

**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 22 August 2018 at 10.00 am**

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

Councillors: BA Baker, PJ Edwards, KS Guthrie, JA Hyde, TM James,  
MD Lloyd-Hayes, FM Norman, AJW Powers, A Seldon, NE Shaw and  
SD Williams

**In attendance:** Councillors PD Price and J Stone

**28. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, DW Greenow and WC Skelton.

**29. NAMED SUBSTITUTES**

Councillor JA Hyde substituted for Councillor CR Butler.

**30. DECLARATIONS OF INTEREST**

None.

**31. MINUTES**

**RESOLVED:** That the minutes of the meetings held on 25 July be approved as a correct record and signed by the Chairman.

**32. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**33. 181384 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON,  
HEREFORDSHIRE**

*(Proposed residential development of 25 dwellings along with new access and associated works.)*

The Development Manager 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 highlighted that an additional condition was proposed in relation to drainage.

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

He made the following principal comments:

- The current proposal was a much more acceptable scheme than that which had been granted outline planning permission in December 2015. There was only one objection to the current proposal compared to 43 objections to the preceding application.
- The communication with the Parish Council and the local community on the application had been much improved. The Parish Council supported the application.
- The application site had been accepted as a commitment within the Kimbolton Neighbourhood Development Plan. If the application were approved the Parish would have no difficulty in meeting the minimum housing provision target in the Core Strategy.
- There were no objections from the statutory consultees. However, he highlighted the response from Welsh Water regarding conditions and the conditions requested by the Service Manager (Built and Natural Environment).
- It was disappointing that the provision of the additional housing would result in the loss of public open space and the community orchard proposed in the original application.
- He hoped that the off-site contribution would be used to improve surrounding public rights of way in the parish.
- There had been concerns about flooding and pollution and he hoped that reassurance on both sewerage and drainage would be provided. He noted that the land drainage officer considered the proposals to be largely acceptable in principle, subject to additional information being submitted.
- A further concern related to the extra traffic that would be generated. Speeding was an issue in the locality and traffic calming measures would be welcome as would a footway and cycle link between Chestnut Way and the A49. It was to be hoped that measures would be provided from the funding for sustainable transport infrastructure referenced in the draft S106 agreement, appended to the report, in discussion with the Parish Council and the local ward member.
- The scheme was not perfect but it did represent an improvement on the previous scheme and was unlikely to be improved upon. On balance he therefore supported it.

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

- Noting that Welsh Water did not own the treatment plant it was questioned whether this had an adverse implication for the affordability of the proposed affordable housing.
- The additional condition included in the update sheet would address the significant concerns expressed about sewerage and drainage.
- Improved pedestrian links to the A49 would be welcome, providing access to Leominster and improving sustainability.
- The improved communication on the application with the parish council and the community was to be welcomed.
- The Parish Council supported the application.
- It was important that energy efficient design was used to minimise running costs of the homes, in particular affordable housing to ensure that it was indeed affordable.
- It was asked whether the application again prompted further consideration of whether the affordable housing thresholds and targets in policy H1 needed to be reviewed.

In response to questions the Development Manager commented that the proposed garden space provided for properties under the revised scheme would be quite generous. He could not comment on the cost of sewerage and drainage for the privately maintained works. He explained the basis on which the initial cost of the affordable housing units would be calculated. He confirmed that sustainable transport measures were referenced in the draft heads of terms and works that could be financed by the sum to be provided would be discussed with the parish council and local ward member. A local housing needs survey had been undertaken in 2012. The Parish Council support for the scheme could be assumed to indicate that the proposed affordable housing would fulfil a local need.

The local ward member was given the opportunity to close the debate. He reiterated that overall the scheme was of benefit.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition as set out in the update sheet. The motion was carried with 12 votes in favour, none against and 1 abstention.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to the obligations in the draft heads of terms and any additional matters and terms as considered appropriate. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation:**

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G03 Retention of existing trees/hedgerows**
5. **G04 Protection of trees/hedgerows that are to be retained**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to conduct an ecological inspection at an appropriate time of year and ensure there is no impact upon protected species by clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.**

**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).

9. The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 and the pre-commencement site checks should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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

Reason: 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).

