

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 17 July 2024 at 10.00 am

Present: Councillor Terry James (chairperson)
Councillor Clare Davies (vice-chairperson)

Councillors: Bruce Baker, Jacqui Carwardine, Simeon Cole, Dave Davies, Catherine Gennard, Peter Hamblin, Liz Harvey, Rob Owens, Stef Simmons, Richard Thomas and Mark Woodall

In attendance: Councillor Helen Heathfield

Officers: Development Manager Majors Team, Team Leader Area Engineer and Senior Lawyer

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Polly Andrews, Dave Boulter, Elizabeth Foxton and John Stone.

9. NAMED SUBSTITUTES (IF ANY)

Councillor Rob Owens acted as a substitute for Councillor Andrews.

Councillor Elizabeth Harvey acted as a substitute for Councillor Foxton.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES

Clarification was sought regarding the conditions attached to the permission granted for application 233688 in the minutes of the previous meeting on 5 June. At the meeting the committee had agreed that all amplified music would be prohibited at the application site and the conditions required updating to reflect the decision.

The Development Manager confirmed that the decision notice had not been issued for the application. When issued, the decision notice would provide the conditions attached to the permission and would include the prohibition of amplified music on the application site.

RESOLVED: That the minutes of the meeting held on 5 June 2024 be approved.

12. 230457 - LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE (Pages 43 - 54)

The development manager provided a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Robinson spoke on behalf of Colwall Parish Council, Mr Mealing spoke in objection to the application and Ms Broomfield, the applicant's agent, spoke in support.

In accordance with the council's constitution, the local ward member spoke on the application. In summary, she explained that a significant amount of work had been undertaken on the application and the neighbourhood development plan in Colwall. A number of objections and concerns to the application had been raised by local residents living in roads around the application site. There was however a contingent of silent residents who were sympathetic to the application recognising Colwall's need for more housing and more affordable housing. It was recognised that there was strong feelings regarding the application locally. Concerns that had been raised regarding the application included the impact on local services including health services and public transport. Concerns had also been raised about sewage treatment and the performance of the local water company. Concerns relating to drainage and flooding had been raised including ground and stormwater runoff and the ecological impact of wastewater from additional houses. There was concern regarding the safety of pedestrians and cyclists using narrow local lanes around the application site. It was noted that the permission contained a number of conditions which would be subject to enforcement if not implemented.

The committee debated the application and the following principal points were raised:

- it was recognised that the application site was an allocated site within the local plan and the neighbourhood development plan for Colwall.
- the condition concerning external lighting should be extended to lighting from the gardens of houses on the development to limit the impact of the development on the landscape.
- it was suggested that in order to attenuate the potential flooding risk from the site to local residences the developer could be required to install a land drain.
- it was noted that solar panels and electric vehicle charging points were to be provided on the application site but this was not conditioned as part of the proposed permission. A condition requiring solar panels and electric vehicle charging points for all dwellings on site was required as part of the permission.
- it was noted that permitted development rights had been suspended with respect to hard boundaries however the committee required the strengthening of this condition to include all additional structures on site in order to support the conservation of a sensitive landscape.

The local ward member was given the opportunity to close the debate.

Councillor Dave Davis proposed and Councillor Richard Thomas seconded the approval of the application subject to the changes to conditions as outlined below:

- the extension of the lighting condition to include garden lighting;
- the inclusion of a condition to require the provision of solar panel and electric vehicle charging points; and
- the strengthening of the condition to suspend permitted development rights to include all additional structures on new properties.

The motion was put to the vote and was carried unanimously.

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, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission,

subject to the conditions below, the extension of the lighting condition, the inclusion of a solar panel and electric vehicle charging point condition, the strengthening of the suspension of the permitted development rights condition and any other further conditions considered necessary:

General

- 1** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2** The development shall be carried out strictly in accordance with the approved plans listed below:

- PL 001 Rev A: Site Location Plan;
- PL 004 Rev X: Proposed Site Plan;
- PL 010 Rev C: House Type A (3B6P Detached);
- PL 011 Rev D: House Type B (2B4P Bungalow);
- PL 012 Rev C: House Type C (4B7P Detached);
- PL 013 Rev C: House Type D (4B7P Detached);
- PL 014 Rev C: House Type E (3B5P Semi-detached);
- PL 015 Rev C: House Type F (2B4P Terrace);
- PL 015 Rev C: House Type G (2B4P Semi-detached);
- PL 030 : Garage Plans and Elevations.

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, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and National Planning Policy Framework.

Prior to the commencement of development

- 3** Prior to commencement of development, the following shall be submitted to and approved in writing by the local planning authority:

- b) As the Preliminary Risk Assessment (Desk Study) submitted in support of the application (JPP, November 2021, R-DS-23497-01-00) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site,

contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: This condition is required pre-commencement of development, in the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4 Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:

- a) A method for ensuring mud is not deposited onto the Public Highway
- b) Construction traffic access location
- c) Parking for site operatives
- d) 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: The details relate to the duration of the construction period and are required prior to commencement of development 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 Prior to commencement of development a detailed, comprehensive, Construction Environmental Management Plan - including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be supplied to the Local Planning Authority for written approval.

The approved CEMP shall be implemented in full for the duration of all construction works at the site 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 Conservation of Habitats and Species (Amendment) (ED Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

6 Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit shall include the following;

- The amount and type of construction aggregates required and their likely source;
- The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase,

through sustainable design and the use of recycled or reprocessed materials;

- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and
- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies SD1 and SP1 of the Herefordshire Local Plan – Core Strategy, Herefordshire Minerals and Waste Local Plan and the National Planning Policy Framework.

- 7 Prior to commencement of development, drainage details for the disposal of surface water and foul sewage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 8 No development shall take place until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.

Reason: In order to document buildings, or parts of buildings which will be lost as a result of demolition in accordance with Policy LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework. It is important the survey takes place prior to works commencing on site.

Prior to specific trigger points

- 9 **Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided in accordance with Drawing no. SK01 Rev D. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

- 10 **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.

- 11 **Development shall not begin in relation to any of the specified highways works until details of the footway along Old Church Road (as per drawing SK05 Rev C by Rappor) 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 shall not be occupied until the scheme has been constructed in accordance with the approved details.**

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

- 12 **Prior to any construction work above damp proof course a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of ‘fixed’ habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), invertebrate homes, hibernacula, hedgehog homes and hedgehog highways through all impermeable boundary features, shall be submitted to and approved in writing by the local planning authority.**

The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EL) Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SSI, SS6 LD1, LD2 and LD3; and the Council’s declared Climate Change and Ecological Emergency.

- 13 **With the exception of site clearance and groundwork, no further development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the**

local planning authority. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered;**
- b) A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009);**
- c) A plan showing existing and proposed finished levels or contours;**
- d) A drawing detailing hard surfacing materials;**
- e) Detailed construction drawings of the proposed play area with seating and viewing platform;**
- f) Artefacts and Structures e.g. street furniture, street lighting.**
- g) All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details;**
- h) A plan detailing the integration of the water attenuation schemes with the POS.**

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.

- 14 With the exception of site clearance and groundwork, no further development shall commence until details of the pumping station have been submitted to and approved in writing by the local planning authority. These details shall include:**

- a) Elevations of the proposed pumping station;**
- b) Hard and soft landscaping proposals; and**
- c) Means of enclosure**

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

- 15 With the exception of any site clearance and groundwork no further development shall commence until details of the play area has been submitted and approved in writing. These details should include:**

- a) Play equipment,**
- b) Surfacing,**
- c) Landscaping,**
- d) Means of enclosure,**
- e) Street furniture.**

The play area shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings hereby approved and thereafter retained.

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

- 16 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 walls and roofs 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 Policies SD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

- 17 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, specification and location of electric vehicle charging points, has been submitted to and approved in writing by the local planning authority.

The electric vehicle charging points serving each plot shall be installed prior to first occupation of that plot 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 of the National Planning Policy Framework.

- 18 No works in relation to any of the features specified below shall commence until a methodology and detailed drawings are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details;

- Details as to the methodology for lifting and relaying and retaining the tramlines;
- Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme.

Reason: In order to ensure the tramlines are incorporated into the landscaping proposals for the scheme in accordance with LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework.

- 19 Notwithstanding the approved plans, no works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policies SD1, LD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

Prior to occupation

- 20 Prior to occupation of the development hereby permitted, 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 commencement of any works 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.

- 21 Prior to occupation of each dwelling, 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 ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 22 Prior to 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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 23 Prior to occupation of the development hereby permitted, a comprehensive Landscape Ecological Management Plan including the following details shall be submitted to and approved in writing by the local planning authority:**

- a) Including all shared areas of land and open space;**
- b) detailed ecological management methods relevant to all habitats and features present;**
- c) a scheme for regular ecological monitoring and LEMP review and reporting to LPA (not more than every FIVE years from date of first LEMP for a minimum of 30 years).**

The approved Plan shall hereafter be implemented 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 Conservation of Habitats and Species (Amendment)

(EL) Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 24 Prior to occupation of the development hereby permitted, a schedule of landscape management and maintenance for a period of 10 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.

- 25 Prior to occupation of the development hereby permitted, written evidence or certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed/implemented shall be submitted to the Local Planning Authority for their written approval.

