

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 3 August 2016 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, FM Norman, AJW Powers, A Seldon, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors JG Lester and RJ Phillips

27. APOLOGIES FOR ABSENCE

There were no apologies for absence.

28. NAMED SUBSTITUTES

There were no named substitutes.

29. DECLARATIONS OF INTEREST

Agenda item 7: 161407 - Land adjacent to Colwall Village Hall, Mill Lane, Colwall

Councillor EL Holton declared a non-pecuniary interest because she was a member of the Malvern Hills AONB Joint Advisory Committee and also knew one of the public speakers.

Councillor JA Hyde declared a non-pecuniary interest as cabinet support member – children's services.

Agenda item 8: 150478 - Land to the North of the Roman Road and West of the A49, 'Holmer West', Hereford.

Councillor DW Greenow declared a non-pecuniary interest because he rented land elsewhere from the applicant.

30. MINUTES

RESOLVED: That the minutes of the meeting held on 13 July 2016 be approved as a correct record and signed by the Chairman.

31. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

32. APPEALS

The Planning Committee noted the report.

33. 161407 - LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL, HEREFORDSHIRE, WR13 6EQ

(Proposed 1 form entry primary school with nursery and parking provision.)

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.

He added that account had been taken of the duty respecting listed buildings under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and it was compliant.

In accordance with the criteria for public speaking, Mr J Stock of Colwall Parish Council spoke in support of the Scheme. Reverend M Horton, a school governor, also spoke in support.

The Chairman read a statement by the local ward member, Councillor AW Johnson, who had been unable to attend the meeting.

In summary this stated that:

- Colwall is a vibrant and significant community. The school is popular and a vital asset in keeping young people in the general area and attracting new young families.
- He fully supported the application as did residents, school staff, the Parish Council and parents. The site and design were the result of considerable thought by the Parish Council, Herefordshire Council and consultation with the local community.
- Financing of the project was in place and all alternatives had been fully explored.
- He congratulated the planning officer and his team for their work.

Councillor JG Lester, cabinet member – young people and children’s wellbeing, spoke in support of the application which he said would provide a modern purpose built school to replace the current temporary buildings in the optimum location. He complimented the work of the community, officers and school governors in producing a good scheme, noting the work done to improve the proposal in response to the initial concerns expressed by the Parish Council. *(In accordance with the Constitution he then withdrew from the meeting.)*

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

- Many members spoke in support of the scheme and complimented the exemplary way in which consultation had been undertaken with the local community, and the Case Officer, Mr Close, had worked to address the Parish Council’s initial concerns.
- A Member suggested that lessons could be learned from this demonstration of the benefits of co-operative working and applied across the county.
- The scheme blended into the AONB.
- The site was the optimum site and met a demonstrable need.
- The ecological enhancements and sustainable measures such as the use of photovoltaic panels were welcomed.
- The possibility of a higher fence alongside the playground perhaps with noise absorbing qualities was raised. A contrary view as to the desirability of this was also expressed.

- Whilst the palette of material to be used in the development was welcomed a member questioned the use of deep purple.

In response to questions the Principal Planning Officer commented:

- Consideration had been given to highway issues in consultation with the Parish Council. The option of a 20mph speed limit had been discounted because the Parish Council had been concerned to avoid excessive control measures and signs giving an appearance of urbanisation. The imposition of such limits also had only a modest effect in reducing vehicle speeds. The options for a safe road crossing had also been considered and it had been concluded that a “puffin crossing” was the safest.
- The width of the public right of way (CW29) beside the Thai restaurant was narrow but a footway/pedestrian refuge and suitable guard rail or barrier would be provided where the public right of way emerged.
- The developer would provide and maintain the village gateway.
- There would be sufficient car parking at the village hall for parents transporting children to and from school. There would only be a handful of occasions upon which events at the village hall would limit the availability of parking spaces.
- The cycleway was separate from the highway and there would be no conflict between cyclists and vehicles.
- He confirmed the external lighting would be LED and designed to have the minimum impact.
- The height and direction of slope of the roof had been considered. It had been designed to reduce impact on neighbouring properties.
- The entirety of land marked in red on the site map accompanying the agenda papers was not owned by the school but was marked to control and secure the replacement agricultural access.

RESOLVED: That full Planning Permission be granted subject to the following conditions:

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 County Planning Act 1990.

