

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 24 July 2019 at 10.00 am

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

Councillors: Paul Andrews, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Mark Millmore, Jeremy Milln, Paul Rone, Nigel Shaw, John Stone, Kevin Tillett and William Wilding

In attendance: Councillors Liz Harvey, Jennie Hewitt, Helen l'Anson, Tony Johnson, David Summers and Elissa Swinglehurst

11. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Graham Andrews, Polly Andrews and Watson.

Councillor Bolderson sent apologies as ward member for one application. Councillor Howells also sent his apologies as an adjoining ward member for an application.

12. NAMED SUBSTITUTES

Councillor Shaw substituted for Councillor Johnson, Councillor Tillett for Councillor Polly Andrews and Councillor Wilding for Councillor Watson.

13. DECLARATIONS OF INTEREST

None.

14. MINUTES

RESOLVED: That the minutes of the meeting held on 19 June 2019 be approved as a correct record and signed by the Chairman.

15. CHAIRPERSON'S ANNOUNCEMENTS

The Chairperson thanked members who had attended the site visits which had proved informative.

16. 182628 - LAND TO THE SOUTH OF LEADON WAY, LEDBURY

(Application for approval of 1st phase reserved matters for the erection of 275 dwellings with appearance, landscaping, layout and scale.)

The Principal Planning Officer (PPO) gave a presentation on the application, consideration of which had been deferred by the Committee on 19 June 2019.

Updates/additional representations received following the publication of the agenda were provided in the update sheet. The PPO noted that condition 22 of the outline planning permission in respect of sustainable drainage had not yet been discharged but was considered to address a concern raised by a representation in the update about drainage and ecological implications. These matters were addressed within the report.

The Government had published a revision of the Planning Practice Guidance on noise just before midnight on 22 July. The application had been reviewed in the light of this updated guidance and officers had concluded the noise assessment provided by the applicant remained valid. The Ornu cheese factory was not considered to have a significant adverse impact on the proposed dwellings. The proposal was considered to satisfy the requirements of paragraph 182 of the National Planning Policy Framework.

A late representation had been received from Ornu Ingredients UK Ltd containing a further assessment of tonal noise.

The applicant's noise consultants had responded. The PPO read this response in full to the meeting along with the Environmental Health Officer's response to the representation. This information has been included with the updates appended to these minutes. The consultants maintained their position, that sound from the Ornu factory was not tonal, therefore no noise penalty should be applied. The EHO did not recommend a noise penalty.

In accordance with the criteria for public speaking, Mr J Bannister, of Ledbury Town Council spoke in opposition to the scheme. Mr P Kinnaird, a local resident, spoke in objection. Mr S Stanion spoke on behalf of Barratt and David Wilson homes in support of the application together with Stella Yates of West Mercia Housing Ltd.

In accordance with the Council's Constitution, the local ward member, Councillor l'Anson, spoke on the application. She made the following principal points:

- Residents wanted the site issues to be resolved and the development to proceed. She noted that St Michael's church had formed a group to welcome new residents and the Church was seeking to purchase land for a new school.
- The development was not perfect. She highlighted key changes to the application since the last Planning and Regulatory Committee as set out in the committee update: amendments to the affordable housing layout; enhanced landscaping plans, including increased tree planting along the southern boundary; introduction of communal vegetable planters and provision of additional orchard walks; enhanced connectivity plans for pedestrian, cycle and potential bus routes; preparation and submission of CGI views along northern, southern and western boundaries; updated waste management plan; updated energy statement supporting fabric first approach; and improved play areas for children of all ages including an informal kickabout area.
- The PPO had commented on the latest noise assessments in his presentation.
- She was concerned that if the application were refused the applicant would be successful at appeal resulting in costs being incurred.

A statement submitted by Councillor Howells, an adjoining ward member, was read to the meeting. This is included within the amended update appended to these minutes.

Another adjoining ward member, Councillor Harvey, then spoke on the application. She made the following principal comments:

- She supported the representation from Councillor Howells.

- She welcomed the new planting and play areas offered by the developers. However, she did not consider that these improvements outweighed the significant negative aspects of the development that remained.
- The Neighbourhood Development Plan had had to acknowledge the outline planning permission that had been granted but this should not be taken as support for the scheme. The application had received large numbers of objections at all stages.
- The complex noise issues remained a concern as outlined in the further representations from Ornu. It appeared that further measurements could and should be undertaken to establish whether there was tonal noise, noting the implications this could have.
- She also questioned the measurement of the intermittent noise generated from the Ledbury Bypass as a result of the location of the speed limit, the available measurements having apparently been taken in 2014, prior to the development, when the national speed limit had applied along that length of road.
- There would be merit in moving the speed limit further away from the roundabout than it currently was so that vehicles approached the development and pedestrian crossing at a lower speed involving less braking.
- The provision of affordable housing was welcome. However, the proposal simply met the Core Strategy's requirement. There were other sites identified for Ledbury within the Core Strategy that would provide over 200 affordable homes.
- She drew attention to the Land Drainage Engineer's comments at page 65 of the agenda papers which indicated the need for more information to be provided.
- She questioned the economic and social benefits advanced for the scheme. She considered that the scheme had adverse social and landscape impact breaching the bypass that formed the southern boundary to the Town. The scheme had been approved by a planning inspector on appeal.
- The insertion of 7 private houses into the affordable housing that she had previously described as a buffer protecting the private housing from noise nuisance was not the response that she had been expecting. She considered the approach to the development to be out of date.

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

In response to questions the PPO and Lead Development Manager commented:

- The bund and fence surrounding the development would be 5 metres high.
- The applicants had sought to attenuate the noise from the cheese factory considerably.
- The principle of development for housing on the site had been approved by the Planning Inspector at appeal. The Committee could therefore only consider the detail of the scheme.
- Condition 22 on the outline planning permission as imposed by the Planning Inspector covered drainage issues. The discharging of that condition was not part of the application before the Committee. Officers were working with the drainage consultants and the applicants on this aspect. Appropriate monitoring arrangements could form part of those discussions.
- The EHO commented in detail on the methodology used in assessing noise at the site. Tonal noise had been identified originally. However, mitigation measures had led to the view that the tonal element was removed completely or significantly reduced. This was also the view of the applicants' noise consultants. There were

three methods of identifying tonal noise. Ornu had not found tonal noise using two methods but using the third method had identified a degree of tone stating this meant a penalty should be applied. The council was not comfortable with this because the other methods had not identified a problem. She did not consider that it would be reasonable to give these late findings too much weight.