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

10. 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 plan to show the location of site offices and rest areas for staff
  - d. A noise management plan including a scheme for the monitoring of construction noise.
  - e. Details of working hours and hours for deliveries
  - f. A scheme for the control of dust arising from building and site works
  - g. A scheme for the management of all waste arising from the site
  - h. A travel plan for employees

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows; including rooflights, shall be constructed in any of the elevations of the bungalows shown on Plots 1 to 3 of the approved plan 5776/P/10.

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site,

and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

12. H06 Vehicular access construction
13. H11 Parking - estate development (more than one house)
14. H17 Junction improvement/off site works
15. H18 On site roads - submission of details
16. H29 Secure covered cycle parking provision
17. I51 Details of slab levels
18. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any of the building[s] hereby permitted. In order to satisfy the condition the following information is required:
  - Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
  - Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
  - Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event.
  - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
  - Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
  - Demonstration that appropriate access is available to maintain drainage features.
  - Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.
  - Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 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.**

**34. 180157 - GREEN BANK, SUTTON ST NICHOLAS, HEREFORD, HR1 3AX**

*(Proposed new 2 bedroom dwelling.)*

*(Councillor Guthrie fulfilled 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 A Whibley, the applicant's agent, spoke in support of the application.

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

She made the following principal comments:

- In relation to the proximity of Green Bank to the grade 2 listed building known as "The Creswells" she noted that it was proposed that the ground level upon which the proposed dwelling was to be built would be lowered so that it would accord with the neighbouring properties.
- The site was bounded by mature hedges.
- The Transportation Manager had no objection to the proposed access.
- The applicants were seeking to downsize but remain in the village.
- The site was accepted within the Neighbourhood Development Plan as being appropriate for a dwelling. The Parish Council supported the proposal and there were also many letters in support of it from local residents.
- The only strategic objection was from the Conservation Manager (Historic Buildings) (CMHB) raising concerns over the location within the conservation area and the size and design of the proposed dwelling adjacent to The Creswells. The applicants had sought pre-application advice, had modified the design and made every effort to meet the CMHB's requirements and harmonise with and enhance the conservation area. However, as set out at paragraph 4.5 of the report the CMHB remained opposed to the proposal although the level of harm to the heritage assets and conservation area was considered to be less than substantial.
- She considered that the application should be supported.

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

- The Parish Council supported the proposal.
- The sole objection was from the CMHB who did say that some development on the site should be feasible, however, an innovative solution would be required to achieve this without having a negative impact.
- One view was that the proposal would not be detrimental to the conservation area. There was a distinct boundary between the plot and The Creswells. The Creswells did not overlook the plot. The proposal had some architectural merit that would enhance the area. A contrary view was that the proposal would not conserve and

enhance the conservation area and historic assets and was therefore contrary to policy as the CMHB had stated.

- The development could not be described as a modest development in relation to the size of the site.
- It should be possible for the applicants to find a suitable property within the village and there appeared to be little justification for the proposal.
- The setting of the existing property would be adversely affected by building the proposed dwelling in its garden which was a good example of a country garden.
- The development would require the removal of a length of stone wall that itself had merit.
- There was concern that the surrounding hedgerow would also be adversely affected as a consequence of the lowering of the site level to accommodate the dwelling.

The Lead Development Manager highlighted the CMHB's advice that the benefit of the scheme would not outweigh the harm to the setting of the conservation area and the listed building.

The local ward member was given the opportunity to close the debate. She noted that it was a question of the assessment of the impact upon the conservation area

A motion that the application be approved was lost.

Councillor Seldon proposed and Councillor Powers seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 3 against and no abstentions.

