

**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 10 April 2019 at 10.00 am**

**Present:** Councillor PGH Cutter (chairperson)  
Councillor J Hardwick (vice-chairperson)

**Councillors:** BA Baker, WLS Bowen, DW Greenow, KS Guthrie, EL Holton, AW Johnson, FM Norman, RJ Phillips, AJW Powers, NE Shaw, D Summers and SD Williams

**In attendance:** Councillor P Rone

**132. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, PJ Edwards, MD Lloyd-Hayes, and WC Skelton.

**133. NAMED SUBSTITUTES**

Councillor WLS Bowen substituted for Councillor PJ Edwards, Councillor AW Johnson for Councillor CR Butler, Councillor RJ Phillips for Councillor WC Skelton and Councillor D Summers for Councillor MD Lloyd-Hayes.

**134. DECLARATIONS OF INTEREST**

**Agenda item 7: Marlbrook Primary School, Hereford**

Councillor NE Shaw declared an other declarable interest as a cabinet member and left the meeting for the consideration of this item.

**Agenda item 8: Land adjacent to Cawdor Gardens Ross-on-Wye**

Councillors PGH Cutter and J Hardwick declared other declarable interests as Council appointees to the Wye Valley AONB Joint Committee.

**135. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 13 March 2019 be approved as a correct record and signed by the Chairman.

**136. CHAIRPERSON'S ANNOUNCEMENTS**

The Chairperson thanked the Vice-Chairperson, members of the committee and officers who had supported the committee for their work.

**137. 184506 - LAND WEST OF GARBROOK, LITTLE TARRINGTON, HEREFORD.**

*(Proposed development of ten dwellings including 2 affordable homes and 2 self build plots and associated access road, footpath link, sustainable drainage, hedgerow, tree and orchard planting.)*

*(Councillor J Hardwick fulfilled the role of local ward member and accordingly had no vote on this application.)*

The Principal Planning Officer (PPO) gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Pryce, the applicant's agent, spoke in support of the application.

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

He reported that he had requested that the application be considered by the committee because of local interest in the matter. The draft Neighbourhood Development Plan (NDP) could not be given weight. A great deal of work had been carried out on the application with regard to the design and he supported it.

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

- The development would change Tarrington. However, careful consideration had been given to the design. The development included affordable housing. It was to be hoped that it would contribute to the overall sustainability of the settlement. It was not an overdevelopment. It would bring improvements to the unclassified road.
- The extra planting and open space was welcomed. It was requested that care be taken to protect tree root systems.
- The Parish Council supported main housing growth in the core of Tarrington village. However, no weight could be attributed to the draft NDP at this stage.

In response to questions the PPO commented:

- Neither Welsh Water nor the Environment Agency had provided an update in relation to an ongoing pollution issue at Garbrook to which the report referred. The Council's land drainage officer had had no comment on that issue. Clarification would be sought.
- The Transportation Manager had no objection to the proposed access with the current speed limits. However, the extant permission for 15 dwellings on an adjacent site included a financial contribution towards a Traffic Regulation Order to reduce speeds from Tarrington towards Garbrook. In response to an enquiry Balfour Beatty Living Places had invited the Parish Council to submit a formal request. No response had as yet been received. However, this was not a requirement in order for the development to proceed. The visibility splays were acceptable at the current speeds.
- There were a number of policy issues to be balanced. The site was not within or adjacent to the built up area of Tarrington or of Little Tarrington where development would have been permitted in accordance with policy RA2. However, having regard to the absence of a 5 year housing land supply and the provisions of the National Planning Policy Framework officers considered that the scheme addressed the key issues and the benefits outweighed the adverse impact of the conflict with policy RA2

and policy RA3. Unlike many settlements outside of a settlement boundary residents would have access to the main built up area with a number of improvements to footways proposed and there being access to public transport.

- In terms of density of development the council's policies did not set out specific density requirements per hectare. Policies did support the efficient use of land but also required development to reflect the context of the site. The proposed density of development in the application was considered appropriate in the circumstances.

The Lead Development Manager confirmed that the affordable housing would be low cost market housing legally tied in perpetuity. The balance and weight to be attributed to the various policies was the key consideration. The site was accessible to the village and would contribute to the required housing growth.

