

**Supplement to the agenda for**

# **Planning and regulatory committee**

**Wednesday 31 January 2018**

**10.00 am**

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,  
HR1 2HX**

## **Supplement 2 – Schedule of Updates/Public Speakers**

**Schedule of Updates**

**Public Speakers**

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# **PLANNING COMMITTEE**

**Date: 31 January 2018**

## **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

**172135 - RESERVED MATTERS APPLICATION FOR 414 DWELLINGS, VEHICULAR ACCESS AND ASSOCIATED WORKS. AT BARONS CROSS CAMP, CHOLSTREY, LEOMINSTER, HEREFORDSHIRE,**

**For: Mr Buggins per Miss Konstantina Zannetaki, 28 Pickford Street, Birmingham, B5 5QH**

### ADDITIONAL REPRESENTATIONS

The applicant's planning consultant has submitted further information with specific regard to condition 15 of the outline planning permission (120887). A Memorandum of Understanding (MoU) is referred to at paragraph 6.42 of the Officer's Appraisal. The detailed wording of this is now provided and it is re-produced in full below:

#### MEMORANDUM OF UNDERSTANDING

#### BETWEEN HEREFORDSHIRE COUNCIL AND KEEPMOAT HOMES LTD

#### CONDITION 15 OF OUTLINE PLANNING PERMISSION 120887

1. Outline planning permission was granted on 17 June 2017 for the erection of 425 dwellings, community centre, vehicular access and associated works (extension of time to outline planning permission 2005/0917).
2. This MoU is between Herefordshire Council (HC) and Keepmoat Homes Ltd (KHL) who propose to implement the approved reserved matters and is in respect of condition 15 of the OPP, which states:

*“Air quality monitoring for nitrogen dioxide shall be undertaken for a minimum of 3 months at the Bargates junction. Monitoring shall be undertaken utilising real-time chemiluminescent techniques at a location to be agreed with the local planning authority. The results shall be submitted to the local planning authority in order that the impacts of the development on the Bargates Air Quality Management Area can be assessed. “*

3. The condition stipulates a continuous analyser to be installed for the monitoring of nitrogen dioxide (NO<sub>2</sub>) at the Bargates Junction AQMA in Leominster town centre. NO<sub>2</sub> monitoring in the form of two diffusion tubes, replaced by the council monthly, is already in place in this area. The condition is also not precise in defining when this should take place, nor the process of using this data to determine impact and subsequent need to implement mitigation measures. This MoU provides clarity on these matters as agreed between HC and KHL for providing a satisfactory framework within the terms of the outline planning permission to ensure that the development does not exacerbate air pollution levels to an unacceptable degree and to comply with Policies LO1 and SD1 of the Herefordshire Local Plan.
4. A background automatic monitoring station measuring Oxides of Nitrogen (NO<sub>x</sub>), NO<sub>2</sub> and Ozone (O<sub>3</sub>) is already present in Leominster and two NO<sub>2</sub> diffusion tubes are located in the Bargates AQMA to provide monitoring data of the situation before the development.

5. It is agreed that a 2 stage Air Quality Assessment will take place based on methodologies and guidance set out in the Local Air Quality Management Technical Guidance LAQM T16 and the IAQM and Environmental Protection UK (EPUK) Land Use Planning & Development Control planning for Air Quality Guidance.
6. The Stage 1 report will be completed and submitted for the approval of HC prior to the commencement of development. The purpose of the report will be to determine current conditions in the area and what impact future increases in vehicle movements might have on existing sensitive receptors.
7. A detailed Air Quality Assessment (AQA) will be undertaken using the air dispersion model ADMS Urban (Version 4.1.1) to establish current air quality situation in the Bargates Junction AQMA.
8. ADMS- Urban is able to provide an estimate of air quality both before and after development, taking into account important input data such as background pollutant concentrations, meteorological data and traffic flows. The model output can be verified against local monitoring data to increase the accuracy of the predicted pollutant concentrations.
9. The Stage 1 report will consider the likely impact of the proposed development by considering estimated increases in traffic flows post development, based on Hydrock Transport Consultants Automatic Traffic Count (ATC) surveys carried out in the period 29/09/17 – 05/10/17.
10. Recommendations of the Stage 1 report for reduction in impact of traffic on air pollution will be agreed and implemented in the construction of the development.
11. KHL will serve notice on the Council of the completion of development and instruct consultants to prepare a Stage 2 report within 3 months of completion of the development to verify the predicted pollutant concentrations. Any necessary additional mitigation measures recommended by the Stage 2 report, following further monitoring, will be agreed with the Local Planning Authority and implemented by KHL within an agreed timescale.

