

Minutes of the meeting of Planning and regulatory committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 26 October 2022 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Paul Rone (vice-chairperson)

Councillors: Paul Andrews, Dave Boulter, Sebastian Bowen, Clare Davies, Elizabeth Foxton, John Hardwick, Tony Johnson, Mark Millmore, Jeremy Milln, Felicity Norman, Ann-Marie Probert, Kevin Tillett and Yolande Watson

In attendance: Councillors Carole Gandy and Jennie Hewitt

Officers: Lead Development Manager, Area Engineer - Development Control and Legal Representative

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Polly Andrews.

44. NAMED SUBSTITUTES (IF ANY)

Councillor Kevin Tillett acted as a substitute for Councillor Polly Andrews.

45. DECLARATIONS OF INTEREST

There were no declarations of interest.

46. MINUTES

RESOLVED: That the minutes of the meeting held on 28 September 2022 be approved.

47. 201441 - DEV 1 LAND ADJOINING HAWTHORN RISE, HAWTHORN RISE, PETERCHURCH, HR2 0RQ

The planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Scrimgeour spoke on behalf of Peterchurch Parish Council and Mr Smith, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local ward member spoke on the application. In summary she explained that the application could be of benefit to Peterchurch by providing new homes and improved amenities. The application was proposed on a site that had been allocated for development. However, before the application proceeded it was essential that the landscape and biodiversity of the area was protected. Before the reserved matters application was approved assessments of the impact of the developments on local water courses should be undertaken. The 89 houses proposed in the application would generate significant discharges and there was concern that the wastewater treatment works lacked sufficient capacity. There was also concern about the supply of potable water. Legal advice

that had been sought indicated that a habitats regulations assessment (HRA) was required along with further consultation with Natural England (NE) and Natural Resources Wales (NRW) over the impact of the application on local rivers. The committee was urged to defer the application pending consultation with NRW and the completion of an HRA.

The committee debated the application.

A motion that the application be deferred was proposed Councillor Felicity Norman and seconded Councillor Sebastian Bowen.

Councillor Sebastian Bowen withdrew as seconder to the motion to defer the application.

The committee sought assurances that concerns over potable water and sewage would be addressed with Welsh Water.

The committee felt that there should be a reassessment of the need for studies concerning the environmental implications of the application at a later stage.

The committee sought greater detail regarding sustainable travel and connectivity on the site plan for the application.

The lead development manager explained that the application site was not within an area that required an HRA. The officer recommendation in the report sought a delegation to officers to complete a section 106 agreement. When that agreement was in place there would be a further reassessment of whether an HRA was required in line with any policy or procedural changes.

The local ward member was given the opportunity to close the debate. In summary she explained that rare species of fauna in the River Dore required protection. A written record that an HRA was not required had been requested but had not been forthcoming. The local authority had responsibility for identifying where risks to the local environment existed and the new cabinet commission on phosphates was committed to protecting river catchments in Herefordshire. The local authority should consult NRW and complete an HRA. The rivers in the Golden Valley currently had no environmental protections.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Paul Rone and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried by a simple majority.

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

That planning permission be granted subject to the following conditions:

- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall be begun either before the**

expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. **Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

4. **The development shall be carried out strictly in accordance with the approved plans:
Site Location Plan except where otherwise stipulated by conditions attached to this permission.**

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.

Pre-commencement conditions

5. **No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

6. **Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

Reason: To safeguard all retained trees 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.

7. **No development shall commence until:**
- i) a survey to establish the current flow and load received at Peterchurch Wastewater Treatment Works has been undertaken; and**
 - ii) an assessment of the impact of the development hereby approved on the Wastewater Treatment Works having regard to the results of the flow and load survey has been undertaken and agreed with the local planning authority; and**
 - iii) if necessary, a scheme of reinforcement works for the Peterchurch Wastewater Treatment Works has been agreed with the local planning authority in order to allow it to accommodate the foul discharges from the development hereby approved without increasing the risk of breaches to the discharge consent for the Peterchurch Wastewater Treatment Works.**
- No dwellings shall be occupied until the agreed scheme has been completed.**

Reason: To ensure satisfactory drainage arrangements, in accordance with policies SD3 and SD4 of the Herefordshire Local Plan Core Strategy 2011-2031

8. **Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**
- A method for ensuring mud is not deposited onto the Public Highway**
 - Construction traffic access location**
 - Parking for site operatives**
 - Construction Traffic Management Plan**

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.

