

Supplement to the agenda for

Planning and regulatory committee

Wednesday 11 December 2019

2.00 pm

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

Schedule of Updates

Public Speakers

Pages

3 - 12

13 - 14

PLANNING AND REGULATORY COMMITTEE

Date: 11 December 2019

Afternoon meeting

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

190279 - PROPOSED ERECTION OF 8 BUNGALOWS. INCLUDING 5 CHALET TYPE AND CONSTRUCTION OF NEW ACCESS ROAD. AT LAND OFF COTTS LANE, LUGWARDINE, HEREFORD,

For: Sweetman Developments Ltd per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH

ADDITIONAL REPRESENTATIONS

Conservation Manager (Trees):

The amendments that myself and the landscape officer requested for tree species and layout have unfortunately not been acknowledged.

This is disappointing as we hoped the applicant/agent would appreciate that these amendments would enhance the site visually and environmentally.

Should this application be approved via planning committee I would request that a condition is included that relates to the amendments submitted by the Landscape officer and myself.

Transportation Manager:

The local highway authority has no further comments.

Land Drainage:

No further comments to make

Bartestree with Lugwardine Group Parish Council:

Bartestree with Lugwardine Group Parish Council wish to object to this application for the following reasons:

- The comments of 19th February and 7th October 2019 still stand.
- It does not appear to have been considered under the 15th October 2019 Nutrient Management Plan.
- The Parish has already exceeded its target proportional growth target up to 2031 within the NDP, and whilst over 2 years old should be given significant weight as a result. A review of the NDP has begun.

Furthermore the PC would like to request that this application goes before the Planning Committee.

Public Representations:

Six letters of support have been received and one letter of objection has been received, since the drafting of the officer's report. The new points raised are summarised as follows:

- The historic meadow was ploughed last year thus eradicating the natural flora and fauna but fortunately bats do fly over adjacent properties as recorded in the ecology

report and it would be callous to introduce lighting in this area unless appropriate measures were taken to cater for 'bat-lighting'.

- The application is a breath of fresh air for a local developer to be involved in the construction of quality properties using local qualified tradesmen which aids in the fuelling of the local economy.

These are not considered to raise any new material planning grounds beyond that have already been raised and considered by the officer report.

Applicant's additional comments (dated 9th December 2019):

The principle of development

We note the officers' professional opinion that the development represents a logical 'rounding off' of the settlement and accords with the Development Plan; specifically, Neighbourhood Development Plan Policy BL3, which supports windfall development outside the settlement boundary, subject to compliance with other relevant policies.

Landscaping and enhancement of Green Infrastructure

The applicant notes the Tree Officer's preference that the Cotts Lane hedgerow be translocated as opposed to replaced and is very happy to agree this suggestion.

The Officer Report refers variously to the loss of 120m / 130m of hedgerow, but given the hedgerow will be translocated, the loss will equate to only 8m at the point of access.

Elsewhere there is significant hedgerow and tree planting within the development and landscaped area to the north, extending to over 400m of new hedgerow and c.40 specimen trees. This amounts to significant enhancement of Green Infrastructure overall, in accordance with Core Strategy Policies LD1, LD2 and LD3 and NDP Policy BL1.

Sustainable design

The approach to design and construction follows the 'fabric first' approach, with particular attention given to air tightness.

Properties on the adjoining development have exceeded their Building Regulations Standard Assessment Procedure (SAP) target by almost 20%.

To complement the existing sustainability statement the applicant has been reviewing the feasibility of installing PV panels and Air Source Heat Pumps in consultation with experts in the field. The orientation of the dwellings is such that PV panels are feasible, and it is the intention to install those that fit within the plane of the slate roof covering, minimising visual impact. Air source heat pumps are also intended in substitution for traditional gas boilers, representing a significant reduction in CO₂ emissions.

Provision will be made for EV charge points within the garages and connection points added to the external façade of the dwellings.

All of the dormer bungalows provide master-suite accommodation on the ground floor providing flexibility for those with limited mobility and futureproofing for those wishing to remain in their own homes.

The applicant fits as standard Category 5e data cabling throughout his dwellings, promoting excellent IT communications.

In accordance with NDP Policy BL1 all dwellings have suitable storage provision for cycles and generous private gardens. The development gives rise to excellent standards of residential amenity without imposing on existing dwellings.

Housing land supply

The Officer Report correctly acknowledges that the Council cannot demonstrate a 5-year supply of deliverable housing sites. A position that has persisted and worsened recently. The application proposal would make a reasoned and proportionate contribution to addressing this deficit in a manner that is consistent with the Development Plan when read in the round.

OFFICER COMMENTS

As noted above the applicant has supplied an additional statement to support the proposed development (in the form of a letter received on Monday 9th December and included un-abridged above), this statement raises a number of new matters, which are addressed below.

As indicated above the applicant states it is their intention to install Photovoltaic panels ('PV panels' henceforth) and Air Source Heat Pumps ('ASHPs' henceforth) on the proposed dwellinghouses. Officers welcome this addition but consider this proposal to be only aspirational, as it does not currently form part of the proposed development, as no PV panels or ASHPs are included on the submitted plans.