The local ward member was given the opportunity to close the debate. He had no additional comment considering that there had been a useful debate. However, he noted that the Parish Council, despite having raised an objection prompting the redirection to the Committee, had not chosen to make representations to the meeting.

Councillor Greenow proposed and Councillor Williams seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 12 votes in favour, 0 against and 1 abstention.

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

1. **C02 Time limit for submission of reserved matters (outline permission)**
2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters (layout, scale, appearance and landscaping)**
4. **C05 Plans and particulars of reserved matters (layout, scale, appearance and landscaping)**
5. **C06 – Development in accordance with the approved plans, except where otherwise stipulated by conditions attached to this permission (approved drawings: LT-PA2697P2-01a, LT-PA-2697P2-02a, LT-PA-2697P2-03a, LT-PA2697P2-05, LT-PA-2697-08A)**
6. **The reserved matters shall be in substantial accordance with the submitted 'Proposed development at Little Tarrington – Phase 2' drawing LT-PA-2697P2-03a**

**Reason: To ensure the development reflects its context, so as to comply with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **Development shall be carried out in accordance with the Site Plan phasing drawing (LT-2697P2-02), other than where stipulated by other conditions of this permission, and meaning that none of the dwellings approved for phase 2 shall be commenced until development has commenced for Phase 1 and the access and attenuation basin provided as per the approved drawings and subject to conditions of this permission.**

**Reason: To ensure that the development is carried out comprehensively so as to ensure it reflects its context, so as to comply with the requirements of Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 8. The reserved matters application, submitted pursuant to Condition 1 shall be accompanied by a noise risk assessment and where necessary an Acoustic Design Statement for the proposed dwellings in accordance with Stage 1 and Stage 2 of the ProPG\* guidance. The objective is to ensure that the layout and design of the site takes into account the acoustic environment of the site and the maximum internal and external desirable noise levels according to BS8233 are achieved wherever possible. Proposed noise attenuation measures are to be described in full.**

**(ProPG: Planning and Noise\* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health)**

**Reason: To ensure that the potential noise impacts of the SRN (Strategic Road Network) on the residents of the proposed development are sufficiently mitigated having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.**

- 9. The reserved matters application submitted pursuant to Condition 1 shall comprise; either the housing mix set out in in this outline permission or in general accord with the Council’s Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).**

**Reason: To define the terms of the permission and to comply with Policies RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**Pre-commencement conditions**

- 10. The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement shall include:**

- I. The numbers, type, tenure and location on the site of the affordable housing provision to be made;**
- II. The arrangements to ensure such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
- III. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

**The affordable housing shall be retained in accordance with the approved scheme.**

**Reason: In order to provide affordable housing, which is a benefit given significant weight in the planning balance, in accordance with**

**Policies RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 11. The development hereby permitted shall not commence until the local planning authority has approved in writing a Management Company Plan that sets out the long term management and maintenance of the Open Space, landscaping and biodiversity enhancement (other than in privately owned domestic gardens); the establishment of a Management Company; the freehold transfer of the Open Space to the Management Company and the recovery by that Management Company of service charge contributions from the owners of the Open Market Units towards the upkeep and permanent maintenance of the Open Space. The approved Management Company Plan shall be implemented prior to the first occupation of any of the dwellings hereby approved.**

**Reason: To ensure that the open space, landscaping and biodiversity enhancement is retained and properly managed as benefit of the scheme and in accordance with policies OS1, OS2, LD1, LD2 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 12. 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 3 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 65 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 to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 13. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a construction access specification, which has first been submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12. Prior to first occupation of any of the approved dwellings the construction of the access shall be completed in accordance with a final specification, which has first been submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

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

- 14. Development shall not begin in relation to any of the specified off-site highway works until details of the works to the public carriageway U66205, as per Drawing LT-PA-2697-08A, have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the scheme has been constructed in accordance with the approved details.**

**Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.**

- 15. Details of the footway improvement works (on highway land only) to the north side of A438 between the unclassified road (U66205) and Tarrington village to the west, including a timetable for when these will take place, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the scheme has been completed in accordance with the approved details.**