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.

9. **Before any work, including any site clearance or demolition begin, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement based on a current ecology update, shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2021) and Herefordshire Council Core Strategy (2015) policy SS6, LD2 and LD3

Pre-occupancy or other stage conditions

- 10. Development shall not begin in relation to any of the specified highways works until details relating to works as described within the submitted Transport Assessment Addendum by Alpha Consultants dated June 2022 have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the local highway authority. The development on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.**

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

- 11. Prior to first occupation of the approved development, a landscape scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**

a) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.

b) proposed hardstanding and boundary treatment.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 12. Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with this approved schedule.**

Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 13. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of 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.

- 14. Prior to any construction above damp proof course levels, a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including as a minimum significant provision for Bat Roosting, Bird Nesting, pollinating insect 'hotels', wildlife refugia and Hedgehog homes (and movement corridors through any fencing) should be supplied to and acknowledged by the local authority and then implemented in full. The approved scheme shall be maintained hereafter as approved unless otherwise agreed 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), Habitat Regulations 2017, Core Strategy SS6, LD2, National Planning Policy Framework (2021), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2021.

- 15. Prior to any construction above damp proof course levels, a detailed annotated/specifications illumination levels and lighting features plan should be supplied to and acknowledged by the local authority. All lighting must clearly demonstrate compliance with all current best practice guidance including guidance produced by the Institute of Lighting Professionals and the Bat Conservation Trust. The approved scheme shall be implemented in full and maintained hereafter as approved unless otherwise agreed 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), Habitat Regulations 2017, Core Strategy SS6, LD1-3, National Planning Policy Framework – inc para 180 (2021), NERC Act 2006

- 16. No above ground development shall take place until the drainage scheme has been submitted and approved in writing by the Local Planning Authority and include, but not limited to:**
- i) results of soil infiltration tests undertaken throughout the site. The tests shall be undertaken in accordance with BRE365 guidance;**
 - ii) Description of the proposed drainage strategy following the SuDS hierarchy. The description shall be supported by a drawing showing details of the proposed strategy. The drawing shall clearly show the proposed drainage features, proposed outfalls, infiltration features if applicable, pipe sizes and gradients at which the pipes have been laid, invert and cover levels of the manholes and drainage features, required attenuation storage volume;**
 - iii) Drawing showing details of the proposed drainage features,**

- including all outfalls, overland SuDS conveyance structures and attenuation storage structure;
- iv) Demonstration that best practice SuDS have been promoted in the proposed surface water drainage strategy;
 - v) Demonstration that the flooding/drainage issues, including overland flows from the north-east flagged up by the local residents, have been considered in the proposed surface water drainage strategy to ensure that the existing drainage issues are appropriately addressed to ensure no increased risk of flooding to the proposed development, and that the construction of the development will not increase risk of flooding to nearby properties or further downstream;
 - vi) Information on the proposed pollution prevention measures that will be incorporated in the proposed surface water drainage system;
 - vii) If infiltration techniques are found to be feasible on site, soakaways shall be located a minimum of 5m away from any building. The Applicant also shall submit information on groundwater levels to ensure that the bottom of soakaways is located a minimum of 1m above the groundwater level;
 - viii) Detailed drainage calculations for up to and including the 1 in 100 year event with 40% climate change allowance. The drainage calculations also shall include detailed attenuation storage calculations. All the calculations shall be based on FEH 2013 rainfall data. The calculations shall demonstrate that there is no flooding from the proposed surface water drainage system for up to and including the 1 in 30 year event, and that there is no increase in the risk of flooding for up to and including the 1 in 100 year event with climate change allowance to the proposed development and elsewhere;
 - ix) If discharge to a local watercourse is proposed, the greenfield runoff rate calculations for the 1 in 1 year, Qbar, 1 in 30 and 1 in 100 year events shall be submitted. The calculations shall be based on FEH methodology as outlined in The SuDS Manual 2015;
 - x) Demonstration of how surface water that exceeds the capacity of drainage features will be managed within the site boundary up to and including the 1 in 100 annual probability event to ensure no unacceptable flood risk to the development and no increased flood risk to people, property and infrastructure elsewhere;
 - xi) Confirmation of proposed adoption and maintenance arrangements for the surface water drainage system. If the proposed surface water drainage system is planned to be maintained by a third-party company, the Applicant shall submit an Operation & Maintenance guidance document to ensure that appropriate maintenance of the drainage system will be carried out.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. **Prior to occupation on site, a Travel Plan which contains measures to promote alternative sustainable means of transport with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken ever 3 years. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.**

Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

18. **Prior to the first occupation of [any of] the dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.**

Reason: In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

19. **Prior to first residential occupation, 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. The development shall be carried out in accordance with the approved details.**

Reason: To ensure compliance with Policies SS7, SD3 and SD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

20. **Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained.**

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Post occupancy monitoring and management / Compliance Conditions

21. Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

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.

