

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Tuesday 26 April 2016 at 10.00 am

Present: Councillor PGH Cutter (Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, RI Matthews, FM Norman, AJW Powers, A Seldon, WC Skelton and EJ Swinglehurst

In attendance: Councillors WLS Bowen and PM Morgan

178. APOLOGIES FOR ABSENCE

Apologies were received from Councillor J Hardwick.

179. NAMED SUBSTITUTES

Councillor RI Matthews substituted for Councillor J Hardwick.

180. DECLARATIONS OF INTEREST

There were no declarations of interest.

181. MINUTES

RESOLVED: That the Minutes of the meeting held on 6 April 2016 be approved as a correct record and signed by the Chairman.

182. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that a seminar on the 5 yr housing land supply had been arranged for members of the Committee, but open to all Councillors, for the morning of 10 May.

He also reminded members of the arrangements for an additional meeting of the Committee on the afternoon of Monday 6 June 2016 to consider the southern link road application, noting that this would be preceded by a site visit in the morning.

183. APPEALS

The Lead Development Manager referred to the appeal decision in relation to application 143116 – land to the south of Leadon Way Ledbury where the Inspector had concluded that the Council did not have the required 5 yr housing land supply.

He provided a statement on the current position on the housing land supply and how the Core Strategy Policies should be applied in the circumstances.

It was agreed that the statement would be circulated to all Members.

The Planning Committee noted the report.

184. 160613 - FORMER WHITECROSS SCHOOL, BAGGALLY STREET, HEREFORD

(Proposed development of 69 homes, landscaping, public open space, new vehicle access and all associated works.)

(This application was considered after agenda item 8 – application 152042.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the Council's Constitution, Councillor TM James acting on behalf of the local ward member, Councillor PA Andrews, spoke on the application. He commented that there were two principal concerns about the proposal: traffic management and the effect on residents and the possibility that the development would lead to development of a playing field next to the application site.

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

- Particular concern was expressed about the suitability of the access off Baggally Street, whether the emergency services would be impeded and whether alternative options had been explored. It was suggested a one way system should also be considered.

The Principal Planning Officer commented that other options had been investigated over a period of some 10 years. However, constraints presented by land ownerships and covenants had meant that it had continued to be concluded that an access off Baggally Street was the only realistic and viable option.

- A Member suggested that consideration should be given to using compulsory purchase powers to secure a satisfactory access.
- An informal arrangement seemed to have developed whereby people only parked on one side of Baggally Street. It was suggested that a more formal arrangement should be considered to ensure this arrangement was maintained to allow vehicles safe passage.
- There was a question as to whether the development would generate more traffic than the former school site had done.
- The proposal represented appropriate development of a brownfield site. Local residents supported development but did not support the proposed access.
- Note should be taken of the opportunity identified by West Mercia Police to design out crime as part of the scheme.
- The re-opening of the bridge was welcome as it would improve cycle and pedestrian links within the City and have environmental and health benefits.
- A Member reiterated his concern that yet another development was proposing that the maintenance of any on-site Public Open Space (POS) would be undertaken by a management company. This did not provide sufficient assurance.
- The provision in the S106 agreement provided for funding of the SUDS for 60 years but was silent as to how maintenance would be financed after that time.
- There was no provision for ongoing maintenance of the on-site play area.
- The improvements associated with the Yazor Brook were to be welcomed.

- A proposal was made that consideration of the application should be deferred to allow further consideration to be given to an alternative access.

The Transportation Manager commented that the width of Baggally Street at 5.5m was suitable for the development. A residents parking scheme and a one way system could be considered. However, he would wish to assess the need for that after construction of the development but such measures would need to be delivered as part of the development. He noted that although the scheme provided for 69 garages and one cycle shed the garages were of sufficient size to accommodate storage and the use of the garages as cycle parking. The S106 agreement would support improvements to the cycle network and a crossing North West of the site which would assist in the connectivity of the development.

The Lead Development Manager commented that the delay in developing the site was not due to matters relating to the access but to the resolution of flooding issues and the economic downturn. The Committee had previously approved a development of 65 dwellings on the site but this had not proceeded because that developer had been unable to find a solution to the flooding. The new developer had identified a satisfactory solution.

The access was suitable and as a former school site the site had been accessed by school buses.

A deferral would not offer any benefit. On 1 June the applicant could appeal for non-determination and it would be difficult to defend an appeal. A raft of S106 contributions had been agreed including transportation, education and affordable housing.