Further, officers do not consider it appropriate to attach conditions requiring the provision and securing the maintenance of PV panels and ASHPs, as they may alter the external appearance and amenity of the development and would be a matter for further consideration when details are submitted.

In addition, the applicant intends to provide Electric Vehicle charging points with the proposed dwellinghouses. Officers consider that a suitably worded planning condition could secure such provisions and an additional condition, condition 20, is recommended below in regards to this matter.

The matter of landscape impact has been considered in detail, with the inclusion of a Landscape Appraisal & Landscape Statement (as supplied by the applicant) as well as formal consultation responses from the Council Senior Landscape Officer and are covered within the report.

The applicants' additional comments seek to clarify the treatment of the hedgerow adjoining the highway. The applicants' comments set out the intention to translocate the hedgerow from its current position to back behind the visibility splays required for the access. Officers consider this will further assist in minimising the harm and, if successful, will enable the hedgerow to re-establish at a faster rate than a hedgerow grown afresh. These details are secured via a landscaping condition (condition 14, as well as conditions 15 and 16). Further the development will include the planting of significant additional hedgerow amounting to over 480m including the roadside translocation hedge.

Officers have recently received correspondence from Natural England ('NE' henceforth) indicating that in their opinion, the application site forms part of a 'priority habitat', specifically as a "lowland meadow priority grassland". Officers have checked both the Council's internal mapping system (GIS) and the Defra published 'Magic mapping' for the site, neither of which indicate the site having any ecological designations, such as a priority habitat. Whilst a formal consultation response from NE and remains outstanding on this matter (at the time of writing); it is understood that a NE ecologist visited the site following a complaint under Environmental Impact Assessment Regulations (Agriculture), regarding an area of land

being ploughed which had not previously been cultivated in a number of years. The applicant has clarified their understanding that NE was first aware of the ploughing of the field (by the then agricultural tenant, not the applicant for planning permission) in April 2019. Officers understand that following NE's assessment of the remaining field margins, it is their consideration that the site was a priority habitat as a "lowland meadow priority grassland". Officers have considered this matter in consultation with the Council's Ecologist, and consider that the loss of this identified priority habitat can be mitigated for and the biodiversity on the application site could be enhanced by the imposition of a planning condition requiring the land to the north of the proposed dwellinghouses, within the application site, being required to form an area of restored grassland with additional biodiversity enhancement as well as a landscaping buffer. Officers consider that a series of conditions (conditions 14, 15 & 16), provide for this enhancement and secure it with a maintenance period of thirty years. In this manner, officer consider the biodiversity enhancement plan and landscape scheme, would provide a positive biodiversity enhancement to the site, by providing for lowland meadow priority grassland, wood pasture and traditional orchard on this land.

Officers have had regard to the guidance set out in the Natural Environment section of the Planning Practice Guidance on this matter (Paragraph: 023 Reference ID: 8-023-20190721), which sets out that: planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity. The work involved may, for example, involve creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Though care needs to be taken to ensure that any benefits promised will lead to genuine and demonstrable gains for biodiversity. It will also be important to consider whether provisions for biodiversity net gain will be resilient to future pressures from further development or climate change, and supported by appropriate maintenance arrangements. Thus considering the development against the provisions of policies SS6, LD1, LD2 and LD3 of the Core Strategy, as well as Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan, the proposed development would offer adequate mitigation and enhancement to the area of land within the application boundary that Natural England consider to be a priority habitat, as per the requirement of paragraph 175 a) of the National Planning Policy Framework.

An error at paragraph 6.84 of the officer report should be amended as follows. The 'and' in the first sentence of the paragraph is substituted for the following: ", this is the". Thus the report at paragraph 6.84 should have read as follows:

"6.84 The appraisal has identified some conflict with the provisions of the development plan, namely the harm arising from the loss of hedgerows on Cotts Lane which is considered to detrimentally impact the landscape character of the locale. However, this harm is not considered to significantly and demonstrably outweigh the benefits of providing eight houses in this instance, when considered against the provisions of the framework as a whole. Therefore, on balance the application is recommended for approval as per the recommendation below."

Officers note the additional representations that have been received regarding the application, these are noted and have been considered but are not considered to alter the recommendation.

CHANGE TO RECOMMENDATION

The following conditions 4, 9, 14, 15, 16 & 18 should be amended to those set out below. There are two additional conditions recommended, conditions 19 and 20 which are set out below.

