

**Minutes of the meeting of Planning and regulatory committee held as an online meeting only on Wednesday 26 August 2020 at 10.30 am**

**Present:** Councillor John Hardwick (chairperson)

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Barry Durkin, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Mark Millmore, Jeremy Milln, John Stone, David Summers and William Wilding

**In attendance:** Councillor Christy Bolderson

**147. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Rone and Seldon.

The Chairperson welcomed Councillor Wilding as a new member of the Committee, replacing Councillor Watson.

**148. NAMED SUBSTITUTES**

Councillor Durkin substituted for Councilor Rone and Councilor Summers for Councillor Seldon.

**149. DECLARATIONS OF INTEREST**

**Agenda item 7: 193747 – Land to the North of the B4328 Much Dewchurch**

Councillors Fagan and Milln declared other declarable interests because of a connection to the Steiner Academy.

**150. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 5 August 2020 be approved as a correct record and signed by the Chairperson.

**151. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**152. 191187 - LAND BETWEEN LEEWARD HOUSE AND THE MILLENNIUM HALL, CROW HILL, UPTON BISHOP, ROSS ON WYE, HR9 7TU**

*(Outline application for the erection of 9 houses and the improvement of existing access to serve the development.)*

*(Councillor Hunt was not present for the consideration of the whole of this application and accordingly did not vote upon it.)*

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

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.

She highlighted that the Ministry of Housing, Communities and Local Government had informed the Council that the Secretary of State had received a request that he consider calling in the planning application for his own consideration. If the Committee agreed the resolution the Secretary of State would be informed and the decision would not be issued until the call-in request had been considered.

In accordance with the criteria for public speaking for virtual meetings, Mr M Robins of Upton Bishop Parish Council spoke in objection to the application as a virtual attendee. Mr D Bushell, a local resident, spoke in objection as a virtual attendee. Mrs N Inchbald, the applicant's agent, together with Mr A Padmore, a consultant, spoke in support of the application as virtual attendees.

In accordance with the Council's Constitution, the local ward member, Councillor Durkin, spoke on the application. He expressed particular concerns about highway safety and drainage and questioned the development's sustainability. He considered there were a number of issues to be resolved and consideration of the application should be deferred. A development with fewer houses of better design might be preferable.

The Committee discussed the application. The question of deferring the application was considered. However, responses by officers addressed the concerns expressed about highway safety and drainage to the satisfaction of most of the Committee.

The local ward member was given the opportunity to close the debate. He reiterated his concerns about highway safety and drainage.

**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**
- 2 C03 - Time limit for commencement (outline permission)**
- 3 C04 - Approval of reserved matters**
- 4 C05 - Plans and particulars of reserved matters**
- 5 C06 - Development in accordance with the approved plans**
- 6 The reserved matters application submitted pursuant to Condition 1 shall be accompanied by a BS5837:2012 report to detail the quality of the trees and the potential impacts they will have on development above and below ground.**

**The report should contain the following:**

- Tree Survey**

- **Tree Constraints Plan**
- **Arboricultural Impact Assessment**
- **Tree Protection Plan.**

**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** 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. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings; the overall mix being 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 SS2, RA2 and H3 of the Herefordshire Local Plan – Core Strategy and the housing and social aims and objectives National Planning Policy Framework.

**Pre-commencement Conditions**

- 8** CAT - Construction management Plan
- 9** CAB - Visibility Splays – Eastbound 2.4 x 74m, Westbound 2.4 x 73m
- 10** CAE - Vehicular access construction
- 11** CAQ - On site roads - Submission of Details
- 12** 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 demonstrate how the site will be effectively drained; the means of disposal of surface and foul water and shall include:

- **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; detailed foul water drainage strategy showing how foul water from the development will be disposed of**
- **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;**
- **Demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features. Additional soakaway testing to BRE 365 will be required to refine the design of the proposed soakaway basin;**
- **Indicate how foul flows will communicate to the public sewerage system.**

Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further

**surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to manage flood risk in accordance with the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.**

**13 CCK - slab level plan**

**14 Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement- ‘net gain’ features, including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehogs, has been submitted to the local planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the local planning No external lighting shall illuminate any new ecological feature or adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.**

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

#### **Pre-occupation Conditions**

**15 A scheme of noise insulation measures for all the residential accommodation shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first use of the development to which it relates commences and the measures shall be retained for the duration of the use.**

**Reason: To safeguard the amenity of the area in compliance with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**16 CAP - Highways Improvement/off site works**

