

**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 11 December 2019 at 2.00 pm**

**Present:** Councillor John Hardwick (chairperson)  
Councillor Alan Seldon (vice-chairperson)

**Councillors:** Paul Andrews, Polly Andrews, Barry Durkin, Toni Fagan, Bernard Hunt, Terry James, Jeremy Milln, Paul Rone, John Stone, David Summers and William Wilding

**In attendance:** Councillor Elissa Swinglehurst

**64. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Graham Andrews, Foxton, Johnson, Millmore, and Watson.

**65. NAMED SUBSTITUTES**

Councillor Durkin substituted for Councillor Millmore, Councillor Summers for Councillor Foxton and Councillor Wilding for Councillor Watson.

**66. DECLARATIONS OF INTEREST**

**Agenda item 5 – Land off Cotts Lane, Lugwardine**

Councillor Rone declared an other declarable interest because he knew the applicant.

**Agenda item 7 Land at Old Trecilla Buildings, Lower Herberts Hill, Llangarron.**

Councillor Hardwick declared an other declarable interest because he knew one of the applicants.

**67. CHAIRPERSON'S ANNOUNCEMENTS**

The legal advisor to the Committee read a statement to the meeting reminding all present of the requirements of the purdah period preceding the general election on 12 December 2019.

**68. 190279 - LAND OFF COTTS LANE, LUGWARDINE, HEREFORD**

*(Proposed erection of 8 bungalows. Including 5 chalet type and construction of new access road.)*

(Councillor Paul Andrews fulfilled the role of local ward member and accordingly had no vote on this application.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes. He added that Natural England had now confirmed that it had no objection to the application.

In accordance with the criteria for public speaking, Mr M Wilson, of Bartestree and Lugwardine Parish Council spoke in opposition to the scheme. Mr E Thomas, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The site was outside the settlement boundary in the Parish's Neighbourhood Development Plan.
- The application site adjoined another site being developed by the applicant and had been referred to in correspondence as phase 2 of the development. He was concerned that pursuing two smaller developments rather than one larger one avoided the obligation to provide affordable housing that would have attached to a larger development.
- Access was onto a narrow country lane and the prospect of increased traffic was of concern to residents and parish councillors.
- The proposal involved the loss of 120m of hedgerow. He was not convinced that translocation of the hedge, as proposed, was viable.
- He sought assurance that the development on the site was not prevented by the recent judgments relating to development in the River Lugg catchment area.
- He supported the views of residents and the Parish Council that the application should be refused.
- Housing provision in the Parish had already exceeded the minimum housing target.
- The proposal was contrary to NDP policy BL5 – housing in the open countryside and was also contrary to policy BL3 iv as it would not have a safe and suitable access.

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

- There were no objections from statutory consultees.
- The proposal abutted existing dwellings, fitted within the settlement and would contribute to its viability.
- The provision of 8 bungalows as part of the development was to be welcomed.
- In the absence of a five year housing land supply the location of the site adjacent to the settlement boundary weighed in the application's favour.
- It was important to recognise the historic environment. The proposal would be to the detriment of a sunken lane on the western side of the site and its ancient linear bank. This could have been avoided by an access to the bottom left of the site. There was also an unregistered historic park and garden.

In response to questions the Lead Development Manager commented:

- The local ward member's reference to two phases of development and the avoidance of certain planning obligations as a consequence was addressed within the report at paragraphs 6.62-6.70. The developer had completed the development of one plot of land and was now seeking to develop an adjoining plot. He did not own the second plot, but had a contract to buy it. The matter had been carefully considered and it had been concluded that there had been no deliberate attempt to avoid planning obligations.
- The NDP was out of date as it was over 2 years old. The Core Strategy policies therefore held sway and the proposal complied with policy RA2. However, as a windfall site the proposal was also consistent with the NDP.
- In response to reservations expressed about the feasibility of translocating the hedge he commented that there were examples of successful translocations within the County. The proposal was governed by condition 14. The applicant had made this offer, a new replacement hedge having originally been proposed.
- In reply to the view that PV panels were essential to provide electricity for charging points and both should be a requirement, he commented that the proposed provision of PV panels would be reviewed at a later date when details were submitted, mindful of the need to consider the impact on external appearance of the buildings. The applicant's stated intention was to avoid a visual impact.
- There would be no public access to the area of restored grassland to the north of the site, to be provided in mitigation for the loss of meadowland. The Parish Council had not wished to consider this option. A management company would be responsible for maintenance of the site. This was covered by condition.
- The request that the Committee consider the application prior to the conclusion of the public consultation was a little unusual but not unprecedented. In this case the consultation period had exceeded 28 days. The closing date was 12 December. It had been considered appropriate to submit the application to the Committee rather than delay consideration. The recommendation provided for any further responses received before the closing date to be considered.
- Air source heat pumps were relatively new hence the need to assess their feasibility. Their provision was governed by building regulations rather than the planning process.

