

## **Minutes of the meeting of Planning and regulatory committee held as an online meeting on Wednesday 3 February 2021 at 10.00 am**

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

**Councillors:** Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Terry James, Tony Johnson, Mark Millmore, Jeremy Milln, Paul Rone, John Stone and William Wilding

**In attendance:** Councillors David Hitchiner and Kevin Tillett

### **70. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Graham Andrews and Graham Jones..

### **71. NAMED SUBSTITUTES**

Councillor Bowen substituted for Councillor Graham Andrews.

### **72. DECLARATIONS OF INTEREST**

#### **Agenda item 8: 201996 – 8 Belmont Road, Hereford**

Councillor Paul Andrews declared an other declarable interest as he knew the applicant's agent.

Councillor Rone declared an other declarable interest because in his capacity as Chairman of the South Wye Development Trust he had discussed the application with residents providing advice to them.

Councillor Seldon declared an other declarable interest as he knew the applicant's agent.

### **73. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 18 January 2021 be approved as a correct record.

### **74. CHAIRPERSON'S ANNOUNCEMENTS**

The Lead Development Manager commented that the 2019/20 housing delivery test had been successfully passed meaning that the requirement for a 20% buffer of housing land supply had consequently been removed leaving a 5%buffer. This together with the level of housing delivered meant that the housing land supply had been recalculated and now stood at 4.22 years rather than 3.69. However, this did not change the weight attributed to this factor in the reports on the agenda for the meeting and the recommendations. A briefing note on the five year housing land supply would be published and sent to all Councillors.

**75. 193878 - LAND OFF, KINGSTONE ROAD, CLEHONGER, HEREFORDSHIRE**

*(Approval of reserved matters following outline approval P141964/O (site for residential development of up to 90 dwellings with access, parking, public open space with play facilities and landscaping)).*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings the following spoke at the meeting as virtual attendees: Mrs A Davies of Clehonger Parish Council, who spoke in objection to the scheme, Mrs B Costello-Bates and Mr J Noble, local residents, speaking in objection; and Mr C Marsh, the applicant's agent, speaking in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Hitchiner, spoke on the application. In summary, he raised concerns about the housing, its appropriateness and the adequacy of measures to achieve carbon neutrality and reduce fuel poverty, the mix of housing tenure, lack of car parking spaces, protecting the ecology of the site including the management of the proposed open space, and provisions for drainage, seeking assurance that the required measures would be in place prior to any occupation of the site.

The Committee discussed the application. Additional conditions were proposed to secure rainwater harvesting and that 100% of boundary fences should include suitable gaps to allow hedgehog movement.

The Lead Development Manager commented that the scheme had previously secured outline planning permission and this required satisfactory drainage arrangements to be approved and in place prior to any occupation. The additional conditions as proposed could be attached. He suggested that informatives could also be added regarding the Committee's comments in support of the establishment of a car sharing pool and wish that the developer consider enhanced measures to address the climate and ecological emergency.

The local ward member was given the opportunity to close the debate. He reiterated concerns about the management of the open space, the housing and its tenure and car parking provision.

**RESOLVED: That the reserved matters be approved, subject to the addition of conditions to secure rainwater harvesting and that 100% of boundary fences should include suitable gaps to allow hedgehog movement, 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 documents:**

**Drawings:**

**A\_100 Location Plan Revision PL02**

**A\_102 Planning Layout Revision PL20**

**A\_103 Materials Key Plan Revision PL13**

**A\_104 Fences and Enclosures Key Plan Revision PL11**

**A\_105 External Works Layout Revision PL12**

**A\_105.3 Proposed Street Scene 1\_2\_ & 3 Revision PL05**

**A\_105.4 Proposed Street Scene 4\_5\_ & 6 Revision PL05**

**A\_116 Waste Collection Strategy Revision PL08**  
**A\_117 Public Open Space Plan Revision PL07**  
**A\_118 Adoption Plan Revision PL06**  
**A\_119 Parking Plan Revision PL02**  
**A\_250\_Cycle Storage Details Revision PL01**