She added that there was no methodology for assessing the intermittent noise effect of braking vehicles. The test was whether desirable internal and external noise standards could be met inside houses and gardens. There was noise alongside Leadon Way. Houses would have to be moved half way across the site if the noise impact on houses was not to breach the desirable standard with the windows open. However, there could still potentially be an impact on houses facing Leadon Way. Particularly in the daytime houses facing Leadon Way would be exposed to road traffic noise. The developers were to deploy an enhanced glazing specification and an acoustic fence. The desirable standard could be achieved with windows closed at the front and achieved to the rear of properties with the windows open. Residents could use the green spaces that were to be provided. There was a policy issue in that if housing development was to take place near towns road noise would be experienced and some of the strategic sites in Ledbury would be adversely affected by road traffic noise at its boundaries.

- The Area Engineer commented that a 30mph speed limit had been in place during the access construction phase. There was now a 40mph limit. Extending the speed limit would require a Traffic Regulation Order. There were quieter road surface options but the chosen material matched the rest of the length of the bypass. Any potential for noise mitigation had to be balanced against the lifespan and cost of a different surface, which might not deliver a significantly quieter surface.

The LDM advised that a condition seeking to require the developer to seek a TRO for a 30 mph limit would be inappropriate. A contribution could be considered within the context of the S106 contributions associated with the application.

- A concern was expressed about the lack of consultation with the local community to which reference had been made. The LDM commented on the consultation that had been undertaken.
- The absence of renewal energy provision was of regret.
- A reduction in the speed limit on Leadon Way would be welcome given the housing development.
- The severance of the development from the Town by the bypass clearly created sustainable transport issues. Reference was made to a report by the organisation Transport for New Homes with recommendations aimed at achieving sustainable development and the House of Commons Transport Select Committee report: active travel – increasing the levels of cycling and walking in England which was critical of local authority implementation of cycling and walking infrastructure. The scheme did not seem to take account of these recommendations.
- The current provisions in the core strategy regarding the climate emergency were limited but the scheme appeared in no way to have taken account of Core Strategy Policy SS7 in terms of reducing carbon emissions and encouraging sustainable travel. The Council should press the Government to provide a policy framework to address these concerns.
- The Lead Development Manager reiterated in conclusion that the principle of development had previously been agreed by a Planning Inspector following an appeal. The technical issues including a late submission by Ornu had been considered and assessed. The technical advice in relation to noise issues was that the scheme could be recommended for approval. Ledbury had not had any affordable housing built for over 12 years. The provision of 110 affordable dwellings

as part of the development should be given significant weight. Condition 22 addressed the drainage issues. The benefits of the scheme were considerable. There were pavements throughout the site, a separate cycle route through to the Town. Fencing would be required, however, alongside Leadon Way this would be behind a mature hedge. There had only been 6 objections to the reserved matters application.

The local ward members were given the opportunity to close the debate.

Councillor Harvey commented that it had been made clear that some residents would have to go to the green play areas to enjoy space without noise nuisance. The houses would have to be moved half way across the site if recommended noise levels were to be achieved. Affordable housing provision was at the level required by policy. Hundreds of objections had been made to the applications for housing development to the south of the Town. There had been a lack of engagement with the Town Council and the local community on how the unwanted development could be made more acceptable. If the application were to be approved she welcomed the suggestion that consideration be given to using S106 monies to reduce traffic speed along Leadon Way. It remained open to Ornuia to pursue concern about the impact on their business.

Councillor l'Anson provided some examples demonstrating the need for affordable housing in Ledbury.

Councillor Shaw proposed and Councillor Millmore seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 12 votes in favour, 2 against and no abstentions.

RESOLVED: That Approval of Reserved Matters be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers.

- 1. The development hereby approved shall be carried out strictly in accordance with the approved plans and details.**

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

- 2. Prior to the first occupation of the development hereby permitted details for the long term maintenance of the acoustic fence and structural noise mitigation adjoining Leadon Way as shown on the approved plans listed under Condition 1, shall be submitted to the Local Planning Authority for written approval. The maintenance of the fence and noise mitigation shall be undertaken in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure the long term mitigation of noise and ensure adequate amenity to residents of the development hereby approved and to comply with Herefordshire Core Strategy policies SS6 and SD1 and the relevant aims and objectives of the National Planning Policy Framework as relate to noise and associated amenity are satisfied.

- 3. G11 Landscaping scheme – implementation**

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

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

5. G13 Tree planting

With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall take place until a scheme of tree planting has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the species, sizes and positions or density of all trees to be planted and the proposed time of planting. All tree planting shall be carried out in accordance with those details.

The trees shall be maintained for a period of xx years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the xx year maintenance period.

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

6. G14 Landscape management plan

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

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

7. Maintenance condition for acoustic fence

8. No development shall be undertaken to commence details of the play areas including equipment, surfacing, landscaping, means of enclosure and provision of seating, litter bins and the phasing of their provision until

plans have been submitted and approved in writing by the Local Planning Authority. The play areas shall be constructed in accordance with the approved details and thereafter retained as approved.

Reason: in order to comply with the requirements of the Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9. Development shall be carried out in accordance with glazing specification details to be submitted to and approved in writing by the Local Planning Authority and thereafter included as such within the development and thereafter maintained.**

Reason: To ensure adequate levels of amenity are maintained with those dwellings and to Comply with Herefordshire Core Strategy policies SS6 and SD1 and paragraphs 127 and 180 of the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

(The meeting adjourned between 12.00pm and 12.10pm)

17. 190416 - LAND ADJACENT TO PLOUGHFIELDS, PRESTON-ON-WYE, HEREFORDSHIRE

(Site for a proposed development for the erection of 10 dwellings.)

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 criteria for public speaking a statement was read out on behalf of Mr M Hodgson, a local resident, in objection to the application. Mr J Hicks, of Owen Hicks Architects, spoke in support.

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

She made the following principal comments:

- The report referred to eleven objections having been received from local residents, but this represented 15 individuals.
- A neighbourhood development plan (NDP) had been made and weight should be given to it. The proposal appeared to be contrary to the NDP. The proposal for 10 dwellings was not modest, sustainable or of an appropriate scale. The nearest shop was 3 miles away, as was the nearest post office and school. There were 2 buses a week. The development would mean additional journeys by car. Three houses were being constructed in the village centre, with permission for another development of five dwellings. The minimum target for Preston on Wye in the Core Strategy was 10 dwellings. If the application were approved this would mean the provision of 18

dwellings, representing 20% growth of Preston on Wye. The development was not dictated by local need. In the area of the Wyeside Group of parishes 31 further houses were required to be delivered by 2031. This was ample time for organic community led infill growth.

