

**Supplement to the agenda for**

# **Planning and regulatory committee**

**Tuesday 18 December 2018**

**10.00 am**

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

**Schedule of Updates**

**Public Speakers**

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# **PLANNING COMMITTEE**

**Date: 18 December 2018**

***Morning***

## **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**182239 - DEMOLITION OF EXISTING BUILDINGS, STRUCTURES AND HARDSTANDING AND ERECTION OF 45 DWELLINGS (INCLUDING AFFORDABLE HOUSING) AND DRAINAGE ATTENUATION, OPEN SPACE AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS.(AMENDED LAYOUT) AT LAND OFF HEREFORD ROAD, BROMYARD,**

**For: Keepmoat Homes per Mr Rob Riding, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT**

### ADDITIONAL REPRESENTATIONS

#### Nunwell GP's Surgery, Pump Street, Bromyard

Cllr. Seldon, in his capacity as Ward Member, has asked officers to include within this written update the view of The Practice Manager, Nunwell Surgery, Pump Street, Bromyard, as relayed to him in an email dated 11<sup>th</sup> December 2018.

“As you will expect, our views are similar to those discussed with you before. We are currently at capacity both with regards to our building and the staff we can accommodate. Recruitment is also a significant issue, obviously Dr Scott has recently retired and there is nationally a shortage of GPs and nursing staff. At Nunwell we have been relatively fortunate with recruiting staff until now but any increase in patient numbers will put our service under considerable strain and possibly affect the quality of care we are able to provide.

We are grateful for your continued vigilance and communication with us on these matters. Unfortunately we don't seem to have notification from other sources.”

Subsequently, a further email communication enclosed the surgery's population count and demographic:-

**Report Name:** Age / Sex 10 Year Band

**Parent Population:** All Currently Registered Patients

**Last Run:** 12-Dec-2018 15:47

**Relative Date:** 12-Dec-2018 15:47

**Population Count:** 9514

**Males:** 4760

**Females:** 4754

	Age	0-9	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89	90-99	100+
<b>Gender</b>												
Female		406	392	420	475	523	726	806	616	311	75	4
Male		391	447	456	499	516	716	813	577	281	62	2

## **PRINCIPAL TECHNICAL OFFICER – ENVIRONMENTAL HEALTH**

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

"Land West of Hereford Road, Bromyard. Desk Study and Ground Investigation." Prepared by Hydrock Consultants Ltd. Dated July 2018. Hydrock ref: C-06403-C, Report ref: HRB-HYD-XX-GI-RP-G-1000-P2.

The report recognises there are some uncertainties which need addressing. These are mentioned below together with comments which should be addressed as part of the additional phase(s) of investigation:

1. The agricultural field which forms part of the application site and the infilled pond associated with it.
2. Delineation of the lead and PAH impacted ground and further refinement of the conceptual site model with regard to the AST and Interceptor where hydrocarbon odour has been noted.
3. The source of the organic odour noted in TP01 should also be assessed further. Consideration should be given to gas monitoring in this part of the site (and others post the additional investigation phase) where the source and risk cannot be sufficiently assessed qualitatively.
4. Given access limitation to the existing buildings, these structures should form part of the next phase of investigation alongside the 'raised ground'.
5. It is understood that a north western part of the site, was formerly at a lower level and may have been filled. As such consideration should be given to further investigation of this area as part of what's proposed.
6. It is also understood a second AST (heating oil) was located adjacent to the former office in the centre of the site. Whilst no staining or similar was noted, perhaps this area could be looked at following demolition of the buildings on site.
7. WS01 and WS02 targeted the AST and interceptor and the proposed PID assessment of volatiles will be useful in further appreciating this risk.
8. Consideration of interference in the results from WS01 and WS02 should form part of the risk assessment of bulk gases.

Following on from the additional investigatory and assessment works, the proposed remediation and mitigation strategy should be refined and a suitable Detailed Remedial Method Statement prepared and submitted.

With the above in mind I'd recommend the following conditions be appended to any approval.

