

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	25 JULY 2018
TITLE OF REPORT:	162261 - PROPOSED SITE FOR UP TO 80 DWELLINGS, GARAGES, PARKING, OPEN SPACE AND INDICATIVE ROAD LAYOUT AT LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF For: NT & R Eckley per 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162261&search=162261
Reason Application submitted to Committee – Amend draft heads of terms and committee recommendation	

Date Received: 19 July 2016

Ward: Bromyard West Grid Ref: 364874,254047

Expiry Date: 16 November 2017

Local Member: Councillor A Seldon

1. The planning application

1.1 This planning application was reported to planning and regulatory committee on 2nd August 2017 and 13th September 2017. It is being returned to committee to resolve purely three points of process namely;

- Clarification is required on the sports contribution in the draft heads of terms appended to the committee report dated 13th September 2017;
- Clarification is required on the health contribution in the draft heads of terms appended to the committee report dated 13th September 2017;
- The printed minutes of the decision made by the committee on 13th September 2017 do not reflect the officer recommendation/resolution.

2. Sports Contribution

2.1 The draft heads of terms appended to the committee report stated that, 'All contributions in respect of the residential development are assessed against open market units only except for item 3 (*waste – my insertion*) which applies to all new dwellings'.

2.2 Part 4 of the draft heads of terms appended to the report stated;

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,218.00 (index linked). The contributions will be used for football, cricket and rugby sports facilities and would be identified as per the priorities identified in the Playing Pitch Assessment

Further information on the subject of this report is available from Mr A Banks on 01432 383085

for the Bromyard Area 2012 and the Outdoor Sports Investment Plan 2016 in the Sports Partnership Investment Plan at the time of receiving the contribution and in consultation with the local parish council.

- 3.3 It could be inferred from the above that the contribution of £1,218.00 (index linked) is the total sports contribution. However, this is not the case. The figure of £1,218.00 is payable on each open market dwelling. A revised draft heads of terms is appended to this report so it is clear that this contribution applies to each open market dwelling.

4 Health Contribution

- 4.1 The draft heads of terms appended to the committee report stated that, 'All contributions in respect of the residential development are assessed against open market units only except for item 3 (*waste – my insertion*) which applies to all new dwellings'.

- 4.2 Part 5 of the draft heads of terms appended to the report stated;

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,494 (index linked). The contributions will be used for the development of the infrastructure for the provision of primary and community healthcare services in Bromyard in consultation with the NHS Herefordshire CCG and Nunwell Doctors Surgery.

- 4.3 It could be inferred from the above that the contribution of £21,494 (index linked) is payable per open market dwelling. However, this is not the case. The total health contribution is £21,494. A revised draft heads of terms is appended to this report so it is clear that this is the total contribution payable in respect of health provision.

5 Printed minutes of the committee

- 5.1 The officer recommendation in the planning committee report dated 13 September 2017 stated;

RECOMMENDATION

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, 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

That planning permission be granted subject to the following conditions:

- 5.2 The printed minutes of the committee record that 'Councillor PM Morgan proposed and Councillor EJ Swinglehurst seconded a motion to approve the application in line with the officer recommendation. The motion was carried; 9 in favour; 3 against; and 2 abstentions.

- 5.3 However, the printed minutes of the meeting record the decision as being;

That planning permission be granted subject to the following conditions:

- 5.4 The wording of the printed minute therefore does not accurately reflect the wording of the recommendation which the committee approved. This therefore needs to be amended so that the council has the authority to complete the Section 106 agreement.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the amended Heads of Terms attached to this 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. **B01 Development in accordance with the approved plans**
5. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**
 - a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
 - b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
 - c. **A noise management plan including a scheme for the monitoring of construction noise.**
 - d. **Details of working hours and hours for deliveries**
 - e. **A scheme for the control of dust arising from building and site works**
 - f. **A scheme for the management of all waste arising from the site**
 - g. **A travel plan for employees.**
 - h. **The agreed details of the CMP shall be implemented throughout the construction period.**
 - i.

Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

7. **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.

8. 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 3 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

9. The recommendations for species mitigation and habitat enhancements set out in the ecologist's reports for this application from Shropshire Wildlife Surveys be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and ensure there is no impact upon protected species by clearance of the area. A species mitigation and ecological enhancement plan should be submitted to the local authority for approval and the scheme implemented as approved.

Reason: 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).