- The NDP indicated that the maximum size for a single development considered acceptable for Preston on Wye was 5 dwellings. A development of 10 or more was considered unlikely due to historical low levels of supply and demand, which was not expected to change significantly. Eleven or more houses on one site would be the exception, and should not be treated as a priority at the expense of smaller developments which can more easily fulfil the housing target.
- Preston-on-Wye had a village centre and was not a linear development along the roadside like many Herefordshire villages. There was the opportunity to deliver housing plots in the future.
- She was concerned about the access to the development noting the narrow single track roads leading to the village, with limited passing places. The traffic levels had not been assessed at the peak summer period when a local camp site was in full use. The cumulative effect on the road network would be severe.
- The access road often flooded.
- The Core Strategy said development should be focused on the most sustainable locations, reduced the need to travel by car and encouraged sustainable travel options.
- The development would mean the loss of agricultural land. The security of the Country's food production needed to be considered. In addition, developments on such land affected the special characteristics of villages in the area. Wyeside was situated within the Herefordshire Green Infrastructure Strategy 2010, District Strategic Corridor (DSC) 7, where development needed to be sensitive to its unique character.
- In terms of local need and social wellbeing, the village did not need increased traffic or dormitory development.
- The development would cause demonstrable harm. The scale and nature of the development on the outskirts of the village would take a long time to embed and integrate into the community.

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

- The development was adjacent to the settlement and there was a footpath to it. It would ensure the viability of the settlement but was not too large.
- The road access was to be widened. The impact of the increased traffic would not be significant.
- Concern about overlooking had been expressed by some residents. However, the distance was considered reasonable and none of the existing dwellings would be front on to the new dwellings.
- Any landscaping to screen the development would have to be sensitive so as not to obscure the long distance views currently enjoyed by the existing dwellings.
- The Parish Council opposed the development as did several local residents.
- There was a concern that moving the existing access towards the village would mean that lights from vehicles leaving the development would shine directly into an existing property. It was requested that if approved consideration should be given to this as part of a reserved matters application.
- The housing mix was welcomed.

- It was also requested that consideration be given to the provision of water butts for all properties and provision of electricity supply to facilitate charging of electric vehicles and the removal of permitted development rights to prevent extensions that might create overlooking issues without express permission.
- There was insufficient infrastructure to support such a development.
- The NDP had indicated that the maximum size for a single development considered acceptable for Preston on Wye was 5 dwellings. The proposal was contrary to the NDP. The views of the local community should be respected.
- It had to be recognised that much of the housing growth for the Group Parish area would have to be accommodated within Preston on Wye. The NDP did not contain a settlement boundary or identify any housing sites.

In response to questions officers commented:

- There was not a continuous pedestrian route from the village but it extended for most of the length and there was good visibility when walking.
- NDP policy WHO1 provided for 32 dwellings across the whole Group Parish area. The provision in the NDP that the maximum size for a single development in Preston on Wye should be 5 dwellings was an objective not a policy.
- The 2018 housing figures for the Wyese Group area indicated a requirement for 39 dwellings. Four had been completed with a further 4 commitments.
- Notwithstanding the national 60mph speed limit applied to the access road, an analysis had recorded average 85th percentile speeds of 36.2mph eastbound and 32.5 mph westbound.

The Lead Development Manager commented that the Transportation Manager considered the access acceptable. The application was an outline application. The housing mix was in accordance with policy and was controlled by condition. Whilst acknowledging the objective stated in the NDP, the development was adjacent to the main settlement in accordance with policy RA2. It could be considered organic growth.

The local ward member was given the opportunity to close the debate. She commented that the local roads were used for walking and horse riding by children. Vehicles exceeded 30 mph increasing risk of serious injury. The NDP did identify an area for affordable housing. The national presumption in favour of sustainable growth was in fact compromising sustainable growth in local communities and did not seem to recognise the wishes expressed in NDPs. There would be better opportunities for development in Preston on Wye and that should be community led.

Councillor Hunt proposed and Councillor Shaw seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 9 votes in favour, 3 against and 2 abstentions.

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

1. **C02 - Time limit for submission of reserved matters (outline permission)**
2. **C03 - Time limit for commencement (outline permission)**
3. **C04 - Approval of reserved matters**

4. C06 – Approved plans
5. B01 - Development in accordance with the approved plans
6. CAB - Visibility splays- 53 X 2.4M EASTBOUND, 44M X 2.4M WESTBOUND
7. CAE - Vehicular access construction
8. CAH – Driveway gradient
9. CAJ – Parking gradient
10. CAP – Highway Improvements/off site works
11. CAQ – CB2 Secure covered cycle parking provision On site roads – submission of details
12. C01 - Samples of external materials
13. C49 – Site Observation – Archaeology
14. CNS - Habitat Regulations (River Wye SAC) – Foul- and Surface Water

All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through an attenuation system with final discharge to local watercourse; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.

16. CNS - Nature Conservation – Ecology Protection, Mitigation and Biodiversity Net Gain

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the ecology report by Star Ecology dated June 2018 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

16. CNS – Drainage

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

17. CNS – Drainage

The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme a detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

- **Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
- **Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
- **Evidence of agreement from third party land owner(s) (if this differs from the Applicant) to confirm that the pipe can be located as proposed, in addition to agreement from the riparian owner(s) of the watercourse into which the outfall is proposed.**
- **Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;**
- **Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;**
- **Demonstration that appropriate pollution control measures are in place prior to discharge;**
- **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.**

Reason: To ensure drainage conforms with Policies SD3 and SD4 of the Herefordshire local Plan - Core Strategy and the national planning Policy Framework.

18. CNS - Housing Mix

The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the open market housing in accordance with the details submitted.

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

19. **Tree protection area – condition.**
20. **C97 – Landscape Implementation 5 year planting plan**
21. **CAT – Wheel Washing**
22. **CAZ – Parking for site operatives and Construction Environmental Management Plan.**
23. **CBK – Hours of working during construction**
24. **CB2 – Secure Cycle Parking Provision**
25. **CE6 – Water Efficiency**
26. **The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of the dwelling houses hereby permitted that shall have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).**

Reason: To define the terms of the permission and to comply with policy H1 and ID1 of The Herefordshire Local Core Strategy.

Informatives

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
 2. **I11 – Mud on the highway**
 3. **I09 – Private apparatus within the highway**
 4. **I45 – Works within the highway**
 5. **I05 – No drainage to discharge to highway**
 6. **108 Section 278 Agreement**
 7. **107 Section 38 Agreement and Drainage details**
 8. **147 Drainage other than via highway System**
 9. **Highway Design Guide and Specification**
- 18. 182938 - LAND TO THE REAR OF MURRAYFIELD, ALLENSMORE, HEREFORDSHIRE, HR2 9BN**

(Development of 2 dwellings with garages.)

(Councillor Wilding had left the meeting and was not present during consideration of this application.)

The Senior Planning Officer (SPO) 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. She added that Natural England had confirmed that they had no objection to the Habitat Regulations Appropriate Assessment undertaken by the Council.

In accordance with the criteria for public speaking, Mr T Cramp, of Allensmore Parish Council spoke in opposition to the scheme. Mr D Alakija spoke on behalf of a local resident in objection. Mr R Pryce, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, Councillor Swinglehurst read out a statement on the application on behalf of Councillor Bolderson, the local ward member. This is included within the update.