Councillor James, on behalf of the local ward member, was given the opportunity to close the debate. He reiterated his concern about the possibility that the development would lead to development of a playing field next to the application site.

A motion that consideration of the application be deferred was lost.

RESOLVED: That subject to the completion of a Section 111 agreement under the Local Government Act 1972 and Section 1 of the Localism Act 2011 requiring the applicant to complete, under section 106 of the Town & Country Planning Act 1990 an obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **E01 Site investigation - archaeology**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **G18 Provision of play area/amenity area**
9. **H18 On site roads - submission of details**
10. **H11 Parking - estate development (more than one house)**
11. **H20 Road completion in 2 years**

12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with the requirements of policy SD4 of the Herefordshire local plan - Core Strategy

13. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 6 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

14. The recommendations set out in Section 6.3.10 and 6.3.11 of the ecologist's preliminary report dated January 2013 should be followed unless otherwise agreed in writing by the local planning authority. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to carry out further survey work to establish the presence or otherwise of reptiles and protected species of mammal, and to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

15. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise, vibration and potential siltation/run-off arising from and construction process. The Plan shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

16. I16 Construction Management Plan to include:

- Hours of working during construction
- site compound location

- parking for site operatives
 - parking for visitors
 - turning area / parking area for delivery lorries
 - Hours for deliveries
 - Delivery management strategy
 - details of considerate constructors (contact details for local residents)
 - routing of delivery vehicles during consultation phase
17. I51 Details of slab levels
18. B07 Section 106 Agreement - as per attached heads of terms
19. Finished floor levels shall be set no lower than 600mm above the undefended 1% plus climate change flood level shown in Appendix C (Modelled Watercourse Table) and Drawing Number 3583-15-02-503/P1 (Appendix E) unless otherwise agreed in writing by the LPA.
- Reason: To protect the proposed dwellings from flood risk for the lifetime of the development in accordance with the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.
20. Flood storage compensation, shall be carried out, in accordance with the details submitted, including Section 7 of the FRA dated February 2016, including Drawing Numbers 3583-15-02-500/P2 and 3583-15-02- 503/P1 (Appendix E) unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.
- Reason: To minimise flood risk and enhance the flood regime of the local area having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.
21. There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within the flood storage compensation area highlighted in blue on Drawing Numbers 3583-15-02-500/P2 and 3583-15-02-503/P1 (Appendix E).
- Reason: To ensure the flood storage area works efficiently over the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.
22. A maintenance scheme must be in place for the watercourse, flood mitigation area and gabion retaining wall.
- Reason: To ensure the flood storage area continues to operate effectively over the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.
23. M17 Water Efficiency - Residential
24. H29 Secure Covered cycle parking provision
25. F08 – No conversion to garage to habitable accommodation

INFORMATIVES:

1. **HN10 No drainage to discharge to highway**
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
2. **HN08 Section 38 Agreement & Drainage details**
3. **HN28 Highways Design Guide and Specification**
4. **HN05 Works within the highway**
5. **HN01 Mud on highway**
6. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
7. **N11C General**
8. **W01 Welsh Water Connection to PSS**
9. **N14 Party Wall Act 1996**
10. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

185. 152042 - LAND NORTH OF WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORDSHIRE, HR1 3SE

(Site for proposed extra care development comprising of up to 80 passivhaus designed one, two and three bed apartments and complementary indoor and outdoor facilities, including swimming pool, gym, sauna, cafe, hair salon, medical and treatment rooms, allotments, putting greens and petanque pitch with associated landscaping, at land north of Whitestone business park.)

(This application was considered first on the agenda ahead of agenda item 7 – application 160613 which then followed.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr R Pryce, the applicant's agent, spoke in support of the application.

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

He commented that the applicant had listened to comments made in response to the application including those of the Parish Council and modified the application to offer an accessible much needed extra care facility. He invited the Committee to approve the application.

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

- The Parish Council had expressed a concern that the development would be divorced from Withington village. It was to be hoped that anything that could be done to integrate the development with the village, for example the sharing of social and leisure facilities within the development, would enhance the project.
- There was support for the provision of extra care accommodation, the fact that it was a Passivhaus development and the benefits to road safety as a result of the provision of a crossing of the A4103.
- The developer had been responsive to comments from the local community.
- It was to be hoped that planting could help to decrease the impact of any noise from the nearby industrial estate and enhance the development's appeal.
- The benefits of the scheme outweighed any concerns.

