

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 15 June 2016 at 10.00 am

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

Councillors: BA Baker, PJ Edwards, DW Greenow, KS Guthrie, EPJ Harvey, EL Holton, JA Hyde, TM James, JLV Kenyon, MN Mansell, FM Norman, WC Skelton, EJ Swinglehurst, LC Tawn and A Warmington

In attendance: Councillor JG Lester

7. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JLV Kenyon, AJW Powers, and A Seldon.

8. NAMED SUBSTITUTES

Councillor EPJ Harvey substituted for Councillor AJW Powers, Councillor MN Mansell for Councillor JLV Kenyon, and Councillor A Warmington for Councillor A Seldon.

9. DECLARATIONS OF INTEREST

Agenda item 6: 152568 – The Paddocks, Roman Road, Hereford

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

Agenda item 8: 151438 Land at Fir Tree Cottage, Floyds Lane, Wellington Heath, Ledbury

Councillor EL Holton declared a non-pecuniary interest as one of the Council's representatives on the Malvern Hills AONB Joint Advisory Committee.

10. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that Mike Jones, Senior Litigator, and legal advisor was to leave the Council. He thanked Mr Jones for his help to him personally and to the Council as a whole and wished him well for the future.

The Committee applauded Mr Jones.

Mr Jones thanked the Members for their support to him and other officers and expressed his appreciation of the way in which Members sought to achieve the best for Herefordshire.

11. APPEALS

The Planning Committee noted the report.

Comment was made on the following appeal decisions:

- Application 143769 – Upper House Farm, Moreton-on-Lugg that had been refused by the Committee had been granted planning permission on appeal.

Councillor KS Guthrie, local ward member, expressed her disappointment at the appeal decision. She reported that officers were considering whether there were grounds for judicial review.

A Member observed that a request had been made to Council for a supplementary planning policy to be adopted to help manage applications for poultry house developments of the type proposed in this application. It was requested that consideration be given to whether the application demonstrated that it would be of assistance to the Council to have such a policy.

The Lead Development Manager commented that officers thoroughly reviewed appeal decisions. A conference was scheduled with a barrister and the local ward member would be kept informed. He noted that the authority's appeal success rate at 83% was above the national average.

Councillor DW Greenow referred to the refusal of an appeal, not referred to in the report, in relation to a Bartestree application. He expressed his thanks as local ward member, and on behalf of residents and Barterstree and Lugwardine Parish Council, to Mr E Thomas, principal planning officer, for work on the appeal above and beyond the call of duty and requested that this be placed on record.

The Lead Development Manager confirmed that the Annual Monitoring Report had been completed and would be reported on to Members at a seminar in early July.

12. 152568 - THE PADDOCKS, ROMAN ROAD, HEREFORD, HR4 7SR

(Site for proposed residential development of up to 50 houses.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

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

He made the following principal comments:

- The application needed to be considered in the context of plans for the development of over 1500 homes in the area. There was already pressure on school and other infrastructure. Development on the scale proposed risked choking the north of the City and creating air pollution problems replicating conditions similar to those in the south of the City.
- Bovingdon Park was a quiet, peaceful residential location.
- There were not sustainable transport links. The bus service was too infrequent to encourage people not to use their cars. This would lead to increased car traffic at a dangerous junction.
- The provision of affordable housing was welcome but he questioned whether the properties would truly be affordable for those on the average local wage.
- There was concern about the drainage proposals and the risk of flooding.