The development shall not be occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

- 26 Prior to occupation of the development, refuse and recycling collection arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

- 27 No dwelling hereby approved shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to the dwellings hereby permitted have been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

Reason: To ensure occupiers have suitable facilities and 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.

Compliance

- 28 The proposed slab levels for the development shall be carried out in

accordance with updated Drainage Strategy Drawing ref C002 rev K, prepared by Rappor.

Reason: To ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, CD2 and CD4 of the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

- 29 No external lighting shall be provided on any dwelling or building approved under this permission other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (ED Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SSI, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency.

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

BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for residential development.

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.

- 31 The development shall be implemented in accordance with the following documents:

Flood Risk Assessment incorporating Drainage Strategy revision 5 (December 2022, updated October 2023), updated Drainage Strategy Drawing ref C002 rev K prepared by Rappor and Updated Engineer's Response (October 2023).

Reason: To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.

- 32 All hard and soft landscaping (planting, seeding or turf laying) in the approved landscape scheme required by condition 14 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling or the completion of the

development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan.

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.

- 33 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 34 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Class A of Part 2 and of Schedule 2 shall be carried out.

Reason: The site is within an Area of Outstanding Natural Beauty. In order to ensure boundary treatment is maintained in accordance with the approved details and in compliance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 35 No access gates or doors shall be provided / installed at the site access or internal access road without the prior written approval of the local planning authority.

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, including any representations that have been received. Revised documents have been submitted during the course of the application assessment 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. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),, 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.

- 3. This planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement (Date of agreement to be inserted upon issue of permission).**
- 4. The Council would expect the play area to be of the value £27,000 in accordance with the SPD on Planning Obligations and the size of the development.**

There was an adjournment at 11:05 a.m.; the meeting reconvened at 11:17 a.m..

Councillor Baker left his seat on the committee to act as the local ward member for the application below.

13. 214539 - LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HEREFORDSHIRE, HR6 0SG (Pages 55 - 60)

The principal planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking Mr Bufton spoke on behalf of Hatfield and District Group Parish Council, Mr Clayton spoke in objection to the application and Mr Andrews, the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the proposed development was located in an unsuitable area and was of an inappropriate scale. The application represented linear development in the village which had remained unchanged for over 100 years. Objections to the application had been received from every resident in Hatfield and the development was felt to be out of keeping with the rest of the village. It was noted that the site was regularly water logged and there was concern regarding the environment impact of the outflow from the package treatment works into local woodland. The application was not sustainable as there were no facilities or services in the village. The application was not felt to meet the requirements of core strategy policy SD1 for new housing in rural areas. The application was not felt to accord with core strategy policies SS6 and SD2 as it was out of keeping with the remainder of the village.

The committee debated the application and the following principal points were raised:

- there was division among the members of the committee. It was the contention of some members that the proposed development was in open countryside, outside the borders of the village. It was the opinion of other members that the development was adjacent to the village and without a neighbourhood development plan the committee was constrained in the decision they could take.

- an enhancement to the condition concerning management and maintenance of drainage arrangements was required to include the provision of a welcome pack for purchasers of the proposed dwellings which explained the ecological impact of wastewater drainage on local water courses and the environment. This change to the condition would help mitigate the impact of the new homes on the local environment.

Members were advised that this could be provided as part of the discharge of condition submission.

The local ward member was given the opportunity to close the debate.

Councillor Stef Simmons proposed and Councillor Dave Davis seconded the approval of the application subject to the change to conditions as outlined below:

- a condition to ensure the provision of a welcome pack for purchasers of the proposed dwellings to explain the ecological impact of wastewater drainage on local water courses and the environment.

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

RESOLVED - That subject to the acceptability of the updated Ecology Report, planning permission be granted subject to the following conditions, that would also secure the submission of a wastewater welcome pack and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included:

Standard

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990

The development shall be carried out strictly in accordance with the approved plans listed below, except where otherwise stipulated by conditions attached to this permission.

| | |
|------------------|--------------------------------|
| 7872-01-B | Location and Block Plan |
| 7872-02-K | Proposed Site Layout |
| 7872-05-A | Plot4 Proposals |
| 7872-04-A | Plot3 Proposals |
| 7872-03-A | Plot1-2- Proposals |
| 7872-07 | Garage Proposals |
| 7872-06-C | Plot5 Proposals |

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.

Prior to commencement

- 2. Prior to the commencement of development, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4-metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 74.3-metres in the northeast direction, and 72.2-metres in the southwest direction along the nearside edge of the adjoining carriageway, for each of the proposed points of access. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

- 3. Prior to the commencement of development, details and location of the following must be 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.

No development to take place, with the exception of any site clearance and groundworks.

- 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 walls and roofs 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. With the exception of any site clearance and groundwork details of the design of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but may not be limited to the following; -**

Details of the size and siting of the proposed surface water attenuation features including outfall location;
Details of the size and siting of the proposed foul water drainage mound feature;
Relevant calculations where appropriate and;
Management and maintenance schedules for all drainage infrastructure

The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby approved.

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.

- 6. With the exception of site clearance and groundworks, no further development shall take place until a landscape scheme is submitted to 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. All 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.

- 7. With the exception of any site clearance and groundwork, details of the vehicular access construction must be submitted to and approved in writing by the Local Planning Authority. The construction shall then be implemented in accordance with the approved specification, ensuring a gradient no steeper than 1 in 12.**

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

Prior to first occupation

- 8. Prior to the first occupation of the development hereby approved, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling must be submitted to and approved in writing by the Local Planning Authority. 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 occupation of the development. Thereafter these facilities shall be maintained in perpetuity.**

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.

- 9. Prior to the first occupation of the development hereby approved, a schedule of management and maintenance of the non-private areas (including proposed orchard) shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with the approved schedule.**

Reason: To ensure the successful establishment of the approved scheme, Local Planning Authority and in order to conform with policies SS6, LD1

and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

Compliance

11. The hours during which construction work may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. The garages hereby approved shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha. An "impermeable area" will include land covered by buildings or non-porous hardstanding through which surface water is unable to infiltrate.

Reason: To ensure the protection of the River Lugg SSSI and the River Wye SAC from additional sources of phosphate resulting from surface water at the site.

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

Tree Survey – Peter Quinn Associates

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

- 15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Worsfold & Bowen (revision 1) dated June 2021 shall be fully implemented and hereafter maintained in 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 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.

- 16. At no time shall any external lighting, except low power (under 550 lumens), ‘warm’ LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, unless otherwise approved in writing by the Local Planning Authority.**

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

- 17. No more than two 6-metre sections of the existing highway side hedgerow may be removed. All remaining hedgerows must have a secure root protection area extending at least 1-metre beyond the dripline of the hedgerow plants for the entire duration of the construction works approved by this permission, unless otherwise approved in writing by the Local Planning Authority.**

Reason: To ensure all hedgerows are protected having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.

- 18. All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) shall be carried out in the first planting season following the occupation of the building or the completion of the**

development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

INFORMATIVES:

1. 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) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "Higher Status 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. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.
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.

There was an adjournment at 12:10 p.m.; the meeting reconvened at 12:22 p.m.

Councillor Baker resumed his seat on the committee.

Councillor Gennard left the committee to act as the local ward member for the application below.

14. 230385 & 230386 - MUSEUM, HEREFORD LIBRARY, BROAD STREET, HEREFORD, HEREFORDSHIRE, HR4 9AU

The principal planning officer provided a presentation on the application.

In accordance with the criteria for public speaking Mr Fowler and Mr Milln spoke in objection to the application, Mr Allonby, applicant, and Mr Neep, applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that although elements of the original structure would be lost the scheme represented a significant improvement to the building overall. The newly renovated art gallery and museum would be a significant asset to Hereford

and would enhance the town centre. Proposals in the application would also significantly improve the environmental performance of the building.

The committee debated the application. There was significant support for the application among the committee members but concern was expressed regarding the proposed removal of the historic railings from the front of the building. A condition to the permission was required to ensure the railings along the front of the building would be retained.

Councillor Bruce Baker proposed and Councillor Stef Simmons seconded the approval of application 230385 subject to the changes to conditions as outlined below:

- an additional condition to ensure that, notwithstanding the approved plans, the railings to the front of the building should be retained.

Councillor Bruce Baker proposed and Councillor Stef Simmons seconded the approval of application 230386.

The motions were put to the vote and were carried unanimously.

RESOLVED –

a) 230385/F – That planning permission be granted subject to the following conditions, an additional condition relating to the retention of the railings to the front of the building and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990

- 2. Approved Drawings – Development in accordance with the approved plan: See Appendix 4**
- 3. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system having regard to policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

- 4. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal 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.

- 5. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.**

Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy 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 first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant’s control of a minimum total of TWO ‘permanent’ Bat roosting boxes (or similar roosting features) and TWO bird nesting boxes (mixed types), should be supplied to and acknowledged by the Local Planning Authority; and shall be maintained hereafter as approved.**

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 7. All foul water shall discharge to the existing mains sewer connection; unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended) National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, SD3, SD4 and LD2.

- 8. The multi-functional spaces hereby permitted shall not be open to the public/customers outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.**

Reason: To safeguard the amenities of the locality and Herefordshire Local Plan - Core Strategy policies SS6, SD1 and LD1-3.