**Reason: To provide enhanced pedestrian connectivity for the occupants of the dwellings hereby approved and existing residents, which is a benefit of the scheme taken into account in the planning balance and having regard to the guiding principles of sustainable development contained within Policies SS4 and MT1 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.**

- 16. No development shall take place, with the exception of the formation of the access and visibility splays pursuant to conditions 11 and 12 of this permission, until clarification of the responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. This shall be in accordance with the details agreed in the section 106 agreement for phase 1 (171777/F).**

**Reason: To ensure compliance with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

- 17. With the exception of the formation of the vehicular access and visibility splays pursuant to conditions 11 and 12 of this permission, no other work shall commence until a detailed habitat enhancement scheme based on the recommendations in the Ecology Report by Ecology Services dated December 2018 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.**

- 18. Prior to commencement of the development hereby permitted a Construction and Environmental Management Plan (CEMP) shall be submitted to the Local Planning authority for their written approval. The CEMP shall include:**

**Methodologies to cover the possible presence of bats, nesting birds and other wildlife as relevant at the time of the construction as well as habitat protection. Consideration should be given on how to minimise and mitigate during the construction process: noise and vibration, air quality (including dust management), sustainable waste management, traffic management and flows, water management (surface and groundwater), management and protection of ecological resources including all wildlife and features such as trees and hedgerows, management of any contaminated land and managing spills and accidental discharges during operations and site operative parking. The CEMP should detail the appointed site manager who**

will oversee implementation and briefing of all contractors, monitor and record all aspects of the CEMP, take all relevant action and liaison as may be needed.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved detail and thereafter maintained as such.

Reason: To safeguard the Gar Brook from any disturbance, disruption or accidental pollution during the construction phase, to safeguard existing habitats and protected species and to safeguard the wider environment in accordance with policies SS6, RA6 and LD2 of the Herefordshire Local Plan Core Strategy 2011-2031.

#### Pre-occupancy or other stage conditions

19. Prior to first occupation of any of the new dwellings evidence (such as photos/signed Ecological Clerk of Works completion statement) of 'fixed' habitat enhancements (such as bird boxes, bat boxes, bee boxes and hedgehog homes) included within gardens and the open space approved under this decision notice should be submitted to and approved in writing by the local planning authority; and shall be maintained thereafter as approved unless otherwise agreed in writing by the local planning authority. External habitat boxes should be made of a long-lasting material. No external lighting should illuminate any habitat enhancement or boundary feature.

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, Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006. Dark Skies Guidance Defra/NPPF 2013 (2018).

20. Prior to the first occupation of the development, the flood alleviation channel outlined in section 4.2 of Hydro-Logic Services' FRA (dated Dec 2018 Ref:K0790 rep 2 rev 4) must be in place and operational unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce flood risk to the approved dwellings and as to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

22. Prior to the first occupation of each of the dwellings hereby permitted covered and secure cycle parking facilities shall be provided within its curtilage and in accordance with a detailed scheme for such that has first

been submitted to and approved in writing by the Local Planning Authority. Thereafter these facilities shall be maintained for such use.

**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.

23. Prior to the first occupation of any of the dwellings hereby approved details for the storage and collection of waste and recycling bins shall be submitted to and approved in writing by the Local Planning Authority and provided in accordance with the approved details. Thereafter those areas shall be retained for their approved use.

**Reason:** To ensure that there is adequate provision for storage and collection of waste and recycling bins and to conform with the requirements of Policy SD1 of Herefordshire Local Plan – Core Strategy.

24. The ecological protection and working methods scheme as recommended in the ecology report by Ecology Services dated December 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC Act 2006

25. CE6 – Efficient use of water

Compliance conditions

26. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**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, in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

27. Finished floor levels for the buildings hereby approved shall be either 600mm above the 1:100 year plus 35% climate change flood level at the nearest model node elevation or 300mm above existing ground levels, whichever is the higher.

**Reason:** To protect the development from flooding including the impacts of climate change so as to comply with the requirements of Policy SD3 of the Herefordshire Local Plan – Core Strategy.