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

- There had been a suggestion that the new access road may also provide access to the scrapyards to the south east of the site. The SPO clarified that the access lane would only provide access to the two proposed dwellings and a paddock within the applicant's ownership. Access to the scrapyards was off a separate road. Any new access would require planning permission.
- Concern was expressed about poor drainage and the risk of flooding as highlighted in the Parish Council's representations. The site was in flood zone one. There was historic evidence of flooding. It was questioned whether this represented grounds for refusing the application. The Lead Development Manager (LDM) commented that, as set out in the report, the Drainage Engineer was content with the proposed scheme. Condition 13 required a full drainage strategy to be agreed prior to any development. He cautioned against seeking to refuse the application on grounds of poor drainage.
- It was observed that there were concerns within communities about the robustness of the percolation tests carried out during the hot and dry summer of 2018. The LDM commented that several tests had been carried out on the site in accordance with the required national standards.
- The LDM acknowledged concerns about flooding in the area but reiterated that the technical consultees considered the drainage proposals to be acceptable. He suggested an additional condition that one of the dwellings should be a bungalow to be in keeping with existing development. This was accepted. The access was considered acceptable. The Neighbourhood Development Plan had limited weight at this stage. Whilst the area had reached its minimum housing target a small number of additional properties was not significant enough to provide grounds for refusing the application.

Councillor Swinglehurst was given the opportunity to close the debate on behalf of the local ward member. She commented that the application highlighted tensions between local knowledge and expert opinion, and local wishes and national policies. The site was in flood zone 1. It was essential that any drainage scheme was detailed and thorough. The development was contrary to the character of the settlement. She questioned whether the development could be considered an enhancement, noting the impact on the residential amenity of a neighbouring property. The site was specifically not recommended for allocation for housing within the NDP which attracted limited weight.

Councillor Hardwick proposed and Councillor Seldon seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition requiring the proposed dwelling adjacent to the existing buildings to be a single storey dwelling. The motion was carried with 5 votes in favour, 3 against and 5 abstentions.

RESOLVED: That outline planning permission be granted and subject to the conditions below and any other 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**
4. **C06 Development in accordance with the approved plans**
5. **CAB Visibility splays**
6. **CAE Vehicular access construction**
7. **CAH Driveway gradient**
8. **CAT Construction Management Plan**
9. **CB2 Secure covered cycle parking provision**
10. **CBK Restriction of hours during construction**
11. **All foul water shall discharge through connection to new private foul water treatment system with final outfall to suitable soakaway drainage field on land under the applicant's control; and all surface water shall discharge to appropriate soakaway system; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4.

12. **Within 3 months of completion of the works approved under this planning decision notice evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, FOUR bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. 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 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.

13. **CBM Scheme of foul and surface water disposal**
14. **CAP Bus stop relocation**
15. **The dwelling located nearest to Montrose and Murrayfield shall be single storey.**

Reason: To protect the amenity of neighbouring dwellings and to accord with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework

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.**

(The meeting adjourned between 2.00pm and 2.08pm)

(Councillor Seldon Vice-Chairperson in the chair)

19. 183661 - OAKFIELD, NASH END LANE, BOSBURY, LEDBURY.

(Proposed extension to an existing gypsy/travellers site comprising 5no. Residential pitches, 1 no. Extended dayroom, 2 no. Utility blocks, 1 no. Access, hardstanding and associated works.)

(Councillors Paul Andrews, Hardwick, James and Wilding 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, Mr P Whitehead, of Bosbury and Coddington Parish Council spoke in opposition to the scheme. Ruth Munns, on behalf of the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor Johnson, spoke on the application. He expressed the view that whilst on the site visit the site had appeared tidy and potentially suitable it was not necessarily the right place for such a development. He intended to comment in more detail at the end of the debate.

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

- A Councillor highlighted paragraph 6.50 of the report.
- Clarification was sought on the proposed new western site access which had already been constructed but in part appeared to be outside the red line delineating the application. The Lead Development Manager commented that the application did not take account of the need to include highway land. A consent from the highway authority would need to be sought and granted. The application was valid as it stood.
- It was asked whether the impact on seven mature oaks bordering the site had been assessed. It was suggested that the proposed area of hard standing did not respect the root protection zone. The new access road also appeared very close to one of

the oak trees. The Lead Development Manager suggested that a suitable condition could be added to protect the trees, subject to the advice of the tree officer.

- The SPO confirmed that the Drainage Engineer had no objection to the drainage proposals.

The local ward member was given the opportunity to close the debate. He made the following principal points:

- The local community was opposed to the application. Bosbury had 4 travellers sites with 14 pitches representing 12% of the total pitches provided within the county. The additional 5 pitches proposed within the application together with another development being proposed nearby would bring the proportion of pitches up to 16% accommodating some 40-60 travellers.
- The Parish Council had supported the application for 2 pitches on the site in 2012 on the basis that there would be no additional development. The report stated at paragraph 5.3 that “there must be consideration as whether the reasons for imposing these conditions are still applicable or whether different conditions could be imposed to mitigate any potential impacts.” He questioned the disregarding of the agreed conditions.
- He questioned whether the policy complied with Core Strategy policies H4 and RA3. He also questioned whether there was a local need noting that the second pitch for which permission had been granted in 2012 had never been occupied. The site was also outside the settlement boundary.
- He referred to paragraphs 22 and 25 of the Government’s revised Planning Policy for Traveller sites as referenced at paragraph 6.9 of the officer report.
- The report was based on the premise that the application was not for a new site but for an extension to an existing site. However, the increase in size was of relevance.
- With reference to policy H4 regarding the need for sites to have reasonable access to services, subject to an exception provision, there was no access to services. The school was oversubscribed, the surgery was full, there were no shops and very little public transport. He questioned if the site was sustainable bearing in mind the travel distance to Cradley or to Ledbury. He questioned the statement in paragraph 6.22 of the report that officers considered there was capacity in local infrastructure and services given the lack of objection from service providers.
- He acknowledged the report’s recommendation and the rationale behind it. However, he considered that Members had a responsibility to represent residents and ensure that they were treated fairly. He considered that the County’s target for pitches should be shared more evenly across the county noting the current level of provision in Bosbury.
- The application was contrary to policies RA3 and H4 and officers should be encouraged to develop sites across the county as a means of securing successful integration of travellers.

The Lead Development Manager noted that considerable work had been undertaken to prepare the Travellers Development Plan Document. That had identified the need for additional pitches and the document which included the application site within it had been subject to public examination. He referred to a paragraph in the examiner’s report stating that the development would not dominate the nearest settled community and be contrary to paragraph 14 of the PPTS and there was no reason why there should not be peaceful and integrated co-existence. He requested that delegated authority be granted to resolve the issues that had been raised relating to the new access and protection of trees. If an acceptable resolution was not possible the application would be brought back to the Committee.