- 9. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm 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 Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. Prior to first use of the building by museum staff, details of an internal store for staff cycle storage within the building shall be submitted to the Local Planning Authority for their written approval. This store 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 encourage alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan

INFORMATIVES:

- 1. IP2 – Approval following revisions**
- 2. I01 – AAI notification**
- 3. The ownership of the land subject of this application is vested in the Council and the consent of the Council as landowner is required before the development is commenced.**
- 4. Interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land.**
- 5. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to. Your responsibilities and obligations**
- 6. Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.**
- 7. 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 (roosts whether bats are present or not), 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.**
- 8. 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. 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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

b) 230386/L – That listed building consent be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Works in accordance with the approved plans: See Appendix 4
3. Before work begins the details of appointment of an appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition shall submitted to and agreed in writing with the Local Planning Authority. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the Local Planning Authority.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no demolition works shall begin until details and the methodology to secure the safety and stability of those parts of the building to be retained are submitted to and approved in writing with the Local Planning Authority. The works are to be carried out fully in accordance with the approved methodology and details. The methodology and details shall include:

- Strengthening any wall or vertical surface;
- Support for roof timbers on the Broad Street elevation
- Provision of protection for the building against the weather;

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework

- 5. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no works of demolition or alteration by way of substantial partial demolition shall begin until evidence has been submitted to and approved in writing by the Local Planning Authority that a binding contract for the full implementation of the comprehensive scheme of development has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.**

Reason: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and appearance of the area in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal, no further development shall take place until details or samples of materials to be used externally on walls and roofs including the balustrade 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.

- 7. Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**
 - A sample of the bricks and brickbond to be used in block up the existing rear pedestrian door.**
 - the face bond of brickwork;**
 - description of the joints proposed;**
 - mortar mix, profile and finish.**

The works shall be carried out in accordance with the approved details.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 8. No pointing or repointing of existing [brickwork] [stonework] shall commence until a drawing identifying the affected areas, details of the method of removing the existing mortar and details/samples of the new mortar mix and joint finish have been submitted to/inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 9. Under no circumstances whatsoever are powered tools (for example, air-driven tools; electric angle grinders and so forth) to be used to cut back masonry joints prior to repointing.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 10. Unless otherwise agreed beforehand in writing by the local planning authority the existing fabric of the building shall be stabilised, maintained, repaired and adapted as approved in situ as per the;**
- Masonry Survey by Stoneworks Building Surveyors 08/04/2024**
 - Masonry repair Report HMAG-BML-XX-XX-RP-S-0010**

Reason: In the interests of conserving the character of the 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.

- 11. Full details of ‘making good’ exposed areas revealed by demolitions are to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 12. Post creation of opening and introduction of steelwork, but before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**
- Details of the architectural details around the pad stones supporting the steelwork creating the 2 entrance doors to the front foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03**
- The works shall be carried out in accordance with the approved details.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 13. Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**
- Repairs to the balcony on Broad Street**
 - Details of any venting to the Woolhope Room**
 - Details of any window seals, location and type to W021, W0202, and W0203**
- The works shall be carried out in accordance with the approved details**

Reason To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

14. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.
The new suspended ceilings in foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03

- The new ceiling to third floor rear exhibition room identified on drawings; 10625 – Art-XX-00-A-16129 Rev P01, 10625 – Art-XX-00-A-16123 Rev P01, 10625 – Art-XX-00-A-16126 Rev P01 and 10625 – Art-XX-00-A-16127 Rev P0
- Replacement skirting boards

The works shall be carried out in accordance with the approved details

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

15. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details

- Details of the method, procedure and application of paint removal from the stone mullioned windows W0017, W0018, and W0019
- The colour of any paint on the rendered plinth on the southern elevation below windows W0017, W0018, and W0019
- Any repairs to the tracery windows, WT09/W0205, WT10/W0012,

The works shall be carried out in accordance with the approved details

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

16. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.

- Between rafter roof insulation on the roof pitch fronting Broad Street.

The works shall be carried out in accordance with the approved details

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National

Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 17. Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.**

- Any works to the staircase or balustrade to the principal staircase in the entrance hall 00-004 on drawing number 10265-Art-XX-00-DR-A-41110 rev P03

The works shall be carried out in accordance with the approved details

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990

- 18. Unless first agreed otherwise by the Local Planning Authority in writing the framework of the solar panels hereby permitted shall have a matt black external finish which shall be maintained thereafter in the absence of any further specific written permission from the Local Planning Authority.**

Reason: To preserve the character and appearance of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 19. No new plumbing, pipes, soil-stacks, flues, vents ductwork new grilles, security alarms, lighting, security or other cameras or other fixtures shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

Councillor Gennard resumed her seat on the committee.

15. 240980 - MORDIFORD BRIDGE, MORDIFORD, HEREFORDSHIRE, HR1 4LN

The senior planning officer provided a presentation on the application and informed the committee of a representation received following the publication of the agenda and the update sheet.

In accordance with the criteria for public speaking Ms Cotton spoke on behalf of Dormington and Mordiford Parish Council and Mr Canning spoke in objection to the application.

The committee debated the application. There was support for the approval of the application.

Councillor Liz Harvey proposed Councillor Bruce Baker seconded the approval of the application. The motion was put to the vote was carried unanimously.

RESOLVED –

That Listed Building Consent 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. The works shall be carried out strictly in accordance with the approved plans (70097406-WSP-SK001 and 70097406-WSP-SBR-SWI-DE-CB-001 Rev.A), except where otherwise stipulated by conditions attached to this consent.**

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.

- 2. No works in relation to above ground demolition, or construction of the new reinforcing wall, or stone slip facing wall with new cutwater stones, shall commence until a sample cutwater stone, carved, fully hand tooled, and finished, and of the exact dimensional form proposed has been provided on site for inspection against the historic cutwater stone it will replicate.**

Confirmation of the materials, dimensions and finished appearance shall be approved in writing by the Local Planning Authority and carried out accordingly.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 3. No works in relation to above ground demolition, or construction of the new reinforcing wall, or its stone slip facing wall, shall commence until details listed below are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with the approved details.**

- Petrographic survey of existing stonework to inform appropriate stone type for new stone slip walling;**
- Photogrammetric survey of existing stonework to inform appearance of new stone slip walling;**
- 1:20 elevation(s) of new stone slip facing walls, illustrating proposed stone slip sizes, shapes, coursing arrangements and re-used cutwater tooled stones;**
- Samples of new stone types to be utilised for new stone slip walling; and**
- Details of materials and methods to be used to infill removed cutwater tooled stones, and as shown on drawings, to a scale of 1:20.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building, in line with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National

Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 4. No works in relation to above ground demolition, or construction of the new reinforcing wall, or its stone slip facing wall, shall commence until sample panels of all new facing stonework is provided on site at a minimum size of 1m x 1m for the parapet wall, and 2m x 2m for the spandrel walls, and showing the proposed stone types, sizes, colour, texture, face-bond, mortar mix, joint thickness and finish profile.**

Confirmation of the materials and methods shall be approved in writing by the Local Planning Authority and carried out accordingly. The approved sample panels shall be retained on site until the work is completed.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in line with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 5. A schedule of works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule.**

Reason: To safeguard the architectural and historic interest and character of the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in line with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

16. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

The Principal Planning Officer introduced the report which sought authorisation from the Planning and Regulatory Committee to agree a further 4 months from the date of the Planning Committee(17 July 2024), to finalise and complete a Section 106 agreement in respect of application 163932.

The committee debated the report.

Councillor Stef Simmons proposed and Councillor Dave Davies seconded the recommendation in the report. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement by 17 November 2024 to secure

- Contributions as set out / required**
- Purchase of Phosphate Credits (in full or phased)**

outline planning permission be granted subject to the following conditions and any other further conditions or variations thereof considered necessary by officers named in the scheme of delegation to officers

If the agreement is not completed by 17 November 2024, but reasonable progress has been made, delegated authority is granted to the Development Management Service Manager to continue negotiation and finalise the agreement and issue the decision.

However, if in liaison with the Ward Councillor and Chairperson of the Planning and Regulatory Committee it is the opinion of the Development Management Service Manager that no progress has been made is made by 17 November 2024, the application may be refused based on the failure to complete a Section 106 agreement, which is considered necessary to mitigate the impacts of the development and to ensure the delivery of affordable housing. In the absence of such an agreement the proposal is contrary to Policy ID1 of the Herefordshire Local Plan – Core Strategy and the Council’s Supplementary Planning Document – Planning Obligations.