28. C97 – landscaping scheme (pursuant to condition 3 – implementation)

#### **INFORMATIVES:**

1. IP2 - Application Approved Following Revisions

2. **I35 - Highways Design Guide and Specification**
3. **Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**
4. **The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.**
5. **No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**
6. **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

**Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**

7. **This planning permission is pursuant to the conditional requirement (condition 9) to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
8. **Welsh Water Advisory Notes**  
**The applicant 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 is also advised that some public sewers and lateral drains may not be recorded on our 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.**

**Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.**

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

**Please quote our reference number (PLA0039235) in all communications and correspondence.**

- 9. Environment Agency advisory note re: pollution**  
**Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.**

**138. 190280 - MARLBROOK PRIMARY SCHOOL, GREEN CROFT, HEREFORD, HEREFORDSHIRE, HR2 7NT**

*(Proposed extension to existing primary school with associated external works including new car park and highway improvement works.)*

*(Councillor Shaw withdrew from the meeting during consideration of the application.)*

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr J Bothamley, a UK funder of educational services, spoke in objection.

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

He made the following principal comments:

- The school would always face pressure on places. It served the area of highest population density in the City and Ofsted had rated it an outstanding school.
- The proposal had been under consideration for some years. It would provide opportunity for pupils.

- The school was in a residential area and residents were affected by school traffic. There was a travel plan in place. However, car parking issues in the area did arise and the proposed car parking space would be beneficial and was essential.

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

- There was broad support for the application. There was an established strategic demand for the additional places and the replacement of the existing temporary buildings was to be welcomed. The current pressure on parking and the proposed parking provision was noted.
- A concern was expressed about the potential for the proposal to have an adverse impact on other schools.
- The Lead Development Manager commented that paragraph 6.4 of the report confirmed the need for additional school places in the south of the city. The proposal would also provide for the replacement of the temporary buildings currently in use.
- The design could be improved upon.
- The issue of travel and parking was a much broader issue than just this one school and the effect on its immediate area.
- It was requested that it be ensured that the trees that would be lost as a result of the development were replaced.

The Lead Development Manager commented that new trees were proposed to replace those that would be lost. The school did have a travel plan in place. The replacement of the temporary buildings would be of benefit.

The local ward member was given the opportunity to close the debate. He had no additional comment.

Councillor Greenow proposed and Councillor Holton seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, 1 against and 1 abstention.

**RESOLVED: That officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **C01 - A01 Time limit for commencement (full permission)**
2. **C07 - Development in accordance with approved plans and materials**

#### **Pre-commencement Conditions**

3. **CNS - Habitat Regulations (River Wye SAC-SSSI) - Nature Conservation Protection**

**Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the 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.**

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

**4. CNS – Welsh Water (Drainage)**

**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 having regard to the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy**

**5. CNS – Construction Management Plan**

**No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**

- a) Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
- b) Details of working hours and hours for deliveries**
- c) Emergency / site contacts during the construction period**
- d) Site compound location**
- e) A scheme for the control of dust arising from building and site works**
- f) Measures to promote sustainable means of transport for construction staff with respect to the construction site**

**The agreed details of the Construction Management Plan shall be implemented throughout the construction period.**

**Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

**6. C90 – Tree Protection**

**Pre-occupation Conditions**

**7. CAL - Access, turning area and parking**

**8. CB2 - Secure covered cycle parking provision**

9. **CB3 - Travel Plan (with requirement for annual travel surveys)**
10. **C97 – Landscape Implementation (Soft and hard landscaping)**
11. **CNS – Sport England (Court Provision)**

**Prior to the construction of the replacement netball courts, further details of their design and specification to include:**

- a) **a cross section showing the proposed levels of the courts and the associated run off areas, and**
- b) **construction details of the courts to from sub-base level to surface course level including any colour coating (where proposed) and application of the proposed line markings to demonstrate that the courts will provide appropriate slip resistance, shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England).**

**The specification of the courts shall accord with Sport England guidance in “Artificial Surfaces for Outdoor Sport” Design Guidance Note (SE 2013) and the relevant Technical Design Guidance from England Netball.**

**The netball courts shall not be constructed other than in accordance with the approved details and before the school extension hereby permitted is first brought into use.**