Councillor Hunt proposed and Councillor Fagan seconded a motion that the application be approved in accordance with the printed recommendation and authority delegated to officers to determine following consultation with the tree officer an appropriate condition to protect mature oak trees on the site and to resolve any issues relating to the new access. The motion was carried with 5 votes in favour, 2 against and 3 abstentions.

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

1. **C01 – Time limit for commencement (full permission)**

2. **C06 – Development in accordance with the approved plans (drawing numbers: TDA.2406.01; TDA.2406.03 Revision B; TDA.2406.05; TDA.2406.07 and TDA.2406.08).**

3. **C14 - The materials to be used in the construction of the external surfaces of the dayroom extension hereby permitted shall match those used in the existing building.**

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

4. **CAH – Prior to the first occupation of the development hereby approved the driveway and vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to relevant works commencing in relation to the driveway/vehicle turning area.**

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.

5. **The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annexe 1, paragraph 1 of the Communities and Local Government "Planning Policy for Traveller Sites" March 2015.**

Reason: To accord with the requirements of Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the Planning Policy for Traveller Sites (DCLG – August 2015).

6. **Any material change to the position of the static caravans, or its replacement by another caravan in a different location, shall only take place in accordance with details submitted to and approved in writing by the local planning authority.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the

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

- 7. No more than 7 mobile homes and no more than 7 touring caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended shall be stationed on the site at any time.**

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

- 8. The soft landscaping and habitat creation and planting as proposed in supplied plan reference TCA.2406.03 Revision B dated 16th June 2019 shall be implemented in full, any trees or shrubs dying within 5 years of completion of all works on the site shall be replaced like for like and all the site hereafter maintained in full as approved unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the 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

- 9. The utility block and day room buildings (as shown on the approved drawing nos. TDA.2406.05 and TDA.2406.07) shall not be used other than as utility block/day room structures ancillary to the use hereby approved. No part of the buildings shall be used as a bedroom or otherwise for sleeping accommodation.**

Reason: To ensure that the buildings are not used as separate and independent residential units and to comply with Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2019).

- 10. The new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

- 11. The applicant shall be required to enter into a Section 184 agreement under the Highways Act 1980 with the local Highway Authority prior to relevant works commencing in relation to the new access. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**

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.

INFORMATIVES

- 1. IP2 – Application Approved Following Revisions**
- 2. I05 – No drainage to discharge to highway**
- 3. I11 – Mud on highway**
- 4. I35 – Highways Design Guide and Specification**
- 5. I45 – Works within the highway**
- 6. I30 - Wildlife and Countryside Act 1981 (as amended)**

20. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of Updates

The meeting ended at 3.06 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 24 July 2019

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

182628 - APPLICATION FOR APPROVAL OF 1ST PHASE RESERVED MATTERS FOR THE ERECTION OF 275 DWELLINGS WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE TO BE CONSIDERED ONLY. AT LAND TO THE SOUTH OF LEADON WAY, LEDBURY,

For: Mr Mark Elliot, 60 Whitehall Road, Halesowen, B63 3JS

ADDITIONAL REPRESENTATIONS

A local resident has raised concerns regarding the impact of the proposals refuting the applicants' assertion that land drains to their pond are not on the application site. The third party has submitted land drain maps passed to which show that the drains collect to a pipe on the boundary and then feed to the sump at the driveway to the adjacent field (Gladman's appeal site). The resident states *It is observed that shortly after a heavy downpour, the outfall to the pond is heavily contaminated with silt from the excavated Barratt site at a time when the Gladman site has not been disturbed by cultivation. This confirms the connectivity indicated by the land drains maps.* The resident requests confirmation of the existence of the land drains on the Barratt site and the connectivity to my pond.

The above and further comments and plans show the relevant land drain maps below and the schematic supplied by Barratt. The resident states the land drain maps show that the catch pit across the Dymock Road from their pond has at least 3 pipes feeding the pit from the fields above but Barratt shows only 2 pipes being examined, perhaps they conclude leading them to the wrong conclusions.

The residents concerns have been shared with the applicant who has responded *In light of this information we are prepared to undertake further investigations to establish a final position with regards to the presence/absence of a land drain connection between the two sites should this be deemed necessary by the Local Planning Authority. If, as suggested, there is a land drain connection between our site and the Gladman land then we are prepared to provide mitigation within our site, in the form of a silt trap, to prevent any potential silt deposits to the adjacent ponds. This would be maintained by the management company that will be appointed to maintain all public areas within the site.* This can reasonably be controlled via condition 22 of the outline planning permission in respect of sustainable drainage.

This condition also requires the implementation of a surface water drainage strategy that is based on the principles set out in the Flood Risk Assessment and Surface Water Drainage Strategy dated October 2014 and the accompanying Drainage Strategy layout that supports this assessment. The technical details of this will be agreed with the Council's own flood authority.

West Mercia Housing has submitted a statement supporting the application, stating –

WM Housing Ltd have contracted with Barratt David Wilson under a development agreement for the affordable homes which form part of the scheme at Leadon Way, Ledbury.

The mix to be delivered on phase 1 is shown below.

Social Rent

10 x 1 bed houses
2 x 2 bed bungalows
23 x 2 bed houses
19 x 3 bed houses
5 x 4 bed houses

Shared Ownership

35 x 2 bed houses
16 x 3 bed houses

There is currently a significant demand for housing in Ledbury based on current information on Homepoint and interest in the area.

These new homes will provide a mix of rented and shared ownership accommodation within the Ledbury which will help meet housing demand in the area and be suitable for people on a range of income levels. All rents plus indicative service charges used in our appraisals are within Local Housing Allowance levels. 11 of the affordable homes will also be designed to DQS standards so that they can be easily adapted if required either at first let or in the future if customers' needs require this.

We have internally reviewed the design and layout of the scheme and are happy with the locations of plots, in particular with regards to position of open spaces and play areas. Tenures are mixed and dispersed evenly across the site, and a tenure blind approach has been adopted by Barratt Homes David Wilson Homes with regards to design and materials.

The development will provide much needed affordable housing for the area to help meet demand in the locality. WM also welcome that some home are design to DQS standard to provide flexibility at the point of letting. WM welcome this development and believe that it will have a positive impact on the area providing much needed affordable housing for local people.

I trust this outline WM's support for the proposed scheme and we look forward successfully delivering new affordable housing for Ledbury.

The applicants have submitted a summary statement setting out amendments to the proposal following the June Planning Committee and how the development satisfies local and national planning policies and delivers economic, social and environmental benefits.

