

PLANNING AND REGULATORY COMMITTEE

Date: 24 July 2019

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

182628 - APPLICATION FOR APPROVAL OF 1ST PHASE RESERVED MATTERS FOR THE ERECTION OF 275 DWELLINGS WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE TO BE CONSIDERED ONLY. AT LAND TO THE SOUTH OF LEADON WAY, LEDBURY,

For: Mr Mark Elliot, 60 Whitehall Road, Halesowen, B63 3JS

ADDITIONAL REPRESENTATIONS

A local resident has raised concerns regarding the impact of the proposals refuting the applicants' assertion that land drains to their pond are not on the application site. The third party has submitted land drain maps passed to which show that the drains collect to a pipe on the boundary and then feed to the sump at the driveway to the adjacent field (Gladman's appeal site). The resident states *It is observed that shortly after a heavy downpour, the outfall to the pond is heavily contaminated with silt from the excavated Barratt site at a time when the Gladman site has not been disturbed by cultivation. This confirms the connectivity indicated by the land drains maps.* The resident requests confirmation of the existence of the land drains on the Barratt site and the connectivity to my pond.

The above and further comments and plans show the relevant land drain maps below and the schematic supplied by Barratt. The resident states the land drain maps show that the catch pit across the Dymock Road from their pond has at least 3 pipes feeding the pit from the fields above but Barratt shows only 2 pipes being examined, perhaps they conclude leading them to the wrong conclusions.

The residents concerns have been shared with the applicant who has responded *In light of this information we are prepared to undertake further investigations to establish a final position with regards to the presence/absence of a land drain connection between the two sites should this be deemed necessary by the Local Planning Authority. If, as suggested, there is a land drain connection between our site and the Gladman land then we are prepared to provide mitigation within our site, in the form of a silt trap, to prevent any potential silt deposits to the adjacent ponds. This would be maintained by the management company that will be appointed to maintain all public areas within the site.* This can reasonably be controlled via condition 22 of the outline planning permission in respect of sustainable drainage.

This condition also requires the implementation of a surface water drainage strategy that is based on the principles set out in the Flood Risk Assessment and Surface Water Drainage Strategy dated October 2014 and the accompanying Drainage Strategy layout that supports this assessment. The technical details of this will be agreed with the Council's own flood authority.

West Mercia Housing has submitted a statement supporting the application, stating –

WM Housing Ltd have contracted with Barratt David Wilson under a development agreement for the affordable homes which form part of the scheme at Leadon Way, Ledbury.

The mix to be delivered on phase 1 is shown below.

Social Rent

10 x 1 bed houses
2 x 2 bed bungalows
23 x 2 bed houses
19 x 3 bed houses
5 x 4 bed houses

Shared Ownership

35 x 2 bed houses
16 x 3 bed houses

There is currently a significant demand for housing in Ledbury based on current information on Homepoint and interest in the area.

These new homes will provide a mix of rented and shared ownership accommodation within the Ledbury which will help meet housing demand in the area and be suitable for people on a range of income levels. All rents plus indicative service charges used in our appraisals are within Local Housing Allowance levels. 11 of the affordable homes will also be designed to DQS standards so that they can be easily adapted if required either at first let or in the future if customers' needs require this.

We have internally reviewed the design and layout of the scheme and are happy with the locations of plots, in particular with regards to position of open spaces and play areas. Tenures are mixed and dispersed evenly across the site, and a tenure blind approach has been adopted by Barratt Homes David Wilson Homes with regards to design and materials.

The development will provide much needed affordable housing for the area to help meet demand in the locality. WM also welcome that some home are design to DQS standard to provide flexibility at the point of letting. WM welcome this development and believe that it will have a positive impact on the area providing much needed affordable housing for local people.

I trust this outline WM's support for the proposed scheme and we look forward successfully delivering new affordable housing for Ledbury.

The applicants have submitted a summary statement setting out amendments to the proposal following the June Planning Committee and how the development satisfies local and national planning policies and delivers economic, social and environmental benefits.