### Recommended condition

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health.

#### Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2018.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

#### **Bromyard Cricket Cub comments 9<sup>th</sup> December 2018 and Sport England's further response**

*"In essence Bromyard Cricket Club are unable to withdraw their objection since the ball mitigation system recommended by the external consultants [Labosport] will, in the reality of actual cricket conditions still, we believe, prove inadequate in terms of height. We may be able to make constructive suggestions as to a way forward and thus the withdrawal of our objection in this matter if the developers were willing to meet us for further discussion I note the comments received from Sport England and agree with their condition in that it requires commitment to ongoing repair and maintenance.*

*However, there also remains the issue of how we will have any access to the development in the event of balls going over the fencing There is a gate shown primarily for a footpath to the school but there is no indication as to whether this will be locked under the school's control. If this is so our only access would be via a long road journey. Some clarification on this point would be helpful.*

*The situation regarding the school pathway is a different matter and I guess, apart from the siting of the gate, does not fall within the Keepmoat application per se. I acknowledge that the land to be used for the footpath is educational land and thus we cannot formally object, except that we have occupied and maintained it for decades with no objection or issue from the school. I hope that both parties in face to face discussion can reach a reasonable conclusion regarding the siting of the proposed path to our mutual satisfaction.*

*I hope this carries the matter forward in an appropriate way and thank you again for keeping me informed.”*

*Bromyard Cricket Club comments 9<sup>th</sup> Dec 2018*

The Cricket Club's comments above were then relayed to Sport England, who replied on 12<sup>th</sup> December as follows:-

*“I don't think there is anything further to add from Sport England's perspective. Subject to the recommended condition we have no objections.”*

*Sport England response to Bromyard Cricket Club's comments*

### **Boundary Dispute**

Subsequent to the publication of the Officer Report to Committee, Mr Jones of 20 Hereford Road has made further representations concerning land ownership and the specific matter of the boundary defining the application site and his property. Mr Jones maintains that the application site boundary as presented with the application makes an incursion onto this property and that the straight line to the boundary where it meets the A465 is inaccurate and demonstrably so when reference is made to historic conveyances that he has submitted.

As per the officer report, however, examination of the Council's registered title demonstrates that this registered title is consistent with the red line site boundary.

Officers are advised that Members can reasonably assume for the purpose of decision-making on the planning application, the application is valid.

### **Cesspit Location**

Subsequent to the publication of the Officer Report to Committee, Mr and Mrs Tait, of Ashfields House has made representation concerning condition 10, bullet point 6. They state that the cesspit is located on land in their ownership. Clarification is being sought and a verbal update will be reported to committee.

### **OFFICER COMMENTS**

In respect of the comments from the surgery, the Heads of Terms describe the financial contribution that is payable to both Nunwell Surgery, but also the Wye Valley Trust.

The Principal Technical Officer's comments and recommended conditions address, in the view of officers, third party representations voicing concern at the adequacy of the submitted Ground Investigation report.

The comments of the Cricket Club in respect of the height of the ball netting are noted, but as per the published report, absent support for their view from the governing body, officers are unable to object to the proposal. It is almost certain, however, that the scheme to discharge the condition will involve officers of the Club.

In respect of the boundary dispute, the official registered title has been checked against the submitted application site boundary and is consistent.

#### **CHANGE TO RECOMMENDATION**

Add the conditions recommended by the Principal Technical Officer concerning further ground investigation and remediation.

**181494 - PROPOSED LAND FOR RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORK TOGETHER WITH PUBLIC OPEN SPACE AND LOCAL GREEN SPACE AT LAND ADJACENT TO SPRING COTTAGE, HEADBROOK, KINGTON, HR5 3DY**

**For: Mr & Mrs Turner per Mr Peter Draper, Yew Tree Cottage, Byford, Hereford, Herefordshire HR4 7LB**

#### **ADDITIONAL REPRESENTATIONS**

One further letter of representation has been received. The author observes that the Kington Area Neighbourhood Development Plan has not been passed by Kington residents and therefore it should not be considered by the committee in their decision making.

