

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 21 January 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, JLV Kenyon, JG Lester, RI Matthews, PJ McCaull, NP Nenadich, FM Norman and J Norris

In attendance: Councillors WLS Bowen, MJK Cooper, JW Millar, RJ Phillips and P Rone

127. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, RL Mayo, TL Widdows, and DB Wilcox.

128. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor NP Nenadich attended the meeting as a substitute member for Councillor DB Wilcox and Councillor JLV Kenyon substituted for Councillor TL Widdows.

129. DECLARATIONS OF INTEREST

Agenda item 9: P141901/N Wall End Farm, Monkland, Leominster

Councillor AJM Blackshaw declared a non-pecuniary interest because he knew the applicant.

Agenda item 10: P143252/F Land adjoining Kingsleane, Kingsland, Leominster

Mr K Bishop, Development Manager, declared a non-pecuniary interest because he knew the applicant.

130. MINUTES

It was noted in relation to Minute no 124 that a Member had requested that the policy relating to contributions to St Mary's Roman Catholic Schools under S106 agreements should be reviewed.

RESOLVED: That the Minutes of the meetings held on 10 December 2014 be approved as a correct record and signed by the Chairman.

131. CHAIRMAN'S ANNOUNCEMENTS

The Chairman noted that the meeting would be the last to be attended by Kate Stevenson, Planning Lawyer, who was returning to Australia. On behalf of the Committee he thanked Ms Stevenson and expressed his appreciation for her work and assistance in a difficult role.

Ms Stevenson thanked the Committee, expressing disappointment that she was leaving before the adoption of the Core Strategy, the absence of which she recognised had been a source of frustration for the Committee.

The Chairman also welcomed back Mrs R Jenman, Principal Planning Officer.

132. APPEALS

The Planning Committee noted the report.

133. P141849/O LAND OPPOSITE OLD HALL, STOKE PRIOR, HEREFORDSHIRE, HR6 0LN

(Site for 8 dwellings (all matters reserved.))

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 W Jackson, Chairman of Humber, Ford and Stoke Prior Group Parish Council, spoke in opposition to the Scheme. Mr C Saxon, a local resident, spoke in objection. Mrs H Howie, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor JW Millar spoke on the application.

He commented on a number of issues including:

- The site was not one that the village would have chosen for development.
- The main concern for both him and the Parish Council was the management of drainage and the flood risk. Ten out of fifteen of the letters making representations about the development related to flooding.
- Surface water run-off ran downhill from the site's location meeting the stream known as the Prill flooding the centre of the village and making the road impassable. Ten properties in that location relied on a biodisc system and this was damaged by the flooding. This had occurred three times in the past year. The application stated there was the potential to retain water on the site but this did not address surface water run-off. There needed to be clarity as to whether the proposals would help alleviate flooding or would exacerbate it.
- He acknowledged, having regard to the National Planning Policy Framework, that there were a number of grounds for granting outline planning permission. If that decision were made conditions must require a full drainage survey to be undertaken to demonstrate that the system the applicant proposed to provide was indeed robust.

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

- The potential for flooding was clear. It was important that assurance was provided that the proposed measures to manage flooding were appropriate. Conditions 13 and 14 should be given particular attention.
- It was observed that trees and hedgerows could contribute greatly to alleviating flooding.

- As there was no longer a bus service it was asked if monies which might have been allocated for a bus shelter could instead be allocated to measures to relieve flooding.
- The reduction in the number of properties proposed on the site from 14 to 8, 3 of which were to be affordable housing, was welcomed. The provision of these homes including some affordable housing could provide some betterment for the village.
- Weight should be given to the view of the Parish Council.
- The development was opportunistic. It also offered nothing, by way of good quality building, for example, to encourage support for the application. If the development proceeded the developer should be requested to take note of the comments of the Conservation Manager on design of the dwellings to ensure that they were sympathetic to the character of the local area.
- It was asked whether S106 monies could be allocated to improve the access.
- There were no objections from the statutory consultees.