In response to questions about the development's sustainability and long term management the Principal Planning Officer commented that this had been considered. Market demand and costs dictated that the scheme was relatively high density and consisted of apartments. The Section 106 agreement would govern occupancy of the units for extra care use.

The local ward member was given the opportunity to close the debate. He had no additional comments.

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

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **H03 Visibility splays**
5. **H04 Visibility over frontage - 2m from the C1130 to east as per drawing**
6. **H06 Vehicular access construction**
7. **H09 Driveway gradient - 1 in 20**
8. **H17 Junction improvement/off site works**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H30 Travel plans**
12. **Height of development – no more than 3 storeys**
13. **Noise condition**
14. **C01 Samples of external materials**

15. Tree protection
16. G04 Protection of trees/hedgerows that are to be retained
17. G09 Details of Boundary treatments
18. G10 Landscaping scheme
19. Off site highway works
20. Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

21. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

22. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

23. The recommendations set out in the ecologist's report from Ecology services dated July 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a detailed habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

- 24 Land contamination

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable

proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2. HN01 Mud on highway**
- 3. HN02 Public rights of way affected**
- 4. HN04 Private apparatus within highway**
- 5. HN05 Works within the highway**
- 6. HN07 Section 278 Agreement**
- 7. HN10 No drainage to discharge to highway**
- 8. HN25 Travel Plans**
- 9. HN24 Drainage other than via highway system**
- 10. N02 Section 106 Obligation**

(The meeting adjourned between 11.35 and 11.45.)

186. 160530 - LAND AT CROSS PLACE, ACTON GREEN, ACTON BEAUCHAMP, HEREFORDSHIRE.

(Proposed dwelling.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr F Lowden, of Acton Beauchamp Parish Council, spoke in support of the Scheme. Mr R Oliver, the applicant, also spoke in support.

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

She made the following principal comments:

- The application was for a modest house and could be considered as an infill development.
- A previous application for development on the site had been approved by Malvern Hills District Council.
- There were no objections and a considerable number of letters of support given the size of the village.
- The proposal represented sustainable development and was an example of people seeking self-reliantly to provide for themselves in older age.

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

- It was to be regretted that a policy had not been included in the Core Strategy that took account of the growing need in the County for accommodation for older people that enabled relatives to provide support.

- The application was contrary to policies RA3 and H2 and represented development in the open countryside.
- The proposal did represent sustainable development.
- There had been no discussions about whether the house could be preserved as an affordable dwelling or whether an extension to the existing house was a better way of achieving the same objective.
- Whatever sympathy there may be for the application the Committee was obliged to apply the Council's adopted policies, with which the application did not comply.

The Lead Development Manager commented that there were no material planning grounds on which to support the application. The development was an open market property in the open countryside contrary to policy. However, it was open to the Committee to take a view that it represented sustainable development.

The local ward member was given the opportunity to close the debate. She reiterated that it was a modest infill development which met a social need.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to any conditions considered necessary.

187. 152204 - LAND OPPOSITE ORLETON SCHOOL, KINGS ROAD, ORLETON, HEREFORDSHIRE

(Proposed outline application with some matters reserved for 39 no. Dwellings, garages, roads, school nature area, off road school parking and allotments.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Dr R Jack, of Orleton Parish Council spoke in opposition the Scheme. Mrs A Turtle, a local resident, spoke in objection.

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

He made the following principal comments:

- The scale of the development was large in the local context and did not represent organic growth.
- The site did have flooding problems and had been underwater all winter. Roads near the site were also subject to flooding.
- Flooding led to raw sewage being discharged into Orleton Brook. The development would increase the strain on a sewerage system that was already overloaded.
- The response from Severn Trent included in the Committee update suggested Severn Trent had no record of residents experiencing sewerage difficulties. However, residents had been complaining for years about the problems they had. There was little confidence locally in Severn Trent. Severn Trent should be required to make the necessary improvements in advance of any development.
- A flood alleviation scheme should also be in place before any development.
- The access road was very busy and provision of a safe crossing was essential.
- The main Orleton play area was at the other end of the village.

- The proposed allotments and nature area were not required.
- There was the potential for some development on the site, the key was how to achieve that satisfactorily.
- Consideration of the application should be deferred until all the issues had been addressed.