2. **The development hereby permitted shall be carried out in strict accordance with the following approved plans and documents, except where otherwise stipulated by conditions attached to this permission:-**

- **Landscape and Ecological Management Plan (June 2016);**
- **Proposed Site Block Plan – Drawing number 5326/P/110 Rev. B;**
- **Proposed Site Layout & Hard Landscaping – Drawing number 5326/P/120 Rev.B;**
- **Proposed Planting Layout – Drawing number 5326/P/125 Rev.B;**
- **Detailed Planting Area: Orchard, Top of Bank 1 & Waterfall feature – Drawing number 5326/P/126 Rev.A;**
- **Detailed Planting Area – Top of Bank 2 – Drawing number 5326/P/127 Rev.A;**

- Detailed planting area – Retained East side bank – Drawing number 5326/P128 Rev. A;
- Detailed planting area – Front entrance – Drawing number 5326/P/129 Rev.A;
- Proposed Floor Plan – Drawing number 5326-P-200 Rev.A;
- Proposed Elevations – Drawing number 5326-P-700 Rev. B;
- Proposed Roof Plan – Drawing number 5326-P-900A;
- North Fence Facing Car Park – Drawing number 5326/P/1300 Rev.A;
- Palisade Fencing to Early Years Area – Drawing number 5326/P/1301 Rev.A;
- Proposed Bin Store – Drawing number 5326/P/1302 Rev.A;
- Proposed Retaining Structure – Drawing number 5326/P/1303 Rev.A;
- Typical section through swale – Drawing number 5326/P/1304 Rev.A;
- Pond – Long Section B-B – Drawing number 5326/P/1305 Rev.A;
- Typical tree pit detail for new single stem trees – Drawing number 5326-P-1306 Rev.A;
- Written Schedule of Materials – Project reference 5326-P-3200C received 14th July 2016;
- Planting Schedule – Project reference 5326-P-3700 Rev.A 16/06/16;
- Proposed Site Access Junction Visibility Splays – Drawing number SK13 Revision C;
- Proposed Field Access and Mill Lane Gateway Feature – Drawing number SK11 Revision D;
- Off Site Highways Works Mill Lane / Walwyn Road – Drawing number SK10 Revision C;
- Proposed Pedestrian Improvements in Vicinity of Thai Rama – Drawing number SK09 Revision C;
- Proposed Off Site Highway Works – Drawing number SK02 Revision I;
- Lighting Plan (Scale 1:200) – Drawing number 165835/ES/EXT/01 Revision PL3;
- Site Location Plan – Drawing number 5326-P-001;
- Thorlux lighting detail received 28/6/16;
- Light / luminaire detail dated 28/6/16;

- Further detail re: external lighting received 15th July 2015;
- Sustainability Appraisal received 28/6/16;
- PV Detail received 28/6/16;
- Tree Protection Plans 01, 02 and 03 received 27/6/16;
- Root Protection Areas received 27/6/16;
- Amended Arboricultural Statement received 27/6/16;
- Transport Assessment May 2016 AND Transport Assessment addendum dated June 2016;
- Amended School Travel Plan dated June 2016;
- Structural Aspects of Works in Relation to Highway works near 'Carpenters Cottage' dated 05/05/16;
- Method Statement for Protection of Trees 5326-P-3710;
- E-mail dated 18th July 2016 explaining fixing of the eternit equitone fibre cement boarding/ cladding'

and thereafter maintained as such to the satisfaction of the Local Planning Authority;

Reasons:

- a) To ensure a satisfactory appearance to the development within the landscape which hereabouts is designated as an Area of Outstanding Natural Beauty;
 - b) In the interests of ecology / bio-diversity;
 - c) To safeguard the amenities of the occupiers of dwellinghouses that adjoin the site; and
 - d) To retain and safeguard those trees on site that are to be retained and to safeguard those off-site trees that adjoin the site.
3. Notwithstanding condition 2) above, the development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

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

4. Notwithstanding condition 2) above, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water

flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;

- **Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;**
- **Evidence the Applicant has sought and agreed permissions to discharge foul and surface water runoff from the site with the relevant authorities (including allowable discharge rates);**
- **Evidence that the Applicant has discussed sewer flooding with Severn Trent Water and confirmed there will be no increased risk of sewer flooding, on site or elsewhere, as a result of development;**
- **Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage;**
- **Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems;**
- **Details of the proposed outfall.**

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure satisfactory drainage arrangements.