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

- The site was suitable for development and the proposal was in accordance with policy.
- The access was the principal concern given the number of houses proposed and the increased traffic that would be generated.
- It was requested that consideration should be given to a 40mph speed limit some 400m to the west of the entrance.
- It was also suggested that a right hand turn lane should be provided for traffic.
- The development, including any extension of speed limits, needed to be considered within the context of the strategic development of the area as a whole.
- It was asked whether the application was premature given the proposed strategic development.
- Consideration needed to be given to the timeframe for the strategic development, noting that the Three Elms development would be delivered in advance of the introduction of the Community Infrastructure Levy posing questions about infrastructure provision.
- A specific issue had been identified on the site visit with a bus turning within the entrance to Bovingdon Park. It was noted that the Transportation Manager would seek clarification from the public transport team.
- The Conservation Manager (Landscape), mindful that the site was adjacent to the planned urban extension, had identified the importance of landscaping, “taking into account any adjacent development providing seamless links and connectivity across the site and beyond its boundaries.”
- Concern was expressed about ensuring the long term management of the public open space. It was also suggested consideration should be given to the provision of outdoor gym equipment.
- The drainage proposals needed to be carefully assessed to ensure infiltration would be satisfactory. The Land Drainage Manager in his response had identified concerns about the geology’s ability to support infiltration measures.
- A concern was expressed that the S106 contributions would not meet the cost of the cumulative effect of the extensive development planned for the area.
- Practical alternatives needed to be provided to encourage people not to use their cars.
- The development should be constructed to high standards including energy efficiency measures to set a benchmark for the larger development that would follow.

The Lead Development Manager commented that:

- the heads of terms would provide for the public open space to be managed by a management company;
- a ruling of the Secretary of State in a recent case precluded the application being held back for consideration alongside the other significant development proposals in the area; and
- contributions would be sought from developers to meet the need for any additional school places that it was evidenced were required.

The local ward member was given the opportunity to close the debate. He supported the need for consideration to be given to the access and the extension and enforcement of lower speed limits. He remained of the view that the application needed to be considered in the context of the other proposals for development in the area and that sustainable transport measures were required.

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

1. A02 Time limit for commencement (full permission)
2. A03 Time limit for commencement (outline permission)
3. A04 Approval of reserved matters
4. H06 Vehicular access construction
5. H17 Junction improvement/off site works
6. H21 Wheel washing
7. H27 Parking for site operatives
8. H30 Travel Plans
9. E01 Site investigation – archaeology
10. G04 Protection of trees/hedgerows that are to be retained
11. G09 Details of boundary treatments
12. Landscaping scheme
13. 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.
14. The recommendations for ecological enhancement set out in Section 5 of the ecologist's report from Ecology Services dated February 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.
15. H29 Secure covered cycle parking provision
16. I51 Details of slab levels
17. I16 Restriction of hours during construction
18. I01 Scheme of noise attenuating measures

19. 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

20. 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 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

21. 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

INFORMATIVES:

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

matters of concern with the application 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 in the National Planning Policy Framework.

2. **HN01 Mud on highway**
3. **HN02 Public rights of way**
4. **HN04 Private apparatus within highway**
5. **HN05 Works within the highway**
6. **HN07 Section 278 Agreement**
7. **HN10 No drainage to discharge to highway**
8. **HN25 Travel Plans**
9. **N02 Section 106 obligation**

13. 152759 - LAND ADJACENT TO CUCKHORN FARM, STOKE LACY, HEREFORDSHIRE, HR7 4HE

(Proposed new build part earth-sheltered dwelling to include submerged integral garage.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs N White, the applicant, spoke in support of the application.

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

He made the following principal comments:

- The application was the right type of development, innovative and exciting.
- There were no highway issues and no archaeological issues.
- The application was not detrimental to the amenity of neighbours.
- The applicants were a local family.
- The key issue was whether the application was considered as falling within policy RA2 or RA3. He noted that an application for 28 homes at Stoke Lacy had recently been approved by the Committee. The application site was as close to the settlement area as that site. He therefore considered policy RA2 to be relevant and that the application met points 1, 3 and 4 of that policy.
- The Parish Council did not object to the application and there were letters in support of it.
- The scheme was sustainable and represented the organic growth that the community expected.

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

- Some members considered that the design was of exceptional quality and innovative. Others considered that it was not exceptional or innovative enough to meet the requirements of policy RA3.
- The design set high standards and was energy efficient, providing an example for other developers to follow.
- The application was from a local family and had the support of the local community.
- The application would not be out of keeping.
- The application could not be considered under policy RA2. It was not adjacent to the settlement, although it was close to it suggesting there might be scope to exercise some discretion.
- The application site was in the open countryside.
- As the recommendation stated, the application was contrary to policies SS1, SS6, RA2 and RA3.