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

- In the Committee update the officer comments stated that planning authorities would only refuse planning applications on the basis of inadequate sewerage infrastructure where it could be demonstrated that there was environmental harm as a result of the development taking place. Some Members suggested that whilst there may be no significant effect on the River Wye SAC there would be an adverse effect on the River Teme catchment area, which was itself a triple SSI, if sewerage and flooding improvements were not made.
- There was concern that the scale of the development might overwhelm the village and it was asked whether phasing of the development could be considered. The Lead Development Manager commented that this would not be appropriate in the case of such a small scheme. Market demand would dictate the pace of development.
- There was general support for the view that sewerage and flooding issues needed to be resolved as a prerequisite in advance of any development. It was noted that the Committee had been recommended to refuse a recent application at Clehonger until Welsh Water had made the necessary infrastructure improvements. The Lead Development Manager commented that these issues would be required to be addressed at the reserved matters stage.
- It was requested that there should be a 20mph speed limit on the road passing the school.
- It was suggested that the slab levels should be checked to ensure they were appropriate.
- It was also suggested that the development should be of lower density until all the issues had been addressed.
- The possibility of a wet drainage system should be investigated.

The Lead Development Manager commented that Severn Trent had stated that the sewerage system for foul flows had ample capacity to accommodate the requirements of 39 additional dwellings. The lead in time for such a development would be 2-3 years allowing time to resolve the flooding and sewerage issues. The Scheme provided affordable housing. The allotments would be accessible by foot, unlike those currently available to residents. The provision of a safe crossing could be added to the Section 106 agreement along with the provision of a gateway feature for traffic calming. A 20 mph speed limit on the road by the school could also be provided. There were concerns about the development but these could be addressed at the reserved matters stage. It was the practice to seek financial contributions at an early stage where possible which could for instance provide the proposed car park at the outset of works.

The local ward member was given the opportunity to close the debate. He reiterated the importance of Severn Trent making the necessary improvements before development took place. He also requested that he be consulted on the conditions for the development.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms

stated in the report and including a gateway feature, 20mph speed limit on the road by the school and early provision of the proposed car park, officers named in the Scheme of Delegation to Officers are authorised, after consultation with the Chairman and local ward member, to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

1. Details of the appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

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

3. 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.

4. Development, including works of site clearance, shall not begin until a Habitat Enhancement Plan, including a timetable for implementation, based on the recommendations set out at Section 4 of the Ecological Appraisal submitted with the planning application and integrated with the landscaping scheme to be submitted pursuant to condition 1 above, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Habitat Enhancement Plan.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to comply with Policy LD2 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

5. Prior to the commencement of development , including any works of site clearance or ground preparation, an Arboricultural Method Statement specifying the measures to be put in place during the construction period, for the protection of those trees and hedgerows to be retained, shall be submitted to and approved in writing by the local planning authority. The Method Statement shall be prepared in accordance with the principles set out in BS 5837:2012 – Trees in relation to design, demolition and construction: Recommendations. Development shall be carried out in accordance with approved Method Statement.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6. No development, including any works of site clearance, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan – Core Strategy, and to comply with Policy LD2 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 7. The landscaping details to be submitted pursuant to condition 1 above shall include, but are not confined to, the following:**

- plans at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas;**
- a written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment;**
- proposed finished levels and contours;**
- the position, design and materials of all site enclosure and boundary treatments between and around dwellings, around the boundaries of the site as a whole and around areas of open space;**
- hard surfacing materials;**
- minor structures (eg play equipment, street furniture, refuse storage areas, signage etc);**
- a timetable for implementation;**
- a scheme for the ongoing management and maintenance of all landscaped areas, other than private domestic gardens, including the nature area and allotments, including long term design objectives, management responsibilities and maintenance schedules.**

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

- 8. Prior to commencement of development details of the proposed slab levels of the dwellings hereby approved in relation to a datum point outside the development site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To protect the development from flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. Development shall not begin in relation to the provision of road and highway drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the Local Planning Authority. No dwelling may be occupied until the road and highway drain serving the dwelling has been completed.