The amendments are summarised –

- Amendments to the Affordable housing layout;
- Enhanced landscaping plans, including increased tree planting along the southern boundary;
- Introduction of communal vegetable planters and provision of additional orchard walks;
- Enhanced connectivity plans for pedestrian, cycle and potential bus routes;
- Preparation and submission of CGI views along northern, southern and western boundaries;
- Updated waste management plan;
- Updated Energy statement supporting fabric first approach.
- Improved play areas for children of all ages including an informal kickabout area.

Economic Benefits

- Job Creation: it is anticipated that the development will create 288 direct, indirect and induced employments through Barratt David Wilson, its sub-contractors and suppliers per annum.

- New Homes Bonus: deliver approximately £1.8m over five years paid by Central Government to the council through the New Homes Bonus scheme.
- Local Economic Boost: development of the site is expected to deliver an economic output of £6.8m. This equates to the indirect creation of 40 jobs per annum.
- Increased council tax receipts: the proposed development would contribute around £0.45m per annum in council tax payments.
- Highways investment: Approximately

Environmental Benefits

- Deliver net gain in biodiversity terms and enhancements.
- New walking orchards and community vegetable planters throughout open areas.
- Enable more sustainable patterns of activity through provision of walking and cycling routes.
- Surface water drainage improvements
- Retain important trees and hedgerows

Social Benefits

- Provision of total 275 dwellings.
- Provision of 110 affordable dwellings.
- Informal public open space (approximately 2.5ha).
- Children's play areas on site.
- Contributions towards enhanced football and rugby pitches.
- £0.39m contribution towards Ledbury Primary School.
- Additional population to support local facilities.
- Improved pedestrian linkages.

Representatives of Ornu (cheese factory) have submitted a further noise assessment, titled 'Tonality Update'. The assessment confirms that the noise from the factory has a tonal quality. This was received Tuesday 23rd July 2019.

On the basis of this updated assessment Ornu disagree with the Council's position and request that the Council provide an explanation of how it considers a penalty should not apply in the light of this new evidence. Ornu emphasise that the updated evidence is a material consideration and should be afforded significant weight in the overall planning balance.

The assessment was sent to the Council's Environmental Health Officers and the applicants for comment a verbal update will be given at committee.

OFFICER COMMENTS

The concerns of the third party are noted, as are the comments from the applicant. It is considered the Condition 22 of the outline planning permission, which has not been discharged, is the appropriate mechanism to address the residents concerns and that position is agreed and accepted by the applicants.

The comments from West Mercia Housing are noted and the Committee Report sets out the significant contribution the development makes to affordable housing delivery where there has been a dramatic lack of such housing over the last ten years and significant demand is held.

The amendments to the proposals following comments from Planning Committee and Local Members are welcomed and overall enhance the development. The Economic, Environmental and Social Benefits of the development and compliance with the Herefordshire Core Strategy, Ledbury Neighbourhood Plan and National Planning Policy Framework are detailed within the Committee Report which recommends approval with suggested conditions.

Further to the above, the Government published revision of Planning Practice Guidance – Noise (PPG-Noise) on the 22nd July 2019 and both the Council's Environmental Health Officers and the applicants responses will be provided as a verbal update.

NO CHANGE TO RECOMMENDATION

Response by applicants noise consultants to late representation from Ornuu Ingredients UK Ltd

The March 2019 Noise Assessment Report identified that the sound from the Ornuu factory was not tonal, when assessed subjectively, and in accordance with Annex C in BS4142:2014, *Methods for rating and assessing industrial and commercial sound* (BS4142). The assessment by WA was undertaken at the proposed dwellings nearest to the Ornuu factory. These findings have not previously been disputed by either Ornuu or HMK. Additionally Herefordshire Council (HC) have found that the noise from the Ornuu factory is not tonal.

However, the technical note prepared by HMK identifies that a 70Hz tone occurred for 36% of the time between 0000hrs and 0030hrs on the 23rd July 2019 at the western development site boundary and adjacent to the Ornuu factory. HMK state that a 1.7dB noise penalty should be applied to the measured specific sound level in accordance with BS4142.