The Lead Development Manager commented in conclusion that the housing targets in the Core Strategy were minimum numbers. The council lacked a five year housing land supply. The development met a need. The council had defended appeals against refusal of some sites within the parish on the grounds that they would represent over development. However, the application before the Committee represented organic growth and included the provision of bungalows.

The local ward member was given the opportunity to close the debate. He commented that it was to be regretted that the NDP was currently out of date.

Councillor Hunt proposed and Councillor James seconded a motion that the application be approved in accordance with the printed recommendation with additional and revised conditions as set out in the update sheet. The motion was carried unanimously with 12 votes in favour, none against and no abstentions.

**RESOLVED: That subject to no further objections raising additional material planning considerations being received by the end of the consultation period 12th December 2019, the officers named in the Scheme of Delegation to Officers be**

authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990

2. The development shall be carried out strictly in accordance with the following approved plans, Drawing Numbers:

1260-20, Rev C – Location & Block Plan

1260-21 – Plots 1-3

1260-22 – Plot 4

1260-24 – Plot 5

1260-23 – Plots 6-8

except where otherwise stipulated by conditions attached to this permission.

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. 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.

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.

5. All foul water shall discharge through a connection to the local (Hereford - Eign sewage treatment works) Mains Sewer network; and all surface water

managed through onsite sustainable drainage scheme; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Local Plan - Core Strategy (2011-2031) policies LD2, SD3 and SD4.

- 6 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, placed, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety 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.

- 7 The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety 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.

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform 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.

- 9 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.

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.**

**10 Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**

- A method for ensuring mud is not deposited onto the Public Highway**
- Construction traffic access location**
- Parking for site operatives**
- Construction Traffic Management Plan**

**Construction working hours**

**The development shall be carried out in accordance with the approved details for the duration of the construction of the development.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of 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.**

**11 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy (2011-2031), Policies BL3 & BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.**

**12 With the exception of site clearance and ground works, no development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any dwelling hereby approved.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**13 Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a**

minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL1 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.

- 14 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:
- 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 type and be managed such as to create a Traditional 'standard' Orchard at maturity.
  - f) All proposed hardstanding and boundary treatment.
  - g) An implementation programme

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.

- 15 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. The completed scheme shall be managed and /or maintained in accordance with an approved scheme of management and/ or maintenance.

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.

- 16 Before the 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.

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.

- 17 With the exception of ground works and site clearance, a detailed specification and plan for the surfacing of the public right of way which crosses the site and the footpath link (as indicated on dwg. No. 1260-20 Rev C), for a width of at least 2 metres shall be provided to and agreed in writing by the Local Planning Authority. The surfacing and works to the public right of way and footpath link shall be completed and confirmed in writing to the Local Planning Authority, prior to the occupation of the fourth dwelling on the development.

Reason: To ensure the Public Right of Way and footpath link is surfaced to a satisfactory standard. In order to conform with policies MT1 of the Herefordshire Local Plan – Core Strategy (2011-2031), Policy BL13 of the Bartestree with Lugwardine Neighbourhood Development Plan (2011-2031) and the provisions of the National Planning Policy Framework.

- 18 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.

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 provisions of the National Planning Policy Framework

- 19 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.

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.**

- 20. 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.**

**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.**

**INFORMATIVES:**

- 1. IP2 Application Approved Following Revisions**
- 2. The developer should be aware that a 3inch watermain may cross the application site and the watermain may need to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.**
- 3. I11 Application Approved Following Revisions**
- 4. I45 Works within the highway**
- 5. I05 No drainage to discharge to highway**
- 6. I43 Protection of visibility splays on private land**
- 7. I35 Highways Design Guide and Specification**
- 8. In regard to condition 12 which relates to the provision of a surface water drainage strategy, the Local Planning Authority anticipates that the following details need be provided as part of an acceptable drainage scheme:**
  - Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;**
  - A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
  - Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
  - Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the**

**development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**

- **Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice.**

**69. 190032 - LAND TO THE WEST OF B4361, LUSTON, HEREFORDSHIRE**

*(Proposed development of 8 houses and garages.)*

This application was withdrawn from the agenda.

**70. 191276 - LAND AT OLD TRECILLA BUILDINGS, LOWER HERBERTS HILL, LLANGARRON.**

*(Erection of three dwellings 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.

In accordance with the criteria for public speaking, Mr Lodge, of Llangarron Parish Council, spoke in support of the scheme. Mr M Tompkins, the applicant's agent, and Mrs A Farr, the applicant, spoke in support.