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

10. Prior to the first occupation of any of the dwellings hereby approved a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use prior to occupation of the dwelling to which it relates and shall be retained for the purpose of cycle parking 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 Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. No development shall take place, including works of site clearance, until details of a sustainable surface water drainage scheme, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details and timetable. The scheme to be submitted shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for implementation of the scheme in relation to each phase of the development; and,
- provide a management and maintenance plan for the scheme, for the lifetime of the development, which shall include the arrangements for adoption of the scheme by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that effective surface water drainage facilities are provided for the proposed development and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the commencement of development, details of the car park shown on the approved plan shall be submitted to and approved in writing by the

local planning authority and capable of use and shall be constructed and capable of use prior to the first occupation of any of the dwellings hereby approved.

Reason: To ensure that highway improvements intended to mitigate the impacts of the development are available prior to its first occupation and to conform to the requirements of Policy MT1 of the 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. 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. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN01 Mud on highway
7. HN24 Drainage other than via highway system
8. HN05 Works within the highway
9. HN28 Highway Design Guide and Specification

188. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 1.15 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 26 April 2016

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

160613 - PROPOSED DEVELOPMENT OF 69 HOMES, LANDSCAPING, PUBLIC OPEN SPACE, NEW VEHICLE ACCESS AND ALL ASSOCIATED WORKS AT FORMER WHITECROSS SCHOOL, BAGGALLAY STREET, HEREFORD, HEREFORDSHIRE

For: The Owner and/or Occupier per Mr Ben Stephenson, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL

ADDITIONAL REPRESENTATIONS

A total of 31 letters of representation have been received, some of mixed opinion. The additional letters received, reiterate the issues raised in the report and the following points are also noted:

- Should be retained as a community facility or use for the wider residential area
- Traffic trying to leave the three streets (Baggallay, Meyrick and Grunieson Street) will restrict the access from Whitecross Road and cause further congestion along this already busy road;
- Numbers of dwellings should be significantly reduced

Comments have also been received from Education as follows:

The educational facilities provided for this development site are Lord Scudamore Primary School and Whitecross High School.

Lord Scudamore Primary School has a planned admission number of 88. As at the schools spring census 2016:-

- 3 year groups were at or over capacity- YR=88, Y1=88, Y2=88

Whitecross Secondary School has a planned admission number of 180. As at the schools spring census 2016:-

- 1 year group was at or over capacity- Y8=193

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Primary	Secondary	Total
2+bedroom apartment	£1,084	£1,036	£2,120
2/3 bedroom house or bungalow	£1,899	£1,949	£3,848
4+ bedroom house or bungalow	£3,111	£4,002	£7,113

OFFICER COMMENTS

Additional matter for consideration - Impact upon Designated Heritage Assets.

To the south of the site lies the Grade II listed Trinity Church. Immediately north of this, between the site and the private open space (former playing area) to the south is Whitecross Day Nursery. The roof and structure of the church is visible from the site although its principal public face and setting is one that fronts Whitecross Road. Policy LD4 of the Core Strategy requires decision makers to consider proposals that affect heritage assets and where possible requires developments to protect, conserve, and where possible enhance heritage asset and their settings in a manner appropriate to their significance.

The proposed residential development is sited in a position that is some distance from the Listed Building and is not readily associated with its setting except maybe glimpsed views along the driveway from Whitecross Road. The development has been attractively designed to 'front' the private open space that forms a buffer between the Church and the development and officers are satisfied that the proposed development would not adversely affect the heritage assets or its setting.

Note error in paragraph 3 of the Heads of Terms – omit 'per dwelling' as this is a total sum.

NO CHANGE TO RECOMMENDATION

152042 - SITE FOR PROPOSED EXTRA CARE DEVELOPMENT COMPRISING OF UP TO 80 PASSIVHAUS DESIGNED ONE, TWO AND THREE BED APARTMENTS AND COMPLEMENTARY INDOOR AND OUTDOOR FACILITIES, INCLUDING SWIMMING POOL, GYM, SAUNA, CAFE, HAIR SALON, MEDICAL AND TREATMENT ROOMS, ALLOTMENTS, PUTTING GREENS AND PETANQUE PITCH WITH ASSOCIATED LANDSCAPING, AT LAND NORTH OF WHITESTONE BUSINESS PARK, WHITESTONE, HEREFORDSHIRE, HR1 3SE

For: Mr Collins per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

1. Environmental Health Manager: Recommends the addition of a standard contaminated land condition in view of the proximity to a closed landfill site.
2. Add condition SC1 Social and community facilities, to paragraph 2.1.

CHANGE TO RECOMMENDATION

Add condition.