The Development Manager confirmed that the reserved matters would be brought back to the Committee and would provide an opportunity to consider the quality of design. He added that there would be a full surface water drainage system. He also confirmed that the draft Core Strategy had a target of 15% growth for Stoke Prior by 2031. A development of 8 houses was within that growth target. He added that the density of development was low. If fewer houses were provided this would mean that affordable housing would not form part of the scheme. Access would also be provided to the required standard.

The local ward member was given the opportunity to close the debate. He reiterated that the provision of 8 houses in a single development needed to be considered in the context of the core strategy's target of 15% growth (11 houses) over the life of the Plan. With regard to water management he requested that conditions ensure that the proposals were robustly assessed and robustly managed. It was important that the engineer's report demonstrated the proposals were achievable. He also asked to be consulted on the proposals if the scheme were approved.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised, after consultation with the Chairman and local ward member, to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **AO4 Approval of reserved matters**
4. **GO3 Retention of existing trees/hedgerows**
5. **G04 Protection of trees/hedgerows to be retained**
6. **G09 Details of boundary treatments**
7. **G10 Landscaping scheme**

8. H03 Visibility splays
9. H08 Access closure
10. H11 Parking- estate development (more than one house)
11. H21 Wheel washing
12. H29 Secure and covered cycle parking provision
13. I20 Scheme of surface water drainage
14. I21 Scheme of surface water regulation
15. I16 Restriction of hours during construction
16. I51 Details of slab levels

Informative:

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

134. S123177/F LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HR2 7JQ

(Erection of three storey sheltered accommodation block with associated parking and landscaping.)

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 Ms K la Tsar, the applicant's representative, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor P Rone, one of the three local ward members, spoke on the application. He indicated support for the scheme which would meet a local need and was in a sustainable location. Concerns over the loss of parking spaces as a result of the development had been addressed. The development was a good example of joint working between the Council and West Mercia Housing and should be supported.

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

- The application met a local need, was in the correct location and would represent an improvement to the area.
- The loss of parking would cause some difficulties. It was requested that future consideration be given to the feasibility of a residents parking scheme. Provision of cycle storage should also be encouraged.

- It was requested that the applicant explore the scope for energy efficiency measures and that the design was of good quality.
- It was noted that the design of the scheme had taken account of the potential for flooding that had been identified.
- A view was expressed that the flood alleviation scheme would protect the development and it would not be at risk of flooding as suggested by the Environment Agency. A contrary view was expressed accepting the Agency's opinion that the site would at some point flood, noting also that the flood alleviation scheme relied in part on demountable barriers. It was suggested that it was important in supporting the scheme that the Committee acknowledged that it was making a compromise.

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

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. **G11 Landscaping scheme - implementation**
5. **G15 Landscape maintenance arrangements**
6. **H06 Vehicular access construction**
7. **H08 Access closure**
8. **H13 Access, turning area and parking**
9. **I51 Details of slab levels**
10. **L01 Foul/surface water drainage**
11. **L03 No drainage run-off to public system**
12. **Surface water discharges shall only be permitted to discharge to the public combined sewerage system at an attenuated rate of 3 litres per second using a suitable flow control device.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with the requirements of policy DR4 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework.
13. **Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the LPA in consultation with the LA Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff; and method and procedures for timed evacuation. It shall**

also include a commitment to retain and update the Plan and include a timescale for revision of the Plan.

Reason: To minimise the flood related danger to people in the flood risk area in accordance with the requirements of policy DR7 of the Herefordshire Unitary Development Plan.

14. I16 Restriction of hours during construction

15. F17 – Obscure windows to side elevations

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 proposed development site is crossed by a 225mm public combined sewer with the approximate position detailed on the Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3m either side of the centre line of the public sewer.
3. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.
4. HN07 Section 278 Agreement

135. P141901/N WALL END FARM, MONKLAND, LEOMINSTER, HR6 9DE

(Proposed agricultural anaerobic digester plant for farm diversification and production of renewable energy.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr M Weatherhead, of Monkland and Stretford Parish Council, spoke on the Scheme. Mr R Ebrey, a former resident, spoke in objection.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor MJK Cooper spoke on the application.