Standard

- 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 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 as far as it relates to access and layout;**

- 0687-101 A Amended Location Plan**
- 332310017-STN-HDG-XX-DR-CH-0571-P01 Long Section West Pond**
- 332310017-STN-HDG-XX-DR-CH-0572-P02 Long Section South Pond**
- 332310017-STN-HML-XX-DR-CH-0110-P03 Engineering Strategy**
- 332310017-STN-HML-XX-DR-CH-0111-P03 Engineering Strategy**
- 332310017-STN-HML-XX-DR-CH- 0112-P03 Engineering Strategy**
- 0687-102 B-A0L Composite Planning Layout**
- 0687-102-1 B Planning Layout-A0L**
- 0687-102-2 B Planning Layout-A0L**

- 0687-104-1 B External Works Layout-A0L
- 0687-104-2 B External Works Layout-A0L
- 0687-104-3 B External Works Layout-A0L
- 0687-104-4 B External Works Layout-A0L
- 0687-104-5 B External Works Layout-A0L
- 0687-104-6 B External Works Layout-A0L
- 0687-104-7 B External Works Layout-A0L
- 0687-104-8 B External Works Layout-A0L
- 0687-111-1 B Refuse Strategy Plan-A0L
- 0687-111-2 B Refuse Strategy Plan-A0L
- 0687-112 B Tenure Allocation Plan-A0L
- 0687-113 B Land Budget Plan-A1P
- 0687-114 B Phasing Plan-A0L
- 332310017-STN-HML-XX-DR-CH-0014-P07 Section 278 Plan
- 332310017-STN-HML-XX-DR-CH-0151- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0152- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0153- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0154- P02 Swept Path Analysis
- 332310017/6001/001 Proposed A44 Site Access Junction Layout

except where otherwise stipulated or approved 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 MT1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Pre-commencement

- 5** Prior to the commencement of development of any phase, a Detailed Development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority identifying the phasing, if any, for the development and shall specify the following;
- Residential phases
 - Timing of delivery of on-site highway works (including but not limited to on-site roads, footways, cycleways)
 - Timing of delivery of offsite highways improvements
 - Timing of delivery of public open space
 - Timing of delivery of public open space
 - Delivery of drainage infrastructure
 - Procedures for amending the phasing plan if subsequently deemed necessary

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan.

Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, MT1, OS2.

- 6** Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority.

The Surface Water drainage strategy shall include, but may not be limited to the following;

- Infiltration testing to support the optimum use of SuDS where appropriate;
- a surface water drainage scheme which provides attenuation of a 1: 100 year flood event and includes allowance for climate change: (details measures to be implemented to control and monitor water quality as it discharges from the development into the River Frome).
- provides a management and maintenance plan for the lifetime of the development which shall include the arrangements for its adoption/ownership which may include adoption by any public authority or statutory undertaker and any other arrangements to secure the maintenance and operation of the scheme through its lifetime, and
- phasing of delivery to be included in the approved drainage scheme

The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby approved,

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.

- 7** Prior to the commencement of the development or forming part of any forthcoming reserved matters application(s) which relate to appearance and landscaping, a Noise Risk Assessment of the site shall be submitted in accordance with Stage 1 of the ProPG* guidance and relate to all residential properties to the west of Upper Hardwick Lane. If the risk is found to be more than negligible, then an Acoustic Design Statement must be required in accordance with Stage 2 of the guidance. The statement should demonstrate how the acoustic environment has been taken into account in the design and layout of the site ensuring that the desirable standards set out in BS8233 are achievable wherever possible with the windows partially open.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings when having regard to noise generated by roads and utility services, so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 8** Notwithstanding the visibility splays illustrated on drawing 0687-102 B, no development shall take place until a plan demonstrating visibility splays of 2.4-metres x 33-metres with the splay being delineated by the back of the footway at all junctions, should be provided prior for the approval by the Local Planning Authority.

The approved details shall be maintained accordingly in perpetuity and nothing over 0.6-metre in height should be placed within the splays.

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

- 9 Development shall not begin until a specification of the vehicle access constection at a gradient not steeper than 1 in 12 is submitted to and approved in writing by the Local Planning Authority.**

The construction of the vehicular access shall be carried out in accordance with eha pproved specification.

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.

- 10 Development shall not begin in relation to any of the specified highways works until details of the works 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 works shall include, but may not be limited to the following;**

- Footway/cycleway from Cherry Tree Close to site (if necessary as part of Section 278)**
- Bus stops/shelters on Winslow Road**
- Lighting of Upper Hardwick Lane between site pedestrian access and footpath to Flaggoners Close**
- Start and fund TRO process to install bollards on Upper Hardwick Lane**

The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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

- 11 Development (in each phase) in relation to the provision of road and drainage infrastructure shall not begin until the following details are submitted to and approved in writing to the local planning authority:**

- Surface finishes**
- Drainage details**
- Lighting details**
- Future maintenance arrangements**

The development shall be carried out and thereafter maintained in accordance with the approved details. The works shall be completed prior to the first occupation of any dwelling in the phase.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1, LD1 and LD2 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 No development other than demolition and site clearance works shall be undertaken for any phase of the development unless and until details of existing and proposed site levels at and surrounding the site have been**

submitted to and approved in writing by the local planning authority. The details supplied shall include information on the levels of all buildings, hard and soft surfaced areas. The development shall be undertaken and completed at the levels shown on the approved drawing before the phase is brought into use.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1, LD1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13 No development shall commence until a fully detailed Landscape Ecological Management Plan (LEMP) to cover all phases of development has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but may not be limited to:

i. Aims and objectives of the scheme;

ii. A plan with annotations showing the landscape and habitat or features to be retained, created and managed, including detailed advanced planting scheme covering each phase and any other areas of the site; the restoration, enhancement and management of existing boundary trees and hedgerows;

iii. Measures (including establishment, enhancement and aftercare) for achieving the aims and objectives of management, with time-specific criteria denoting success or a need to implement contingency measures;

iv. A work and maintenance schedule for 30 years and arrangements for beyond this time;

v. The LEMP shall require the collection and removal of any plastic tree guards on completion of aftercare, or specify use of bio-degradable tree guards, and that the application of insecticide or fungicides shall be avoided as shall the use of peat anywhere within the restoration scheme. No fertilisers shall be required or are desirable within the acid grassland habitat.

vi. Monitoring and remedial or contingency measures covering habitats, vegetation, breeding birds, bats, great crested newts, reptiles, notable invertebrates and mammals plus any invasive species or injurious weeds. This shall include measures setting out that in the event of any trees, shrub or hedgerow being damaged or removed by the development, they shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

vii. Measures to control and prevent the spread of non-native invasive species; and

viii. Those responsible for implementation of the scheme

The approved plan will be implemented in accordance with the approved details.

Reason: To protect, conserve and enhance the site's value for biodiversity and to maintain the visual and environmental quality of the site, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 14 No development shall commence for that phase, until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The objective of the plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may not be limited to:**
- I. a description of the likely quantity and nature of waste streams that will be generated during construction of the development;**
 - II. measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;**
 - III. measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and**
 - IV. details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling**

Reason: To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan - Core Strategy and Policy SP1 of the emerging Herefordshire Minerals and Waste Local Plan.

- 15 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid**

risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

16 Development (in each phase) shall not begin until details and locations 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 and specification
- Parking for site operatives
- Construction Traffic Management Plan
- Travel plan for operatives.
- Siting of site compound / site offices (including stack heights) and storage areas

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.

17 Development (in each phase) shall not begin until details of including where tree protection shall be erected and works within root protection areas is required, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP and also include:

- Hours of working
- Dust management and mitigation measures
- Storage of materials

The approved CEMP shall be implemented in full for the duration of all construction works at the site 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 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

18 Development (in each phase) shall not begin until a Resource Audit to identify the approach to materials. The Resource Audit shall include the following;

- **The amount and type of construction aggregates required and their likely source;**
- **the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;**
- **The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;**
- **The type and volume of waste that the development will generate (both through the construction and operational phases);**
- **End of life considerations for the materials used in the development; and**
- **Embodied carbon and lifecycle carbon costs for the materials used in the development.**

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and emerging policy SP1 of the Herefordshire Minerals and Waste Local Plan.

19 No development shall take place until a point of connection for foul flows on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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.

Pre-occupancy or other stage

20 With the exception of any site clearance and groundwork no further development for each phase of the development hereby approved shall commence until details of the play facilities proposed for that respective phase have been submitted and approved in writing. These details should include:

- a) **Detailed specification of the equipment to be provided**
- b) **Finished levels and contours**
- c) **Surfacing,**
- d) **Landscaping,**
- e) **Means of enclosure,**

f) Street furniture.

The play area shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 21** Prior to the first occupation of any dwelling within any phase of residential development hereby approved, and in addition to any landscaping or green infrastructure that may otherwise be required, a detailed scheme detailing locations and specifications for ‘hard’ habitat enhancements to be built into, or attached, to new dwellings including provision of bat roosting bricks/boxes, bird boxes for sparrow and other species (as identified in ecological surveys) and details of hedgehog ‘highways’ through all impermeable boundary features (unless directing hedgehogs on to main distribution roads) should be supplied to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council’s declared Climate Change and Ecological Emergency

- 22** Prior to the first occupation of any dwelling within any phase of residential development hereby permitted, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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

- 23** Prior to the first occupation of any phase of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors 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 annually until all dwellings are occupied.

All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 24 Prior to the first occupation of any phase of the development hereby approved, a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 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

- 25 Prior to the first occupation of any phase of the development hereby approved, 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 dwelling to which this relates 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 with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 26 Prior to the first occupation of any phase of the development hereby approved, details of landscape, open space, allotment and community garden management taking account of all areas outside of the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include, but may not be limited to the following; -

- a) a map or plan indicating the management responsibility of each respective area of the proposed development.
- b) a schedule of implementation and maintenance of non-private landscaped areas / open space
- c) Delivery and maintenance shall be carried out in accordance with this approved details.