5. **If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.**

Reason: In the interests of human health.

6. **The development is to be completed in strict accordance with the protected species safeguarding measures and biodiversity enhancement proposals as presented in the Great Crested Newt Survey (Keystone Ecology, June 2016) as amended by e-mail and accompanying plan from Keystone Ecology dated Fri 22/07/2016 09:06, the Ecological Appraisal Rev 2 (Keystone Ecology, June 2016); and the Landscape and Ecology Management Plan (Quattro and Keystone Ecology, June 2016) and thereafter maintained as such. Furthermore any minor changes detailed in any issued EPS license shall be adhered to in full;**

Reason: To conserve, restore and enhance the biodiversity assets of Herefordshire in compliance with Core Strategy Policy LD2 Biodiversity

and Geodiversity and to meet the requirements of the NPPF and the NERC Act;

7. Prior to the first use of the School hereby permitted all of the columns supporting luminaires/ lamps together with the encasements of the luminaires/lamps and all street signage columns to be provided as part of the off-site highway works shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty.

8. Unless otherwise agreed in writing by the Local Planning Authority all of the external luminaires /lamps shall be mounted parallel to the ground with a 0 degree angle of tilt.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

9. All of the external lighting shall be controlled via a timeclock such that they are normally switched off outside the hours of 7:00 hours and 18:30 hours on school days and on all non-school operational days. In addition, there shall be photocell control to prevent the operation of the lighting within the normally permissible time period where not required by ambient daylight levels.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

10. The colour temperature of all the luminaires / lamps shall not exceed 3000 degrees kelvin unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is no undue light pollution harmful to the character and appearance of the Malvern Hills Area of Outstanding Natural Beauty.

11. Notwithstanding the provisions of condition 2) above, prior to their installation/provision the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Written details of material and precise product to be used for any kerbing / edging;
- Full details of all on-site signage (location, design, materials and colour);
- Full written details as to the internal colour scheme / finishes to the School. This must be informed by the Environmental Colour Assessment;
- Full details as to the precise location of all off-site highway signage;
- Full details of the precise photovoltaic panels to be installed / attached;
- Full details of the “gateway” feature to be provided along Mill Lane;
- Full details of the new surfacing material(s) and colour to be provided along Mill Lane;

- Full details of the new surfacing material(s) and colour to be provided upon the raised carriageway at the Mill Lane / Walwyn Road junction;
- Full details of the design of the guard rail / barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road; and
- Full detail as to the precise height and gradient of the raised carriageway to be provided at the Mill Lane / Walwyn Road junction;

None of these aspects of the development shall be carried out prior to the written approval of the Local Planning Authority having been obtained. Thereafter the development shall be carried out in full accordance with the approved detail and thereafter maintained as such;

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty and to ensure legibility for users of the facility.

12. Prior to its installation or within one month of its installation the guard rail/barrier to be provided at the point where the Public Right of Way CW29 emerges onto Walwyn Road shall be painted a matt Anthracite RAL7016 colour and thereafter shall be maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Malvern Hills Areas of Outstanding Natural Beauty;

13. The access, vehicle parking and turning / manoeuvring areas shown upon the approved plans shall be fully implemented in accordance with the approved plans prior to the first use of the School, hereby permitted. Thereafter these areas shall be kept permanently kept available for the parking and manoeuvring of motor vehicles in accordance with the approved detail and be kept free from obstruction.

Reason: In the interests of highway safety.

14. Prior to the first use of the School hereby permitted the refuse storage area(s) and cycle parking provision detailed upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for use and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory refuse storage facilities and to ensure adequate cycle parking facilities encouraging modes of transport other than the private motor vehicle;

15. No plant or any other form of equipment, other than the photovoltaic panels hereby permitted, shall be installed or placed on the roof of the school without the express consent of the Local Planning Authority.

Reason: To respect the architectural integrity of the building and to ensure a satisfactory appearance to the development within the Malvern Hills Area of Outstanding Natural Beauty.

16. Prior to commencement of the development hereby permitted all the trees to be retained including those that adjoin/overhang the eastern boundary together with the hedgerow along Mill Lane and the hedgerow adjacent to the eastern boundary of the site shall be protected by fencing erected in accordance with BS5837:2012. Once these protective measures have been

erected but prior to commencement of the development, a suitably qualified arboricultural consultant or landscape architect shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in-situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree / hedgerow protection measures must remain in-situ until completion of the development;

Reason: To ensure that there is no undue damage to trees and hedgerows to be retained during the construction phase that would prejudice their health and future retention.