**RESOLVED: That planning permission be refused for the following reasons:**

1. **By virtue of the scale, form and architectural character of the proposed dwelling it would result in harm to the character and appearance of the Sutton St Nicholas Conservation Area, the setting of the adjacent listed building and would not positively contribute to the character of the area and respect its context. This is contrary to policies LD4, RA2(3), LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, policies 3(4) and 6 of the Sutton St Nicholas Neighbourhood Development Plan and the requirements of the National Planning Policy Framework.**

**The above harm, when taking into account the statutory duty under sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in respect of designated heritage assets, and the policies of the National Planning Policy Framework provides clear reason for refusing planning permission (paragraph 11d) i) and notwithstanding that the identified adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11d) ii).**

### **Informative**

**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 by identifying matters of concern with the proposal and discussing those with the applicant. Unfortunately, it has not been possible to resolve those matters and negotiate a scheme that is considered to be policy compliant. The Local Planning Authority is willing to provide further pre-application advice in respect of any future application for a revised development.**

*(The meeting adjourned between 11.20 and 11.23.)*

**35. 181825 - WOODYATTS FIELD, WOODYATTS LANE, MADLEY, HEREFORDSHIRE, HR2 9NN**

*(Proposed 4 bedroom low level dwelling.)*

*(Councillor Williams fulfilled 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, Mrs Amos, the applicant, spoke in support of the application.

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

He made the following principal comments:

- There was local support for the application including from the Parish Council and sympathy for the personal circumstances of the applicant's family. There were no objections
- It was possible that Woodyatts field could be identified for development within the Neighbourhood Development Plan that was in preparation.
- The proposal would contribute to the housing target, was unobtrusive and would not be unwelcome.
- A footpath provided connectivity to the village.
- He considered the proposal would be of value and enable the family to provide care that would otherwise have to be provided by health services.

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

- The Parish Council supported the proposal along with a number of local residents. There were no objections.
- One view was that the site was surrounded by other dwellings and could well be identified for development within a neighbourhood development plan. A contrary view was that no regard could be had to such a hypothetical point.
- Whilst sympathetic to the applicants' personal circumstances they were not a material planning consideration. The proposal represented development contrary to policy in the open countryside.
- There were other ways in which the personal needs could have been addressed, for example through the provision of an annex.
- Having regard to paragraph 6.17 of the report it was questioned whether the property was isolated and in the open countryside and represented unsustainable development. It was noted that the site was some 300m from the church and shops by footpath and that there were 5 other properties in the immediate vicinity. Improving footpath access would appear to be an option and a way of making the development sustainable.



- The PPO commented that in the absence of a NDP and a settlement boundary the Core Strategy required consideration to be given to whether the site was in a main built up area. The site, whilst it might not be isolated, was not in a main built up area. The B road did not have any footpaths alongside it. Officers did not consider that a public right of way in itself afforded sufficient, safe accessibility to services and encouraged active travel. Officers' judgment, supported by recent appeal decisions, was that, even if not isolated, the site was not sustainably located. She added that this was the first time that the applicant had mentioned personal circumstances in support of the application. Had these been raised previously other options such as the provision of an annex could have been explored. A substantial open market property could not be tied to an existing dwelling.

The Lead Development Manager commented that had officers been made aware of the personal circumstances consideration could have been given to whether it would be possible to provide a policy compliant annex. Very rarely could weight be given to personal circumstances. In policy terms the site was in the open countryside.

The local ward member was given the opportunity to close the debate. He reiterated that he considered that there was connectivity. He questioned if an annex of sufficient size could be provided to accommodate the family.

A motion that the application be approved was lost on the Chairperson's casting vote.

Councillor Seldon proposed and Councillor Norman seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried on the Chairperson's casting vote there having been 6 votes in favour, 6 against and no abstentions.

**RESOLVED: That planning permission be refused for the following reason:**

1. **The proposal represents unsustainable new residential development within a countryside location divorced from any identified settlement and as such the proposal is contrary to Herefordshire Local Plan - Core Strategy Policies SS1, SS7, RA1, RA2 and RA3. The benefits would be significantly and demonstrably outweighed by the adverse impacts resulting from the locational unsustainability of the site, which conflicts with Herefordshire Local Plan - Core Strategy Policies SS4 and MT1 and the relevant aims and objectives of the National Planning Policy Framework.**

**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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason for the refusal, approval has not been possible.**