Reason: To ensure the implementation and future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and to ensure that the development complies with the requirements of Policy BY1, LD1, and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Compliance

- 27 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

- 28 All planting, seeding or turf laying in the approved landscaping scheme for each respective phase shall be carried out in the first planting season following the occupation of the building or the completion of the development on that respective phase, whichever is the sooner.**

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by Local Planning Authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 29 No external lighting within residential areas shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.**

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

- 30 The mix of open-market and affordable housing delivered shall conform with the housing mix as set out on approved plan 0687-112 B unless a scheme with a revised mix of housing is subsequently submitted to the Local Planning Authority and approved in writing under the terms of this condition. In such circumstances the mix of housing delivered shall be in accordance with the approved revised scheme.**

Reason: To ensure that the development provides an appropriate mix of open-market and affordable housing and to comply with Policies BY2 and H3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 31 The Remediation Scheme, as approved pursuant to Condition 16 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

- 32 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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

EDP - Arboricultural Impact Assessment - edp2364_r012b

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.

- 34 Any forthcoming reserved matters application(s) of scale, appearance and landscaping for the relevant phase shall include full details of the proposed allotments.**

Reason: In order to ensure an appropriate standard of facility in accordance with Policy BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 35 Any forthcoming reserved matters application(s) of scale, appearance, and landscaping for the relevant phase shall include full details of the proposed play facilities. These details should include:**

- a) Detailed specification of the equipment to be provided**
- b) Finished levels and contours**
- c) Surfacing,**
- d) Landscaping,**
- e) Any means of enclosure,**
- f) Street furniture.**

The play facilities shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the

dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 36 For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.**

Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

The meeting ended at 1.44 pm

Chairperson

230457 - CONSTRUCTION OF 36 NO. DWELLINGS, NEW VEHICULAR AND PEDESTRIAN ACCESS, INTERNAL INFRASTRUCTURE, LANDSCAPING, OPEN SPACE; AND ASSOCIATED WORKS, INCLUDING DEMOLITION OF PIGGERY BUILDINGS AT LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE

For: Rosconn Strategic Land Limited per Mrs Elizabeth Bloomfield, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

ADDITIONAL REPRESENTATIONS

Five Additional Representations (4 x objections and 1 x Support (Agent) have been received and have been published to the website at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230457&search-term=230457

1. Ms Anne Haywood. Hopyard Cottage, Old Church Road

The letters raise concerns relating to:

Email 15/7 (19:36)

Hopyard Cottage is situated on the Western flank of the PDS (not the Eastern as stated in my previous email.)

I also understand that there will be no sewage discharged into these SuDs.

However, we still are extremely concerned about the fact that Hopyard is at a lower ground level on all boundaries with the PDS and that there is no clear adequate plan in place to deal with both the extra surface water or the sewage which will be generated by the proposed development.

Email 15/7 at 12:09

For many reasons, we believe that the application 230457 should be refused.

However, if HC Planning Committee is minded to pass this application, we ask that it not be passed without a definitive and workable solution/plan from Severn Trent to deal with the Sewage and Surface/Storm water runoff.

We, the owners of Hopyard Cottage, the sole property sited on the Eastern boundary of the PDS, strongly object to the siting of the SuDs as laid out in the existing application submitted.

Chloe Smart had kindly attended Hopyard Cottage last year - partly with reference to the danger of the increased surface water "runoff" and possible subsequent flooding

across our Northern boundary. Hopyard Cottage property sits an average of 1 metre below the PDS. She was able to identify our concerns.

However, until we read HC's Planning report of last week, we did not realise that the SuDs are proposed to be used for sewage storage as well as Surface/storm water "runoff" and will sit at a ground level above that of Hopyard Cottage.

We must point out that the current plan shows the Suds sited just to our Southern boundary. In fact the closest SuD will sit **within 5 metres** of our Sitting Room windows. We will look directly onto them and be subject to the associated smells, and any overflow or seepage.

It cannot be acceptable to site a SuD so close to a residential property and I have requested a site specific inspection in this matter.

Hence, we ask that HC Planning Committee do not grant permission without a workable and acceptable plan from Severn Trent to deal with this acute problem.

Email 12/7 (19:02) – Sent to Members

1. Surface/storm water "runoff" from the Proposed Development Site (PDS).
2. Proximity of the SuDs to the existing property - Hopyard Cottage, WR13 6EZ

1. As the owners of Hopyard Cottage, we wish to draw particular attention to the increased possibility that our property could flood as a result of the proposed development.

Hopyard Cottage is the sole property bordering the Western side of the PDS and sits an average of 1 metre below the level of the PDS at that boundary.

At present the "runoff" from the PDS flows along the culvert (mentioned in your report), passes west along Hopyard's Northern boundary (next to our garage and driveway), across the Track (which runs between Old Church Road to the S.W. Corner of the PDS and the Ice House) and discharges into the field beyond to the West.

(See location of Hopyard in - "Figure 2: EA Surface Water Flood Risk Mapping, May 23" – Page 36 of your latest report)

After rain, its route can be clearly seen. It forms a substantial pool next to our driveway and then pools onto the track and can be clearly seen pooling in the field beyond.

I have previously raised these concerns with HCP and have attached the relevant photos to this email.

Up to the present, there is no history of flooding at Hopyard Cottage. However, once the site is developed, the additional "runoff" generated by the amount of hard standing will increase considerably and increase the risk that the property at Hopyard will flood.

Your latest report acknowledges our concerns but does nothing to alleviate them. The solutions proposed are vague and inadequate to say the least. Full consideration has not been given to the flood risk posed by the surface water flow route.

We therefore ask for a site specific flood appraisal with direct relevance to the effects on the property at Hopyard Cottage as required by the National Planning Policy Framework.

(See P 82 of your latest report).

2. We are also extremely concerned that the third SuD is to be located at our Southern boundary within 5 metres of our living room windows and will sit at a higher ground level. In fact, all 3 SuDs appear to be situated too close.

Smells, overflow or seepage will come directly to us!

This is an unacceptably short distance from a residential property, let alone the opening windows of a living room.

Also the SuDs should logically sit at a lower ground level to the surrounding properties?

How can this ever have been considered acceptable?

We also ask for a site specific appraisal in this instance.

We propose that Planning Permission be refused for many reasons but particularly in view of the major unresolved issues as stated in this document.

Photographs attached:



Pond created by storm water on north side Hopyard Cottage

2. Letter from Mr Chris Walker (also sent to Members direct 15/7/24) with appendices.

- Landmark Chambers Presentation - Engaging the sequential test: practical lessons
- High Court Judgement – Substation Action Save East Suffolk Limited and SoS for Business Energy and industrial Strategy

These have been published to the website:

Whilst you will be aware that the application has been the subject to a significant level of objections, I am concerned that the application has failed to be considered based upon the **Sequential Test and Exception Test** applicable under paragraph 167 which states that;

“All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property...”

Whilst the Herefordshire Core Strategy was subject to strategic level flood risk assessment, this is not the case for the Colwall Neighbourhood Plan. The Neighbourhood Plan was prepared with reference to landscape and heritage based background evidence, however at no stage was the plan prepared based upon an analysis of the proposed allocations risk to surface water or fluvial flooding.

As a consequence Colwall Neighbourhood Plan was not prepared in accordance with the requirements of paragraph 167 of NPPF.

Whilst the land at Old Church Road remains an allocation within the Neighbourhood Plan, the current planning application P230457/F needs to be considered based upon the requirements of paragraph 168 and 169 of the NPPF which advise that;

“168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

A similar position was considered under Case No AC-2023-LON-002327 Mead Realisation v Secretary of State for Levelling Up, Housing and Communities. This case is with regard to a challenge brought forward by the developer Mead Realisations against the dismissal of an appeal by the Inspector (appeal reference APP/D0121/W/22/3313624) following refusal of an application by the Council on the basis that a speculative application had not been subject to a Sequential Approach.

In this case Justice Holgate sets out at paragraph 2 that;

“In AC-2023-LON-002327 Mead Realisations Limited (“Mead”) brings a challenge under s.288 of the Town and Country Planning Act 1990 (“TCPA 1990”) to the decision of the Inspector on behalf of the first defendant, the Secretary of State for Levelling Up, Housing and Communities, dated 20 June 2023 dismissing its appeal against the refusal by the second defendant, North Somerset Council (“NSC”), of an application for planning permission for residential development of up to 75 dwellings at Lynchmead Farm, Ebdon Road, Wick Street, Lawrence, Weston-Super-Mare (“the Lynchmead decision”).”

At paragraph 101 of the judgement, Justice Holgate sets out that;

“It is common ground that when a development plan is being prepared, the sequential test is applied in the context of policies aimed at meeting the housing, employment and other development needs of the local authority’s area, or other relevant “catchment” (see also para. 026 of the PPG). Paragraph 166 of the NPPF states that where an application is made for development on a site allocated in a development plan which satisfied the sequential test, that test does not have to be applied again. Where in other cases a sequential test is being carried out for the first time in relation to an application THE HON. MR JUSTICE HOLGATE Approved Judgment (1) Mead Realisations Ltd v SoS LUHC (2) Redrow Homes Ltd v SoS LUHC 23 site, I see no logical reason why the issue of need should be treated as wholly irrelevant to that assessment as Mr. Flanagan suggested. In addition, para. 027 of the PPG suggests that the relevant catchment area or area of search for some types of development will be affected by need considerations. On that basis, I do not see why all considerations of need must be excluded when considering the “appropriateness” of alternatives.