17. All planting, seeding and turfing shown upon the approved documents referred to in condition 2) above, shall be carried out in the first planting and seeding season following completion of the development or first use of the development (whichever is the sooner). Any trees of plants which within a period of ten years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure that the development is satisfactorily integrated into the landscape.

18. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- A scheme for the provision and management of parking for construction workers and site operatives during the construction to minimise parking on the public highway

Development shall not commence until the written consent of the Local Planning Authority has been obtained. The development shall be carried out in full accordance with the approved detail.

Reason: To minimise disruption caused by on-street parking during the construction phase.

19. Prior to the first use of the building hereby permitted the new vehicular access onto Mill Lane hereby permitted to serve the School car park shall be provided with a visibility splay of 2.4 metres x 47 metres in a north-westerly direction and 2.4 metres x 54 metres in a south-easterly direction kept free of obstruction above a height of 0.6m from ground level. The approved splay shall be maintained and permanently be kept free of obstruction above a height of 0.6 m from ground level.

Reason: In the interests of highway safety.

20. Any new access gates to the school car park hereby permitted and the new agricultural access shall be set back a minimum of 5.5 metres from the carriageway of Mill Lane.

Reason: In the interests of highway safety.

21. The development hereby permitted shall not be brought into use until the off-site highway works that form part of the approval have been full implemented.

Reason: In the interests of highway safety.

22. CAT (H21 wheel washing)

23. Prior to the first occupation of the development hereby permitted written evidence/certification demonstrating that water conservation and efficiency measures to achieve the equivalent of BREEAM 3 credit(s) (i.e. Wat 01 – Water consumption) 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: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031.

24. Other than fencing, gates, walls or other means of enclosure permitted by virtue of this permission, no development normally permitted by Class A, Part 2, Schedule 2, Article 3 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any revoking and re-enacting that Order with or without modification) shall be carried out without the express consent of the Local Planning authority;

Reason: - To ensure a satisfactory appearance to the development within the Malvern Hills area of Outstanding Natural beauty;

25. I16 Restriction of hours during construction

26. No external lighting whatsoever, other than approved under the auspices of this planning permission shall be installed upon the site (including upon the buildings) without the express consent of the Local planning authority;

Reason: - to prevent light pollution and to safeguard the character of the Malvern Hills Area of Outstanding Natural Beauty.

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 Severn Trent Water advise that there may be a public sewer located within the application site and encourage the applicant / developer to investigate this. Note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers

which will come into close proximity of the works, the applicant/developer is advised to contact Severn Trent Water to discuss the proposals and they would seek to assist with obtaining a solution which protects both the public sewer and the development.

- 3 Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of the Building Regulations 2000 Part H4, Severn Trent can direct building control officers to refuse building regulations approval.
- 4 Any discharge of surface water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.
- 5 Japanese Knotweed, a Schedule 9 invasive plant species, is present on the periphery of the application site. The landowner/developer should seek the advice of an invasive species specialist to prescribe the most appropriate control measures. The applicant / developer are advised to prepare an Invasive Species Control Scheme in line with standard Environment Agency guidance and to implement accordingly. The responsibility to deal with this matter rests with the landowner/developer.
- 6 The Parish Council wish the applicant/developer and Highway Authority to continue to liaise with them with respect the detailed highway design work required in relation to the requisite Section 278 Agreement. In particular they wish consideration to be given to see if the ramps can be softened sufficiently to avoid the Hump signs and limit the extension of the urban area along Mill Lane with the 30 mph and school sign.
- 7 I11 - HN01 Mud on highway
- 8 I09 - HN04 Private apparatus within highway
- 9 I45 - HN05 Works within the highway
- 10 I08 - HN07 Section 278 Agreement
- 11 I05 - HN10 No drainage to discharge to highway
- 12 I51 - HN22 Works adjoining highway
- 13 I47 - HN24 Drainage other than via highway system
- 14 I41 - HN25 Travel Plans
- 15 I35 - HN28 Highways Design Guide and Specification
- 16 The Travel Plan submitted as part of the approved planning application submitted separately to the Council's Travel Plan Co-Ordinator and reviewed on a two yearly basis

(The meeting adjourned between 11.05 -11.15 am.)