The Lead Development Manager commented that the application was clearly not within policy RA2 as the application site was neither within or adjacent to the identified settlement. The application represented development in the open countryside. Whilst of good design officers did not consider the application represented exceptional design such as to merit approval under policy RA3 and paragraph 55 of the National Planning Policy Framework.

The local ward member was given the opportunity to close the debate. He reiterated that he considered the application site to be within the settlement of Stoke Lacy, and that the application was of exceptional design commanding local support. It compared favourably with the application for 28 houses that had recently been granted approval.

A motion that the application be approved on the grounds that it was sustainable development and of exceptional design was lost following a named vote.

For (7): Councillors BC Baker, DW Greenow, EL Holton, JA Hyde, MN Mansell, FM Norman and A Warmington.

Against (9): Councillors CR Butler, PGH Cutter, PJ Edwards, KS Guthrie, J Hardwick, EPJ Harvey, TM James, WC Skelton and LC Tawn.

Abstain (1): Councillor EJ Swinglehurst.

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

1. **The proposal would be contrary to Policy SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan: Core Strategy (adopted October 2015) which seeks to achieve sustainable development, as outlined in paragraphs 18 to 219 of the National Planning Policy Framework 2012.**

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 by identifying matters of concern with the proposal and determining the application within a timely**

manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

14. 151438 - LAND AT FIR TREE COTTAGE, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HR8 1LR

(Proposed erection of 3 dwelling houses.)

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 F Roselaar, of Wellington Heath Parish Council, spoke in opposition to the Scheme. Dr J Maclean, a local resident, spoke in objection. Mr R Jolly, the applicant's agent, spoke in support.

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

She made the following principal comments:

- The ground on which the site lay sloped steeply away. Floyds Lane and Horse Lane were narrow and there was flash run off of rainfall and sewage overflow.
- There was concern that the proposal for 3x 4 bed dwellings represented overdevelopment.
- Significant car parking space would need to be provided for the proposed 3x4 bed houses.
- There were slow worms, wildflowers and orchids on the site.
- The site was within the Malvern Hills AONB and regard should be had to the AONB Management Plan.
- The Core Strategy provided for 29 houses to be built in Wellington Heath by 2031. Seven houses had been built since 2011 so the Parish was on course to meet the housing target.
- The Parish Council was not opposed to the principle of development but did have reservations about the detail.
- Paragraphs 6.6 and 6.8 of the report discussed the provisions of policy RA2 referring to the need for proportionate development and for schemes to be appropriate in their context and make a positive contribution to the surrounding environment and its landscape setting, and result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in the particular settlement, reflecting local demand. The Parish Council considered 2 or 3 bed homes were needed and paragraph 6.11 of the report supported 3 bed dwellings.
- Paragraph 6.16 of the report was incorrect. There had never been vehicular access from Horse Lane to Fir Tree Cottage. Access had always been via Floyds Lane.
- The application was for outline permission and access. She requested that if the Committee was minded to approve the application reserved matters were brought to the Committee for determination.
- A condition should be imposed requiring an ecological survey to be undertaken before any clearance of the site or other work.

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

- Concern was expressed about the access.
- Concern was also expressed about landscaping and design.
- The Parish Council was not opposed to the principle of development.
- Provision of safe parking and turning space for vehicles was important
- The applicant should be strongly advised that the development should consist of no more than 2 or 3 bed properties.
- Account should be taken of the local ward member's request that an ecological survey should be undertaken before work of any sort commenced on site. It was suggested this should be made a condition.
- It was important that the development was of high quality suitable for the AONB.

The Lead Development Manager commented that:

- the local ward member could request a reserved matters application to be brought before the Committee through the redirection process if necessary;
- the proposal represented organic growth. The Core Strategy required a minimum of a further 19 dwellings in Wellington Heath;
- a scheme of high quality design would be expected for a site within the AONB;
- parking and the size of dwellings would be considered at the reserved matters stage. Notes would be added to the decision notice regarding the size of dwellings that would be preferred; and
- a speed survey on Floyds Lane had found that the proposed access was acceptable.