He commented on a number of issues including:

- At a public meeting there had been opposition to the proposal. Concerns about the digester itself had been assuaged. However, objections remained about the transport and access.
- The applicant appeared to have developed a one way system around the village which involved crossing Monkland Common, to its detriment. There were also concerns about the safety of riders, cyclists and walkers using the common. Two tractors would be unable to pass one another.
- There were other potential accesses off the A4110 and the A44 which would be preferable.
- The condition requiring a traffic management plan was welcome.
- There was concern that the road was already in constant use by the applicant at all hours and that the proposal would lead to a further increase in traffic.

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

- Concern was expressed about the level of training provided for tractor drivers and it was suggested that there would inevitably be traffic problems.
- It was questioned whether a traffic management plan could be enforced. The applicant's delay in producing a traffic management plan was a cause for concern.
- In response to a suggestion that determination of the application should be deferred pending production of a traffic management plan the Planning Lawyer drew attention to proposed condition no 3 which meant that permission could not be granted until such a plan was in place.
- A Member questioned the calculations relating to land use used in support of the application. He also suggested that only a limited number of digesters in the County was sustainable. If there were too many digesters this would be detrimental to the agricultural economy. The Principal Planning Officer commented that thirteen anaerobic digesters had been approved to date. It was not for the planning system to judge what was grown by farmers. The land available to the applicant would vary over time depending on leases and other factors.
- It was suggested that the regulation of digesters was a policy issue to which consideration should be given.
- There would be an adverse impact on Monkland Common.
- The proposal was another example of industrial farming which would damage the landscape and habitat.
- It was regrettable that food crops were to be used to provide fuel.
- Attention was drawn to paragraph 6.7 of the report addressing the principle of the development and its sustainability noting that the plant would generate sufficient power to meet the demand of over 1,000 households. The proposal represented sensible farm diversification.
- There had been no objection from any of the statutory consultees.

- Condition 4 requiring the provision of a landscaping, biodiversity and habitat enhancement scheme was welcomed suggesting this should allay some concerns.
- The importance of adequate passing bays was emphasised. The Development Manager confirmed that a condition would govern this matter. He added that the land required to provide the necessary passing places was in the applicant's ownership. An informative note could be added to require that the traffic management plan would be approved after consultation with the Chairman and local ward member.

The Area Engineer commented that proposals of this type did generate traffic. However, a traffic management plan could be made to work. He noted, however, that no control could be exercised over the use of public roads. He would have concerns over the safety of using the A44 as an exit given concerns over visibility. However, it might be possible to use it as an entry point. The provision of sufficient and adequate passing bays was a sensible approach.

It was proposed that a traffic management plan should be approved after consultation with the Chairman, local ward member and Parish Council.

The local ward member was given the opportunity to close the debate. He reiterated that a transport management plan was critical. He expressed some doubt over the ownership of the land required for the provision of passing bays.

RESOLVED: That planning permission be granted subject to the following conditions, after consultation with the Chairman, local ward member and Parish Council on a traffic management plan.

1. **A01 (C01)**
2. **B01 (C06)**
 - **SA 16469/01 Proposed site layout**
 - **SA 16469/02 Proposed elevations**
 - **SA 16409/05 Site location plan**
 - **Details in the submitted 'Supplementary Information report (Berrys October 2014)**
- 3 **Before the development hereby permitted begins a Traffic Management Plan (TMP) with respect to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The TMP shall include the following in particular:**
 - a) **A brief overview of the transport implications of the development;**
 - b) **proposals to minimise conflict with other road users and damage to the highway and verges;**
 - c) **Proposals for improving and surfacing specified passing bays on the U93001 where the land falls within the applicant's ownership or control, subject to Highways Authority specifications;**
 - d) **measures to ensure that contractors and others in the applicants employ are aware of and comply with the details in the approved scheme;**
 - e) **Provision for a complaints procedure, for a named supervisor to record and address any substantiated problems specifically arising from this development.**

The TMP shall be implemented as approved.