**17 CB2 - Cycle parking**

**18 CE6 - Water efficiency**

**19 Prior to the first occupation of any dwelling a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets ) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior of the first occupation of each dwelling hereby approved.**

**Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.**

**20 CK8 - Landscape Management Strategy (following RM)**

**Compliance Conditions**

- 21 All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site Sustainable Drainage Scheme (SuDS); unless otherwise agreed in writing by the Local Planning Authority.**

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

- 22 The ecological protection, mitigation, compensation and working methods scheme, as recommended in the ecology report by Worcestershire Wildlife Consultancy dated October 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 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.**

- 23 CAX - Direction of proposed lighting**

**INFORMATIVES:**

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

- 3 I11 - Mud on highway
- 4 I09 - Private apparatus within highway
- 5 I45 - Works within the highway
- 6 I07 - Section 38 agreement and drainage
- 7 I05 - No drainage to discharge to highway
- 8 I47 - Drainage other than via highway system
- 9 I35 - Highways Design Guide and Specification

**153. 193747 - LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE**

*(Outline application for a residential development of up to 4 dwellinghouses (all matters reserved.)*

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 for virtual meetings, Upton Bishop Parish Council had submitted a written submission in objection to the application. Mrs R Craine, a local resident, had submitted a written submission in objection to the application. Mr P Staddon, the applicant's agent had also submitted a written submission, in support of the application. The three submissions were read to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor Bolderson, spoke on the application. She opposed the application principally on the grounds of access and drainage, highlighting the risk of fluvial flood. She requested that consideration of the application should be deferred pending a flood risk assessment.

The Committee discussed the application.

**RESOLVED: That consideration of the application be deferred, pending receipt of a flood risk assessment.**

**154. 202191 - WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH**

*(Proposed additional balcony areas to increase entrances into the building. East facing elevation moved forward to increase clubhouse floor area and remove area that is vandalised.)*

The Development Manager gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Toynee, had written stating her support for the officer recommendation to approve the application.

**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**
3. **CBK - Restriction of hours during construction**

**INFORMATIVES:**

1. **IP1 - Application Approved Without Amendment**
2. **The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Badgers, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.**

**155. DATE OF NEXT MEETING**

Noted.

**Appendix - Schedule of updates**

The meeting ended at 1.13 pm

**Chairperson**





# **PLANNING AND REGULATORY COMMITTEE**

**Date: 26 August 2020**

## **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**

**191187 - OUTLINE APPLICATION FOR THE ERECTION OF 9 HOUSES AND THE IMPROVEMENT OF EXISTING ACCESS TO SERVE THE DEVELOPMENT AT LAND BETWEEN LEEWARD HOUSE AND THE MILLENNIUM HALL, CROW HILL, UPTON BISHOP, ROSS ON WYE, HR9 7TU**

**For: Mr David Greer and Mrs Montgomery per Mrs Nicola Inchbald, The Estate Office, Holdfast Manor, Holdfast, Upton Upon Severn, WR8 0RA**

### **ADDITIONAL REPRESENTATIONS**

On August 19<sup>th</sup> a further representation was submitted by Mr Wiggins MP, who has already made representations on the application.

This representation identified the application site is close to a bore hole near 'the pond' and raised concerns regarding its pollution.

### **OFFICER COMMENTS**

Colleagues in the Council Environmental Health team have confirmed within the last few days the bore hole has now been registered, however wouldn't normally consider that a housing development would be a risk and as such would assume that all relevant drainage and sewerage was in place. Also if there was an issue of affecting the water supply the council would require the relevant person(s), which could be the landowner, owner of the premise, or user or the supply, or any other person who exercises powers of management or control in relation to that supply to carry out remedial works, taking into account any specific legal agreements.

### **ADDITIONAL REPRESENTATIONS**

On August 25<sup>th</sup> a further representation was received from the Ministry of Housing, Communities and Local Government:

I am contacting you, as I understand that you are the case officer for Hertfordshire Council dealing with the above application.

I am emailing to inform you that the Secretary of State has received a request that he consider calling in the above planning application for his own consideration.

I understand that the application is due before committee on 26 August.

The Secretary of State does not act on third party requests to call in planning applications until the relevant Planning Committee have resolved to approve the application.

If the Committee are minded to approve the application then the Secretary of State could issue an Article 31 holding direction or the local planning authority could give an assurance that they would not issue a Decision Notice until the Secretary of State has had an opportunity to consider whether or not to call in the application.