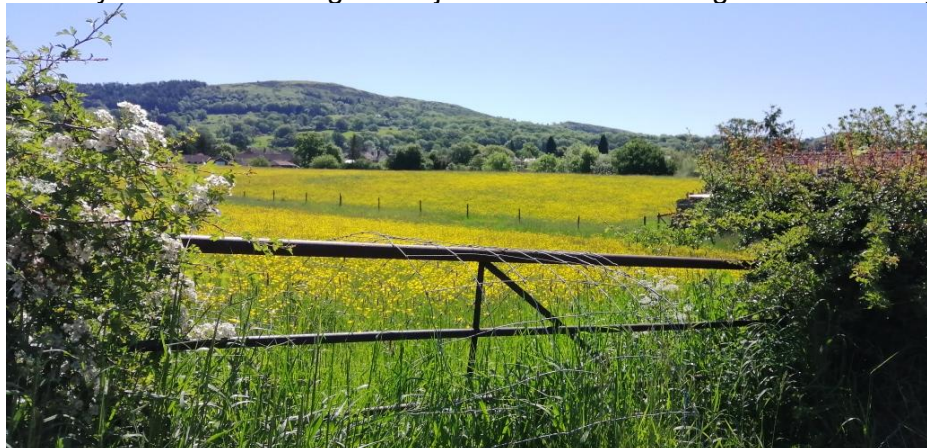
The case was dismissed and the findings of the Inspector with regard for the need for a sequential analysis of the site at planning application stage was upheld.

In the context of the current planning application 230457/F, the land at Old Church Road has not been the subject of a strategic level sequential approach. In addition, the application site, which is identified as being subject to surface water flooding within the applicants Flood Risk Assessment, has not been subject to a sequential assessment that has taken into account the availability of alternative sites that could be brought forward for development and which may be not at risk of surface water flooding.

As a result, it is requested that the application be refused on the basis that the provisions of paragraph 166 and 168 of the NPPF

**3. (Adrian Mealing) The Croft, Old Church Road, Colwall
Colwall Revised NDP Group (Also sent to Planning Committee Members 14/7/24)**

Thank you for considering our objections at the meeting on Wed 17 July'24.



Grovesend Farm site, looking eastwards towards the Malvern Hills

Colwall is keen to support HC's drive for new housing on appropriate land - predominantly brown and grey sites - and housing which is prioritised by a Local Housing Needs Survey to be undertaken shortly. We anticipate this will emphasise small, affordable homes for young families and not homes which are largely unaffordable to local workers and to young people starting out who want to live where they've grown up with family support around them.

Extraordinarily, none of the Neighbourhood Plan (NDP) Consultation sessions or papers identified that the application site, in addition to Conservation Area and AONB status, was also an important open space in the Council's own adopted **Conservation Area Character Assessment** (24 Aug 2001).

Grovesend's **Character Assessment & Heritage Asset** was not highlighted or communicated by the local or county councils during the numerous processes including the NDP.

Since 2011, Mill Lane - now included in HC's 2024 Emerging Local Plan draft for Colwall's development, we note - was the housing site favoured by the community in the consultations for the NDP and the site overwhelmingly preferred by the village and HC (SHLAA¹) & CPC since the get go. Herefordshire Planning officers clearly state in their 2015 strategic land assessment that Mill Lane was suitable for development and Grovesend Farm was not.

Grovesend is not 'ugly Greenbelt'. It is within clear view of British Camp, one of the country's finest Heritage Assets.

Polls and NDP consultations conducted in the village, 2015-2023, consistently record 90%+ of the village against development on Grovesend and 90% in favour of development on Mill Lane. We can re-supply these figures to the Planning Officer.

For reasons genuinely unfathomable to the village, CPC suddenly switched its preferred site in 2018 from Mill Lane to Grovesend without community consultation. CPC later

¹ HC's Strategic Housing Land Availability Assessment – Which also ruled Grovesend Field unsuitable due to access.

suggested that its-landscape surveyor opted for Grovesend over Mill Lane; either way, we know that landscape considerations are not the only criterion, a point confirmed below by **HC's Claire Ward, Director of Governance & Law (15.12.21)**. We have grave concerns as to why the landscape assessment was changed and given undue weight in the face of other factors.

'Colwall Parish Council focused on landscape issues. Herefordshire council officers raised with them that other planning grounds should be taken into the planning balance but they decided to focus on landscape as the primary factor...'

The inclusion of Grovesend in Colwall's NDP surprised & infuriated the village when its location & status & protections under planning law became clear. I say this because the **Character Assessment** referred to above only emerged AFTER the NDP had been 'made' and officers of Herefordshire Council are on record as saying no such document existed. This despite a copy being sourced by our group in 2018.

The Opinion of Counsel obtained by the community sets out potential grounds for legal challenge of any decision to approve this development.

Localism in Colwall has taken a hammering. The 2023 Parish Poll brought out 504 voters on a non-election day, of which 92% voted down the main product of what purported to be 'their' neighbourhood plan; the application before you.

The credibility of Colwall PC is at a low ebb as many of its members (most of whom have never competed for a vote) are utterly dismissive of the consistent & overwhelming opposition to Grovesend development since 2015 when it was suggested as a site for the new primary school (now built at Mill Lane). You are aware of the large number of representations - **2 for the application, 342 against** - objections not limited to those affected but indignation as to what this application represents in terms of harm to the environment and disrespect to the community.

Given all the above factors plus the unresolved issues of ...

- vehicle access along a narrow country lane
- the increased danger to pedestrians, horses & riders, cyclists on Old Church Road
- the non-deliverability of cycle & pedestrian access into the centre of the village, despite this being a requirement of several previous editions of the NDP but now ignored or dismissed as irrelevant in the current application – a recent, odd change of attitude by those few who prepared the NDP. There is no separate safe, navigable & accessible footpath or cycle route into the village
- STW's inadequate sewerage infrastructure, with high levels of sewage dumps to local watercourses
- lack of a workable solution from STW to the problem of additional ground & storm water run-off which will be created
- new ground water legislation

... we trust you will reject the Grovesend application and allow the village & Colwall PC together to revise the NDP and undertake a Local Housing Needs Survey to underpin location & appropriate types of housing.

Please support the community of Colwall and say NO.

4. Paul Evans, 5 Stone Close, Colwall Email sent to Councillors 13/7/24 (09:51)

There is a simple theory that applications for full planning permission should be in a form that would allow the local planning authority to make its decision.

There are sensible opportunities for an applicant to have discussions with the LPA before the application is submitted. There are further opportunities for discussions post-application to address any fresh issues raised and to make alterations to the application. Over a period of around two years Herefordshire's planners have worked constructively with the Applicant which has, to some extent, taken appropriate advantage of those opportunities.

Finally, it is possible to grant permission subject to conditions to deal with secondary issues. That is not what is suggested here. The Planning Officer has recommended approval of this highly controversial application, subject to 11 pages of conditions. Many of those conditions are fundamental to the acceptability of the whole scheme. For example,

- The last advice supplied by Severn Trent Water's consultants concluded that the development would be likely to cause flooding and pollution. STW is ignoring freedom of information requests to disclose information held by it, but has stated that it continues to be concerned about this application and is currently processing the results of its latest investigations. We know that STW is already dumping raw sewage into the Cradley Brook on a regular basis and Old Colwall was left ankle deep in sewage earlier this year because of a pipeline failure. Does anyone believe it is right to permit this development to exacerbate these problems? And does anyone really believe that STW will resolve capacity problems in both the pipelines and the treatment works at Colwall, within three years?
- We have yet to see a detailed plan for works proposed for Old Church Road, including the extent to which it will require damage to the hedgerows (noted as important in the Conservation Area Character Statement), whether that can be done within the adopted highway, and whether account has been taken of the effect of regular regrowth on the already substandard width of the proposed pavement. This is not a new problem. Why is it still outstanding 16 months after the application was submitted?
- The application proposes the creation of substantial areas of amenity space, including some requiring specialist maintenance, but has failed to show how those areas would be maintained in future. It would be expensive and of very little value to the rest of the Village, and Colwall Parish Council has refused to take it over. The Applicant is a subsidiary of Bellway Housing, a major development company with substantial experience of this issue. Why has it failed to offer a substantive option?
- The Applicant offered a sadly deficient ecological survey eg denying the existence there of Great Crested Newts until we proved them wrong, failing to spot clear evidence that the field is used as an important wildlife corridor by badgers and several other protected species, failing to consult available records and consequently concluding that the area is "of low wildlife interest". Having been proved wrong, the Applicant has had ample opportunity to provide proposals for the protection of ecology, including the reinstatement of a crucial wildlife corridor. It has not done so. Again, why?

As it stands, the plan would damage the Conservation Area and ecology, result in the provision of sub-standard pedestrian access and in the probability of more pollution and flooding. The Applicant has either been unable or unwilling to offer substantive solutions to those and other problems. There is a clear and much better alternative which is supported overwhelmingly by Villagers, but two arguments are offered in support of this plan; the Colwall NDP and public benefit.