Reason: To ensure a satisfactory form of development in the interests of local amenity and to comply with policies S2, DR1, Dr3, T6 and T8 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework with reference to Section 4.

- 4. Before the development hereby permitted begins, a landscaping, biodiversity and habitat enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall confirm adherence to the recommendations in the submitted Ecological Assessment Report (Turnstone, June 2014) and shall also include the following in particular:**
- a) A survey plan showing the site and all existing trees and hedges around it, together with an indication of which are to be retained and which are to be removed;**
 - b) For any tree or hedge that is to be retained, a Tree Protection Plan to comply with the recommendations in BS5847:2012 'Trees in relation to Design, Demolition and Construction'**
 - c) Annotated plan to a scale of 1:500 showing the layout of proposed tree, hedge and shrub planting, grassed and/or wildflower seeding areas ;**
 - d) Detailed written specifications comprising a native wildflower seeding mix and provision for standard trees and hedgerow planting of native species to an approved mix;**
 - e) Written specifications clearly describing the sizes, densities and planting/seeding numbers and giving details of cultivation and other operations associated with plant and grass establishment;**
 - f) Identification of target species to be encouraged and suitable habitats to be created and incorporated into the landscape design;**
 - g) The appointment of a suitably qualified and experienced named person to oversee implementation of the scheme as Ecological Clerk of Works**

Reason: To safeguard the amenity of the area , to conserve and enhance biodiversity and to ensure compliance with Policies LA5, LA6, NC1, NC8 and NC9 of the Herefordshire Unitary Development Plan, the requirements of the NPPF with particular reference to section 11, and the NERC Act 2006.

- 5. G11 [C97] (implementation of landscape and habitat creation scheme)**
- 6. Before the development hereby permitted begins, a site drainage scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following in particular:**
- a) Overview of drainage methodology, including infiltration testing methods and results; confirmation that the impacts of climate change have been incorporated into the calculations and appropriate mitigation proposed; confirmation that any changes to surface water run-off arising from the development will not adversely affect people and property elsewhere; and flood event safety precautions for a 1 in 100 year event;**
 - b) Confirmation that the groundwater table base is in excess of 1 metre below the base of any proposed soakaways;**
 - c) A large-scale plan showing all roof and surface 'clean' water drainage arrangements including any rainwater harvesting**

proposals, permeable and impermeable surfaces, swales or water storage (Sustainable Drainage Scheme [SuDS]) to meet the draft National Standards for Sustainable Drainage;

- d) A large-scale plan showing drainage arrangements for lightly contaminated and dirty water; Supporting Method Statement detailing how site drainage will be managed and maintained.

The scheme shall be implemented as approved before the first use of the development hereby permitted and shall be maintained throughout the life of the development hereby permitted.

Reason: To ensure implementation of satisfactory site drainage and to protect the water environment, in accordance with policies S2, DR2, DR4 DR7 and CF2 of the Herefordshire Unitary

8. C09 [C21] external finish colour
9. I16 [CBK] op hours during construction
10. No materials shall be used or processed in the anaerobic digester hereby permitted, other than poultry litter, animal manures and slurry, and agricultural crops/grass silage.

Reason: To ensure a satisfactory form of sustainable development, to prevent pollution or nuisances and because any other feedstock would require further consideration by the local planning authority, in accordance with policies S1, S2, DR1, DR4, DR9 and CF4 of the Herefordshire Unitary Development Plan.

11. No Combined Heat and Power (CHP) unit shall be installed on the site unless or until it is fully sound-insulated or housed within a fully sound-insulated enclosure so as to ensure that noise levels emanating from the CHP unit do not exceed 40 dB (A) when measured in accordance with BS 4142:1997, at the nearest part of any residential curtilage to the application site.