34. 150478 - LAND TO THE NORTH OF THE ROMAN ROAD AND WEST OF THE A49, 'HOLMER WEST', HEREFORD.

(Proposed erection of up to 460 dwellings including affordable housing, public open space, a park & choose facility, with associated landscaping access, drainage and other associated works.)

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 B Bloxsome spoke on behalf of Holmer and Shelwick Parish Council and Pipe and Lyde Parish Council in opposition to the Scheme. Mr N Rawlings, on behalf of the applicant, spoke in support.

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

Highways issues

- Concern was expressed about the potential for the development to lead to increased traffic congestion and that the proposed road through the development site would become a rat run. It was observed that chicanes had been provided to address a problem of rat running in other areas with some success
- The possibility of imposing a width restriction to prevent the road through the development being used by farm vehicles in particular was raised. However, it was observed that this could present a difficulty for emergency vehicles and refuse and removal lorries.
- Regard should be had to the city council's request that a comprehensive transport plan should be produced before development commenced.
- The impact of the development on congestion should be assessed as each phase was completed.
- The absence of bus stops which permitted buses to stop without causing a queue behind them needed to be addressed.
- A replacement for the single carriageway bridge over the railway on the Roman Road was required.

In response the Principal Planning Officer commented that the principal road through the development was designed to take some of the weight of the traffic off the Starting Gate roundabout which was at capacity. The highways modelling was dependent upon this plan. The need for provision for bus transport was recognised.

Other matters

- Some support was expressed for the concerns of the city council and parish councils.
- The capacity of water and power infrastructure in the county to support the level of development proposed within the Core Strategy was questioned. The Principal Planning Officer commented in response that there was some disappointment with Welsh Water's approach to its duty to provide a water supply, with Welsh Water suggesting that developers should have to pay for new provision. The Lead Development Manager added that Welsh Water had been informed of the Core Strategy in order that need could be identified and funding considered to secure supply.
- It was also questioned whether sufficient account was being taken of health provision needs through consultation with the NHS and the Clinical Commissioning Group.

The Principal Planning Officer drew attention to the response from the NHS at paragraph 4.16 of the report. The Lead Development Manager added that discussions were taking place about provision required across the city as a whole with the pooling of S106 contributions to support provision.

- In relation to phosphate levels a Member commented that the River Wye upstream of the River Lugg had the capacity to accept additional development. Phosphates in the River Lugg exceeded permitted levels but that was not relevant to the development. The Principal Planning Officer confirmed that there was a phosphate stripper at the Eign waste water treatment site. Appendix 5 of the Core Strategy – necessary infrastructure for strategic sites, confirmed that there was capacity to accept the additional development.
- Some surprise was expressed at the Conservation Manager (Historic Buildings) conclusion that the development was considered to represent low/medium harm having regard to the National Planning Policy Framework. It was requested that everything possible would be done to reduce the harm through planting and other measures. The Principal Planning Officer commented that in his view the Conservation Manager's assessment was robust.
- The energy efficiency standards of the buildings and the associated reduced utility costs were welcomed.
- Clarification was sought as to how resources generated from this and proposed neighbouring developments could be pooled to facilitate the provision of sport and health facilities.
- In response to concerns expressed in representations that the scheme might be a source of crime and disorder it was requested that at the reserved matters stage discussions were held with West Mercia Police about design options for addressing this fear.
- Weight needed to be given to the benefit of providing additional housing including much needed affordable housing.
- There was a risk that sites would become unsustainable unless there was careful phasing of jobs and infrastructure alongside the housing construction. It was questioned whether housing could be constructed and sold ahead of the provision of additional infrastructure and whether the purchasers would be from a demographic that could sustain the county.

In response to questions the principal planning officer commented:

- The section 106 agreement would deliver considerable benefits and include bus stop provision.
- It was not proposed to place a new Primary School in the location. The current proposal was to provide a larger primary school at Three Elms.
- The need for an Environmental Impact Assessment had been assessed but one had not been required having regard to the advice of Natural England.

The Lead Development Manager commented that the developer was keen to proceed with the development and he was confident that they would listen to the views of the city and parish councils in developing the reserved matters application. Approval of the application as the first of the strategic sites in the county would represent a significant step.