HCPRE continue to object to the application on two principal grounds:

1. Vehicular traffic and environmental pollution, and
2. Arboriculture and landscaping.

In summary, they are concerned that no evidence is presented as to whether or not Condition 15 of the outline planning permission has been met or what data, if any, has been supplied.

Their comments note that Herefordshire Council's Air Quality Annual Status Report (ASR) for 2016, published in 2017 shows that the data from the Bargates AQMA demonstrate that the levels of pollution of Nitrous Oxide and fine Particulates (PM 2.5) exceed the national target levels. Bargates registered the highest NO<sub>2</sub> levels in the whole County. During 2017 improvements were made by Herefordshire Council to the traffic light sequencing at the junction with the intention of reducing the levels; subsequent data are not available.

They also comment that the Council's Tree Officer points out that the tree survey identified 81 trees of which the applicant proposes to remove 66 which is 80%. A Large proportion of these 81 trees are well-established substantial mature specimens and it is contrary to

agreed policies to fell so many to accommodate the layout designed. They suggest that the layout should be designed around most of the trees.

## **OFFICER COMMENTS**

The MoU provides a greater degree of precision as far as the implementation of condition 15 is concerned. In particular it provides a series triggers for the completion of detailed Air Quality Assessment which the condition does not currently provide. Your officer's note that Stage 1 is already underway and that, once this report is complete, its recommendations will form the basis for further mitigation. The MoU is welcomed. It should be referenced by condition should Reserved Matters be granted and an additional condition to the recommendation of the report is suggested.

With regard to the further comments from HCPRE, the matter of air quality matter was dealt with as part of the outline planning permission. Notwithstanding this, the applicant has sought to provide further clarity on the matter through the submission of the MoU. In light of the fact that the impacts in terms of air quality formed part of the determination of the outline application for up to 425 dwellings, it would be unreasonable to refuse a Reserved Matters application for a slightly lesser number (414).

Issues relating to the extent of tree removal are dealt with by paragraphs 6.30 to 6.33.

## **CHANGE TO RECOMMENDATION**

### Additional condition:

With specific regard to the completion of air quality monitoring at the Bargates junction, the development hereby approved shall be carried out in accordance with the phasing and methodology as set out in the applicants Memorandum of Understanding which is attached to this decision notice.

Reason: In order to mitigate the impacts of the development with specific regard to air pollution and to comply with Policies LO1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**163963 - RESERVED MATTERS FOLLOWING 132924/O FOR LANDSCAPING, APPEARANCE, LAYOUT AND SCALE AT LAND NORTH OF GADBRIDGE ROAD, WEOBLEY, HEREFORDSHIRE,**

**For: M F Freeman Ltd per Mr Jonathan Rainey, Pegasus Planning Group Ltd, First Floor South Wing, Equinox North Great Park Road, Almondsbury, Bristol, BS32 4QL**

### **ADDITIONAL REPRESENTATIONS**

Comments from the Council's Traffic Manager have been received and are summarised as follows:

The access to properties 1-5, 37 – 40 at the front of the site are not determined by the outline permission and as such must meet the required visibility and adhere to the Herefordshire design guide in relation to 2 metre x 2 metre visibility splays.

Connectivity to the village and formalised pedestrian crossings should be provided. Due to the proximity to the national speed limit it would be beneficial for a gateway to the village scheme under Section 106 works to be agreed with Herefordshire Council.

Cycle storage must comply with the Herefordshire design guide, a plan showing this must be supplied to Herefordshire Council and signed off as satisfactory.

Visibility splays shown on drawing ICS-2128 -20 rev P04 must be clear of any obstructions and will be conditioned. The landscape drawings contradict the above drawing and the proposed landscaping should not affect the visibility on the site.

The comments conclude by raising no objection to the proposals subject to the imposition of conditions to address the matters raised.

### **OFFICER COMMENTS**

The comments from the Traffic Manager relate to matters of detail that were not originally dealt with by the outline permission. They are considered reasonable and necessary to deal with specific matters and therefore five additional highway-related conditions are recommended below.

However, compliance with condition 1 (below), which requires details of visibility splays for the drives serving plots 1 to 5 and 37 to 40 to be submitted and approved, will mean that the proposed lay-by in front of plots 1 and 2 cannot be delivered. This is unfortunate as the applicants and their agent have acted in good faith and have sought to address a specific request made by the parish council by including it in their plans. The Traffic Manager is of the view that a failure to provide the requisite splays will compromise highway safety.