I should be grateful if you could confirm whether you are content not to issue a Decision Notice in this case until the Secretary of State has decided whether or not to call in the application. Could you also send me a copy of the committee report and recommendation for this application, please.

**Officer comments.**

If members agree the resolution The Secretary of State will be informed and the decision will not be issued until the call-in request has been duly considered.

**NO CHANGE TO RECOMMENDATION**

**193747 - OUTLINE APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF UP TO 4 DWELLINGHOUSES (ALL MATTERS RESERVED) AT LAND TO THE NORTH OF THE B4348, MUCH DEWCHURCH VILLAGE, HEREFORDSHIRE**

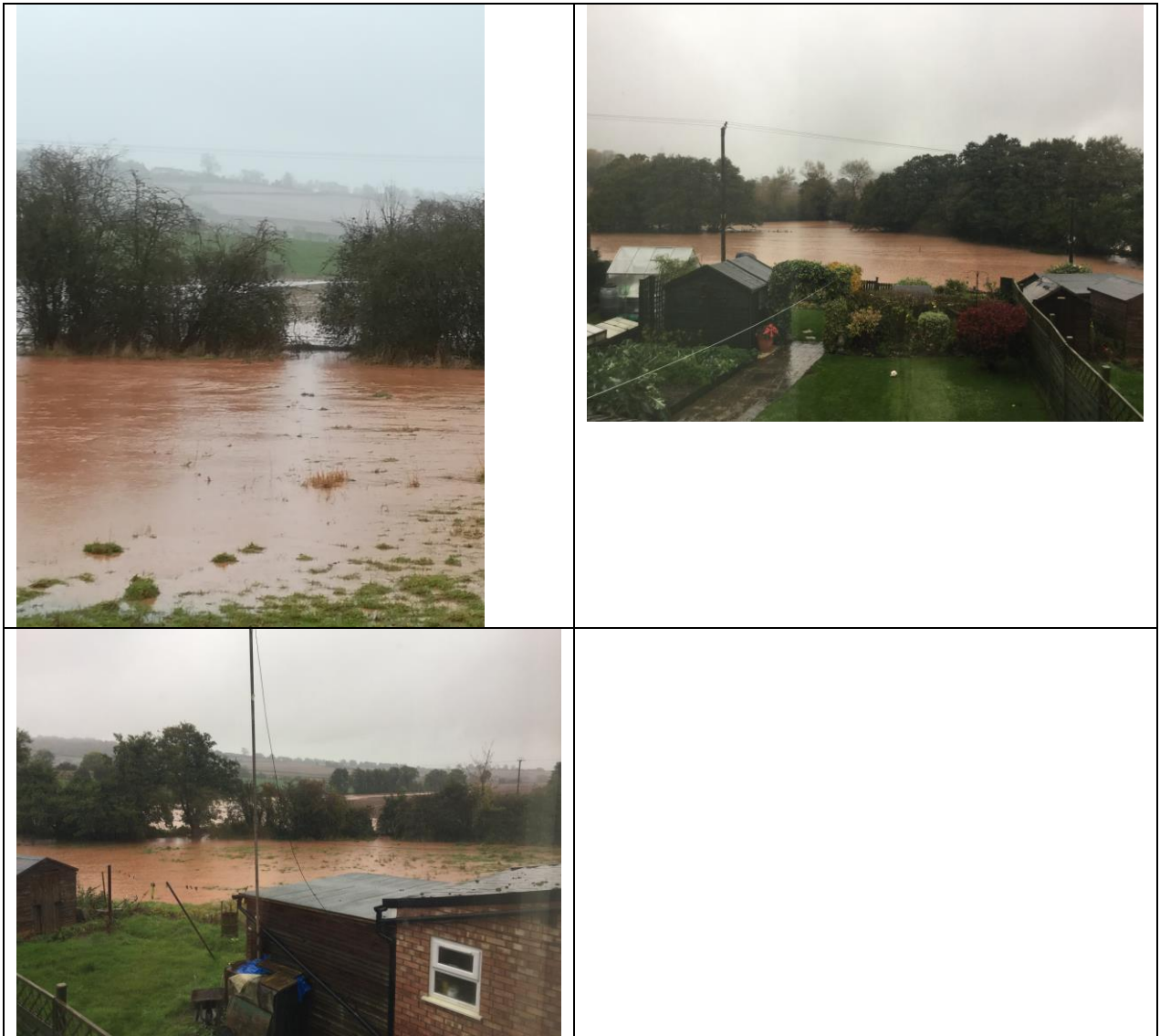
**For: Hereford Diocesan Board of Finance per Mr Philip Staddon, 26 Lea Crescent, Longlevens, Gloucester, GL2 0DU**