#### **OFFICER COMMENTS**

The weight to be afforded to the Neighbourhood Development Plan is set out at paragraph 2.2 of the officer's report. In light of the progress of the plan and the representations received in response to public consultation, the plan is to be afforded moderate weight.

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



**181050 - OUTLINE PLANNING PERMISSION FOR PROPOSED ERECTION OF UP TO 50 DWELLINGS (INCLUDING 35% AFFORDABLE), PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, VEHICULAR ACCESS POINT FROM PEPPER PLOCK LEY AND ASSOCIATED ANCILLARY WORKS. ALL MATTERS TO BE RESERVED WITH THE EXCEPTION OF THE MAIN VEHICULAR SITE ACCESS AT LAND AT BURTON WOOD, WEOBLEY, HEREFORDSHIRE,**

**For: Mr Land per Mr Kodiak Land, Unit 2, John Bradshaw Court, Congleton, CW12 1LB**

### **ADDITIONAL REPRESENTATIONS**

Weobley Parish Council wishes to express the concerns regarding this additional information submitted directly from the Developers, Kodiak:

- Parish Council wishes to express its concerns that it has not been formally notified of the amendments to this sensitive application;
- Any additional information or amendments to the outline planning application should go through the proper consultation process. The additional highway information is a material consideration and should go through the statutory public consultation period. Both Kodiak Land and the Herefordshire Council have agreed that further publicity is 'beneficial'. Requesting the Parish Council to circulate plans is both unacceptable and insufficient;
- The highway proposals do not include the pedestrian crossing that has been proposed;
- The proposals will not help alleviate traffic issues as there will be a significant increase in traffic movements over and above the current existing movements;
- Formalised parking has been provided on the northern side of the road adjacent to 14 - 15 Burtonwood. It is presumed that this will accommodate vehicles parked on the southern side, so no improvement has been achieved;
- In the area by Primary School, the pavement will be widened in front of 25 & 26 Burtonwood but it is not clear if any current roadside parking restrictions will remain here? It appears that the traffic island in the turning circle will be made smaller to presumably counteract the narrowing of the road;
- Current parking restrictions will be removed inside the turning circle which will create a number of traffic issues that may cause additional safety hazards to the pupils attending the High School;
- There are concerns regarding the future enforcement of the proposed parking restrictions to be implemented. Parking restrictions are currently not enforced and no evidence has been provided that this will change;
- The retention of more trees on the main development site is welcomed.

The Parish Council would therefore request that the consideration of this application, currently scheduled for 18<sup>th</sup> December 2018, is deferred until at least February 2019 to enable full and proper consultation on this material amendment to take place in

January 2019. Every effort should be made to ensure that the consultation period does not take place over the Christmas period.

The applicant that conditions 7 and 9 are duplicated, and does not consider that conditions 8 (details of open market housing to be agreed) and 18 (cycle parking) are not necessary as they are matters to be addressed by a Reserved Matters submission.

One further letter of representation has been received from a local resident which refers to the proposed highway improvements along Burtonwood. The letter raises similar points to those raised by the parish council in respect of the enforceability of traffic speed reductions and parking restrictions.

### **OFFICER COMMENTS**

The requirement for off-site highway improvements to be made has been a pre-requisite as far as officers are concerned from the original inception of the application and discussions have continued with the applicant as to the form that these might take. The plan submitted by the applicant provides details of off-site improvement works as outlined in the Traffic Manager's comments. Condition 16 will require the precise details to be agreed and aspects would be subject to a separate Traffic Regulation Order and its requisite consultation. Consequently officers do not consider that the submission of the highway improvement plan brings about a need for a full re-consultation exercise.

Similarly the amended Tree Retention Plan responds to specific comments made by the Woodland Trust. They have been re-consulted but no further comments have been received.