A judgement needs to be made about the delivery of the lay-by: is its provision so crucial to the scheme that its absence warrants refusal? Your officer's view is that the scheme would be acceptable without the lay-by. It was not a requirement imposed by the outline permission; as stated previously the applicants have sought to work with the parish council to address a matter that they have raised. Greater weight is given to ensuring that the

development is compliant with the Council's Highway Design Guide and Specification and therefore officers are of the view that a further revision to the scheme is required to omit the lay-by in order to ensure that the condition can be complied with. Accordingly the recommendation should be amended to delegate authority to named officers in the scheme of delegation to approve the application subject to the submission of an amended layout plan.

## **CHANGE TO RECOMMENDATION**

Subject to the submission of an amended site layout plan omitting the lay-by shown on Gadbridge Road officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions included in the officers report to Planning Committee, the additional conditions below and any other further conditions considered necessary.

The following conditions are recommended in order to address the matters raised by the Traffic Manager:

1. With specific regard to plots 1 to 5 inclusive and plots 37 to 40 inclusive, development of those plots shall not commence until details of visibility splays for their respective drives have been submitted to and approved in writing by the local planning authority. Visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 2 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

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

2. None of the dwellings hereby approved shall be occupied until the access, turning areas and parking facilities relating to that dwelling and shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. None of the dwellings hereby approved shall be occupied until details of the footpath improvements along the site frontage have been submitted to and approved in writing by the local planning authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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

4. None of the dwelling shall be first occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the local planning authority.



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

5. Prior to the occupation of any of the dwellings hereby approved, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of the dwelling to which they relate and thereafter these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**173082 - PROPOSED ERECTION OF AN AGRICULTURAL WORKERS' DWELLING (PART RETROSPECTIVE) AT LAND AT PARKGATE, IVINGTON, LEOMINSTER, HEREFORDSHIRE, HR6 0JX**

**For: Mr Hanson per Ms Sarah Hanson, The Old Watermill, Kingsland, Leominster, Herefordshire HR6 9SW**

#### **ADDITIONAL REPRESENTATIONS**

A letter of support has been received.

#### **OFFICER COMMENTS**

Although written in support the letter confirms the state of disrepair which led the Inspector to agree that the property had been abandoned and the use lost, see para 11 of appeal decision.

#### **NO CHANGE TO RECOMMENDATION**

**173843 - RETROSPECTIVE CAR PARKING AREA WITH NEW HEDGE INCLUDING ECOLOGICAL AND BIODIVERSITY IMPROVEMENTS AT HINTON COMMUNITY CENTRE, ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RJ**

**For: Mr McNally per Mr Daniel Forrest, Court Cottage, Bartestree, Hereford, Herefordshire HR1 4DA**

**OFFICER COMMENTS**

Policy SD1 to be added to the report

**NO CHANGE TO RECOMMENDATION**

# PLANNING COMMITTEE - 31 January 2018

## Public Speakers

### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
7	Mr Buggins	Reserved Matters application for 414 dwellings, vehicular access and associated works at <b>Barons Cross Camp, Cholstrey, Leominster, Herefordshire</b>	172135	9
	<b>PARISH COUNCIL</b>	<b>MR C BURKE</b> (Leominster Town Council)		
	<b>OBJECTOR</b>	<b>MR A WEBB-DAVIES</b> (Local resident)	47	
	<b>SUPPORTER</b>	<b>MR G GODWIN</b> (Applicant's agent)		
8	M F Freeman Ltd	Reserved Matters following 132924/O for landscaping, appearance, layout and scale at <b>Land north of Gadbridge Road, Weobley, Herefordshire</b>	163963	47
	<b>OBJECTOR</b>	<b>MR J ANDREWS</b> (Local resident)		
	<b>SUPPORTER</b>	<b>MR D MOORE</b> (Applicant)		
9	Mr Hanson	Proposed erection of an agricultural workers' dwelling (part retrospective) at <b>Land at Parkgate, Ivington, Leominster, Herefordshire, HR6 0JX</b>	173082	69
	<b>SUPPORTER</b>	<b>MR J HANSON</b> (Applicant)		
10	Mr McNally	Retrospective car parking area with new hedge including ecological and biodiversity improvements at <b>Hinton Community Centre, Ross Road, Hereford, HR2 7RJ</b>	173843	81
	<b>SUPPORTER</b>	<b>MR R WOODERSON</b> (Trustee of Hinton Community Association Limited)		