The assessment by HMK was undertaken over a short period of time, which may or may not be representative of the long term noise emissions from the site. Furthermore, BS4142 states that the audibility of any tonal component should be assessed at the receptor. However, the assessment location employed by HMK is approximately 25m from the eastern façade of the factory, whereas the nearest dwellings are located approximately 150m from the eastern façade of the factory. Even if a tone is identifiable at 25m from the sources, there is no evidence to suggest that it will be audible at a distance of 150m.

WA have undertaken noise monitoring at the development site, over two 8 hour night-time periods within the bedrooms of Plots 1 and 2 with windows open. The noise monitoring shows that the noise from the Ornuu factory is not tonal.

We therefore maintain our position, which is based upon long term noise monitoring, on and off the development site, that sound from the Ornuu factory is not tonal, therefore no noise penalty should be applied.

Comment by Environmental Health Officer on response by applicants noise consultants

The document advises that the factory noise was measured at night time for 48 minutes at a field gateway opposite the factory and 2 further locations although these are not identified and no results are supplied. The document advises that the noise consultant detected tonal qualities at the factory gate but the spectral analysis supplied does not confirm this. No noise measurements were taken from the proposal site.

The BS4142 guidance gives 3 alternative methods for determining the appropriate character correction to be applied for a noise which is tonal. A subjective assessment based on audibility would award a penalty for a tonal sound. The noise consultant has identified tones (3.3) – not a distinctive tone - so we do not think it appropriate to award a penalty on the basis that a variety of tones have been heard. We have found that the factory noise as a whole has a low frequency characteristic but have not experienced a single distinctive tone

which is over and above the overall sound source and Hayes McKenzie have not found this either.

The spectral analysis supplied in figure 2 does not give results that indicate that there is a 15dB or greater difference in dB levels at low frequency one third octave bands (25Hz to 125Hz). Therefore there is no evidence that the BS4142 objective second method for the determination of a tonal characteristic has found that a character correction should be applied. This corroborates the earlier findings of noise measurements taken in February 2019 by the applicant's noise consultants after mitigation and which did not find any low frequency characteristics (Appendix F WA March 2019) and has not been disputed.

The final method for the determination of the appropriate character correction is the reference method set out in Appendix D of BS4142 ie the use of narrow-band frequency analysis. Hayes McKenzie have argued that a tonal penalty be awarded using the results of this analysis alone. We are reluctant to accept this analysis as the sole determinant of a character correction given the lack of corroborating evidence supplied by the use of either other methodology ie the subjective and objective methods for determining a character correction due to a tonal element.

Even if the suggested 1.7dB character correction was accepted by using the narrow-band frequency analysis only this does not alter the findings on site in March 2019 which were undertaken inside the built plots 1 and 2 which found noise levels below 30dB inside the bedrooms with the windows open in a real time monitoring environment.

Statement by adjoining ward member Councillor Howells read to the meeting

This development was an unplanned, unstructured and unmanaged one which was never wanted by the people of Ledbury in the form now presented and about which the people of Ledbury were never consulted. It is therefore a development which did not and in my view still does not meet the real requirements of the town or adequately comply with either the core strategy or Ledbury Neighbourhood Development Plan planning requirements.

Given the current position with aspects of the development now at an advanced stage, realistically it has to be accepted and progressed at some point, but any planning comment has to be taken from this inadequate starting position. Whilst the Town fully accepts the requirement in the core strategy for Ledbury to deliver 825 houses, this development falls far short of the ideal so any planning objection submissions can only be aimed at mitigation of all the many aspects in which the site does not meet Ledbury needs or, in my view, yet fully meet all planning requirements, in order to limit the unacceptable aspects as much as possible.

I'm mindful that the developers, Barratt Homes, have made genuine attempts to reflect resident and Councillor concerns given this is an overall unacceptable development for Ledbury. At the meeting between Barratts, HCC Planning Officers and Ledbury Ward Members on 9th July, Barratts made significant landscaping and other improvement concessions which Ward members appreciated were made in good faith. In particular, I am mindful that Barratts were always willing to be compliant on delivering 40% affordable housing without attempting to reduce this commitment – as many developers try to do.

However, there are a number of planning areas which still concern me and which I would like the Planning Committee to consider when arriving at a decision.