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 published as a supplement to the agenda papers, 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 commencement (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of Reserved Matters**
4. **No development shall commence until a plan has been submitted to and approved in writing by the local planning authority identifying the phasing for the development. The development shall be constructed in accordance with the agreed phasing plan.**

Reason: To ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network, water supply, foul sewerage system and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies MT1, SD3 and SD4.

5. **C47 Site Investigation (archaeology)**
6. **Environment Agency conditions**

Finished floor levels shall be set no lower than the levels indicated in Figure 3.1 of the FRA and Table 4.1 of the Hydraulic Modelling Technical Note unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development including culvert blockages.

7. **The proposed access crossings must be designed to ensure that access and egress is available to all dwellings above the 1 in 100 year plus climate change modelled flood levels provided in Table 4.1 of the Hydraulic Modelling Technical Note without increasing flood risk elsewhere.**

Reason: To ensure all residents have safe vehicular and pedestrian access to and from the development during flood events and that flood risk to third parties is not increased.

Highways England / Highway Authority conditions

8. **No development shall commence on the site until such time as a Highways Study for the Eign Street junction (A438 / A49 junction) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highways Authority for the A49. The Highways Study shall demonstrate the impact of the submitted scheme on the Eign Street junction and identify any necessary mitigation measures required and a timetable for their provision. The Highways Study shall include, as a minimum the following elements:**

- **An assessment of trip generation and trip distribution associated with full occupation of the development hereby approved;**
- **An assessment of trip generation and trip distribution associated with full occupation of other development sites within Hereford, to be agreed with the Local Planning Authority and the Highways Authority for the A49;**

- An assessment of traffic impacts at the Eign Street junction on the A49;
- Identification of any requirements for highways mitigation associated with the development in order to make it acceptable;
- The mechanisms which will be used to deliver any requirements for highways mitigation;
- The timeframes for implementation of the requisite highways mitigation; and
- The identification of appropriate contributions from the development sites considered within the Study to the requisite highways mitigation.

The measures identified within the Highways Study approved under this condition shall be agreed with the Local Planning Authority and Highways Authority for the A49 and implemented in accordance with the agreed provisions.

9. No part of the development hereby permitted shall be occupied until such time as the highways scheme at the A49 Newtown Road / Mortimer Road junction, as detailed in Phil Jones Associates drawing no. 668 – 313 Rev has been provided in full and is available for use by vehicular traffic.

Reason: To ensure no adverse impact on the operation of the highway network.

10. No part of the development hereby permitted shall be occupied until such as a time as the highways scheme at the A49 Newtown Road / Farriers Way / A49 Edgar Street roundabout, as prescribed in the Phil Jones Associates drawing no 668 – 313 Rev, is provided in full and is available for use by vehicular traffic.

Reasons for the above conditions: To ensure the safe and free flow of traffic on the A49 and that it continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road.

11. Construction and Traffic Management Plan
12. CAP
13. CAS
14. CAT
15. CAZ
16. CB3
17. Other conditions regulation the planning permission

The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the Design and Access Statement (Nash Partnership) and Illustrative Masterplan 13005(L) 002 Rev O.

Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies HD4, LD1, LD2, LD3, LD4 and MT1.

- 18. G04 Protection of trees/hedgerows that are to be retained**
- 19. G10 Landscaping scheme**
- 20. G11 Landscaping scheme - implementation**
- 21. G14 Landscape management plan**
- 22. 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. 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.

- 23. The Remediation Scheme, as approved pursuant to condition no.22 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.

- 24. 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.

Welsh Water conditions

- 25. 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.

- 26. No more than 150 of the dwellings hereby approved shall be occupied until essential improvements to the public water supply system have been completed by Dwr Cymru Welsh Water and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 31st March 2020.**

Reason: To ensure satisfactory mains water supply is available to properties at all times.

- 27. CE6 – Efficient use of water**
- 28. CD1 – Nature Conservation**

INFORMATIVES:

- 1. Statement of positive and proactive working**
- 2. N02 Section 106 obligation**
- 3. The drainage scheme for the site shall have regard to the requirements expressed at the conclusion of the Land Drainage consultant's response to the application (reported at section 4.8 of the report to Committee dated 3rd August 2016).**
- 4. I11 Mud on highway**
- 5. I09 Private apparatus within the highway**
- 6. I45 Works within the highway**
- 7. I08 Section 278 agreement**
- 8. N11C**

35. 152779 - LAND ADJOINING ORCHARD FARM, EARDISLAND, HEREFORDSHIRE

(Proposed construction of 5 no dwellings with garages. Formation of new access and private drive and close existing. Demolition of outbuilding, steel framed barn, wind tunnel and greenhouse.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Kirby, of Eardisland Parish Council spoke in opposition to the Scheme. Ms C Marsden, a local resident, also spoke in objection.

