

## **Minutes of the meeting of Planning and regulatory committee held as an Online meeting only on Tuesday 13 October 2020 at 10.30 am**

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

**Councillors:** Paul Andrews, Polly Andrews, Toni Fagan, Elizabeth Foxton,  
Terry James, Tony Johnson, Mark Millmore, Jeremy Milln, Paul Rone,  
John Stone and William Wilding

**In attendance:** Councillor Paul Symonds

### **DEATH OF COUNCILLOR BERNARD HUNT**

The Committee observed a silence in memory of Councillor Bernard Hunt.

#### **11. APOLOGIES FOR ABSENCE**

None.

#### **12. NAMED SUBSTITUTES**

None.

#### **13. DECLARATIONS OF INTEREST**

None.

#### **14. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 30 September 2020 be  
approved as a correct record.

#### **15. CHAIRPERSON'S ANNOUNCEMENTS**

None.

#### **16. 201134 - LAND AT MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL**

*(Outline planning permission for 16 dwellings with all matters reserved except access.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mr J Daniels, a  
local resident, submitted a written submission in objection to the scheme. This was read

to the meeting. Mr N Beddoe, the applicant's agent spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Symonds, spoke on the application. In summary, he expressed particular concern about a number of highway issues. The proposed highway access was not the best solution. He requested the Committee to defer the application and require the applicant to resubmit the application with the access onto Merrivale Lane to be located at the southern end of the development. If the application were to be approved he requested a number of conditions.

The Lead Development Manager cautioned against deferring the application.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. He reiterated his requests for consideration to be deferred with a request for an alternative access to be provided and for additional conditions if the application were to be approved.

The Lead Development Manager commented that consideration could be given to the proposed additional condition together with the addition of Ross Rowing Club to the s106 agreement.

**RESOLVED: That subject to the completion of a Section 106 Planning Obligation under the Town & Country Planning Act 1990 in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any further conditions considered necessary by officers.**

#### **Regulatory Conditions**

- 1. An application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 3. Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Ross on Wye Neighbourhood Development Plan and the National Planning Policy Framework.**

4. The development shall be carried out strictly in accordance with the approved plans and supporting details:
- Application Form for Outline Planning Permission With Some Matters Reserved
  - Planning Statement dated March 2020 by Savills
  - Drawing titled 'Site Location Plan', Drg No. 1761 0100 Rev. C
  - Preliminary Ecological Appraisal and separate Bat Roost Inspection Survey, both dated April 2018 by Keystone
  - Flood Risk Assessment and Drainage Strategy by RMA Environmental dated 13 March 2020

All Received 7 March 2020, and

- Drawing titled 'Initial Proposed Site Layout', Drg No. 455652/001 Rev. A (as relates to vehicular and pedestrian access details), Received 22 July 2020, and
- Phase 1 Habitat Survey Update dated 6 August 2020, Received 7 August 2020

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 LB2 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **Prior to Commencement Conditions**

5. Before any work, including any site clearance or demolition begin, or equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

The Construction Management Plan shall include, but is not limited to, the following matters:

- Site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- Wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; • measures for managing access and routing for construction and delivery traffic;
- Hours during which construction work, including works of site clearance, and deliveries can take place;
- Tree/hedge protection plan for the phase of development;
- Construction Traffic Management Plan;;

- **Ecological mitigation and protection for the construction phase of development**

**Reason:** In the interests of highway safety, in the interests of safeguarding adjoining amenity, To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and to conform to the requirements of Policies.

6. **Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the planning authority. The EWMS should consider all relevant species but in particular consideration for great crested newt, reptiles and badgers. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the planning authority.**

**Reason:** To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

7. **Prior to commencement of any site preparation or construction a retained tree and hedgerow protection scheme, based on BS5837:2012 shall be erected and hereafter maintained until all works have finished and spare materials and all equipment have been removed from site.**

**Reason:** To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.

8. **Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features, such as hedgerow enhancement and attenuation pond shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.**

**Reason:** To ensure that all species and habitats are protected, conserved and enhanced (Biodiversity net gain) having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

9. **Prior to commencement of the development the following drainage details shall be submitted to the Local Planning Authority for written approval:**

- Confirmed method of surface water disposal with detailed drawings of the proposed design that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features
- Detailed drawings of the surface water and foul water drainage strategies
- Detailed drawings of proposed features such as infiltration structures and attenuation features
- Results of infiltration testing in accordance with BRE365, undertaken at appropriate locations/depths.
- Details of how surface water runoff from hard paved and vehicular surfaces will be prevented from entering the roof water attenuation basin
- 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 an including the 1 in 2 annual probability storm event. FEH 2013 rainfall data is expected
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH 2013 rainfall data is expected
- Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing. FEH 2013 rainfall data is expected
- Revised greenfield calculations for the intended non permeable area, using FEH methods and 2013 rainfall data
- Proposed discharge rates for the 1 in 1 year, Qbar, 1 in 30 year and 1 in 100 + CC events using FEH 2013 rainfall data, and demonstration of how runoff rates and volumes during smaller rainfall events have been reduced as far as practicable
- Confirmation that discharge to a public sewer has been agreed with the relevant sewerage authority
- Confirmation of maintenance arrangements for all drainage features

The development shall be carried out in accordance with the approved details and thereafter be maintained as such.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, we highlight that discharge to a watercourse should be sought in the first instance. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Reason: To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.and the emerging policies of the Ross on Wye Neighbourhood Plan.

10. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water,

and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with Herefordshire Core Strategy policies SD3 and SD4 and the emerging policies of the Ross on Wye Neighbourhood Plan.

11. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, emerging Ross on Wye Neighbourhood Development Plan and the National Planning Policy Framework.

12. Before any other works hereby approved are commenced, 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. Development shall not begin in relation to the provision of road and drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of the development hereby permitted.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. The development shall not be first occupied until the roadworks necessary to provide access from Merrivale Lane, the publicly maintained highway, have been completed in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core

**Strategy, emerging Ross on Wye Neighbourhood Development Plan and the National Planning Policy Framework.**

**Pre Occupancy Conditions**

- 15. Prior to the first occupation of the development hereby permitted a scheme for the provision of covered and secure cycle parking on site and within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the cycle facilities approved shall be made available for use prior to occupation of the dwelling it serves.**

**Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Ross on Wye Neighbourhood Plan and the National Planning Policy Framework.**

- 16. Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

**Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework.**

- 17. Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets ) 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.**

- 18. Before any phase of the development is first occupied or brought into use, a schedule of landscape implementation and maintenance of non- private garden areas shall be submitted to and approved in writing by the local planning authority. Delivery and Maintenance shall be carried out in accordance with this approved schedule.**

**Reason: To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of heritage assets hereabouts, to maintain and enhance the character and appearance of the location and setting of the Wye Valley AONB and adjoining conservation area and to ensure that the development complies with the requirements of Policy SS6, RW1,, RA1, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Ross on Wye Neighbourhood Development Plan, the Wye Valley AONB Management Plan and the design and environmental aims and objectives of the National Planning Policy Framework.**

- 19. Details regarding the storage and collection location of bins should be provided and approved in writing by the Local Planning Authority prior to**

occupation of any dwelling. Bin collection points would need to be provided for any plot located over a 25 metre walking distance from where the RCV can safely access.

Reason: In the interests of highway safety, public health and amenity and to comply with Herefordshire Core Strategy policies LB1, LD1, MT1 and SD1.

20. Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.

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

21. The pedestrian link from the site to the adjacent public right of way as shown on the plans listed under Condition 4 of this Decision Notice shall be made available use prior to the first occupation of the development hereby permitted.

Reason: To ensure sustainable non vehicular modes of movement are available from first occupation, to promote sustainable travel, help reduce carbon emissions and to comply with Herefordshire Core Strategy policies SS6, MT and SD1 and emerging Ross on Wye Neighbourhood Development Plan and the relevant aims and objectives of the National Planning Policy Framework.

#### **Compliance Conditions**

22. All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through an SuDs system (onsite soakaways and attenuation feature) within the development boundary; 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 (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

23. The ecological protection, mitigation, compensation and working methods scheme, as recommended in the reports by Keystone Ecology, including ecological assessment report (Keystone Ecology, dated April 2018), and bat survey reports, (Keystone Ecology Bat Roost Inspection Report, dated April 2018) and Keystone Ecology Bat Roost Characterisation Report, dated June 2018) shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.



24. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).

25. No more than 16 dwellings shall be constructed on the site.

Reason: To regulate the development, and on the basis of the application has been assessed and approved on the basis of this quantum of development and its impacts and to comply with Herefordshire Core Strategy policies SS1, SS3, RW1, MT1, LD1, RW1, SD3 and SD4 and the emerging Ross on Wye Neighbourhood Development Plan.

26. The market housing mix shall be as described under Section 15 of the Application Form accompanying the proposal as listed under Condition 4 of this Decision Notice.

Reason: The permission is outline only and this condition is imposed to ensure the development meets the present and future housing needs of Ross on Wye by requiring delivery of the most appropriate size and type of additional housing in accordance with the requirements of policies H3 and RW1 of the Herefordshire Local Plan – Core Strategy and policies contained within the emerging Ross on Wye Neighbourhood Development Plan.