**36. 180193 - LAND AT WESTBROOK COURT, WESTBROOK, HEREFORD**

(Proposed erection of 5 single bed holiday chalets and associated parking.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr D Jones, of Clifford Parish Council spoke in opposition to the Scheme. Mrs K Morgan, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The current business was very successful with many benefits to local businesses, the wider area of the County and beyond. The applicants were seeking to grow a sustainable business, within the existing curtilage, that would support both parents and employ local staff. It was not a development in the open countryside.
- The units would not be visible from most angles but still enabled individual unit views to the north. There was no intention to build any other units in front, as the success of the units depended on their location and view. The roofs would be constructed using high quality "green" materials to soften the design and make them less conspicuous,
- The Landscape and Conservation officers had observed that there could be a long distance view of the development from the public rights of way on Merbach hill. Allowing a hedge to the east to grow a little higher and some individual tree planting would maintain the traditional form of the landscape and mitigate any such views from Merbach hill. The only other potential long distance view was towards the north and this would be mitigated by the non-reflective glass walls of the development facing that direction.
- The suggestion that the units should be placed in the very small area next to the cattle sheds was not a feasible option.
- A grade 2 listed building on the site needed repair. This required additional income. Future development might involve growth in using this building.
- There was growing tourist demand in and around the Golden Valley area. The provision of more tourist beds should be supported.
- The Core Strategy provided for businesses to grow within "a residence and business curtilage"
- The majority of the officer report was encouraging and supportive. The negative aspects could be mitigated.
- The issues raised by the Parish Council could be overcome.
- Supporting the application would demonstrate the Council's support for businesses.
- Nearly all of the representations supported the application.
- He asked the Committee to support the application.

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

- Policies E4 and RA6 supported the development and business success would also enable the listed buildings on site to be protected.
- The existing hedges would provide cover for the development.
- It was understandable that officers suggested a site closer to the existing building would be preferable. However, the neighbouring farm buildings were not in the applicants' ownership and it was clear that they did not wish to put the development on that part of the site.

- There was concern that the site would be in the open countryside, would be visible from Merbach hill, a lit path would be needed to the main building and there would be light from the chalets.
- It was requested that a walnut tree on site should be protected.
- The proposed design was not appropriate in the location. The objection of the Conservation Manager (Landscape) was sound.
- It would be preferable to develop the existing buildings.
- There was a concern that the site would continue to grow.

The Lead Development Manager commented that it was a question of balance between landscape harm and the economic aspects of the application. Officers had concluded that the landscape harm outweighed the benefits.

The local ward member was given the opportunity to close the debate. He reiterated that he considered that the chalets with a little mitigation would be virtually invisible from Merbach hill. The design would also make the chalets inconspicuous and he considered it to be appropriate for the site. The applicants did not own enough land for the development to grow excessively and that would also be contrary to the ethos of their scheme. He did not consider that there was a transport issue given the scale of the development and there was no objection from the Transportation Manager. He also considered that most of the Parish Council's concerns could be mitigated.

Councillor Edwards proposed and Councillor Hyde seconded a motion that the application be approved on the grounds that it complied with policies E4, RA6, MT1 and paragraphs 6 and 12 of the National Planning Policy Framework (NPPF). The motion was carried with 7 votes in favour, 5 against and 1 abstention.

**RESOLVED: That planning permission be granted on the grounds that the application was supported by policies E4, RA6, MT1 and paragraphs 6 and 12 of the NPPF, and officers named in the scheme of delegation to officers be authorised to detail the conditions and reasons put forward for approval.**

#### **Appendix - Schedule of Updates**

The meeting ended at 12.55 pm

**Chairman**



# **PLANNING COMMITTEE**

**Date: 22 August 2018**

***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

<b>181384</b>	<b>PROPOSED RESIDENTIAL DEVELOPMENT OF 25 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, HEREFORDSHIRE</b>  <b>For: Mr Brown per Miss Beth Hamblett, Matthews Warehouse, High Orchard Street, Gloucester Quays, Glos, GL2 5QY</b>
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### ADDITIONAL REPRESENTATIONS

**Housing Officer** - I refer to the above planning application and can confirm that I support the proposal to provide 4 x 2 bed Low Cost Market (LCM) units on this site.