**Reason: To ensure the provision of the replacement courts to a satisfactory specification having regard to the guidance contained the National Planning Policy Framework (particularly Para 97) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’**

#### **Compliance Conditions**

12. **CNS - Habitat Regulations (River Wye SAC) – Foul- and Surface Water**

**For the development approved under this Decision Notice all foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through and on site attenuation system with final discharge to existing mains sewer network; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.**

#### **INFORMATIVES:**

1. **IP2 - Application Approved Following Revisions**

**2. INS - Having regard to condition 11:**

Sport England have would refer you to the relevant guidance as follows:

<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/artificial-sports-surfaces/>

<https://www.englandnetball.co.uk/surface-requirements/>

**3. I54 - Disabled needs**

*(The meeting adjourned between 11.20 to 11.35 am)*

**139. 182617 - LAND ADJACENT TO CAWDOR GARDENS, ROSS ON WYE, HEREFORDSHIRE.**

*(Proposed residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements together with partial (almost total) demolition of former railway bridge.)*

*(Councillor Summers had left the meeting and was not present during consideration of this application. Councillor Williams had left the meeting for a short time and was therefore not permitted to vote.)*

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

He added in relation to the Cawdor Arch Road Railway Bridge that English Heritage had declined an application in 2013 for the arch to be listed and he expanded on their reasoning. The removal of the bridge was to allow emergency services vehicles to access the proposed site, in particular fire tenders. There was no professional objection in heritage terms to the loss of the bridge. Account had been taken of local sentiment.

In accordance with the criteria for public speaking Mrs A Park, a local resident, spoke in objection to the application. S Griffiths, the applicant's agent, spoke in support.

The local ward member, Councillor RL Mayo was unable to attend the meeting. The Chairperson read out a statement he had submitted.

The statement contained the following principal comments:

- The application for Cawdor Gardens had been a long time in development.
- It was sad to see the loss of a wild green space near the centre of town. However, several concerns have been addressed in the application including providing a play area and a designated wildlife corridor.
- The removal of the Cawdor railway arch had generated the most objections. He considered this to be an iconic landmark of Ross, in a highly visible and well used thoroughfare. The site had been the subject of a number of applications , most recently in 2017. That application had been withdrawn. However, the highways team had agreed that the removal the arch was not necessary to allow access to the site. Instead a priority system where the traffic entering the site would have priority would be acceptable and this system would have the added benefit of slowing down traffic coming down the hill towards the junction at the bottom of the hill. It seemed

that it would therefore be possible to develop the site and retain the railway arch. He thought the arch could add some interest and uniqueness to the site.

- If the application were to be approved he requested that some stringent heads of terms were added to protect the arch from being damaged or removed until there was a guarantee of development or phases of development.

In the Committee's discussion there was a focus on the possibility of retaining the railway bridge. One view was that the bridge had no particular merit and the development, which had many public benefits, should proceed as recommended. A contrary view was that, whilst the bridge might not be of national importance it was locally distinctive and should be retained if possible.

Officers commented that measurements of the bridge suggested that a standard fire tender should be able to pass through, albeit with little room to spare. Whilst the existing development beyond the railway bridge could be accessed, a different level of access may be required to support the larger development proposed.

It was noted that no response had been received from the emergency services when consulted upon the application.

In response to questions the PPO clarified that the proposal would provide for a 2m footpath distinct from the carriageway. Currently when passing through the arch pedestrians had to share the carriageway with vehicles. Car parking for the development would be provided for within the development. The planning application in 2017 to which reference had been made provided for the bridge to be retained. During the consultation process the Transportation Manager had raised the issue of whether access could be achieved by emergency services vehicles. The application had been withdrawn and the question of access and other issues had remained unresolved.

A concern was expressed about the gradient of the site and the consequences of this for the stability of the site and construction of the development.

There was also an underprovision of public open space in Ross –on- Wye. Whilst it was proposed to provide a play area for the residents, this would not compare with the potential benefit to residents of Ross –on- Wye as a whole if the area were to be developed as open space.

The Town Council had expressed concerns about the design.