The amendments are summarised –

- Amendments to the Affordable housing layout;
- Enhanced landscaping plans, including increased tree planting along the southern boundary;
- Introduction of communal vegetable planters and provision of additional orchard walks;
- Enhanced connectivity plans for pedestrian, cycle and potential bus routes;
- Preparation and submission of CGI views along northern, southern and western boundaries;
- Updated waste management plan;
- Updated Energy statement supporting fabric first approach.
- Improved play areas for children of all ages including an informal kickabout area.

Economic Benefits

- Job Creation: it is anticipated that the development will create 288 direct, indirect and induced employments through Barratt David Wilson, its sub-contractors and suppliers per annum.

- New Homes Bonus: deliver approximately £1.8m over five years paid by Central Government to the council through the New Homes Bonus scheme.
- Local Economic Boost: development of the site is expected to deliver an economic output of £6.8m. This equates to the indirect creation of 40 jobs per annum.
- Increased council tax receipts: the proposed development would contribute around £0.45m per annum in council tax payments.
- Highways investment: Approximately

Environmental Benefits

- Deliver net gain in biodiversity terms and enhancements.
- New walking orchards and community vegetable planters throughout open areas.
- Enable more sustainable patterns of activity through provision of walking and cycling routes.
- Surface water drainage improvements
- Retain important trees and hedgerows

Social Benefits

- Provision of total 275 dwellings.
- Provision of 110 affordable dwellings.
- Informal public open space (approximately 2.5ha).
- Children's play areas on site.
- Contributions towards enhanced football and rugby pitches.
- £0.39m contribution towards Ledbury Primary School.
- Additional population to support local facilities.
- Improved pedestrian linkages.

Representatives of Ornu (cheese factory) have submitted a further noise assessment, titled 'Tonality Update'. The assessment confirms that the noise from the factory has a tonal quality. This was received Tuesday 23rd July 2019.

On the basis of this updated assessment Ornu disagree with the Council's position and request that the Council provide an explanation of how it considers a penalty should not apply in the light of this new evidence. Ornu emphasise that the updated evidence is a material consideration and should be afforded significant weight in the overall planning balance.

The assessment was sent to the Council's Environmental Health Officers and the applicants for comment a verbal update will be given at committee.

OFFICER COMMENTS

The concerns of the third party are noted, as are the comments from the applicant. It is considered the Condition 22 of the outline planning permission, which has not been discharged, is the appropriate mechanism to address the residents concerns and that position is agreed and accepted by the applicants.

The comments from West Mercia Housing are noted and the Committee Report sets out the significant contribution the development makes to affordable housing delivery where there has been a dramatic lack of such housing over the last ten years and significant demand is held.

The amendments to the proposals following comments from Planning Committee and Local Members are welcomed and overall enhance the development. The Economic, Environmental and Social Benefits of the development and compliance with the Herefordshire Core Strategy, Ledbury Neighbourhood Plan and National Planning Policy Framework are detailed within the Committee Report which recommends approval with suggested conditions.

Further to the above, the Government published revision of Planning Practice Guidance – Noise (PPG-Noise) on the 22nd July 2019 and both the Council's Environmental Health Officers and the applicants responses will be provided as a verbal update.

NO CHANGE TO RECOMMENDATION

Response by applicants noise consultants to late representation from Ornuu Ingredients UK Ltd

The March 2019 Noise Assessment Report identified that the sound from the Ornuu factory was not tonal, when assessed subjectively, and in accordance with Annex C in BS4142:2014, *Methods for rating and assessing industrial and commercial sound* (BS4142). The assessment by WA was undertaken at the proposed dwellings nearest to the Ornuu factory. These findings have not previously been disputed by either Ornuu or HMK. Additionally Herefordshire Council (HC) have found that the noise from the Ornuu factory is not tonal.

However, the technical note prepared by HMK identifies that a 70Hz tone occurred for 36% of the time between 0000hrs and 0030hrs on the 23rd July 2019 at the western development site boundary and adjacent to the Ornuu factory. HMK state that a 1.7dB noise penalty should be applied to the measured specific sound level in accordance with BS4142.

The assessment by HMK was undertaken over a short period of time, which may or may not be representative of the long term noise emissions from the site. Furthermore, BS4142 states that the audibility of any tonal component should be assessed at the receptor. However, the assessment location employed by HMK is approximately 25m from the eastern façade of the factory, whereas the nearest dwellings are located approximately 150m from the eastern façade of the factory. Even if a tone is identifiable at 25m from the sources, there is no evidence to suggest that it will be audible at a distance of 150m.

WA have undertaken noise monitoring at the development site, over two 8 hour night-time periods within the bedrooms of Plots 1 and 2 with windows open. The noise monitoring shows that the noise from the Ornuu factory is not tonal.

We therefore maintain our position, which is based upon long term noise monitoring, on and off the development site, that sound from the Ornuu factory is not tonal, therefore no noise penalty should be applied.

Comment by Environmental Health Officer on response by applicants noise consultants

The document advises that the factory noise was measured at night time for 48 minutes at a field gateway opposite the factory and 2 further locations although these are not identified and no results are supplied. The document advises that the noise consultant detected tonal qualities at the factory gate but the spectral analysis supplied does not confirm this. No noise measurements were taken from the proposal site.

The BS4142 guidance gives 3 alternative methods for determining the appropriate character correction to be applied for a noise which is tonal. A subjective assessment based on audibility would award a penalty for a tonal sound. The noise consultant has identified tones (3.3) – not a distinctive tone - so we do not think it appropriate to award a penalty on the basis that a variety of tones have been heard. We have found that the factory noise as a whole has a low frequency characteristic but have not experienced a single distinctive tone

which is over and above the overall sound source and Hayes McKenzie have not found this either.

The spectral analysis supplied in figure 2 does not give results that indicate that there is a 15dB or greater difference in dB levels at low frequency one third octave bands (25Hz to 125Hz). Therefore there is no evidence that the BS4142 objective second method for the determination of a tonal characteristic has found that a character correction should be applied. This corroborates the earlier findings of noise measurements taken in February 2019 by the applicant's noise consultants after mitigation and which did not find any low frequency characteristics (Appendix F WA March 2019) and has not been disputed.

The final method for the determination of the appropriate character correction is the reference method set out in Appendix D of BS4142 ie the use of narrow-band frequency analysis. Hayes McKenzie have argued that a tonal penalty be awarded using the results of this analysis alone. We are reluctant to accept this analysis as the sole determinant of a character correction given the lack of corroborating evidence supplied by the use of either other methodology ie the subjective and objective methods for determining a character correction due to a tonal element.

Even if the suggested 1.7dB character correction was accepted by using the narrow-band frequency analysis only this does not alter the findings on site in March 2019 which were undertaken inside the built plots 1 and 2 which found noise levels below 30dB inside the bedrooms with the windows open in a real time monitoring environment.