160530 - PROPOSED DWELLING AT LAND AT CROSS PLACE, ACTON GREEN, ACTON BEAUCHAMP, HEREFORDSHIRE.

For: Mr R Oliver, Cross Place, Acton Beauchamp, Worcester, Herefordshire WR6 5AA

ADDITIONAL REPRESENTATIONS

To date a total of 13 further letters of support have been received.

Those supporting the proposal give the following reasons:-

- Demand for family housing in the area;
- Applicant a respected member of the community;
- In the absence of a Neighbourhood Development Plan this proposal will sustain local communities;
- Proposal is infill, not on farmland, and fits in with existing development;
- Adds to the housing stock;
- Old and young people can continue to live together;
- Is sympathetic to the locality.

NO CHANGE TO RECOMMENDATION

152204 - PROPOSED OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR 39 NO. DWELLINGS, GARAGES, ROADS, SCHOOL NATURE AREA, OFF ROAD SCHOOL PARKING AND ALLOTMENTS AT LAND OPPOSITE ORLETON SCHOOL, KINGS ROAD, ORLETON, HEREFORDSHIRE

For: Mr Price per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

ADDITIONAL REPRESENTATIONS

Severn Trent has provided further commentary following the detailed response from the parish council in respect of the need for improvements to sewerage infrastructure. For the avoidance of any doubt, Severn Trent's further response is re-produced in full below:

The sewerage system in Orleton comprises nearly entirely Foul Water Sewers (FWS) of 150mm diameter, which discharge into a 225mm dia. Combined Water Sewer (CWS) half way through the Village commencing in Mortimer Drive. The complete sewerage network discharges to the Orleton – Kings Road Terminal Pumping Station (TPS) just to the east of the Village. There is a short length of 225mm dia. Storm Water Sewer (SWS) in Mortimer Drive and the new development at Kitchen Hill Road has separate foul and storm water drainage.

The Orleton village catchment doesn't appear to have any public Storm Water Sewers, apart from the two areas mentioned above, therefore presumably the majority of properties are on soakaways for the disposal of surface water.

As you may know Severn Trent have recently undertaken investigation of the sewerage system in Orleton, involving modelling the network through monitoring the existing system. This exercise has demonstrated that generally the sewer system is adequate hydraulically, but the sewers through the rear gardens at Mortimer Drive have slack gradients and there is a proposal to provide an additional sewer in the highway in Mortimer Drive. Consideration is also to be given to refurbishment/enhancement of the Terminal Pumping Station at Kings Road.

The model was also subjected to the foul flows only from the proposed development at Kings Road and no adverse effects were noted.

Please bear in mind that any new development has a right of connection to the public sewerage system under Section 106 of the Water Industry Act 1991 and where there is a lack of capacity in the existing sewerage system for new development the Water Companies have a duty to provide the necessary reinforcements to the network to accommodate the development.

As you know the Water Companies are not in a position to object or prevent new development that is entirely a matter for Planning Authorities.

Severn Trent have not received a Development Enquiry for the proposed development at Kings Road, only the Planning consultation.

For your information I would advise you that surface water from all development sites will in the first instance be required to either discharge to soakaways or local ditchcourses/watercourses and then where either is not suitable or available to the public system where available, at a very low discharge rate equivalent to the 'Greenfield Runoff' rate.

It is essential that no surface water run-off is connected to the foul sewerage network and we fully support policies to ensure that surface water is managed through the appropriate use of sustainable drainage systems (SUDS) and to manage surface water flood risk within the development to reduce the impact on downstream watercourses.

As the proposed development at Kings Road sits on the flanks of a tributary of the Brimfield Brook all surface water from this development should be able to discharge to the brook.

As a matter of interest foul water flows from the proposed developments at Kings Road, would only generate a very small foul Dry Weather Flow (DWF) of 0.30 litres/second, which would not normally give any cause for concern.

Even when considering 6 x DWF, which is generally the basic design for new sewers in accordance with the publication known as 'Sewers for Adoption' (SfA) 'A Design & Construction Guide for Developers', the absolute peak flow would still only be 1.8 litres/second.

A 150mm dia. Foul Water Sewer (FWS) having a flat gradient of 1 in 150 has a capacity of 12.5 litres/second (l/s) and similarly a 225mm dia. sewer 30 l/s.