10. G03 Retention of existing trees/hedgerows
11. G10 Landscaping scheme
12. G11 Landscaping scheme - implementation
13. H06 Vehicular access construction
14. I44 No burning of materials/substances during construction phase
15. I55 Site Waste Management
16. M17 Water Efficiency - Residential
17. Prior to the commencement of development the developer shall agree in writing with the local planning authority a scheme for the delivery of the open market housing hereby approved. This scheme shall comprise a schedule outlining the number of 2, 3 and 4 (+) bed dwellings proposed at the Reserved Matters stage; the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document, adopted for these purposes by the local planning authority).

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

INFORMATIVES:

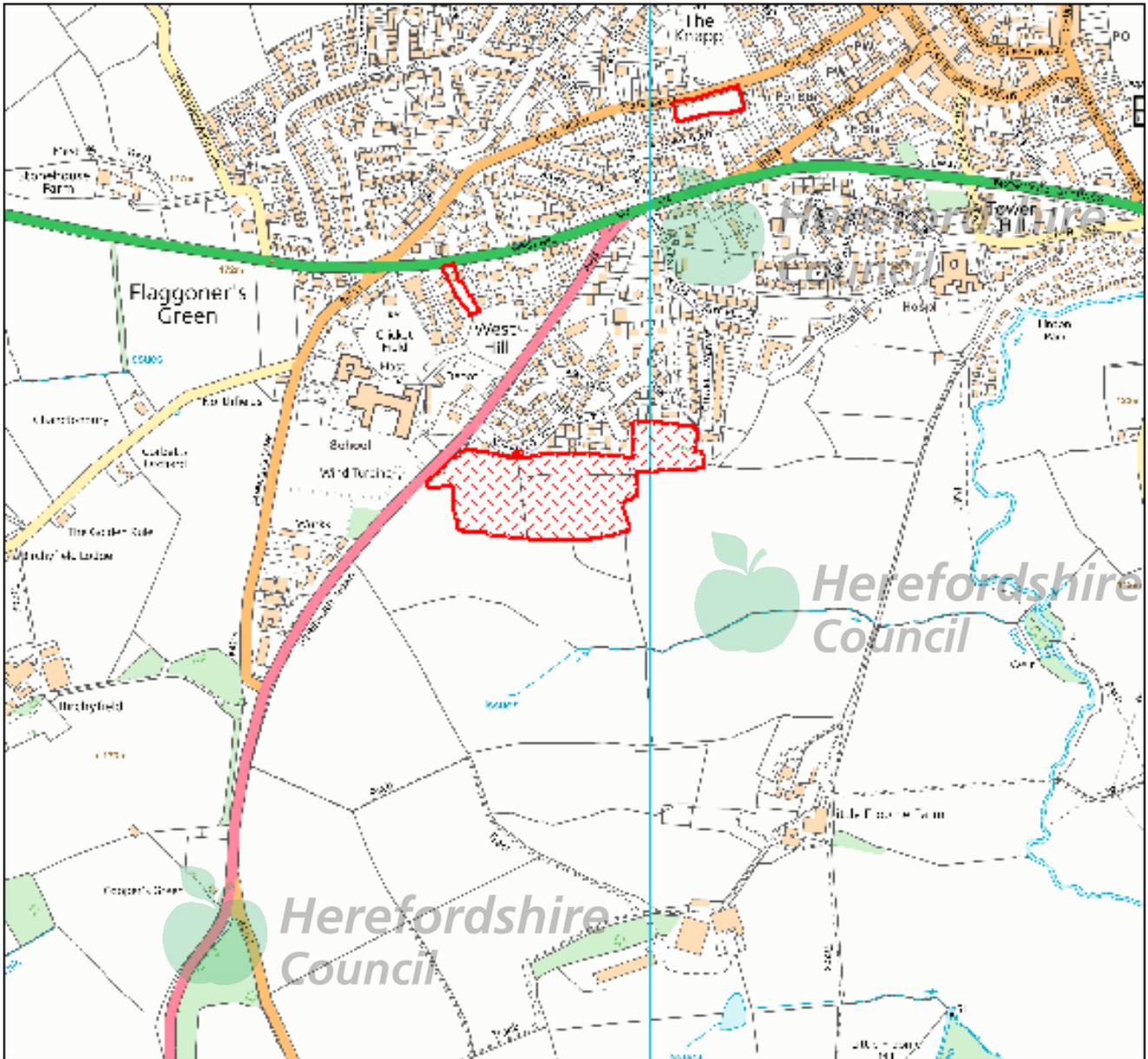
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in 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. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 3. HN04 Private apparatus within highway**
- 4. HN01 Mud on highway**
- 5. HN28 Highways Design Guide and Specification**
- 6. HN25 Travel Plans**
- 7. HN05 Works within the highway**
- 8. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**
- 9. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162261

SITE ADDRESS : LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

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