This “flagship” element of the NDP has proved to be a disaster. It was arrived at using a method that conflicted with common law and advice from the government, both of CPC’s professional advisers and Herefordshire Council’s planners, and with repeated and overwhelming expressions of local opinion. It has united Villagers in opposition to elements of CPC’s grim determination to secure the building of a new housing estate in Colwall’s Conservation Area instead of where everyone else wants it to go. Explanations given by CPC do not stand up to scrutiny. Nevertheless, the NDP exists and HC has to decide what weight to give to it, if any.

That task has been simplified by the fact that the NDP specified conditions precedent to development on Grovesend Field, relating to pedestrian access and protection of the Conservation Area, heritage assets and ecology etc. None of those conditions is satisfied by the application and so no significant weight should be attached to the inclusion of the site in the NDP.

It is claimed that damage caused by the development would be outweighed by the provision of much needed affordable housing. In fact the opposite is true. But for the NDP, affordable homes on Mill Lane would almost certainly be ready for occupation by now. Even if planning permission is granted now it would be several years (if ever) before construction work could proceed at Grovesend. The relative isolation of the site would also limit its suitability for non-car users. Meanwhile, development at Mill Lane is blighted by this application.

My concern is that if approval is granted as proposed then the already hard-pressed planning officers will be subject to a “war of attrition” to accept watered down versions of what is needed, in a process taking place out of the public gaze. The site is a comparatively expensive one to develop. Once permission is granted, shall we find that the Applicant claims to be unable to afford S106 contributions, or to continue with plans for affordable housing, or to be able to fund future maintenance costs for the amenity land or a wildlife corridor? If ever there was a need for the sunlight of open involvement of the democratic process, this is it.

Despite some 16 months of constructive work by HC staff, the application is seriously deficient in many respects. Some of those deficiencies might be remedied (if the Applicant is prepared to pay for them) but others might not. At the end of the day, it is for the Applicant to offer a plan which is suitable for approval. As it stands this plan simply is not in a state that admits of a fully informed decision. It should be rejected to open the way for more suitable development on Mill Lane.

If the Applicant believes that it is willing and able to remedy the existing defects, a fresh application might be made. That would enable the plan and proposed solutions to its many current problems to be considered as a whole, warts and all!

5. Letter from Planning Agent (Elizabeth Bloomfield, Pegasus Group) to Planning Committee Councillors (16/7 – 16:06)

I hope you don’t mind me approaching you direct in relation to this planning application, which will be considered at tomorrow’s Planning Committee.

As you know, Officers have prepared a comprehensive assessment of the application in the Committee Report, following a thorough review of all planning considerations. However, there is a lot to consider, so I wanted to take the opportunity to summarise key points from my point of view. I’m sure others will be approaching you too.

I am the planning consultant acting on behalf of the applicant on this application and I have to say that this is the type of development project a planner is pleased to work on.

We are all aware of the need to deliver housing, and most people know someone who would love to purchase their own home, but is not in a position to do so. Most people are not against housing delivery in principle; and those who are generally in support of a proposal, and have no issues to raise, tend not to comment on planning applications.

Understandably, however, people worry about what change development could bring if it is near where they live.

There is always a discussion about where is the right place to deliver housing, and whether it may be anywhere other than the application site currently being considered.

Development is intended to be plan-led, meaning that sites which are considered suitable in the local development plan **are** those which have been determined to be the right sites to accommodate the housing we need. Of course, not everyone will always agree, particularly if they consider themselves directly impacted by such a proposal.

This site has been allocated to deliver housing in the local development plan, which confirms the acceptability of development of the site to provide housing in principle. The decision to allocate the site followed due consideration of heritage and AONB sensitivities, as acknowledged and accepted by the independent Inspector appointed to examine the plan process.

As a result, your Council is counting the delivery of housing on this site to count towards your housing land supply figure. Delivery of any housing has the potential to assist those at all price ranges, as it facilitates movement in the market which potentially releases 'entry-level' housing.

Beyond the principle of development, there are a number of specific policy requirements that housing development proposed on this site is required to meet, unless there are good planning reasons which justify otherwise.

This proposal is policy compliant:

- The housing has been carefully designed, with due regard to the specific AONB guidance and heritage advice.
- Substantial areas of open space are included, in line with those identified in the allocation.
- In line with policy, it will provide a mix of housing types and sizes, comprising 15 x 2-bed houses; 13 x 3-bed houses; and 8 x 4-bed houses, at a density of 16 dwellings per hectare. 7 of the dwellings will be bungalows and no buildings exceed 2-storeys in height.
- **It provides a policy compliant amount and mix of affordable housing.**
- Existing boundary vegetation will be retained and enhanced (including the protected tree at the northern boundary), except where required for access, which is in the location specified in the allocation policy.
- The proposal will deliver a safe pedestrian link to the amenities and facilities of Colwall, as required by the allocation.
- Key views are retained, and the application is supported by a technical Landscape Visual Impact Assessment, which confirms that the development will assimilate very well into the existing settlement pattern.
- A full assessment of impacts on heritage assets, including the Colwall Conservation Area, have been considered in the submission documentation; and by the Conservation Officer and Planning Officer, who all agree that the proposal meets the relevant policy requirements.
- Ecological habitats will be enhanced.
- The drainage strategy will improve the existing uncontrolled drainage conditions on-site by the installation of sustainable drainage features designed to manage the collection, retention and slow release of surface

water. In discussion with the Council's drainage engineers, further survey work on an existing storm drain was carried out to ascertain its condition, which was confirmed to be poor and essentially currently not functioning. This will be replaced and diverted within the site as part of the proposals.

- In terms of foul drainage, the proposal includes a suitable system to connect to the public sewer, which is appropriate for adoption by the water authority. It is entirely the water body's responsibility to ensure capacity in the public system to accommodate development which is allocated in the development plan. A pre-commencement condition is proposed to ensure there is further opportunity to consider the drainage strategy prior to any development starting on-site.

We understand neighbours' concerns about change in an area they choose to make their home; but we trust that a balanced decision will be made, with due regard to your Officers' assessment of the relevant issues to be considered in our plan-led system which is designed to deliver the housing we need in an appropriate way.

Please don't hesitate to contact me if you do have any queries we may be able to assist with.

OFFICER COMMENTS

In response to the above comments.

Officers would draw your attention to Flood Risk Assessment and drainage strategy that has been submitted with the application.

<https://myaccount.herefordshire.gov.uk/documents?id=d2ef6b06-3781-11ef-9081-005056ab11cd>

This, and other superseded documents have been carefully considered and appraised during the course of the application, taking into account concerns raised locally.

The detailed comments of the Drainage Consultant have been included in the officers report and I would draw your attention to paragraphs 6.124 – 6.141 that carefully consider matters relating to drainage and flood risk on the site in relation to the Local Plan policies and National Planning Policy Framework and guidance.

Turning to the specific matter of the requirement for a sequential test to have been undertaken at plan making stage, I have briefly reviewed the documents that were included as part of the plan making stages and can see that flood risk as a constraint did form a part of the considerations in relation to site selection. (2019 NPPF at time)

<https://www.herefordshire.gov.uk/directory-record/3046/colwall-neighbourhood-development-plan>

I would refer you to the Made Colwall NDP paragraph 6.0.9 in the section that advises on the strategy used to determine the Proposed Settlement Boundary:

At the same time a Capacity Table was developed which graded the potential sites in order of their ability to accept development, in landscape terms. The table was then populated with the other constraints, including whether the landowner wished to develop in the Plan period, and taking account of technical constraints such as access, flood risk and impacts on built and natural heritage assets

Notwithstanding this, as directed by paragraph 173 of the NPPF 2023 a site specific Flood Risk Assessment was undertaken. I would refer Councillors to the submitted reports and the committee report as above.

In respect of other matters raised, these are matters that have been raised previously and have been considered in the writing of the report and in making the recommendation.

NO CHANGE TO RECOMMENDATION

214539 - PROPOSED RESIDENTIAL DEVELOPMENT OF FIVE DWELLINGHOUSES WITH ASSOCIATED VEHICLE ACCESS FROM C1059 TOGETHER WITH DRAINAGE INFRASTRUCTURE AND PLANTING AT LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HR6 0SG

For: Mr Andrews per Mr D F Baume, Little Dinmore, Burford, WR15 8HR

UPDATES

1. Updated Ecology Report

An updated Ecology Report has been received. This is awaiting review by the Council's Ecology Team. The officer recommendation has therefore been updated as follows, to reflect this.

That subject to the acceptability of the updated, planning permission be granted subject to the following conditions and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included.

2. Additional representation (objection)

Since the publication of the Officer Report, 1no. further representation has been received; -

I am now writing to you regarding a residential planning application in the village of Hatfield, where I live, where the interpretation of the Core Strategy by the Herefordshire Planning Office has raised significant local concern and residents have asked me to write to you as Leader of the Council to ask for clarification of planning policy for smaller rural settlements in Herefordshire as there would appear to be wider implications for housing development that the public should, I believe, be informed of. This application has gone on for over 2 ½ years now and after a number of requests from our ward Councilors going back to 2022 this application has now been referred to Planning Committee but with a recommendation to approve from the planning officer(s) concerned. This meeting will now take place on Wednesday 17th July 2024 at 10am next week.