22. During the construction phase no machinery shall be operated, no construction works shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

23. The reserved matters application submitted pursuant to Condition 1 shall be accompanied by details of a scheme for the delivery of the tenure for both open market, affordable and the wheelchair accessible unit. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local housing Market Assessment (or any successor document adopted by the LPA).

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

24. The plans for the provision for open space and play areas shall be set out in accordance with the standards adopted by the Local Planning Authority and shall be submitted to and approved in writing by the Local Planning Authority.

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

25. All foul water shall discharge through a connection to the local Mains Sewer network managed by Welsh Water through their Peterchurch Waste Water Treatment Works; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and

Species Regulations (2017), Wildlife & Countryside Act (1981), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies SS6, LD2, SD3 and SD4.

- 26. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.**

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

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. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 3. 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**
- 4. 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.**
- 5. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'**

- 6. 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, 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**
- 7. In connection with Condition 17 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ**
- 8. In connection with Condition 17 the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ**
- 9. This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).**
- 10. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**
- 11. This planning permission does not authorise the applicant to carry**

out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

12. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement
13. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).
14. On-site children's play provision: We would expect the play area to be of the value £70,000 in accordance with the SPD on Planning Obligations and the size of the development.
15. The proposed development would be served by the local water supply network in Peterchurch which is nearing capacity and can only accommodate an additional 20 dwellings before reinforcement works would be required. Welsh Water can support the development through the planning process, a solution is likely to be required in advance of occupation of the site. Control over the delivery of reinforcement works on the water supply network for such a development sits within the Water Industry Act (1991) and can therefore be delivered at water connection stage.
16. Site plan dwg no 752.02 Rev B is for indicative purposes only.

There was an adjournment at 11:04 a.m.; the meeting reconvened at 11:19 a.m.

48. 214251 - JUNIPER COTTAGE, PIPE ASTON, LUDLOW, HEREFORDSHIRE, SY8 2HG

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Jones, Ms O'Neill and Mr Owen, local residents, spoke in objection to the application and Ms Toye, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary she explained that there had been a previous application on the site which had been withdrawn. The work proposed in that applications had been undertaken, therefore the current application was retrospective in effect. The work that had been undertaken consisted of the removal of earth and had caused ecological harm to a local wildlife site (LWS). The committee was urged to consider the application and determine whether it would have allowed the work that has been undertaken at the site to go ahead. There was concern that the ecological assessment was ambiguous regarding the future classification of the site as a LWS. There was further concern regarding the proposed condition for the monitoring up the development which had been reduced from 30 years to 10 years. Clarification was sought as to who would conduct the monitoring, what penalties could be applied and who would be responsible for enforcement. The damage had been caused on site would now need to be left to recover.

The committee debated the application.

The local ward member was given the opportunity to close the debate. She explained that the objection of the ecology team to the earlier application had been overcome in the current application due to the submission of an ecological report. The ecological report had recommended that a hedge was retained on the site but the hedge had been removed. The site was not suitable for a manege as it was not flat. It was explained that the ecological damage caused should not be allowed to continue.

A motion that the application be refused due to adverse impact on landscape and environment was proposed by councillor Yolande Watson and Councillor Felicity Norman. The adverse impact on landscape and environment was contrary to: policy WG1 of the Wigmore group neighbourhood development plan; policies LD 1, LD 2, LD3, SS1 and SS6 of the Herefordshire local plan core strategy; and Chapter 15 of the national planning policy framework.

The motion was put to the vote and was carried by a simple majority.

RESOLVED: - that planning permission is refused; the application represents an adverse impact on the landscape and environment. The application is contrary to: policy WG1 of the Wigmore group neighbourhood development plan; policies LD 1, LD 2, LD3, SS1 and SS6 of the Herefordshire local plan core strategy; and chapter 15 of the national planning policy framework.

The meeting ended at 12.05 pm

Chairperson