads and highway drains within that phase have been submitted to and approved in writing by the local planning authority. No dwelling within any phase shall be occupied until the roads and drainage infrastructure for that phase has been carried out in full accordance with the approved details.

19) No dwelling in any phase shall be occupied unless and until related provision for off-road car and cycle parking/storage has been provided in accordance with details that shall previously have been submitted to and approved in writing by Appeal Decision APP/W1850/W/15/3009456 35 the local planning authority. Once provided, such facilities shall be retained thereafter for their intended use.

20) No dwelling shall be occupied until a Travel Plan, based on the Framework Travel Plan (Ref:1394/3/A dated September 2014) submitted with the planning application, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include arrangements for the provision of a travel plan coordinator appointed by the developer for a period to be agreed, a timetable for its implementation, provisions for ongoing monitoring and review and an enforcement mechanism for failure to meet travel plan targets. The approved Travel Plan shall be implemented as approved.

The inspector's conditions aside, the application before us for approval of reserved matters comments are below. All comments are related to the last amended plan Drawing reference 16066 / 1000p &1001p 15/5/17

Design of internal layout / roads.

Design:- The road layout serving House Nos.204 – 224 is not in line with the Herefordshire Council Design guide. This needs to be amended in accordance with the design guide to an adoptable standard.

Confirmation needed that the applicant

Bus:- (nearest bus stop(s), adequacy of walk route to bus stop(s) service, frequency of service) –

A bus route through the site is proposed. A face to face meeting determined that no laybys would be provided. Consultation with bus companies will be needed. No confirmation of discussions received and no revised drawings to reflect this. It is noted there is no funding available to support the service, discussions required with the applicant and service provider linked to the Travel Plan to support the service.

Walking:- Connectivity has been improved to allow pedestrian access towards Ledbury along the Leadon way from the site along a 3m shared footpath.. A circular route is available around the site and links to the Public open space. It is essential that the development connects to the Ledbury town trail loop footpath, via the proposed Toucan crossing and proposed footpath links for the area.

The likelihood of pedestrians being able to leave the site, other than at the roundabout access, at the north end of the site looks to be closed off but no details have been supplied to affirm the suitability and long term issues with maintenance to ensure that unofficial routes out of the site across Leadon Way are completely discouraged / prevented.

The latest plan details a very wide footpath to the front of properties 250 – 253 which needs reducing to 3m with the path against the road kerb side.

We cannot adopt the road verge footpath verge housing arrangement from property No. 304 in the south to property No.278 in the north of the middle of the site. This would free up the space to make this stretch of footpath 3m in line with the connection to the north as previously requested.

Cycling:- a shared use path is proposed by the applicant though we will condition the provision of a 3m shared path north to south from the northern proposed path. Cycle path in the middle of the site is 3m for a short duration. Prefer to see a 3m shared use path through out site.

Access:-

Has been determined by Planning application and appeal reference **P143116/O**

Vehicle Parking Provision:-

As part of the mitigation on on-street parking, we would also ask that we remove the PD rights (garages) as a condition of approval, to prevent loss of car parking spaces, in the future.

If garages are to be counted as part of the parking number, the internal layout needs to be conditioned as 3m x 6m.

Where 2 spaces in line with car parking is provided in front of a garage a 1.2 metre path must be provided.

Car parking layouts 130-133 are not to standard and do not appear to work, there may be others that are similar. All car parking must be to the HC design guide and comply with 6 metres reversing room behind spaces or demonstrated that the parking arrangements are suitable.

Cycle Parking Provision:-

Appeal Inspector's conclusions: Off-road car parking is required for each dwelling in the interest of highway safety, together with cycle parking/storage in order to encourage sustainable travel (19).

Section 106 Obligations

Section 106 financial contributions:-

Inspectors report: 83: *To support the delivery of sustainable transport opportunities for future occupiers, a contribution of £20,000 is secured towards the provision of a new bus stop and shelter on the west side of Martins Way, plus the provision of a shelter at the existing bus stop on the east side of the road, together with associated kerbing works, ground works, drainage works and design*

Proposal acceptable, subject to the following conditions and / or informatives:-

Further details to be agreed with Herefordshire Council, to include:

- **An extended 3.0 metres shared path from the proposed path from the north of the site adjacent to No.245 south to No.243.**
- **A 3.0 metres shared path east to west across the site to increase different modes of transport connectivity.**
- **A reduction in width to create a 3m path to the front of No.250 – 253**
- **No laybys / bus laybys as previously agreed (removal of the 3 laybys shown on the original plan)**
- **An agreeable layout of the road serving House Nos.204 – 224 which is not to standard.**
- **6x3 garage minimum**
- **Car parking layout at Unit Nos 130-133 needs to be changed to meet standard.**

Details showing the stopping up of the existing field access and kerb line off Leadon Way as well as the location and external boundary details to deter users crossing the bypass and assurances relating to the maintenance of it

Permitted development rights are to be removed from all properties with Garages (to discourage on street parking / overspill onto and out of the sites access roads if the garages are converted).