Reason: To safeguard the amenity of the area and to comply with policies S2, DR13 and CF4 of the Herefordshire Unitary Development Plan.

12. In connection with the anaerobic digester hereby permitted, all reversing alarms installed on operational vehicles in the applicant's control shall be of a 'white noise' type and no other alarm type is to be used.

Reason: In the interests of good practice, to prevent noise nuisance, to safeguard residential amenity and to comply with policies S2, DR13 and CF4 of the Herefordshire Unitary Development Plan.

13. I33 [CC2] external Lighting
14. I43 [CCC] amend to: 'no burning or combustion shall take place on the site other than within the CHP unit and/or the contingency flare'

INFORMATIVES

1. The applicant did not request any pre-application advice, but wherever possible the local planning authority has engaged with the applicant and his agent in pro-active and positive negotiation during consideration of this

project. These have resulted in mutual understanding of nature of the project and the planning requirements, the key factors including local objections, and the means of securing mitigation whilst facilitating the renewable energy project. As a result, the local planning authority has been able to grant planning permission for acceptable development subject to conditions to secure sustainable development with appropriate and proportionate mitigation.

2 I30/N11A

3 I33/N11C

4 I08/HN07 [s278 agreement required]

5 The landscape/habitat conservation and enhancement scheme required by condition 4 is not constrained by the identified site boundary. Additional habitat is welcomed, and features may be proposed on adjoining land that is in the applicant's ownership or control.

6 With regards to the requirements of condition 6, any SuDS arrangements for site drainage should relate specifically to the anaerobic digester site and associated ancillary development including hardstandings. These should calculate and accommodate the likely clean, lightly contaminated, and dirty water volumes (plus 20% for climate change) quite separately from the similar work relating to the poultry units on adjoining land. SuDS drainage may also contribute to biodiversity enhancement required under condition 4

136. P143252/F LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

(Proposed development of 12 nos. dwellings, consisting of 4 nos. affordable and 8 nos. open market. Works to include new road and landscaping.)

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.

He commented that the Committee had refused a previous application on 25 June 2014. The new application before the Committee sought to address the grounds for that previous refusal

In accordance with the criteria for public speaking, Mrs S Sharp-Smith a local resident, spoke in objection. Mrs W Schenke, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor WLS Bowen spoke on the application.

He commented on a number of issues including:

The proposed development was outside the settlement boundary and within a conservation area.

The applicant had taken note of the grounds for the previous refusal and the revised scheme was an improvement. The retention of hedges in the management of the applicant was welcome.

The Conservation Officer (Landscape) had raised objections to the development.

The draft Neighbourhood Plan proposed there should be no development in the proposed location. He suggested that the Plan could be given some weight noting the legal opinion that had been received as referred to in the Committee update.

At an open day most people had objected to the proposal.

The number of houses recently built in Kingsland had already nearly met the target for growth in the draft core strategy.

The development did not conserve and enhance the conservation area.

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

- The development was opportunistic.
- It was questioned whether the provision of 2 bedroom affordable housing met the need. The Development Manager commented that the provision met the requirements of the Council's housing team.
- The development was a good example of negotiations resulting in an improved scheme.
- The grounds on which the application had previously been refused remained valid. It was detrimental to the Conservation Area. The Parish Council and the draft Neighbourhood Plan wanted to protect the village boundary. The development would be detrimental to the character of the area.
- It was questioned whether the scheme had demonstrated a sufficient improvement on the previous proposal.
- The development would begin the process of merging two communities, something that the Committee had opposed in other locations.
- The objections by the Conservation Officer (Landscape) remained valid.
- Note should be taken of the Parish Council's opposition to the development.