**SK\_10 Materials and Details Palette Revision PL02**  
**SK 200 Revision P6 – Proposed Levels – Sheet 1**  
**SK 201 Revision P6 – Proposed Levels - Sheet 2**  
**SK 202 Revision P6 – Proposed Levels - Sheet 3**  
**SK200129 Revision P1 – Pumping Station Layout and Tracking**

**500 – Section 278 Highway Works Layout Revision P2**  
**501 – Section 278 Levels and Setting Out**  
**502- Section 278 Kerb Layout**  
**503 – Section 278 combined Services Layout**  
**504 – Section 278 Land Dedication Plan**  
**505 - Section 278 Signing and Lining**  
**510 – Section 278 Construction Details**

**P18-1455\_02H Detailed POS Proposals (sheet 1 of 4)**  
**P18-1455\_03F Detailed POS Proposals (sheet 2 of 4)**  
**P18-1455\_04F Detailed POS Proposals (sheet 3 of 4)**  
**P18-1455\_05D Detailed LEAP Proposals (sheet 4 of 4)**  
**P18-1455\_06C Detailed Landscape Proposals (sheet 1 of 5)**  
**P18-1455\_07C Detailed Landscape Proposals (sheet 2 of 5)**  
**P18-1455\_08C Detailed Landscape Proposals (sheet 3 of 5)**  
**P18-1455\_09C Detailed Landscape Proposals (sheet 4 of 5)**  
**P18-1455\_10C Detailed Landscape Proposals (sheet 5 of 5)**  
**P18-1455\_11A Illustrative Landscape Sections)**  
**P18-1455\_13A Trees and Hedgerows Plan**

**House types:**

**A\_121.1\_House\_Type\_A\_Plans Revision PL03**  
**A\_121.2\_House\_Type\_A\_Elevations\_Render\_V1 Revision PL02**  
**A\_121.3\_House\_Type\_A\_Elevations\_Render\_V2 Revision PL02**  
**A\_121.4\_House\_Type\_A\_Elevations\_Brick Revision PL03**  
**A\_121.5\_House\_Type\_A\_Elevations\_Brick Revision PL02**

**A\_122.1\_House\_Type\_H\_Plans Revision PL02**  
**A\_122.2\_House\_Type\_H\_Elevations Revision PL02**

**A\_123.1\_House\_Type\_J\_Plans Revision PL03**  
**A\_123.2\_House\_Type\_J\_Elevations\_Brick Revision PL04**  
**A\_123.3\_House\_Type\_J\_Elevations\_Render Revision PL04**  
**A\_123.4\_House\_Type\_J\_Elevations\_Stone Revision PL03**

**A\_124.1\_House\_Type\_M\_Plans Revision PL05**  
**A\_124.2\_House\_Type\_M\_Elevations Render Revision PL03**

**A\_125.1\_House\_Type\_P\_Plans Revision PL05**  
**A\_125.2\_House\_Type\_P\_Elevations\_Stone & Render Revision PL02**  
**A\_125.3\_House\_Type\_P\_Elevations\_Brick Revision PL02**

**A\_126.1\_House\_Type\_S\_Plans Revision PL02**  
**A\_126.2\_House\_Type\_S\_Elevations\_Render Revision PL02**  
**A\_126.3\_House\_Type\_S\_Elevations\_Render\_V2 Revision PL02**

**A\_126.4\_House\_Type\_S\_Elevations\_Render\_V3 Revision PL02**  
**A\_126.5\_House\_Type\_S\_Elevations\_Brick Revision PL02**  
**A\_126.6\_House\_Type\_S\_Elevations\_Brick\_V2 Revision PL02**