LCM housing is housing that is sold at a discounted price in perpetuity with the values determined by reference to the council's Technical Data that is attached to Planning Obligations SPD. Therefore I would expect the initial asking price to be in line with the current technical data and any future discount to be agreed prior to the S106 being signed.

There will be a requirement for these units to be available for households with a local connection to Kimbolton.

Correspondence has been received by Welsh Water from Mr Read, the local resident who has commented on the application. Mr Read's email to Welsh Water, together with their response reads as follows:

**Mr Read** - You will note from the deposited drainage plans for the above application that it is proposed that the storm water is to enter Welsh Water 150mm drain identified as manhole S72. This storm drain is not adequate to take the existing volume of storm water and regularly overflows during heavy storms leaving deposits of stone and gravel along the A4112 washed down from the Ryde Lane.

I have attached my letter of objection to Herefordshire Council for your information and trust you will look again at the situation on site. You will also note that all this extra volume of water is discharging into a recognised Environment Agency flood plain which fairly often floods land and property, I have copied the E.A. in to this email.

**Welsh Water response** - Thank you for your email to which I can provide the following comments:

Our records indicate that the sewerage network and receiving Waste Water Treatment Works that serves Stockton Rock is private and we are not responsible for maintaining this system.

We have confirmed this via our billing system which shows that properties on Stockton Rock are billed for potable drinking water only and not for any sewerage services.

## **OFFICER COMMENTS**

Drainage arrangements for the site have previously been considered in detail under the original outline planning application for 21 dwellings. The arrangements to be made were similarly shown with an attenuation pond at the lower end of the site, adjacent to the road. Outline planning permission was granted subject to the imposition of a condition to require details of drainage arrangements to be submitted.

The outline permission is a legitimate fall-back position and therefore the only matter to be considered here is whether an uplift of four dwellings will demonstrably and detrimentally change the situation with respect to drainage such that planning permission should be refused. The comments from the Land Drainage Engineer at paragraph 4.8 of the report confirm the matter can be addressed through the imposition of appropriately worded conditions. The comments provide a series of matters to be satisfied by any such condition.

**Correction** – Paragraph 6.21 erroneously makes reference to the provision of a community orchard in the area immediately adjacent The Chestnuts. The community orchard is no longer proposed.

## **CHANGE TO RECOMMENDATION**

With regard to drainage the addition of the following condition is recommended:

Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any of the building[s] hereby permitted. In order to satisfy the condition the following information is required:

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
- Demonstration that appropriate access is available to maintain drainage features.
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

- Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

<b>180157</b>	<p><b>PROPOSED NEW 2 BEDROOM DWELLING AT GREEN BANK, SUTTON ST NICHOLAS, HEREFORD, HR1 3AX</b></p> <p><b>For: Mr &amp; Mrs Gow per Mr Alex Whibley, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b></p>
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#### **ADDITIONAL REPRESENTATIONS**

Three further letters of support have been received.

#### **OFFICER COMMENTS**

The additional representations are of the same standard template format as the majority of letters previously received and do not raise any new issues.

#### **NO CHANGE TO RECOMMENDATION**

<b>181825</b>	<p><b>PROPOSED 4 BEDROOMS LOW LEVEL DWELLING AT WOODYATTS FIELD, WOODYATTS LANE, MADLEY, HEREFORDSHIRE, HR2 9NN</b></p> <p><b>For: Mr &amp; Mrs Amos per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ</b></p>
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#### **ADDITIONAL REPRESENTATIONS**

Ecologist – amended plans (re: drainage)

In order to secure the required mitigation for the Foul Water as required to return the required “NO adverse effect on the integrity” of the River Wye Special Area of Conservation (and SSSI) under Habitat Regulations a relevant an appropriate Condition is requested for inclusion on any planning consent granted.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water from the works approved under this Decision Notice shall discharge through a connection to a package treatment plant with a final outfall to a soakaway drainage field on land under the applicant’s control as identified on supplied plan reference 145P(0)100 Revision A dated 10.08.2018; unless otherwise agreed in writing by the Local Planning Authority.



Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

Previous ecology condition/comments are still appropriate and valid.

**NO CHANGE TO RECOMMENDATION**