CAJ - Parking - estate development (more than one house)

CAL - Access, turning area and parking

CAS - Road completion in 2 years

Informatives

I11 – Mud on highway

I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)

I05 – No drainage to discharge to highway

I57 – Sky glow

Three additional representations from local residents have been received by the case officer. In summary these raise concern about the housing mix on the site and considers it to be contrary to the approved Core Strategy. It sets out what are considered to be a policy compliant housing mix and compares it to the development proposed:

Policy requirement:

- 1-bed 4% or 7
- 2-bed 26% or 51
- 3-bed 47% or 93
- 4+ bed 23% or 45
-

The mix which is shown on the submitted plans is:

- 1-bed 0 (-7)
- 2-bed 19 (-32)
- 3-bed 94 (+1)
- 4-bed 63 (+26)
- 4+ bed 20 (+12)

They also comment on a perceived lack of adequate walking and cycling provision - both with the proposed site and integration externally, and a lack of open space provision within the site.

Members of the Planning Committee have also received email correspondence from a local resident. In summary its author is concerned that this development along with any other proposed development is built well, genuinely meets local housing needs and, will itself be of good build quality to address resident needs in future years.

It requests that the developers adhere strictly to the stipulations of the Inspector's decision and suggests that buildings should not be higher than 2 storeys and that proper connectivity to the town should be ensured.

OFFICER COMMENTS

Members should be clear about the requirements of Policy H3 of the Core Strategy. For the avoidance of any doubt the policy reads as follows:

Policy H3 – Ensuring an appropriate range and mix of housing

Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. In particular, on larger housing sites of more than 50 dwellings developers will be expected to:

1. provide a range of house types and sizes to meet the needs of all households, including younger single people;
2. provide housing capable of being adapted for people in the community with additional needs; and
3. provide housing capable of meeting the specific needs of the elderly population by:
 - providing specialist accommodation for older people in suitable locations;
 - ensuring that non-specialist new housing is built to take account of the changing needs of an ageing population;
 - ensuring that developments contain a range of house types, including where appropriate, bungalow accommodation.

The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes.

The sub-text of the policy goes on to say:

The Local Housing Market Assessment 2013 (LHMA) recommends that planning policies are not overly prescriptive with regard to requiring a specific mix of housing sites. Specific policies for the strategic sites refer to meeting needs identified in the LHMA. The range of house types provided across the county will be monitored to ensure an appropriate mix of housing is provided, however it is recognised that meeting specialist needs is more likely to be achievable on sites of 50 dwellings and above.

The LMHA does identify percentage targets for house types, but these are not policy requirements as the representations suggest. Paragraph 6.22 of the officer's appraisal deals with the issue of housing mix and highlights the fact that a large proportion of the three bed dwellings are modest in terms of their floor area and that they serve to provide a good housing mix. The comments received do not change this opinion.

The comments from the Transportation Manager do raise matters that will need to be addressed through the imposition of additional conditions and this is reflected in the change to the recommendation below.

For clarity, the conditions relate only to matters of layout and are considered to be necessary in this specific regard. They should not duplicate those already imposed by the Inspector and, for the avoidance of any doubt, the applicant is required to comply with the conditions imposed through the grant of outline planning permission, along with conditions imposed as part of any reserved matters approval.

The first bullet point relates to the continuation of a three metre shared path running north / south through the site. The layout plan shows this currently curtailed adjacent plot 243. The suggestion is that this should be continued in a southerly direction from a point adjacent plot 278 to plot 304, the width increase allowed by replacing a verge shown on the submitted plan. This can be addressed through the imposition of an appropriately worded condition.

The second bullet point refers to the provision of a 3 metre shared path running in an east / west direction across the site. This is not shown on the layout plan and

would require further amendment to the scheme. The main spine road through the site provides an east / west route through the site and, in the opinion of the case officer, provides an appropriate level of connectivity.

Bullet points 3 to 5 are matters that can be dealt with through agreements to be reached in a Section 38 Agreement and do not require the imposition of additional conditions.

The sixth bullet point requires a minimum dimension of 6x3 metres for garages. The case officer can confirm that the plans show garages to be in excess of this.

The seventh bullet point is addressed through the imposition of an additional condition.

The stopping up of an existing field access from the A417 is addressed as part of the landscaping proposal which sees this area stopped up through the planting of a new hedgerow.

Finally, the removal of permitted development rights to convert garages into habitable accommodation is addressed through the imposition of a condition.

CHANGE TO RECOMMENDATION

1. With the exception of areas related to plots 130 to 133 inclusive, for which further details of the parking facilities and turning areas are required to be submitted to and approved in writing by the local planning authority, the development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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

2. Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

3. All roadworks shall be completed within a period of 2 years, or other period agreed in writing with the local planning authority, from the commencement of work on the site. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. All garages and access thereto must be reserved for the garaging or parking of private motor vehicles and shall at no time be converted to habitable accommodation.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

5. Notwithstanding the plans hereby approved, details shall be submitted to and approved by the local planning authority to show the provision of a shared pedestrian and cycle path to minimum width of three metres from a point immediately west of plot 278 to a point west of plot 304. Details shall be submitted prior to the commencement of the development of that respective phase and the development shall be carried out in accordance with the approved details as part of the completion of works for that phase of the development.

Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.