**A\_127.1\_House\_Type\_R1\_Plans Revision PL04**  
**A\_127.2\_House\_Type\_R1\_Elevations\_Render\_V1 Revision PL03**  
**A\_127.3\_House\_Type\_R1\_Elevations\_Brick Revision PL02**  
**A\_127.4\_House\_Type\_R1\_Elevations\_Render\_V2 Revision PL03**  
**A\_127.5\_House\_Type\_R1\_Elevations\_Stone and Brick Revision PL02**

**A\_128.1\_House\_Type\_R2\_Plans Revision PL03**  
**A\_128.2\_House\_Type\_R2\_Elevations\_Render\_V1 Revision PL02**  
**A\_128.3\_House\_Type\_R2\_Elevations\_Render\_V2 Revision PL03**  
**A\_128.4\_House\_Type\_R2\_Elevations\_Stone Revision PL02**  
**A\_128.5\_House\_Type\_R2\_Elevations\_Stone Revision PL02**  
**A\_128.6\_House\_Type\_R2\_Elevations\_Brick Revision PL02**

**Arboricultural Impact Assessment Plans (Treescene Arboricultural Consultants)**

**Tree Protection Plan (Treescene Arboricultural Consultants)**

**Tree Retention/Removal Plan**

**Diagram 1. No dig construction method**

**Documents**

**Arboricultural Impact Assessment and Arboricultural Method Statement for Land off Madley Road, Clehonger Hereford (Treescene Arboricultural Consultants).**

**Ecological Management Plan (The Environmental Dimension Partnership Ltd – October 2020, reference edp5751\_r002b)**

**A\_310\_PL01\_Parking Schedule**

**unless amendments are first submitted to and approved in writing by the local planning authority.**

**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 Policies LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:**

**Arboricultural Impact Assessment and Arboricultural Method Statement for Land off Madley Road, Clehonger Hereford (Treescene Arboricultural Consultants).**

**Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 3. No development shall take place until a scheme of supervision by the appointed arboriculturist for the works specified in the method statement**

approved under condition 2 has been submitted to and approved in writing by the local planning authority. The approved scheme shall be followed for the duration of the construction phase or in accordance with a timescale to be agreed with the local planning authority.

Reason: To ensure all retained trees are safeguarded during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on wall, roofs and all fenestration have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings 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.

5. Prior to their construction elevations of the approved boundary walls shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the boundary treatments harmonise with the surroundings 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.

6. Prior to the first occupation of the dwelling to which it relates provision for the charging of plug in and other ultra-low emission vehicles (e.g. provision of electric sockets) to serve the occupants shall be installed and made ready for use in accordance with the approved External Works Layout plan (A\_105 External works Layout revision PL12), or an alternative scheme that has first been submitted to and approved in writing by the local planning authority.

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

7. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework.

8. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the Ecological Management Plan (EDP Ltd, dated October 2020, reference edp5751\_r002b) and approved, supporting plans for Public Open Space, Landscaping and Lighting Strategy, together with a plan (notwithstanding the details shown on the approved External Works Layout plan - A\_105 External works Layout revision PL12), identifying the siting and total number of bird and bat boxes, hedgehog homes, pollinating insect hotels, hibernacula and refugia and timescale for their provision on site, which shall have first been submitted to and approved in writing by the local planning authority, and 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 and biodiversity enhancement features.**

**Reason: In order to comply Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4, the National Planning Policy Framework and with the Conservation of Habitats and Species Regulations (2017) as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and the Natural Environment and Rural Communities Act (2006).**

#### **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 outline planning permission (reference 141964/O) to which this reserved matters approval relates is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990. Condition 7 of the outline planning permission will need to be discharged by way of a legal agreement.**
3. **The approval of these reserved matters does not approve the drainage conditions imposed on the outline planning permission. These conditions, along with any other outstanding conditions, need to be discharged in accordance with the timescales set out within each condition.**
4. **The applicant is strongly advised to engage with Welsh Water at the earliest opportunity in order to commission the reinforcement works at the receiving Waste Water Treatment Works.**
5. **In the event that the roads within this development do not become adopted by Herefordshire Council, the Council will only agree to travel private roads for the purposes of waste collection if:**