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Attention is drawn to the comments from Mandy Neill, Senior Landscape Officer, dated 8 May 2020. These should inform any future Reserved Matters details submitted.
3. For hedgerows the protection buffer should not be less than 2m from the woody stem of any hedgerow shrub or tree. No lengths of hedgerow or trees should be cut or removed during the bird nesting season (March-August inclusive) without a thorough check by a qualified ecologist no more than 48 hours prior work commencing. At all other times the applicant should be aware that any disturbance or damage to nesting birds and protected species is a criminal offence under wildlife legislation.
4. Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. Habitat enhancement could include wildlife friendly SuDS, tree and shrub planting (usually locally characteristic or directly associated cultivars of

native species), wildflower meadows and Traditional ('standard') Orchards. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.

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

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

If you have any queries please contact Welsh Water on 0800 917 2652 or via email at [developer.services@dwrcymru](mailto:developer.services@dwrcymru).

(The meeting adjourned between 11.40 am-11.55 pm.)

#### 17. 194418 - THE OLD HOPYARD, BLEATHWOOD, LUDLOW, SY8 4LP

*(Re-organisation and upgrade of the existing 'Bleathwood lodges country park' to include demolition of existing site buildings, the change of use of the on-site residential property for holiday let, the construction of a replacement facilities/meet and greet building, maintenance building, and the provision of accommodation in the form of 45 lodges, with associated access and parking.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mrs C Whitlock, a local resident, spoke in opposition to the scheme, as a virtual attendee. Ms E Cass, the applicant's agent spoke in support of the application also as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Stone, spoke on the application. In summary, he observed that there had been many representations both in support of and in objection to the application including an objection from the Parish Council. In conclusion, he expressed concern about the sustainability of the application having regard to the National Planning Policy Framework's three objectives of sustainable development. He also referenced the local concerns about the scale and possible impacts of the development.

The Committee discussed the application.

The local ward member was given the opportunity to close the debate. He remained concerned about the sustainability of the site.

**RESOLVED:** That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to 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 hereby approved shall be carried out strictly in accordance with the approved plans and supporting details and the schedule of materials indicated thereon unless other conditions of this Decision Notice dictate otherwise.

**Reason:** To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

#### **Pre Commencement Conditions**

3. No development shall commence until a fully detailed Construction Environmental Management Plan (CEMP) and named ‘responsible persons’ shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is completed on site and all equipment and spare materials have finally been removed. The Construction Management Plan shall include, but is not limited to, the following matters:

- site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; • measures for managing access and routing for construction and delivery traffic
- hours during which construction work, including works of site clearance, and deliveries can take place
- Tree / hedge protection plan for the phase of development
- Construction Traffic Management Plan

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 safeguarding adjoining amenity and uses and to safeguard protected species, wildlife and habitats and to conform to the requirements of Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2019) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3 Policies SD1, LD2, and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy.

4. **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 and for landscape surfacing (non grass areas, eg paths and tracks) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter be maintained as such.**

**Reason: To ensure that the materials harmonise with the surroundings, maintain and enhance the character and appearance of the locality and countryside so as to ensure that the development complies with the requirements of Policy RA6, E4, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

5. **Before any other works hereby approved are commenced, visibility splays 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 59 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

#### **Prior to First use or occupancy Conditions**

6. **A landscape management and maintenance plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management and maintenance plan shall be carried out as approved.**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy E4, RA6 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **Prior to the first use of the development to which this permission relates the car parking shall be laid out in accordance with the details shown on the approved plans listed under Condition 2 of this Decision Notice and shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.**

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

8. **Prior to the first use of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities for visitors and staff shall be submitted to the Local Planning Authority for**

their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained as approved.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Prior to the first use of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to the first use of the development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the staff and visitors of the building hereby permitted shall be submitted and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved details and provision retained and kept available for use thereafter.

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.

11. Prior to any construction, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant provision for bat roosting, bird nesting, hedgehog homes and movement corridors across the site, ecological hibernacula, including dead wood and pollinating insect 'nesting' opportunities should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any ecologically sensitive habitats on or off the site, boundary features, watercourses or biodiversity net gain features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

## **Compliance Conditions**

12. The soft landscaping scheme approved under condition 2 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 10 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. No individual shall reside on site in any accommodation hereby permitted for more than 28 consecutive days and no more than for a total of 140 days in any calendar year.

**Reason:** The local planning authority wish to control the specific use of the land/premises for tourism use and not to introduce permanent residential accommodation within the units hereby permitted or over the site, in the interest of highway safety, sustainability, local amenity and environmental considerations and to comply with Policy SS1, SS6, RA2, RA3, RA6, E4, LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14. If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.

**Reason:** In the interests of human health and to comply with Herefordshire Core Strategy policy SD1 and the relevant aims and objectives of the National Planning Policy Framework.