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

He made the following principal comments:

- Whilst mindful of the presumption in favour of development, he supported the Parish Council's case. He noted in particular the representations made about flooding and the inadequacy of the proposed evacuation route for residents of the proposed development.
- Whilst the proposed houses themselves were now to be situated in flood zone 1 flooding was still a risk to those parts of the site in flood zones 2 and 3.
- The proposal was contrary to the general development principles of the Neighbourhood Development Plan (NDP) set out at policy E1.
- The Land Drainage Manager had no objection to the application, subject to further drainage details being provided prior to construction. The critical nature of the drainage provision to the development meant that the application was premature and planning permission should not be granted until drainage matters had been resolved.
- Welsh Water's response of no objection was predicated on the fact that a private treatment plant was to be provided. Concerns remained about the risk of flooding and raw effluent being discharged and running through people's houses.
- The proposal should be refused on the grounds that it did not comply with policies SD3 and SD4 and was contrary to policy E1 of the NDP.

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

- It was important that appropriate weight was given to neighbourhood development plans.
- The concerns expressed about the risk of flooding were significant.
- It was proposed that the application should be refused on the following grounds: SS1, SS6, SS7, SD3, SD4, RA2, LD1, LD2, MT1 and H3.

The Lead Development Manager commented that the issues raised were capable of being resolved subject to standard conditions. The NDP had to be considered as a whole and on that basis the proposal was compliant with the NDP. If the Committee was minded to refuse the application policies E1 and E9 of the NDP and relevant paragraphs of the NPPF were relevant to that decision in addition to policies already identified in the debate.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the

proposal was contrary to Core Strategy policies SS1, SS6, SS7, SD3, SD4, RA2, LD1, LD2, MT1 and H3, policies E1 and E9 of the NDP and relevant paragraphs of the NPPF.

36. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 1.17 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 3 August 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

161407 - PROPOSED 1 FORM ENTRY PRIMARY SCHOOL WITH NURSERY AND PARKING PROVISION AT LAND ADJACENT TO COLWALL VILLAGE HALL, MILL LANE, COLWALL, HEREFORDSHIRE, WR13 6EQ

For: Herefordshire Council per Quattro Design Architects Ltd, Matthews Warehouse, High Orchard Street, Gloucester Quays, Gloucester GL2 5QY

ADDITIONAL REPRESENTATIONS

The Colwall Village Hall Trustees have written to state that they withdraw their objection to the application as the amended plans and associated documents address their previously expressed concerns.

Four local residents have written objecting to the amended plans and associated documents. In summary their objections to the amended plans are:-

- Mill Lane is unsuitable;
- The altered Mill Lane would be too narrow;
- The Mill Lane / Walwyn Road junction will become an accident black spot;
- The footway on the northern side of Mill Lane serves little purpose;
- Unnecessary urbanisation of rural area;
- Hazards to highway safety including the access of the public right of way onto Walwyn Road; and
- No safe parking routes within the village hall car park

No other objections to the amended plans and documentation have been received.

OFFICER COMMENTS

The width of the carriageway (minimum of 5 metres) in Mill Lane would be sufficient for a car and lorry to pass.

The footway on the northern side of Mill Lane allows for access to the bus stop on the western side of Walwyn Road and allows pedestrians from the south to access the school by limiting the number of highway crossings that they would need to undertake.

The car parking arrangement is considered to be safe for pedestrians. Such car parks have low speeds.

NO CHANGE TO RECOMMENDATION

150478 - PROPOSED ERECTION OF UP TO 460 DWELLINGS INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE, A PARK & CHOOSE FACILITY, WITH ASSOCIATED LANDSCAPING ACCESS, DRAINAGE AND OTHER ASSOCIATED WORKS ON LAND TO THE NORTH OF THE ROMAN ROAD AND WEST OF THE A49, 'HOLMER WEST', HEREFORD.

For: The Bloor Homes Ltd per Mr Guy Wakefield, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ

OFFICER COMMENTS

The description of development given in the draft Heads of Terms should refer to "Park and Choose" instead of "Park and Ride."

NO CHANGE TO RECOMMENDATION