**ADDITIONAL REPRESENTATIONS**

On August 20<sup>th</sup> the following further objection was submitted to members of the committee by the Parish Clerk, who has already made representations on the application:

*We would like you to look at the attached photographs, taken on different occasions, prior to the committee meeting on 26 August 2020 and request that these be taken into consideration. The image Site 4 is a regular occurrence throughout the year.*





### **OFFICER COMMENTS**

The matter of flooding has been fully addressed in the Officer's Report, see paragraphs 6.19 – 6.26 and recommended conditions 12 and 13. As well as the latest technical response from the Council's consultant Land Drainage Engineer provided at paragraph 4.6 of the Officer's Report.

### **NO CHANGE TO RECOMMENDATION**

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### **CORRECTION OF OFFICER'S REPORT**

At paragraph 6.32 and 6.36 of the Officer Report the Church of St David is referred to as Grade II Listed when in fact it is Grade I Listed. Grade I Listed buildings are of national importance and the preservation of which should be afforded the greatest weight, as directed by paragraph 193 of the NPPF. However, it remains that the principle of development is considered to have no impact on the setting of the Grade I Listed Church of St David and so no harm is apparent to attribute weight to.

Views from the Council's Historic Buildings Officer have informally been sought and they have identified no objection at this stage in the process, having regard to the potential impact on the setting. Although, depending on the details submitted at the Reserved Matters stage, it was noted that harm may vary between less than substantial to no harm and so formal consultation would be undertaken as part of the Reserved Matters application.

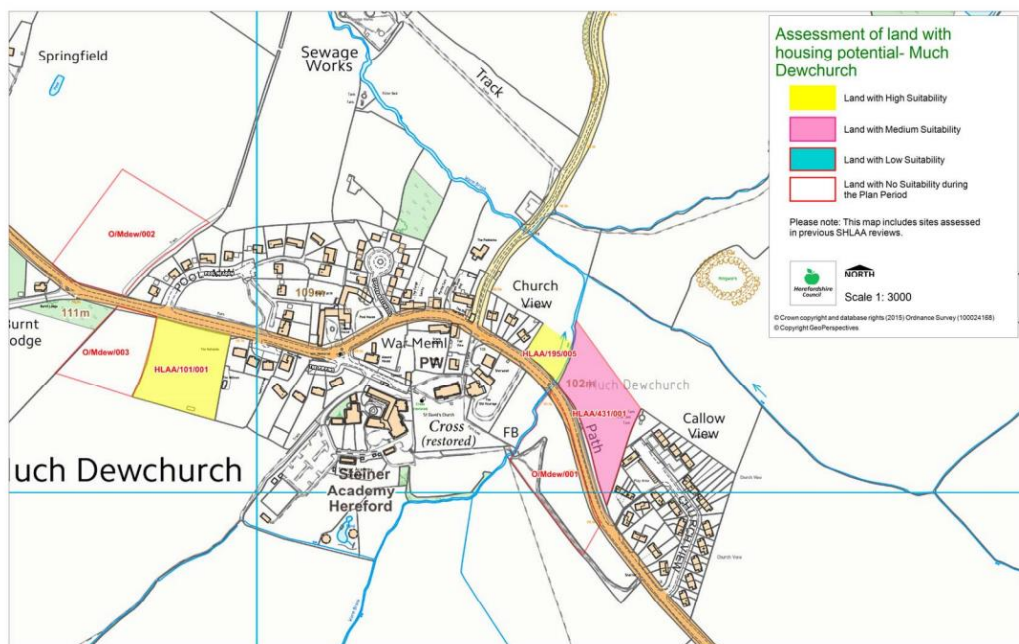
## NO CHANGE TO RECOMMENDATION

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### FURTHER INFORMATION RECEIVED

Discussions with the Council's Forward Plans highlighted that Strategic Housing Land Availability Assessments (SHLAA) were undertaken for Much Dewchurch in 2015 and 2009. The 2009 assessment identified the current application site as 'Land with High Suitability'. With a potential housing capacity of 5 dwellings. This suitability did not change in the 2015 review for which the Covering Report states:

*1.2 This assessment is a study of sites that are considered to be potentially capable of delivering housing development over the next 20 years and beyond. Consequently, all sites included in this study have been assessed for their suitability and availability for housing development. The achievability assessment has yet to be completed.*



## NO CHANGE TO RECOMMENDATION