The Development Manager noted the additional letters of support for the development referred to in the update. He commented that the legal opinion referred to in the Committee update was correct in that in the case it referred to the fact was that the Neighbourhood Plan was a material consideration and the Secretary of State had dismissed an appeal against refusal of planning permission in giving weight to a Neighbourhood Plan. However, that Plan had reached Regulation 16 stage. The Kingsland Neighbourhood Plan had only reached Regulation 14 stage. The Neighbourhood Plan would have to be submitted to the Council to consider whether it was consistent with the Core Strategy and Neighbourhood Planning Regulations. It would then be sent back to the Parish Council to consider the comments and submit a plan under Regulation 16 which would be required to be subject to a 6 week consultation. No weight could be given to the Neighbourhood Plan at the present time. This accorded with the advice issued to Members by the Assistant Director Economic Environmental and Cultural Services in December 2014.

He added that the application had changed significantly and showed substantial improvement. Weight had to be given to the absence of a five year supply of housing land.

The local ward member was given the opportunity to close the debate. He reiterated that it was the local wish to preserve the settlement boundary. The Parish Council opposed the scheme. He requested that the Chairman and local ward member should be consulted on the conditions if the scheme were approved.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised, after consultation with the Chairman and local ward member, to grant full planning permission, subject to the conditions below and any other further conditions considered necessary.

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

2. **B01 Development in accordance with the approved plans**

Site plan as proposed - amended drawing number P301 - Rev. A

Site location plan submitted in support of the application.

Plot 1 Floor plans and elevations - drawing number P100- Rev A.

Plots 2 and 3 Floor plans and elevations - amended drawing number P101 - Rev B

Plot 4 Floor plans and elevations - drawing number P102- Rev A.

Plot 5 Floor plans and elevations- amended drawing number P103- Rev B.

Plot 6 Floor plans and elevations - amended drawing number P104- Rev B.

Plot 7 Floor plans and elevations - amended drawing number P105- Rev B.

Plot 8 Floor plans and elevations - drawing number P106- Rev A.

Plots 9 and 10 Floor plans and elevations - amended drawing number P107- RevB

Plot 11 Floor plans and elevations - amended drawing number P108 - Rev B.

Plot 12 Floor plans and elevations - drawing number P109 - Rev A.

3. **C01 Samples of external materials**

4. **D04 Details of window sections, eaves, verges and barge boards**

5. **D05 Details of external joinery finishes**

6. **F14 Removal of permitted development rights**

7. **G04 Protection of trees/hedgerows that are to be retained.**

8. **G09 Details of Boundary treatments**

9. **G10 Landscaping scheme**

10. **G11 Landscaping scheme - implementation**

11. **Prior to any development on site details will be submitted to and approved in writing by the Local Planning Authority with regards to a detailed surface water management design, which will include detail with regards to infiltration tests results, groundwater level data, drainage calculations**

and soakaways located more than 5 metres in distance from building foundations.

Reason: In order to ensure protection from flooding with adequate drainage and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

12. L01 Foul/surface water drainage
13. L02 No surface water to connect to public system
14. L03 No drainage run-off to public system
15. H13 Access, turning area and parking
16. The recommendations for species mitigation and habitat enhancement must be carried out in accordance with the details in Section 7 and 8 of the ecologist's report from Starr Ecology dated December 2013 together with the subsequent amended landscape proposals contained in the Amended Landscape Management Plan, revised Soft Landscape Proposals and specifications from John Challoner Associates dated October 2014. The work shall be implemented as approved with written confirmation of completion accompanied by photographic evidence to be submitted to the Local Planning Authority for formal discharge of this condition. An appropriately qualified and experienced ecological clerk of works must 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 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

17. H27 Parking for site operators.
18. F08 No conversion of garages to habitable accommodation

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway

5. **HN07 Section 278 Agreement**
6. **HN17 Design of street lighting for Section 278**
7. **HN10 No drainage to discharge to highway**
8. **Dwr Cymru Welsh Water Advisory Notes**

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Development Services on 0800 917 2652.

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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1 October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website – www.dwrcymru.com.