The local ward member was given the opportunity to close the debate

She sought an assurance that if there were concerns at the reserved matters stage and she requested a redirection that her request would be accepted. In response the Chairman indicated that, whilst he did not have the final say on the redirection process, he would encourage weight to be given to the local ward member's view.

She added that she remained concerned about the proposed 3 new accesses onto Floyds Lane and the vehicular use of the existing access onto Horse Lane that had not previously been used by the relevant property. She suggested that consideration might be given to deferring consideration of the application to allow a further review of the access proposals.

RESOLVED: That planning permission be granted subject to the following conditions:

- 1. A02 - Time limit for submission of reserved matters (outline permission)**
- 2 A03 - Time limit for commencement (outline permission)**
- 3 A04 - Approval of reserved matters**
- 4 A05 - Plans and particulars of reserved matters**
- 5 B01 - Development in accordance with the approved plans**

- 6 G03 - Retention of existing trees/hedgerows
- 7 G04 - Protection of trees/hedgerows that are to be retained
- 8 Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and conduct during the active season for reptiles and dormice and ensure there is no impact upon protected species by demolition of the building and clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of Herefordshire Local Plan-Core Strategy.

- 9 H13 - Access, turning and parking
- 10 I17 - Scheme of foul drainage disposal
- 11 The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Reason: As recommended by Severn Trent in order to ensure that satisfactory drainage arrangements are provided and to comply with Policy SD1 and SS6 of Herefordshire Local Plan- Core Strategy.

- 12 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

- 13 H27 - Parking for site operatives
- 14 I16 - Restriction of hours during construction

INFORMATIVES:

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

matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

2. **HN04 - Private apparatus within highway**
3. **HN28 - Highways Design Guide and Specification**
4. **HN05 - Works within the highway**

15. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Committee Update

The meeting ended at 12.55 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 15 June 2016

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

152568 - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 50 HOUSES AT THE PADDOCKS, ROMAN ROAD, HEREFORD, HR4 7SR

For: Mr Brailsford per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS

ADDITIONAL REPRESENTATIONS

The following additional representation has been received from Mrs Janet Smith and is supplemental to Mrs Smith's existing objection.

SOAKAWAYS; BRE365 TEST; OIL INTERCEPTION TEST

I previously requested these tests and your Land Drainage Company, contracted by Hfds Council also agreed with me and said tests should be carried out. According to Hydro-Logic Services, on behalf of Mr. Brailsford, have not carried them out, just made assumptions based on stats. I would like to know why they have not been made to carry out these tests?

Land maintenance/Soakaways/SUDS system responsibility being passed to householders, which I am very concerned about. It is what happens on this site which could impact on the whole of the hillside and rest of the area.

This is exactly why the Government are currently conducting a survey on the SUDS system due to the low take up by Local Authorities on approving planning applications using this system. Mainly due to the manufacturer, builder, L/A etc. who do not want to take responsibility for SUDS.

The House of Commons in April tried to pass a bill on allowing developers to use SUDS instead of underground drainage systems. The House of Lords in May refused to pass the bill and will conduct their own survey ref. the use of SUDS.

SUDS is a low cost option allowing developers to maximise number of houses to be built on a site, otherwise known as garden grabbing.

BOREHOLES

What could be affected on rest of area?

31 Boreholes

Environment Agency issue 14 water extraction licences

Total withdrawal allowed up to 5 million cu. m's of water per annum

If SUDS system becomes blocked by sand/silt, not maintained on a regular basis, leaks, quality of water could be affected. Householders responsible for land maintenance are unlikely to get insurance cover so who will pay for the compensation necessary if local sewerage system flooded, basins leak, adverse effect on the groundwater which could change its watercourse, could rise up in the houses on the northern boundary of Huntington Hamlet?

RADON (RADIOACTIVE GAS)

Radon gas within 25 metres of northern boundary of Huntington so will be in whole area. I requested a Radon Test but I cannot see in reports that one has been carried out which must be done. Depending on the radon levels in the ground it may be necessary to put extra precautions into the houses built to protect householders against possible lung cancer from

gas rising up from below ground into the houses. Further research in the USA they have added dementia to the list.