15. The Ecological Enhancement and Mitigation Strategy, by the RPS Group dated December 2019 shall be implemented and hereafter maintained in full as stated unless otherwise approved 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), the Habitats & Species Regulations 2017 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

16. The Noise Management Plan supplied with the application and as referenced under Condition 2 of this Decision Notice shall be subject to a

documented review on at least a yearly basis and a copy supplied to the local authority on request.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

17. The use of fireworks and Chinese lanterns shall not permitted on this site.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and paragraph 180 of the National Planning Policy Framework.

18. No more than 45 units conforming to the legal definition of a caravan shall be situated on the site subject to this planning permission at any time.

Reason: On the basis of the quantum of development that has been assessed as acceptable with regards to highway safety, impact on amenity, the character and appearance of the locality and impact upon wildlife and so the Local Planning Authority can regulate the density of use and o comply with Herefordshire Core Strategy policies SS1, RA6, E4, LD1, LD2, LD3 and MT1.

19. Prior to the bringing on site and installation of the tourism accommodation hereby permitted, namely the 45 no. cabins as shown on the approved plans listed under Condition 2 of this Decision Notice, the following shall be submitted to the Local Planning Authority for written approval –

- A detailed design for the surface water drain below Bleathwood Lane shall be submitted
- A drawing showing proposed ground levels in the vicinity of the southern pond shall be issued, identifying the level of the proposed adjacent site road
- The foul pumping station shall be provided with a minimum of 24 hours storage above the high level pump start level and the lowest onsite lateral connection. The pumping station shall meet Building Regulations standards Part H
- If existing tanks are to be re-used, hydraulic test results shall be presented to demonstrate the adequacy of on-line storage facilities for the storing sewage

The development shall be carried out in accordance with the approved details and thereafter be maintained as such.

Reason: To ensure adequate drainage arrangements serve the site, to prevent drainage from the development affecting adjoining land uses and to comply with Herefordshire Core Strategy policies SD3 and SD4 and Brimfield and Little Hereford Neighbourhood Development Plan policies BLH12 and BLH16

#### **Informatives**

1. Public footpath LH15 crosses the site. The path must be given a full width of 2m and hedges adjoining the public footpath must be well maintained to ensure that they do not grow and reduce this width.

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

(The meeting adjourned between 12.55 pm-13.05 pm.)

**18. 200156 - LAND OFF MILL LANE, COLWALL, WORCESTERSHIRE**

*(Outline planning application for a residential development with all matters reserved except for access for up to 37 dwellings.)*

*(Councillor Stone indicated that due to technology issues he was prohibited from voting on the application.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings, Mrs K Davis of Colwall Parish Council spoke in opposition to the proposal as a virtual attendee. Mr J Dunham-Vaughan, a local resident, made an objection to the application by video submission. Mr J Baggott, the applicant's agent spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Johnson, spoke on the application. In summary, he commented on the requirement to provide housing in Colwall and suggested that any proposed development of similar size would face the criticism that it was to the detriment of the Malvern Hills Area of Outstanding Natural Beauty (AONB). He considered the Mill Lane site was sustainable and that there was local support for the proposal. The site had at one time been identified for development in the draft Neighbourhood Development Plan (NDP). He questioned the direction the emerging NDP, to which the proposal was now contrary, was taking. He urged the Committee to grant permission.

The Committee discussed the application.

The Principal Planning Officer emphasised that the proposal was considered to represent major development within the AONB and accordingly the National Planning Policy Framework directed that the application be refused.

The local ward member was given the opportunity to close the debate. He reiterated his support for the proposal.

**RESOLVED on the Chairperson's casting vote: That planning permission be refused for the following reasons:**

1. **The proposed development by its nature, scale and setting is major development within a designated area identified within the National Planning Policy Framework that does not meet any of the exception tests of NPPF Paragraph 172. Notwithstanding that, the proposal would have a significant and adverse impact and harm to both the character, appearance, setting and enjoyment of the Malvern Hills Area of Outstanding Beauty and on the purposes for which the area has been designated or defined, and an adverse impact on the character, appearance and setting of Colwall. As**



such the proposal is contrary to policies SS1, SS6, RA2 and LD1 of the Herefordshire Core Strategy, Malvern Hills AONB Management Plan and policies within the emerging Colwall Neighbourhood Development Plan, the landscape aims and objectives of the National Planning Policy Framework and paragraph 11, 170 and 172 and the provisions of the CRoW Act.

2. The application is also not accompanied by a completed Section 106 agreement which is necessary to secure the required provisions and make the development acceptable. It is therefore contrary to Policies H1, IDI, OS1 and OS2 of the Herefordshire Local Plan Core Strategy and the Council's Supplementary Planning Document on Planning Obligations

#### **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 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(s) for the refusal, approval has not been possible

#### **19. DATE OF NEXT MEETING**

Noted.

The meeting ended at 2.25 pm

**Chairperson**