The approximate number of existing properties in Orleton is estimated at about 330 and the foul water DWF for this number is 2.55 l/s and again for the peak flow at 6 x DWF is 15.3 l/s. Therefore adding the existing and proposed flows we get a DWF of 2.83 l/s and a peak flow of 17.1 l/s. About a quarter to a third of the Village discharges to the larger 225mm dia. combined sewer.

Considering the proposed number of new dwellings of 39 this represents a 12% increase in dwellings in the village catchment.

But it must be remembered flows are discharging to several branch sewers of 150/225mm dia. and also that peak flows don't all occur together, because the flows have different distances to travel and not everyone is using their sanitary appliances at the same time, which means that the actual cumulative peak flow is generally less than half of the individual peak flow, giving an actual peak foul flow for the entire Village in the region of 6 to 9 litres/second, hence the sewerage system for foul flows has ample capacity.

The above flow figures are also inflated as they are based on design using a water consumption of 200 litres/head/day and 3 people per dwelling, whereas actual current water consumption is about 140 litres/head/day and the number of persons per dwelling is 2.4 on average. This means the above figures could be reduced by 45% to represent present day foul flows.

There is only a small foul sewer network in the Village which usually indicates the sewers were proposed for foul flows only and not surface water flows, although over the years some new properties may have also connected surface water to the foul system, but the majority of properties would be on soakaways, otherwise the network would be inundated in times of rainfall.

Where the village is being adversely affected by fluvial, pluvial and groundwater flood risks these are not the responsibility of Severn Trent Water but clearly where there is an interaction with the sewerage network we would look to work with other flood risk management authorities to understand the wider flood risk. As part of our ongoing feasibility regarding the sewer flood risk in the Orleton area we will be assessing whether fluvial flooding and land drainage might be affecting sewer capacity.

If there are residents within Orleton who are experiencing sewerage difficulties on a regular or infrequent basis, such as sewer flooding or restricted toilet use, then I would advise them to inform Severn Trent, in order that they can be logged and investigated and if justified added to one of the databases required to be kept by and reported to the Regulator.

Matters such as these can be reported to the Company's Customer Operations Service Centre (COSC) on 0800 783 4444 and they will log the call/problem and provide you with an incident number.

I trust this lengthy response will reassure both the Local Authority and the Parish Council that sewerage matters are in hand for the existing residents and also new development.

One further letter has been received from a local resident raising the follow points:

- a good proportion of this land has been flooded twice so far this this year. In previous correspondence concerning this proposed development, I have detailed the flooding problems that I have observed in Orleton over the past 45 years and advised that very little has been done to alleviate these.
- the question of "over-development" is also a serious matter which, I do not think has been fully addressed.

OFFICER COMMENTS

With regard to Severn Trent's further response, it is noted that they refer to Section 106 of the Water Industry Act and the burden of responsibility being on water companies to provide the necessary improvements to accommodate development. Planning authorities will only refuse planning applications on the basis of inadequate sewerage infrastructure where it can be demonstrated that there is environmental harm as a result of development taking place. Policy SD4 of the Core Strategy deals specifically with this point. In this instance officers would only look to recommend refusal on such grounds if it was evident that a lack of capacity would result in Significant Effects on the River Wye SAC. The site is not within the catchment and therefore is not material to the determination of the application.

In the absence of a five year housing land supply, paragraph 14 of the NPPF is engaged. It says that local planning authorities should approve development that is sustainable without delay, and should only look to refuse schemes where any adverse impacts would significantly and demonstrably outweigh the benefits.

The clear inference from Severn Trent's response is that it is the incidence of flooding that causes the sewers to over-top and not the amount of development connected to the treatment works. The contribution to flood alleviation works will serve to mitigate these impacts and allows us to make a positive recommendation. The comments also refer to the need to manage surface water run-off and the support that Severn Trent give to the use of sustainable methods to ensure this. This is addressed by condition 11 of the recommendation in the main report.

With regard to the additional letter of representation from a local resident, the issue of flooding is dealt with in the main report. The proposed housing is not within the flood zone and no technical objections have been raised by professional consultees in this regard.

The housing element of the scheme is located on an area of land amounting to 1.7 hectares. For 39 dwellings this amounts to 23 dwellings per hectare. The density compares favourably with other modern residential areas in the village. The Mortimer Drive / Mortimer Close estate is approximately 25 per ha. Halletts Well is slightly less at around 17 per ha. This demonstrates that the scheme is not out of context in terms of its density in relation to the surrounding area.

NO CHANGE TO RECOMMENDATION