In response to points made the Lead Development Manager commented that the land was in private ownership and the potential development of the whole area as public open space was governed by that constraint. The harm associated with the loss of the railway bridge needed to be balanced against the benefits of the proposed development. Welsh Water had confirmed that they would have the ability to service the site by 2020. Having regard to the gradient of the site construction would have to be in accordance with appropriate building standards. The removal of the railway bridge would facilitate access by the emergency services and provide safer pedestrian access including for schoolchildren. There wasn't scope for an alternative access to the site.

A motion that the application be approved was lost.

Councillor Phillips proposed and Councillor Bowen seconded a motion that consideration of the application be deferred pending receipt of reports from the emergency services. The motion was carried with 11 votes in favour, none against and 1 abstention.

**RESOLVED: That consideration of the application be deferred pending receipt of reports from the emergency services.**

**140. 183951 - LAND TO THE WEST OF ST MARYS CHURCH, BROAD OAK, HEREFORDSHIRE**

*(Proposed erection of two detached dwellings and new vehicular access.)*

*(Councillors Greenow, Norman and Summers had left the meeting and were not present during consideration of this application.)*

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

In accordance with the criteria for public speaking, Mrs J Joseph, the applicant's agent, spoke in support of the application.

The local ward member, Councillor DG Harlow was unable to attend the meeting. The Chairperson read out a statement he had submitted.

The statement contained the following principal comments:

In principle he was in favour of the application for the following reasons:

- Broad Oak is a settlement in the Core strategy within the larger parish of Garway. As well as having a popular and successful school the parish also has a new village hall and in Broad Oak itself there is a petrol station and village shop. This means that in the context of rural Herefordshire this location is a highly sustainable option for a small scale development.
- A bus service operates from Broad Oak to Hereford
- A reduced speed limit onto the B4521 making it a 30mph zone had made the road much slower addressing any concerns over road safety. No objection had been made by the Transportation Manager.
- There is no single style of home in Broad Oak and the variety offered by this new scheme would complement rather than detract from the visual style.
- Building on pockets like this one on the edge of a sustainable village helped to ensure rural housebuilding and contribute to meeting the housing land supply targets.
- There had been considerable interest from local families wanting to move to the houses thereby ensuring continuity amongst rural families

In summary, whilst he understood that some existing residents may oppose development in the area more rural housing was needed, particularly this sort of development in this sort of location.

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

The local ward member supported the application. The proposal was for 2 houses in a settlement where development was permitted in accordance with policy RA2.

The principle of development did not appear to be at issue. The site was sustainable. The question was one of scale and design.

Reference was made to the decision taken on application 184506 earlier in the meeting and the importance of consistency in decision making. It was suggested that it appeared that officers were prepared to recommend approval of a large scheme in an area outside the settlement boundary, giving weight to the social and economic benefits, but were not inclined to attribute such weight in the case of a small scheme.

The Lead Development Manager commented that policy RA2 provided that, in the absence of an NDP, applications would be assessed on whether they were within or adjacent to the built up area. The majority of NDP's would require development to be within the settlement boundary. An application adjacent to the settlement boundary would not be looked on favourably, subject to every application having to be considered on its own merits. He considered the application did differ to application 180456 in that in this case there was an NDP with limited weight. It was a question of whether the site was locationally acceptable for development, whether the development would result in a change of character, and whether the design was considered acceptable within that location.

Councillor Baker proposed and Councillor Johnson seconded a motion that the application be approved on the grounds that the proposal was compliant with policy RA2. The motion was carried with 6 votes in favour, 3 against and 2 abstentions.

**RESOLVED: That planning permission be granted on the grounds that the proposal was compliant with policy RA2 and officers named in the scheme of delegation to officers be authorised to detail the conditions and reasons put forward for approval.**

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

The meeting ended at 1.15 pm

**Chairperson**



# **PLANNING AND REGULATORY COMMITTEE**

**Date: 10 April 2019**

*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

**182617 - PROPOSED RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS OF WHICH 13 WILL BE AFFORDABLE HOMES, ECOLOGICAL CORRIDOR, SEPARATE PUBLIC OPEN SPACE AND PROVISION OF ACCESS ENHANCEMENTS TOGETHER WITH PARTIAL (ALMOST TOTAL) DEMOLITION OF FORMER RAILWAY BRIDGE AT LAND ADJACENT TO CAWDOR GARDENS, ROSS ON WYE, HEREFORDSHIRE,**