**The council and its contractors determine that collections can be carried out safely; and**

**The council receive written confirmation from the landowner/developer that the roads over which the refuse collection vehicle (RCV) will travel are built to a suitable specification for a 26 tonne RCV to travel over on a frequent basis; and**

**The council and its contractor(s) are indemnified against damage to property and general wear and tear, other than that caused through negligence.**

*(The meeting adjourned between 11.35 and 11.45 am.)*

**76. 202687 - LAND AT AMYAND DRIVE, GARDEN OF 187 WHITECROSS ROAD, HEREFORD, HR4 0LU**

*(Proposed two bed dwelling.)*

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

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking for virtual meetings Mr L Greening, the applicant's agent made a submission by video in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor Boulter, had made a written submission. This was read to the meeting. He supported approval of the application.

The Committee discussed the application. It was proposed that there should be additional conditions requiring rainwater harvesting and a highway crossover.

The Lead Development Manager confirmed that it would be acceptable to attach the proposed conditions requiring rainwater harvesting and a highway crossover together with an informative relating to the need for a licence to provide the crossover.

**RESOLVED: That planning permission be granted subject to the following conditions with additional conditions requiring rainwater harvesting and a highway crossover together with an informative relating to the need for a licence to provide the crossover and any further conditions considered necessary by officers named in the scheme of delegation to officers:**

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 (drawing nos. P003 D, 100 B, 101 B, 200 E, 201 A)**
- 3. C13 Samples of external materials**
- 4. CE6 Efficient use of water**
- 5. With the exception of any site clearance and groundworks; written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points**

shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.

**Reason:** To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

6. **CB2 Secure covered cycle parking provision**
7. **C65 Removal of permitted development rights**
8. **C68 Obscure glazing to windows (top hung obscure glazed window and rooflights at 1.7 metres above the internal finished floor level)**
9. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with

10. **CAQ On site roads - submission of details**
11. **CAI Parking - single/shared private drives**
12. **CAT Construction Management Plan**
13. **CBK Restriction of hours during construction**

#### **INFORMATIVES:**

1. **IP2 Application Approved Following Revisions**
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. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.**

**77. 201996 - 8 BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7JE**

*(Councillor Millmore had left the meeting and was not present during consideration of this application. Councillor Rone fulfilled the role of adjoining local ward member and accordingly had no vote on this application.)*

The Enforcement Officer gave a presentation on the application. He suggested an additional condition to require a litter management plan.

In accordance with the criteria for public speaking for virtual meetings, Mr P Neades, the applicant's agent spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Tillett, spoke on the application. In summary, he stated his opposition to the application considering it wholly unacceptable because of the severe adverse impact on the amenity of local residents.

The adjoining local ward member, Councillor Rone, also spoke on the application. He too emphasised the severe adverse impact on the amenity of local residents.

The Committee discussed the application.

The Lead Development Manager commented that adverse impact on the residential amenity of the adjoining properties should be viewed as the principal ground for any refusal of the application.

The adjoining local ward member was given the opportunity to make a closing comment. He reiterated his objection to the proposal.

The local ward member was given the opportunity to close the debate. He too reiterated his objection.

A motion that the application be refused contrary to the officer recommendation on the grounds that the development was contrary to policy SD1 and relevant sections of the National Planning Policy Framework was carried.

**RESOLVED: That planning permission be refused on the grounds that the development was contrary to policy SD1 and relevant paragraphs of the National Planning Policy Framework in particular Chapter 8 and paragraph 180 and officers named in the Scheme of Delegation to officers be authorised to detail the reasons put forward for refusal by the committee.**

**78. DATE OF NEXT MEETING**

Noted.

The meeting ended at 1.09 pm

**Chairperson**