Further information on the Welsh Ministers Standards can be found on the Welsh Government website – www.wales.gov.uk.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 12.55 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 21 January 2015

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

Morning

SCHEDULE OF COMMITTEE UPDATES

P141849/O - SITE FOR 8 DWELLINGS (ALL MATTERS RESERVED) AT LAND OPPOSITE OLD HALL, STOKE PRIOR, HEREFORDSHIRE, HR6 0LN

For: Mr Williams per Berrys, Willow House East, Shrewsbury Business Park, Shrewsbury, Shropshire, SY2 6LG

ADDITIONAL REPRESENTATIONS

A further letter has been submitted formalising views made previously. It states:

Loss of hedgerow and trees will significantly alter this part of village, It will take up to 20 years to re-establish the roadside hedge.

Orchard to west must be protected against further development

Layout resembles a small estate of houses, not in keeping with intrinsic character of countryside (NPPF –Item 17)

No objection in principle, but must be in keeping and proportionate.

OFFICER COMMENTS

This is an outline application with all matters reserved only the principle of development requested. The loss of roadside hedge is mitigated by a new roadside hedge, the planting of an orchard and the provision of housing and in particular affordable housing helps provide proportionate growth to the village.

NO CHANGE TO RECOMMENDATION

S123177/F - ERECTION OF THREE STOREY SHELTERED ACCOMMODATION BLOCK WITH ASSOCIATED PARKING AND LANDSCAPING AT LAND EAST OF 20 BELMONT AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7JQ

For: West Mercia Housing Group per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT

ADDITIONAL REPRESENTATIONS

Letter of support has been received from the Council's Community Safety Manager, noting that the proposal would meet an identified need in the community.

OFFICER COMMENTS

None

NO CHANGE TO RECOMMENDATION

P143252/F - PROPOSED DEVELOPMENT OF 12 NOS. DWELLINGS, CONSISTING OF 4 NOS. AFFORDABLE AND 8 NOS. OPEN MARKET. WORKS TO INCLUDE NEW ROAD AND LANDSCAPING AT LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

For: Mr & Mrs Glynne Schenke, Harbour House, Kingsland, Leominster, Herefordshire HR6 9SE

ADDITIONAL REPRESENTATIONS

Kingsland Parish Council have requested that an error in the Draft Heads of Terms attached to the report be corrected indicating that the Millennium Green is independent of the Parish Council.

Fourteen additional letters in support of the application have been received from members of the public. Key issues raised can be summarised as follows:

- Concerns about comments made by the Conservation Manager (Built Environment), in response to the application, in that the site is located in an area with vast countryside around it and that the proposal respects this whilst retaining existing hedgerows, it also proposes further landscape enhancement. Comment is also made that it is important that the area is an inclusive and integrated community.
- The proposed development does preserve and enhance the surrounding Conservation Area.
- Location for the development is one of the most sustainable sites surrounding the existing village for housing development.
- Site is ideal for future growth of the village and development as proposed does respect the surrounding built environment.
- Concerns are raised about proposals as contained within the Neighbourhood Plan for Kingsland. (Kingsland residents).
- Houses as proposed are considered small scale and ideal for a village location where houses prices are high. The development as proposed would give residents the opportunity to remain in the village when downsizing and equally allow those in affordable housing to get their foot on the housing ladder.
- Footpath construction in relationship to the development alongside the road would also enhance pedestrian safety in this area.

A legal opinion has been received from Christopher Young QC on behalf of Mr Smith pertaining to the weight to policies of the emerging Neighbourhood Plan. A verbal update will be made at the meeting when further consideration has been given to the content.

OFFICER COMMENTS

The issues as indicated in the additional representations received are covered in the report to Committee. Comments/concerns made about the Kingsland Neighbourhood Plan are noted, however with consideration to its status (Reg 14 stage) in the adoption process this has no weight in the determination of this application.

NO CHANGE TO RECOMMENDATION