Comments made with respect to the need for condition 18 (cycle storage) at an outline stage are accepted, and this condition could be deleted. However, officers are of the view that there is a need to be specific about the need to ensure that development should come forward that reflects requirement for an open market mix that reflects the needs of the local area. Condition 8 seeks to ensure that the applicant, or any successive owner of the site, is fully aware of this prior to the submission of a Reserved Matters scheme and therefore it is recommended that condition 8 is retained.

### **CHANGE TO RECOMMENDATION**

Delete condition 9 as it is a duplication of condition 7.

Delete condition 18

**181347 - OUTLINE APPLICATION FOR THE ERECTION OF DWELLING AND GARAGE. CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT TWYFORD BROOK BARN, TWYFORD COMMON ROAD, TWYFORD, HEREFORDSHIRE, HR2 8AD**

**For: Mr & Mrs Reed per Mr Paul Smith, 1a Mill Street, Hereford, Herefordshire, HR1 2NX**

**ADDITIONAL REPRESENTATIONS**

An email has been received from Cllr Summers (neighbouring Ward Cllr) on behalf of a number of residents in his Ward. This corroborates concerns relating to the ability of the existing road network to accommodate any additional traffic; concerns about surface water run-off from the new driveway adding to existing flooding issues that are experienced locally.

Following consultation on the Council's Habitat Regulations Assessment, Natural England have confirmed NO OBJECTION subject to conditions

**CHANGE TO RECOMMENDATION**

The recommendation can now be amended as follows:

That planning permission be granted subject to the following conditions and the additional conditions set out below:

All foul water shall discharge through a connection to a new Package Treatment Plant system with a final outfall to a suitable soakaway drainage field on land under the applicant's control as shown in Drawing ref PMRE/01 dated Sept 2018. The foul water management scheme shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

All surface water shall discharge through a SuDS soakaway and infiltration scheme on land under the applicant's control. The surface water management scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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



# PLANNING AND REGULATORY COMMITTEE -

18 December 2018

## PUBLIC SPEAKERS

*Morning*

### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
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#### Morning Session

6	Keepmoat Homes	Demolition of existing buildings, structures and hardstanding and erection of 45 dwellings (including affordable housing) and drainage attenuation, open space and associated landscaping and infrastructure works (amended layout) at <b>land off Hereford Road, Bromyard, Herefordshire</b>	182239	39
		<b>TOWN COUNCIL (TBC)(Bromyard and Winslow Town Council)</b>		
		<b>OBJECTOR MRS I SINCLAIR (local resident)</b>		
		<b>SUPPORTER (Statement by Chairman of Governors)</b>		
7	Mr & Mrs Turner	Proposed land for residential development and associated work together with public open space and local green space at <b>Land adjacent to Spring Cottage, Headbrook, Kington, HR5 3DY</b>	181494	81
		<b>TOWN COUNCIL MR M FITTON (Kington Town Council)</b>		
		<b>OBJECTOR MR B BROWN (local resident)</b>		
		<b>SUPPORTER MR M TURNER (Applicant)</b>		

8	Mr Land	Outline planning permission for proposed erection of up to 50 dwellings (including 35% affordable), planting and landscaping, informal open space, vehicular access point from Pepper Plock Ley and associated ancillary works. All matters to be reserved with the exception of the main vehicular site access at <b>Land at Burton Wood, Weobley, Herefordshire</b>	181050	<b>109</b>
<b>PARISH COUNCIL OBJECTOR</b>		<b>Mr B BLOXSOME (Weobley Parish Council)</b> <b>MR R BEST (local resident)</b>		

9	Mr & Mrs Reed	Outline application for the erection of dwelling and garage. Construction of new vehicular access and associated works at <b>Twyford Brook barn, Twyford Common Road, Twyford, Herefordshire, HR2 8AD</b>	181347	<b>149</b>
<b>PARISH COUNCIL OBJECTOR SUPPORTER</b>		<b>MRS S GLOVER (Callow and Haywood Parish Council)</b> <b>MR P TUFNELL (consultant on behalf of local residents)</b> <b>MR P SMITH (Applicant's agent)</b>		