- As my Ledbury Town Councillor John Bannister colleague will submit in his presentation, we are agreed that this application, which comes under the remit of the adopted Ledbury NDP, does not adequately reflect, or explain how NDP policies have been considered, in the following areas:
 - Policy SD1.1 on sustainable development on aspects such as zero carbon houses, renewable energy sources, locally recycled waste or promoting a

reduced dependence on the private car as much as possible. We do not regard the cycling and walking aspects of the application to go far enough in reflecting this policy as it could.

- Although we recognise that the affordable housing is likely to be sold to a housing association which could adapt the housing for different group needs, we feel that not enough suitable consideration has been given in the design stage to the housing policies such as HO2.1 of balanced communities (such as housing for adults and young people with disability), HO3.1 (housing for the elderly), HO4.1 (housing for young people and especially for those transitioning from care), and HO5.1 (self-build opportunities). Adequate provision of such features of incorporated electric charging points for e-bikes and disabled vehicles with suitable related storage, for example, is not apparent.
 - The Planning and Regulatory Committee report for the meeting in section 2.2 glosses over the Ledbury NDP and makes no reference to how these policies have been adequately considered and handled within the application.
- I would also refer the committee to section 4.3 of this report in which the Service Manager Built and Natural Environment comments upon the harm the 3m high bund and fence will cause to local amenity. The officer makes it clear that this is still an undecided consideration and in our view we simply cannot accept that current mitigation proposals are adequate. Barratts own artists' impressions demonstrate clearly that what was once open field country with sweeping views will now effectively be a walled fort which will take years for suggested vegetation to disguise. Whilst understanding why this is felt necessary, its construction is an appalling contradiction of what sustainable development, as defined by the Core Strategy and NDP policies, should be reflecting. More needs to be done to ensure these fences are less obvious from the start and not simply wait until nature takes its course.
 - It is also clear, and recognised by Officers, that many core strategy policies have been compromised in order to enable this development and whilst I do understand the reality that this may be necessary, including any NPFF considerations, a reading of the Core Strategy document suggests a revisit is needed to at least explain in more detail why these compromises have been reached in order for Ward and Town Councillors to be satisfied that the decisions made are as acceptable as possible.
 - The Planning and Regulatory Committee report in section 4.5 states that on site drainage, any concerns of ground water supply to an offsite Great Crested Newt pond/population can be reassured that there will be no negative effect. This seems very clearly to be palpably untrue. It is maintained by Barratts that no site drainage pipes go in the direction of the pond, but they know this is not the case since plans showing the underground pipes which prove there are drainage pipes under the land, and which lead into the pond, have been submitted to both Barratts and HCC planning months ago, but appear to have been ignored. Not only do the plans clearly show these drainage pipes, but since the development has started, the pond has shown equally clear (excusing the pun) effects of mud and water flowing into the pond. Until this issue has been more fully investigated and satisfactorily resolved, there is surely no way the landscaping/ecology aspect of the reserved matters can be approved.

190416 - SITE FOR A PROPOSED DEVELOPMENT FOR THE ERECTION OF 10 DWELLINGS AT LAND ADJACENT TO PLOUGHFIELDS, PRESTON-ON-WYE, HEREFORDSHIRE,

For: Mr Dale per Mrs Claire Rawlings, 10 The Maltings, Dormington, Hereford, Herefordshire HR1 4FA

ADDITIONAL REPRESENTATIONS

None received

OFFICER COMMENTS

Transport Officers have confirmed the speed limit outside the site is not 30 mph as stated in para 1.3 of the committee report but it falls within 'national speed limit'.

An existing gate access was noted within the western boundary of the site and officers can now confirm this farm gate is not the sole access into the adjacent field and will be stopped up or removed.

Condition to be added:

Maximum Floorspace

The reserved matters applicant submitted pursuant to Condition 1 shall be accompanied by details of the dwelling houses hereby permitted that shall have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).

Reason: To define the terms of the permission and to comply with policy H1 and ID1 of The Herefordshire Local Core Strategy.