Statement by adjoining ward member Councillor Howells read to the meeting

This development was an unplanned, unstructured and unmanaged one which was never wanted by the people of Ledbury in the form now presented and about which the people of Ledbury were never consulted. It is therefore a development which did not and in my view still does not meet the real requirements of the town or adequately comply with either the core strategy or Ledbury Neighbourhood Development Plan planning requirements.

Given the current position with aspects of the development now at an advanced stage, realistically it has to be accepted and progressed at some point, but any planning comment has to be taken from this inadequate starting position. Whilst the Town fully accepts the requirement in the core strategy for Ledbury to deliver 825 houses, this development falls far short of the ideal so any planning objection submissions can only be aimed at mitigation of all the many aspects in which the site does not meet Ledbury needs or, in my view, yet fully meet all planning requirements, in order to limit the unacceptable aspects as much as possible.

I'm mindful that the developers, Barratt Homes, have made genuine attempts to reflect resident and Councillor concerns given this is an overall unacceptable development for Ledbury. At the meeting between Barratts, HCC Planning Officers and Ledbury Ward Members on 9th July, Barratts made significant landscaping and other improvement concessions which Ward members appreciated were made in good faith. In particular, I am mindful that Barratts were always willing to be compliant on delivering 40% affordable housing without attempting to reduce this commitment – as many developers try to do.

However, there are a number of planning areas which still concern me and which I would like the Planning Committee to consider when arriving at a decision.

- As my Ledbury Town Councillor John Bannister colleague will submit in his presentation, we are agreed that this application, which comes under the remit of the adopted Ledbury NDP, does not adequately reflect, or explain how NDP policies have been considered, in the following areas:
 - Policy SD1.1 on sustainable development on aspects such as zero carbon houses, renewable energy sources, locally recycled waste or promoting a

reduced dependence on the private car as much as possible. We do not regard the cycling and walking aspects of the application to go far enough in reflecting this policy as it could.

- Although we recognise that the affordable housing is likely to be sold to a housing association which could adapt the housing for different group needs, we feel that not enough suitable consideration has been given in the design stage to the housing policies such as HO2.1 of balanced communities (such as housing for adults and young people with disability), HO3.1 (housing for the elderly), HO4.1 (housing for young people and especially for those transitioning from care), and HO5.1 (self-build opportunities). Adequate provision of such features of incorporated electric charging points for e-bikes and disabled vehicles with suitable related storage, for example, is not apparent.
 - The Planning and Regulatory Committee report for the meeting in section 2.2 glosses over the Ledbury NDP and makes no reference to how these policies have been adequately considered and handled within the application.
- I would also refer the committee to section 4.3 of this report in which the Service Manager Built and Natural Environment comments upon the harm the 3m high bund and fence will cause to local amenity. The officer makes it clear that this is still an undecided consideration and in our view we simply cannot accept that current mitigation proposals are adequate. Barratts own artists' impressions demonstrate clearly that what was once open field country with sweeping views will now effectively be a walled fort which will take years for suggested vegetation to disguise. Whilst understanding why this is felt necessary, its construction is an appalling contradiction of what sustainable development, as defined by the Core Strategy and NDP policies, should be reflecting. More needs to be done to ensure these fences are less obvious from the start and not simply wait until nature takes its course.
 - It is also clear, and recognised by Officers, that many core strategy policies have been compromised in order to enable this development and whilst I do understand the reality that this may be necessary, including any NPFF considerations, a reading of the Core Strategy document suggests a revisit is needed to at least explain in more detail why these compromises have been reached in order for Ward and Town Councillors to be satisfied that the decisions made are as acceptable as possible.
 - The Planning and Regulatory Committee report in section 4.5 states that on site drainage, any concerns of ground water supply to an offsite Great Crested Newt pond/population can be reassured that there will be no negative effect. This seems very clearly to be palpably untrue. It is maintained by Barratts that no site drainage pipes go in the direction of the pond, but they know this is not the case since plans showing the underground pipes which prove there are drainage pipes under the land, and which lead into the pond, have been submitted to both Barratts and HCC planning months ago, but appear to have been ignored. Not only do the plans clearly show these drainage pipes, but since the development has started, the pond has shown equally clear (excusing the pun) effects of mud and water flowing into the pond. Until this issue has been more fully investigated and satisfactorily resolved, there is surely no way the landscaping/ecology aspect of the reserved matters can be approved.

190416 - SITE FOR A PROPOSED DEVELOPMENT FOR THE ERECTION OF 10 DWELLINGS AT LAND ADJACENT TO PLOUGHFIELDS, PRESTON-ON-WYE, HEREFORDSHIRE,

For: Mr Dale per Mrs Claire Rawlings, 10 The Maltings, Dormington, Hereford, Herefordshire HR1 4FA

ADDITIONAL REPRESENTATIONS

None received

OFFICER COMMENTS

Transport Officers have confirmed the speed limit outside the site is not 30 mph as stated in para 1.3 of the committee report but it falls within 'national speed limit'.

An existing gate access was noted within the western boundary of the site and officers can now confirm this farm gate is not the sole access into the adjacent field and will be stopped up or removed.

Condition to be added:

Maximum Floorspace

The reserved matters applicant submitted pursuant to Condition 1 shall be accompanied by details of the dwelling houses hereby permitted that shall have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).

Reason: To define the terms of the permission and to comply with policy H1 and ID1 of The Herefordshire Local Core Strategy.

CHANGE TO RECOMMENDATION

Additional condition as above added to the recommendation

182938 - DEVELOPMENT OF 2 DWELLINGS WITH GARAGES AT LAND TO THE REAR OF MURRAYFIELD, ALLENSMORE, HEREFORDSHIRE, HR2 9BN

For: Mr Moore per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

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

Neighbourhood Planning Officer has confirmed that the Neighbourhood Development Plan underwent Regulation 14 consultation ending on 12 July 2019. The Plan can be afforded limited weight.

An additional representation has been received which reads as follows:

I understand that Cllr Bolderson has contacted you with an urgent question for the drainage engineer concerned with this application.

I have a related but different question which I believe is important and would be very helpful to get answered by the drainage engineer before the planning committee meeting on Wednesday.

It is known that the spreader pipes from a septic tank at Montrose discharge into the proposed site. It is very likely that the same happens for Murrayfield.

When the drainage engineer was considering the proposed drainage solution, was it apparent that the site is being required to provide the drainage, not just for the two proposed new dwellings, but also for definitely one and probably two existing dwellings, and does this fact materially affect the likely effectiveness of the proposed drainage solution?

I believe that this would stray beyond a civil matter into a planning matter in that it might mean that the four (2 existing and two proposed) dwellings would not have a satisfactory solution for their drainage.

The agent for the application has stated that this is not the case. Notwithstanding this, the drainage strategy conditioned on any approval to be submitted as part of a reserved matters application will cover the drainage layout.