What is deeply troubling for residents regarding this planning application is that in the absence of a neighbourhood development plan (NDP), the interpretation of the Core Strategy, in regard to smaller rural settlements, would appear to be biased towards development and largely at the discretion of the officers concerned and, in this case, seems contrary to many of the policy's contained therein. It is unclear what is driving this, but I can only assume there was pressure on planning officers to clear a backlog in development coming forward due to the cancelling of the Hereford bypass previously and the problems of phosphates in the Wye. It seems one of the unintended consequences is now pressure from speculative developers to get planning for as many houses as possible in rural Herefordshire especially where no neighbourhood plan exists as it may be easier to get these approved despite any local opposition or other legitimate concerns. This, I expect, is not what people would expect our Council to endorse. We believe the interpretation of the Core Strategy should be fair to all parties and as residents we do not feel this has so far been the

case. By way of background, I would like to outline the unusual circumstances of this case which may point to a wider problem within planning policy. Specifically

1. Hatfield is classed as a smaller rural settlement under policy RA2 Section 4.4.22 and listed under table 4.15 as Rural Areas Sites Allocation (RASA) and as such additional considerations should be given regarding development. Specifically, it says 'proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement ...' Also, the Rural Housing background paper (2013 pages 12 and 13) indicates that proportionate development should be restricted to market homes which meet the needs of people with local connections. The application is for 5 residential homes on existing farmland on what local residents, and indeed planning officers involved in the preparation of the Strategic Housing Land Availability Assessment (SHLAA 2019), consider to be outside the natural village boundary. To quote the planning officers involved in the SHLAA 2019 and published on the council's own web site it says that the site has '**no potential for development**' as it is '**distinctly outside the village settlement**' and '**the site is visually and physically disconnected from the village**'. The SHLAA is an evidence-based document to inform plan making and **decision taking**. The SHLAA would clearly suggest the proposed site is not in keeping with the settlement form and should carry material importance to any decision. However, it appears that this earlier view of planning officers who prepared the SHLAA is to be simply ignored by current officers who have come to a completely different view. We do not understand why.
2. The proposed form and layout (5 brick-built dwellings to include two semi-detached two story dwellings) is also not in keeping with the form, layout and character of the settlement. Existing settlement is a mix of former farm houses, stone built cottages and half-timbered buildings. There are no semi-detached two storey houses in the locality nor any developments of this form, size or density. Again, this is ignored in the current planning recommendation to committee.
3. RA2 also states any development should be proportionate to the existing settlement form. The adjacent settlement form referred to in the original pre planning advice consists of only some 11 dwellings. 8 additional new dwellings have already developed with another to follow in the last 3 years by re-purposing the original farm buildings at Common Farm adjacent to the proposed development site on the same original farmland. These together with three more new dwellings to the west of the village, all in the last 3 years, already represents considerable development within Hatfield with only some 24 houses along the 1 mile of road. When I asked the planning office for a definition of what is proportionate, I am told there is none as it is a 'planning judgement' so it seems there is no limit to how much development can take place on smaller rural settlements in Herefordshire. The Core strategy identifies only 15% growth target from 2011-2031 for the area so Hatfield has already experienced more than double this growth with recent development just in the last few years.
4. The Hatfield District and indeed the wider Bromyard Housing Market Area (HMA) are already well ahead on housing delivery. Bromyard HMA has already exceeded targets set for planning development by 2031 and the wider Hatfield, Puddleston and Docklow parishes have only 2 dwellings to deliver before 2031 so there is no requirement to simply keep building more housing in the area to meet wider targets for the county as a whole. More development of this size, form and number as proposed cannot be considered proportionate for rural hamlets.
5. The pre planning advice provided to the applicant (April 2021) was positive to development and this was justified on the grounds that there was a housing

undersupply and hence policy 11D of the National Planning Policy Framework (NPPF) in favour of unfettered sustainable development applied. However, this has not been the case since July 2021 (application submitted in December 2021) and therefore justification in the pre planning advice is no longer valid. The pre application advice was given by the same officer who was subsequently appointed as Case Officer and whilst residents have no complaint regarding the professionalism or conduct of the Case Officer concerned it is clearly not best practice, in terms of due process, to appoint the same officer to both roles.

- 6. The application has dragged on for an inordinate amount of time. It is now 2 ½ years since submission when Planning targets advise applications should be determined within 8 or 13 weeks from submission for minor or major developments respectively. The reasons appear to be issues experienced in satisfying Land drainage and Ecology resulting in the applicant increasing the development area from 0.52 ha to 1.23 ha just last January. This was to incorporate additional farmland to be used to re-site the sewage package treatment plant (there is no mains sewage in Hatfield) and an attenuation basin. The site as reported by the applicants' own representatives has very poor soil infiltration and the water table below the required 2m depth. It is located within the Red Zone of the River Lugg catchment Special Area of Conservation (SAC) so has struggled to satisfy requirements for sewage and surface water treatment as well as nutrient neutrality. Measurements of soil infiltration were only made in the months of July and August when the ground is at its driest and despite Expert Evidence in the form of a report provided by residents representatives questioning nutrient neutrality calculations (which were based on soils with good infiltration - which is not the case) and also why seasonal variations in the water table, proximity of effluent outflows to open ditches and surface water ponding in winter, were not considered. It appears that only the applicant's evidence has been accepted as factual despite known drainage issues with the site in winter. It also drains directly into historic woodland area with ponds that flow directly into the River Humber tributary's and on into the Lugg river SAC. Specific details of how the applicant will actually overcome concerns regarding drainage and effluent treatment are now simply deferred and approval recommended with conditions.*
- 7. It is mentioned by the Case Officer that the site is considered a minor development however when we check the Town and Country Planning Order 2015, Article 2 , it states 'a major development' as defined in section (e) is one with ' development carried out on a site having an area of 1 hectare or more' . Again, when we query this, we are told it is the officers 'view' that it is a minor development so there does not appear to be a precise definition adopted by the council.*
- 8. Hatfield is a very small hamlet of just a few houses arranged mainly in two clusters either end of the village with a few houses between, stretched along a mile or so as a ribbon development. There are extensive areas of potential infill (as identified in the SHLAA 2019) and other farm buildings that can be re-purposed for future development more sympathetic and in keeping with the hamlet. It seems illogical to extend the settlement form further and transpose a new 'urban style' housing development at the entrance to the hamlet. Policy RA2 section 4.2.22 of the Core Strategy and the National Planning Policy Framework (NPPF) indicate the importance of NOT promoting patterns of unsustainable development in rural areas. The hamlet is bounded by the 13th century Hatfield St Leonards Church in the west and my own property , Curates Cottage, dating to 1850 where there was originally an old Methodist church opposite I believe. This has formed the natural boundaries of the Hamlet for over 170 years. Why elongate it further as the current planning office wishes to do ?*

9. *Hatfield is located on a single-track road with few passing places and traffic, including farm vehicles, is already straining the road infrastructure. There are no amenities whatsoever in the hamlet save the church which holds services infrequently. It is an 8-mile round trip to the nearest village hall at Puddleston or local pub at Docklow. There are no bus services operating to the hamlet and it is a 14-mile round trip by vehicle to local shops in Bromyard, Leominster or Tenbury. The development does nothing to enhance local amenity.*
10. *Almost all local residents have objected to this planning application – 55 objectors in a very small community. The Hatfield Parish Council are also opposed to it. It is not that the community is against development as they have largely supported earlier developments close to the proposed site at Common Farm for conversion of old farm buildings into 9 new homes and an additional three new dwellings in the village already. Indeed the Parish Council recently supported an application which had been deemed outside the village boundary but was actually adjacent to the old schoolhouse within the natural boundary of the village so there seems no consistency in what one planning officers deems to be within the settlement boundary compared with another.*

I appreciate planning applications are always contentious but there are genuine concerns regarding how this application has progressed. The local opinion is that this is simply the wrong type of development of the wrong size and in the wrong location (as supported by planning officers who prepared the SHLAA) and which if it is approved by planning committee will have an irreversible impact on one of Herefordshire's more picturesque hamlets. People locally simply do not understand why planning would pursue such a policy contrary to earlier opinion given by other planning officers who prepared the SHLAA. There is simply no consistency, and the entire process seems to be determined by the opinion of just one officer.

We can only hope those Councillors on the Planning Committee have the time to study this application and arrive at what the residents hope will be a common-sense view and fair interpretation of the Core Strategy policies.

We would be grateful for clarification on what procedures are in place with checks and balances regarding interpretation of the Core planning strategy as it appears to be overtly subjective. It would also be helpful to have a better definition of what constitutes proportionate and appropriate development of smaller settlements in rural areas.

Many thanks

John

Officer Response: The comments have been examined, and they do not bring up any significant planning matters that were not already taken into account by officers in preparing the report.

3. Amendment to wording of Condition 5

With the exception of any site clearance and groundwork, no development shall take place details of the design of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but may not be limited to the following; -

- Details of the size and siting of the proposed surface water attenuation features including outfall location;
- Details of the size and siting of the proposed foul water drainage mound feature;
- Relevant calculations where appropriate and;

- Management and maintenance schedules for all drainage infrastructure

The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby approved.

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.

CHANGE TO RECOMMENDATION

That subject to the acceptability of the updated Ecology Report, planning permission be granted subject to the following conditions and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included.