4	<p>The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology reports by James Johnston Ecology dated August 2019 and Andrew Hall dated June 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.</p> <p>Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.</p>
9	<p>Development shall not begin in relation to any of the specified highways works until details of the highways access works have been submitted to and approved by the local planning authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.</p> <p>Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
14	<p>With the exception of site clearance and groundworks, no further development shall commence until a biodiversity enhancement plan and landscape scheme shall be submitted and approved in writing by the local planning authority. This biodiversity enhancement plan and landscaping scheme must include the provision of the landscape buffer area and all land within the red line to the north of said buffer (up to the watercourse), as indicated on Dwg. No. 1260-20 Rev C (& as indicatively illustrated on Fig.02 'Proposed landscape scheme'). The plan/scheme shall include a scaled topographic plan identifying:</p> <ol style="list-style-type: none"> a) A plan showing the existing and proposed finished levels (or contours), specifically including the grading of the bank that adjoins the public highway and forms part of the visibility splays. b) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012. c) Trees and hedgerow to be relocated or translocated, including the provision for replacement planting in the event that any relocation/translocation does not succeed. d) Trees and hedgerow to be removed. e) An ecological enhancement scheme providing for lowland meadow priority grassland, wood pasture and traditional orchard. Including all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details and the specification of the grass and wildflower seed mix for the whole area. For clarity, all fruit tree planting shall utilise 'standard' trees grown on fully vigorous or 'seedling' rootstocks relevant to the fruit

	<p>type and be managed such as to create a Traditional 'standard' Orchard at maturity.</p> <p>f) All proposed hardstanding and boundary treatment.</p> <p>g) An implementation programme</p> <p>Reason: To safeguard and enhance the biodiversity, character and amenity of the area in order to conform with policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
15	<p>The hard and soft landscape works shall be carried out in accordance with the approved details before any part of the development is first occupied into use in accordance with the agreed implementation programme.</p> <p>The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.</p> <p>Reason: To ensure implementation according to the biodiversity enhancement, hard and soft landscape works plan agreed with local planning authority and in order to conform with policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
16	<p>Before the is first dwelling is occupied or brought into use, a schedule of maintenance for the biodiversity enhancement and landscaping scheme (required by conditions 14 & 15) for a period of thirty years, shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule and the biodiversity enhancements and landscaping scheme retained in perpetuity.</p> <p>Reason: To ensure the establishment and benefits of the approved biodiversity enhancement plan and landscaping scheme are secured, so the mitigation is considered to be a biodiversity enhancement of the area. In order to conform with policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
18	<p>Details of any external lighting proposed to illuminate the development shall be submitted to and approved in writing by the local planning authority prior to the installation of said lighting. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.</p> <p>Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the</p>

	provisions of the National Planning Policy Framework.
19	<p>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 of Part 6 and of Schedule 2, shall be carried out.</p> <p>Reason: To safeguard the biodiversity enhancements and landscaping scheme secured so the mitigation maybe considered a biodiversity enhancement of the area, as per the draft wording of the in order to conform with policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.</p>
20	<p>With the exception of any site clearance, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g provision of Electric Vehicle charging points within garaging, cabling and outside connection points) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.</p> <p>Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.</p>

191276 - ERECTION OF THREE DWELLINGS AND ASSOCIATED WORKS AT LAND AT OLD TRECILLA BUILDINGS, LOWER HERBERTS HILL, LLANGARRON,

For: Mr & Mrs Farr per Mr Matt Tompkins, 10 Grenfell Road, Hereford, Herefordshire, HR1 2QR

ADDITIONAL REPRESENTATIONS

Councillors will have received further representation from Mr Gary Felton of Box Bush Cottage, Llangarron. The letter refers to a number of material planning matters, all of which are fully reported within your agenda item.

OFFICER COMMENTS

Further to the publication of the report and for the purposes of clarity, the Principal Conservation Officer has clarified his existing advice commenting that whilst there is a change to the way the Listed Cottage (Box Bush Cottage) is experienced resulting from this proposal, the setting which contributes to its significance is limited to its curtilage. The wider

agricultural and rural context within which the cottage is experienced would remain such that the development wouldn't trigger s196 of the revised NPPF.

In this regard the position set out in the report remains- namely that the proposed development will not harm the setting of Box Bush Cottage or those designated assets further away and as such there is no requirement in this case for the decision-maker to consider the public benefits of the scheme.

There are a number of incorrect plan references set out at Condition 2 in the report which need correcting and these are set out below

CHANGE TO RECOMMENDATION

Condition 2 should include reference Drawing No. E1.001 A, P1.100 C (not B as reported), P102 A (0 omitted), P020 A and P1.030

PLANNING AND REGULATORY COMMITTEE

11 December 2019

Public Speakers

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
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Afternoon Meeting

5	Sweetman Developments Ltd per Mr John Phipps	Proposed erection of 8 bungalows, including 5 chalet type and construction of new access road at land off Cotts Lane, Lugwardine, Hereford	190279	11
PARISH COUNCIL SUPPORTER		MR M WILSON (Bartestree with Lugwardine Group PC) MR E THOMAS (Applicant's agent)		

~~Mr Brechtmann~~

~~per~~

~~Mr Edward Brechtmann,~~

~~Proposed development of 8 houses and garages. At land to the west of B4361, Luston, Herefordshire~~

~~190032~~

The above application 190032 has been withdrawn from the agenda.

7	Mr & Mrs Farr Per Mr Matt Tompkins	Erection of three dwellings and associated works at Land at Old Trecilla Buildings, Lower Herberts Hill, Llangarron	191276	89
PARISH COUNCIL SUPPORTER		MR P LODGE and MR N SAUNDERS (Llangarron PC) MRS A FARR (applicant) and MR M TOMPKINS (Agent)		