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

She made the following principal comments:

- There had been a high level of objection to the proposal. However, the Parish Council supported the application and there had also been a number of letters in support of it. Those in support considered the application to be compliant with policy bringing new life to the village and that the impact of the proposal had been exaggerated. The applicant had listened and amended the plans in response to views expressed. The site was well located and close to what amenities there were. The dwellings were well designed.
- Those objecting considered the proposal would have a negative impact on the settlement and was unacceptable in form, design and location. It would also have a negative impact on neighbouring properties, in particular the Grade II listed Box Bush Cottage, a heritage asset, because of the proximity and the height of the new dwellings. The elevated position of the site meant the floor level of the dwellings would be higher than the cottage's eaves potentially dominating the dwelling. There would also be an adverse impact on the wider setting and landscape.
- The development would add to the cumulative impact on the road network.
- Drainage was also a concern because of the area's hilly nature.
- The parish had exceeded the minimum housing target. Objectors considered that the proposal did not meet the requirements of policy RA2.

- The applicant had sought to include sustainability measures. However, the lack of public transport meant people would have to travel by car.
- The landscaping would be an important factor in mitigating the impact of the development.

A member observed that there had been no objections from statutory consultees and the Parish Council supported the application.

Councillor Polly Andrews proposed and Councillor Hunt seconded a motion that the application be approved in accordance with the printed recommendation with an amended condition as set out in the update sheet. The motion was carried unanimously with 13 votes in favour, none against and no abstentions.

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

1. **C01 - Time limit for commencement (full permission)**
2. **C06 – Development in accordance with the approved plans ( drawing nos. P1.003 Rev C, P1.10 Rev C, P1.020 Rev A, P1.030, P1.100 Rev C, P1.101 Rev A, P1.102 Rev A, VA002 Rev A, the Sustainability Statement PF 301, 1396 C05 Rev B, the Flood Risk and Drainage Statement – Rev B dated 4 March 2019) and the Preliminary Ecological Appraisal dated March 2018.**
3. **C13 - Samples of external materials**
4. **C65 - Removal of permitted development rights (Class E)**
5. **CK3 - Landscape Scheme**
6. **CK4 – Implementation**
7. **CAB - Visibility Splays Eastbound - 60m x 2.4m, Westbound 36 x 2.4m**
8. **CAD - Access gates**
9. **CAE - Vehicular access construction**
10. **CAH - Driveway gradient**
11. **CAI - Parking – single/shared private drives**
12. **CAJ - Parking - Estates**
13. **CAT - Construction Management Plan**
14. **CB2 - Secure covered cycle parking provision**
15. **CBK - Restriction of hours during construction**
16. **Prior to the occupation of any of the dwellings hereby approved details of a foul and surface water system incorporating an updated surface water drainage strategy using a safety factor of 2 for the soakaways; results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of**

any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice; results of percolation testing undertaken in accordance with BS6297 and calculations to demonstrate the sizing of the drainage fields shall be submitted to and approved in writing by the local planning authority. The implementation of the drainage system shall be carried out in accordance with the approved details and maintained thereafter.

Reason: To prevent pollution of the water environment and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. CCK - Details of slab levels

18. All foul water shall discharge through connection to new plot specific private foul water treatment systems with final outfall to suitable soakaway drainage field on land within each plot; and all surface water shall discharge to appropriate soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan Core Strategy policies LD2, SD3 and SD4.

19. The ecological protection, mitigation, compensation and working methods scheme including the europaeus land management services 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.

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 Local Plan Core Strategy, National Planning Policy Framework and NERC Act 2006.

20. Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least three Bat roosting enhancements, three bird nesting boxes and one Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Herefordshire Local Plan Core Strategy Policy LD2, National Planning Policy Framework , NERC Act 2006 and Dark Skies Guidance Defra / NPPF 2013/2019.

21. CE6 - Efficient use of water

#### INFORMATIVES:

1. IP2 - Application Approved Following Revisions

2. **I11 - Mud on highway**
3. **I09 - Private apparatus within the highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)**
4. **I45 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**
5. **I35 - Highways Design Guide and Specification**
6. **I47 - Drainage other than via highway system**
7. **I05 - No drainage to discharge to highway**

**71. DATE OF NEXT MEETING**

The Committee noted the date of the next meeting.

**Appendix - Schedule of Updates**

The meeting ended at 3.39 pm

**Chairperson**



## **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 9<sup>th</sup> 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 CO<sub>2</sub> 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 &amp; 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 &amp; 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 (&amp; 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"> <li>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.</li> <li>b) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.</li> <li>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.</li> <li>d) Trees and hedgerow to be removed.</li> <li>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</li> </ol>

	<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 &amp; 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 &amp; 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