CHANGE TO RECOMMENDATION

Additional condition as above added to the recommendation

182938 - DEVELOPMENT OF 2 DWELLINGS WITH GARAGES AT LAND TO THE REAR OF MURRAYFIELD, ALLENSMORE, HEREFORDSHIRE, HR2 9BN

For: Mr Moore per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

Following consultation on the Council's Habitat Regulations Assessment, Natural England have confirmed NO OBJECTION.

Neighbourhood Planning Officer has confirmed that the Neighbourhood Development Plan underwent Regulation 14 consultation ending on 12 July 2019. The Plan can be afforded limited weight.

An additional representation has been received which reads as follows:

I understand that Cllr Bolderson has contacted you with an urgent question for the drainage engineer concerned with this application.

I have a related but different question which I believe is important and would be very helpful to get answered by the drainage engineer before the planning committee meeting on Wednesday.

It is known that the spreader pipes from a septic tank at Montrose discharge into the proposed site. It is very likely that the same happens for Murrayfield.

When the drainage engineer was considering the proposed drainage solution, was it apparent that the site is being required to provide the drainage, not just for the two proposed new dwellings, but also for definitely one and probably two existing dwellings, and does this fact materially affect the likely effectiveness of the proposed drainage solution?

I believe that this would stray beyond a civil matter into a planning matter in that it might mean that the four (2 existing and two proposed) dwellings would not have a satisfactory solution for their drainage.

The agent for the application has stated that this is not the case. Notwithstanding this, the drainage strategy conditioned on any approval to be submitted as part of a reserved matters application will cover the drainage layout.

OFFICER COMMENTS

With regard to para 6.30 of the committee report, it is confirmed that the applicant owns the paddock located to the east of the pond. As such, the access will be utilised by the proposed two dwellings and movements associated with this paddock. This notwithstanding, the visibility splays and general access are found to be adequate for the level of movements and the Council's Highways Officer is satisfied with the arrangement.

NO CHANGE TO RECOMMENDATION

Statement by local ward member Councillor Bolderson read to the meeting

The Allensmore NDP completed the Reg 14 consultation earlier this month with minor changes made to the draft plan as a result of feedback received. I understand that Herefordshire Council has confirmed that all the included policies are in general conformity with the Core Strategy and the Parish Council are now in a position to move forward with preparations for Reg 16. I appreciate that limited weight can be given to NDPs that have not been adopted by the Council, however, given the stage in which the Allensmore NDP is at, I think it appropriate to refer to it within my address.

As outlined in the NDP, Cobhall Common is documented in the Domesday Book of 1086 having just 13 households and has seen little growth since, with 51 dwellings now within the settlement boundary. The settlement is primarily linear in nature with buildings set back and lining narrow lanes. Out of all the Parishes within the Wormside Ward, the local community is one of the strongest I have seen with monthly BBQs, coffee mornings, a local history group, village allotment and even a decommissioned telephone box which has been

converted into a mini community library called 'Books in a Box'. When developing the NDP, residents identified the rural environment and community spirit as two key reasons why they enjoyed living in Allensmore.

As a result of this tight knit community, the NDP has been developed with a high level of local involvement. Any potential development outside the settlement boundary as outlined within the NDP is therefore vigorously challenged and this high level of community concern is the primary reason why we see this planning application in front of the committee today.

Policy RA1 outlines the minimum rural housing distribution between 2011 and 2031. The Housing Market Area relevant to Allensmore has a 14% indicative housing growth target over the period which equates to a minimum of 32 additional homes in Allensmore. I understand that Allensmore has already reached this minimum housing target and has identified capacity for at least another 8 to 10 new dwellings. Not only this, recent approvals of an additional 11 dwellings in Cobhall Common represents a growth of 22% for this very small and rural settlement. I appreciate that Herefordshire Council are not currently meeting housing targets as outlined within the Core Strategy and there is strong need for additional housing within Herefordshire. However, I ask the committee whether parishes that are currently meeting, or indeed exceeding their targets should be expected to accept housing development outside identified settlement boundaries, compensating for other underperforming rural areas within Herefordshire. When reviewing the details of this case, I would like you to consider the requirements of Policy RA1 of the Core Strategy and Policy A3 and A4 of the NDP. Please consider whether housing outside the settlement boundary should be considered, particularly when Allensmore has already exceeded minimum targets and in the last year alone 22% growth has been approved within the settlement boundary of Cobhall Common.