How can a planning application be considered until all tests requested, not only by myself, but a company contracted by Hfcs Council are carried out.

Land Drainage Consultant's response to the late representation:-

Infiltration Testing

The Paddocks site off Roman Road in Hereford is located in an area where the soil maps indicate that the ground is likely to consist of freely draining soils. It is therefore likely that it should be suitable for the implementation of infiltration measures to discharge surface water runoff from the site. As highlighted in our initial response this must be confirmed to be the case by the Applicant through the completion of infiltration testing, undertaken in accordance with BRE365, and provided by the Applicant to the Council along with a detailed surface water drainage strategy as part of the reserved matters. On completion of the tests should it be found that the infiltration rate at the site is inadequate, making infiltration measures unviable, it is judged that there would be sufficient space within the boundary of the site in order to accommodate an alternative drainage design. Should neither infiltration and/or attenuation with a discharge to a local watercourse be found viable then the site's proximity to the Roman Road means that, subject to agreement with Welsh Water, onsite attenuation and discharge to the drainage system under the road would also present a viable option. As it is deemed that there are a number of potential options for the management of surface water runoff from the site the risks associated with postponing the completion of infiltration tests for consideration as reserved matters are deemed to be low.

Maintenance of Soakaways

The use of soakaways servicing individual properties is common practice. Each property owner should be made aware of the details regarding maintenance of the soakaways and their maintenance responsibilities. Similarly to any other household drainage, failure to complete regular maintenance resulting in flooding would make the owner liable for any resulting damage.

Through the design of the development the Applicant must ensure that any proposed soakaways will be easily accessible for maintenance and as such we would advocate that where they are to be located within the curtilage of private dwelling that they are positioned in the front gardens where possible. For soakaways serving multiple properties or receiving runoff from shared access roads it would be preferential for them to be located on common land. Details of the responsibility and maintenance of all soakaways should be outlined in the reserved matters application.

In addition, during the design of the development layout and the proposed drainage system, the Applicant must consider the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of failure of the system (for example blockage). In the event of exceedance or failure of the system water should be managed within the site boundary or directed to an area of low vulnerability. This will need to be demonstrated by the Applicant on formulation of the site Masterplan as part of the reserved matters.

Potential for contamination of the aquifer

It is expected that due consideration will be given by the Applicant to the control of potential pollution of ground or surface waters from wash down, vehicles and other potentially contaminating sources. Evidence of adequate separation and/or treatment of polluted water should be provided by the Applicant to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from

proposed parking and vehicular areas. It is expected that the Applicant will provide details of how it is anticipated that this will be achieved as part of the reserved matters application. Details of the design of any proposed measures should be included in the detailed surface water drainage design to be presented to the Council for sign off prior to construction. Given that the site lies within Zone 3 of a groundwater Source Protection Zone, it is expected that the Applicant will consult with the Environment Agency to establish whether there are any specific groundwater quality requirements that need to be met.

The Environmental Health Manager (Contamination) has recommended inclusion of the following standard conditions:-

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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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 2012.
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.

CHANGE TO RECOMMENDATION

Add contaminated land conditions as above.

151438 - PROPOSED ERECTION OF 3 DWELLINGHOUSES AT LAND AT FIR TREE COTTAGE, FLOYDS LANE, WELLINGTON HEATH, LEDBURY, HR8 1LR

For: Mrs Morris per Mr R Jolly, EJ Planning Limited, P O Box 310, Malvern, Worcestershire, WR14 9FF

ADDITIONAL REPRESENTATIONS

One further letter received which re-affirms that there is a restrictive covenant on the application site adjoining the southern boundary of Jay House (formerly known as The Shingles) This area of land it is stated was originally within the boundary of Jay House.

In addition Severn Trent has now submitted its response to the application. It has no objections subject to appropriate conditions.

OFFICER COMMENTS

None

CHANGE TO RECOMMENDATION

Additional Conditions as recommended by Severn Trent