**For: Mr Jones per Mrs Caroline Reeve, 6 De Salis Court, Hampton Lovett Industrial Estate, Droitwich Spa, WR9 0QE**

### ADDITIONAL REPRESENTATIONS

An additional representation of expanded comments has been received on 8 April 2019 from a local resident, who adds the following –

*The point I would like to raise is this: the number one problem facing humanity at present is Global Warming and the principal source of the Carbon Dioxide which is put into the atmosphere is from the burning of fossil fuels in road transport. This needs to be solved by getting both people and freight off the roads and onto electrified railways, (and in the cities people onto trams and trolley buses), this is paramount. It is equally as important to produce clean electricity as it is to reduce the demand for it, the present situation where everybody runs around in individual transport is unsustainable from every point of view.*

*Herefordshire Council has recognised the part the Hereford and Gloucester Canal can do to provide a link between the two cities and has put into its future plans the fact that the corridor should be left for the future development of the canal, for which the Council should be praised. Equally it should do the same thing for the routes of the old railway lines, which will have to be reopened in the future if we are to tackle Global Warming. Admittedly it will not be the present government which does anything to counteract Global Warming, given its addiction to Fracking, but we have to hope that a future government will, otherwise as Fraser says in Dad's Army, "We're all doomed."*

Hence my objection to the removal of the railway bridge in this scheme, we must protect the old railway routes.

### OFFICER COMMENTS

The additional comments are noted and as referenced within the report at 6.69. The reopening of the relevant branch line is not something under consideration as far as any current or emerging plans show and is not safeguarded by planning policies or legislation. In any event and as also noted within the Conservation comments, in many places the line will have been built over or otherwise obstructed and not capable of exact reinstatement. Any future railway infrastructure serving Ross on Wye would need to be designed and facilitated to accommodate the town and its development at the moment such a proposal comes forward.

There is no current or emerging planning policy or legislative base to resist the proposal on this basis. Therefore no change to recommendation is proposed.

However the wording of the recommendation does require amending and this is reflected in the change below.

### **RECOMMENDATION - Amended wording**

That subject to the completion of a Planning Obligation under Section 106 of the Town & Country Planning Act 1990, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any further conditions or amendments to conditions considered necessary by officers named in the scheme of delegation to officers.

**183951 - PROPOSED ERECTION OF TWO DETACHED DWELLINGS AND NEW VEHICULAR ACCESS AT LAND TO THE WEST OF ST MARYS CHURCH, BROAD OAK, HEREFORDSHIRE**

**For: Mr Partridge per Julie Joseph, Trecorras Farm, Llangarron, Ross On Wye, HR9 6PG**

### **ADDITIONAL REPRESENTATIONS**

A neighbour has submitted the additional representation by email dated 2<sup>nd</sup> April 2019:

*I received this automated email as I had written comments opposing the development of these new dwellings in Broad Oak.*

*Having had another look at the application, I can see quite a few new documents have been submitted in the last few months.*

*One of these is a drainage plan. I am writing as the plan is not accurate. They have omitted a council maintained drain which runs under the road from directly outside my house and discharges in the roadside ditch exactly where the proposed driveway is to the new dwellings on the east of the proposed site.*

*As this drain has been omitted from the plan, no provision is made to account for the considerable amount of rainwater which it carries at present and, more concerning, planners may not be aware of any restrictions which would be sensible to ensure that any newly created driveway did not compromise the existing drainage network.*

*I don't know if it is too late for this information to be passed onto the case officer, but I felt it an important point to note.*

### **OFFICER COMMENTS**

Paragraph 1.1 comments on St Mary's Church being an 'undesigned heritage asset'. For the avoidance of doubt, the building is afforded no statutory protection and while there is a social value to it, harm is not identified to its setting as a result of the proposed development.

As stated within the Committee report at paragraph 6.32, the maintenance of highway drains are controlled under separate legislation and any developer would have a duty to ensure these are not damaged.

### **NO CHANGE TO RECOMMENDATION**