Policy RA2, figure 4.15 identifies Cobhall Common as a smaller settlement where particular attention must be made to the form, layout, character and setting of the site and its location within the settlement. An independent third party was appointed by the Parish Council to review possible development sites for inclusion within the NDP. The site which we are discussing today was reviewed and the conclusion was that any development would be positioned behind existing dwellings, adding depth to the built area and breaking the established linear pattern of the village. It was therefore considered that development upon this site could harm the character of the village.

Backfill is currently the exception in the predominantly linear development of Cobhall Common, not the norm. In addition, the layout of this planning application would represent backfill of 3 houses from the road where the other 3-4 exceptions within the village only show backfill of two houses from the road. When reviewing the details of this case, I would like you to consider whether approving this application would be contrary to policy RA2 and Policy A4 of the NDP and indeed set a precedent for further backfill and consequently affecting the form, layout and character of the village.

Due to the low-lying nature of Cobhall Common and a historically high-water table in the area, surface drainage and flooding is a major issue. I recognise that the planning officer is satisfied with the details and reports provided by the applicant, however, the local community are still concerned over three issues which, as of yesterday, had not yet been verified by the drainage consultant.

- Firstly, it is understood that both bungalows at the front discharge their water through spreaders to the application site. It is still unknown whether drainage calculations have taken account of this and whether work on the site would impact the access and efficiency of these spreaders. Without understanding the answers to this, I would consider this a direct and substantial impact on the bungalows amenity;
- Residents are concerned that percolation tests have not been conducted in accordance with Section H of the Building Regulations in so far as a minimum of two test holes are required for each of the foul and surface water tests; and

- Thirdly, percolation tests appear to have been carried out in July 2018 during a period of exceptionally dry weather. According to the regulations, the tests should not be carried out during abnormal weather conditions such as drought.

I would ask the committee to seek clarification on these matters during the debate and be fully satisfied that the NDP policy A7 in relation to Drainage, Flooding and Sewage is complied with and that there is no direct impact to the bungalows amenity.

As Ward Councillor of Wormside, I believe it is my duty to communicate to you the concerns of the local community in relation to this planning application. I acknowledge that the applicant has worked closely with the Council to adapt their application where possible, however, the local community still have concerns that the application is not compliant with Policy RA1 and Policy RA2 of the Core Strategy and Policy A3, A4 and A7 of the Allensmore NDP. Given that the NDP is just about to commence Reg 16 consultation the local community ask that you provide the appropriate consideration to this document when making your decision on this application.

183661 - PROPOSED EXTENSION TO AN EXISTING GYPSY/TRAVELLERS SITE COMPRISING 5NO. RESIDENTIAL PITCHES, 1 NO. EXTENDED DAYROOM, 2 NO. UTILITY BLOCKS, 1 NO. ACCESS, HARDSTANDING AND ASSOCIATED WORKS AT OAKFIELD, NASH END LANE, BOSBURY, LEDBURY,

For: Mr Smith per Dr Simon Ruston, The Old Office, 1 Great Ostry, Shepton Mallet, Somerset, BA4 5TT

ADDITIONAL REPRESENTATIONS

None received

OFFICER COMMENTS

With regards to the Examiners Report of the Herefordshire Travellers' Sites Development Plan Document (DPD), received on 26 June 2019, the Inspector has advised that assessment of need as at 1 April 2018 to be as up-to-date as possible on adoption and hence effective. In addition, various other detailed adjustments are required in order to prevent duplication. The need for sites to 2023 is therefore at 19 pitches excluding those who do not meet the PPTS definition. The longer-term need to 2031 is for a further 11 pitches giving a total pitch need of 30 pitches from 2018 to 2031.

This clarification reinforces the point that Oakfield has been identified by the Council as part of the Travellers DPD plan, and that the proposal, as a site, could help contribute to meeting the shortfall of pitches up to 2022/23, as has been discussed extensively throughout Section 6 and specifically 6.10 of the Officer's Report, who which this updated need reflects following the examination of the Travellers DPD.

NO CHANGE TO RECOMMENDATION