OFFICER COMMENTS

With regard to para 6.30 of the committee report, it is confirmed that the applicant owns the paddock located to the east of the pond. As such, the access will be utilised by the proposed two dwellings and movements associated with this paddock. This notwithstanding, the visibility splays and general access are found to be adequate for the level of movements and the Council's Highways Officer is satisfied with the arrangement.

NO CHANGE TO RECOMMENDATION

Statement by local ward member Councillor Bolderson read to the meeting

The Allensmore NDP completed the Reg 14 consultation earlier this month with minor changes made to the draft plan as a result of feedback received. I understand that Herefordshire Council has confirmed that all the included policies are in general conformity with the Core Strategy and the Parish Council are now in a position to move forward with preparations for Reg 16. I appreciate that limited weight can be given to NDPs that have not been adopted by the Council, however, given the stage in which the Allensmore NDP is at, I think it appropriate to refer to it within my address.

As outlined in the NDP, Cobhall Common is documented in the Domesday Book of 1086 having just 13 households and has seen little growth since, with 51 dwellings now within the settlement boundary. The settlement is primarily linear in nature with buildings set back and lining narrow lanes. Out of all the Parishes within the Wormside Ward, the local community is one of the strongest I have seen with monthly BBQs, coffee mornings, a local history group, village allotment and even a decommissioned telephone box which has been

converted into a mini community library called 'Books in a Box'. When developing the NDP, residents identified the rural environment and community spirit as two key reasons why they enjoyed living in Allensmore.

As a result of this tight knit community, the NDP has been developed with a high level of local involvement. Any potential development outside the settlement boundary as outlined within the NDP is therefore vigorously challenged and this high level of community concern is the primary reason why we see this planning application in front of the committee today.

Policy RA1 outlines the minimum rural housing distribution between 2011 and 2031. The Housing Market Area relevant to Allensmore has a 14% indicative housing growth target over the period which equates to a minimum of 32 additional homes in Allensmore. I understand that Allensmore has already reached this minimum housing target and has identified capacity for at least another 8 to 10 new dwellings. Not only this, recent approvals of an additional 11 dwellings in Cobhall Common represents a growth of 22% for this very small and rural settlement. I appreciate that Herefordshire Council are not currently meeting housing targets as outlined within the Core Strategy and there is strong need for additional housing within Herefordshire. However, I ask the committee whether parishes that are currently meeting, or indeed exceeding their targets should be expected to accept housing development outside identified settlement boundaries, compensating for other underperforming rural areas within Herefordshire. When reviewing the details of this case, I would like you to consider the requirements of Policy RA1 of the Core Strategy and Policy A3 and A4 of the NDP. Please consider whether housing outside the settlement boundary should be considered, particularly when Allensmore has already exceeded minimum targets and in the last year alone 22% growth has been approved within the settlement boundary of Cobhall Common.

Policy RA2, figure 4.15 identifies Cobhall Common as a smaller settlement where particular attention must be made to the form, layout, character and setting of the site and its location within the settlement. An independent third party was appointed by the Parish Council to review possible development sites for inclusion within the NDP. The site which we are discussing today was reviewed and the conclusion was that any development would be positioned behind existing dwellings, adding depth to the built area and breaking the established linear pattern of the village. It was therefore considered that development upon this site could harm the character of the village.

Backfill is currently the exception in the predominantly linear development of Cobhall Common, not the norm. In addition, the layout of this planning application would represent backfill of 3 houses from the road where the other 3-4 exceptions within the village only show backfill of two houses from the road. When reviewing the details of this case, I would like you to consider whether approving this application would be contrary to policy RA2 and Policy A4 of the NDP and indeed set a precedent for further backfill and consequently affecting the form, layout and character of the village.

Due to the low-lying nature of Cobhall Common and a historically high-water table in the area, surface drainage and flooding is a major issue. I recognise that the planning officer is satisfied with the details and reports provided by the applicant, however, the local community are still concerned over three issues which, as of yesterday, had not yet been verified by the drainage consultant.

- Firstly, it is understood that both bungalows at the front discharge their water through spreaders to the application site. It is still unknown whether drainage calculations have taken account of this and whether work on the site would impact the access and efficiency of these spreaders. Without understanding the answers to this, I would consider this a direct and substantial impact on the bungalows amenity;
- Residents are concerned that percolation tests have not been conducted in accordance with Section H of the Building Regulations in so far as a minimum of two test holes are required for each of the foul and surface water tests; and

- Thirdly, percolation tests appear to have been carried out in July 2018 during a period of exceptionally dry weather. According to the regulations, the tests should not be carried out during abnormal weather conditions such as drought.

I would ask the committee to seek clarification on these matters during the debate and be fully satisfied that the NDP policy A7 in relation to Drainage, Flooding and Sewage is complied with and that there is no direct impact to the bungalows amenity.

As Ward Councillor of Wormside, I believe it is my duty to communicate to you the concerns of the local community in relation to this planning application. I acknowledge that the applicant has worked closely with the Council to adapt their application where possible, however, the local community still have concerns that the application is not compliant with Policy RA1 and Policy RA2 of the Core Strategy and Policy A3, A4 and A7 of the Allensmore NDP. Given that the NDP is just about to commence Reg 16 consultation the local community ask that you provide the appropriate consideration to this document when making your decision on this application.

183661 - PROPOSED EXTENSION TO AN EXISTING GYPSY/TRAVELLERS SITE COMPRISING 5NO. RESIDENTIAL PITCHES, 1 NO. EXTENDED DAYROOM, 2 NO. UTILITY BLOCKS, 1 NO. ACCESS, HARDSTANDING AND ASSOCIATED WORKS AT OAKFIELD, NASH END LANE, BOSBURY, LEDBURY,

For: Mr Smith per Dr Simon Ruston, The Old Office, 1 Great Ostry, Shepton Mallet, Somerset, BA4 5TT

ADDITIONAL REPRESENTATIONS

None received

OFFICER COMMENTS

With regards to the Examiners Report of the Herefordshire Travellers' Sites Development Plan Document (DPD), received on 26 June 2019, the Inspector has advised that assessment of need as at 1 April 2018 to be as up-to-date as possible on adoption and hence effective. In addition, various other detailed adjustments are required in order to prevent duplication. The need for sites to 2023 is therefore at 19 pitches excluding those who do not meet the PPTS definition. The longer-term need to 2031 is for a further 11 pitches giving a total pitch need of 30 pitches from 2018 to 2031.

This clarification reinforces the point that Oakfield has been identified by the Council as part of the Travellers DPD plan, and that the proposal, as a site, could help contribute to meeting the shortfall of pitches up to 2022/23, as has been discussed extensively throughout Section 6 and specifically 6.10 of the Officer's Report, who which this updated need reflects following the examination of the Travellers DPD.

NO CHANGE TO RECOMMENDATION

