

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 16 September 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)

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

In attendance: Councillors JF Johnson, PM Morgan, J Stone and SD Williams

50. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Hardwick and A Seldon.

51. NAMED SUBSTITUTES

Councillor PJ McCaull substituted for Councillor J Hardwick and Councillor D Summers for Councillor A Seldon.

52. DECLARATIONS OF INTEREST

Agenda item 7: 142349 – Land between Gosmore Road and the Seven Stars Public House, Gosmore Road, Clehonger

Councillor FM Norman declared a non-pecuniary interest because she knew the representative of the Parish Council who was speaking on behalf of the Parish Council at the meeting.

Agenda item 9: 150789 – Land at Tenbury Road, Brimfield

Councillor FM Norman declared a non-pecuniary interest because she knew the applicant's agent.

53. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 September 2015 be approved as a correct record, subject to amending Minute number 40 – declarations of interest to record the declaration of a non-pecuniary interest made at the meeting by Councillor EJ Swinglehurst for agenda item 11 as a member of the Wye Valley AONB Joint Advisory Committee, and signed by the Chairman as amended.

54. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

55. APPEALS

The Planning Committee noted the report.

56. 142349 - LAND BETWEEN GOSMORE ROAD AND THE SEVEN STARS PUBLIC HOUSE, GOSMORE ROAD, CLEHONGER, HEREFORDSHIRE HR2 9SL

(Residential development of up to 80 houses.)

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, Ms C Protherough of Clehonger Parish Council spoke in opposition to the Scheme. Mr Catley, a local resident, spoke in objection. Mr J Spreckley, the applicant's agent, spoke in support.

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

He made the following principal comments:

- His initial view had been that the proposal might be acceptable. However, he supported the Parish Council's grounds for opposing the proposal.
- He expressed concerns about traffic speeds and the limited parking by the school.
- The large scale of the development would have an adverse impact on the quality of life in the village.
- The development would also adversely affect travel to Hereford along the Belmont road.

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

- Clehonger had experienced problems with the sewerage drainage for a number of years and it was questioned whether a financial contribution from one developer would be sufficient to solve these problems. In addition a new drainage system would have to be installed before the development could be occupied. The application was therefore premature and seeking to take advantage of the fact that the Core Strategy was yet to be adopted.
- The highway infrastructure was unsatisfactory. Visibility on exiting the site was impeded by the Seven Stars Public House. People travelling to work on the Belmont Road into Hereford experienced significant delays. The road did not have the capacity to accommodate additional vehicles.
- Information was sought on the accident record in the vicinity of the development but this was not to hand.
- The Development Manager clarified that the Neighbourhood Plan had not reached Regulation 14 stage. The density of the development was 28 per hectare; the Unitary Development Plan policy was that a density of 30-50 was acceptable. The Committee had to accept the advice that a solution to the provision of foul water drainage had been found. Traffic speeds were the principal concern. It was proposed to move the 30mph speed limit to the east and this action together with traffic calming measures should address this concern. Acceptable visibility splays

could be provided within a 30mph limit. It was also proposed to extend the footpath to the public house and provide a crossing facility to the bus stop.

- There appeared to be an inconsistency in that the report referred to Clehonger as a main village with an 18% indicative growth target in the Core Strategy over the plan period. The report then went on to talk about a residual **minimum** housing requirement over the lifetime of the Core Strategy. It was understood that the Inspector had required the wording in the Core Strategy to be changed to refer to **minimum** housing targets. This had an extremely significant effect. It meant that any site with low or minimum constraints became developable. By removing any upper limit on development it also rendered meaningless the Government target of 16,500 houses for the County, a target that was in any case arguably 2,000 higher than the actual requirement. The Development Manager confirmed that housing targets in the Core Strategy pertaining to villages were now a minimum.
- The development was too large.
- If the development were to be approved regard should be had to the landscape proposals made by the Conservation Manager (Landscape) at page 41 of the agenda papers.
- The Principal Planning Officer confirmed that the density of the proposed development was commensurate with other developments in the village and not excessive in the local context. He also confirmed that there were no concerns about school capacity, noting the provisions in the draft S106 agreement.
- The development was sustainable in accordance with the principles of the National Planning Policy Framework.
- It was noted that Natural England had withdrawn its holding objections in relation to the treatment of foul waste and the River Wye Special Area of Conservation.
- There were no objections from the statutory or internal consultees and no grounds for refusing the application.
- It was requested that the Parish Council should be fully involved in a subsequent detailed application.
- The Committee had been given advice that if an application went to appeal an Inspector would take account of the position at the time he considered the appeal. If as expected the Core Strategy was to be adopted shortly the Inspector would have regard to that Strategy in determining an appeal. The imminent adoption of the Core Strategy therefore provided grounds for refusing the application.

The Development Manager commented that the Core Strategy would support developments such as that being proposed. There were very few objections to the proposal. The argument about the adverse effect of increased traffic on the Belmont Road had been dismissed by an Inspector in another appeal. The development would provide 80 homes for which there was a need with 35% of those being affordable. The improvements to be made by Welsh Water funded by the developer were another positive aspect of the proposal. A gateway feature could be provided as part of the traffic calming measures. This had worked well in other developments. The S106 benefits would also enhance the village. An informative could be added requesting the developer to consult fully with the Parish Council on the detail of the development.

He considered that that it would be difficult to defend a decision to refuse the application at an appeal. The Committee's legal adviser commented that given the content of the report and the Development Manager's comments if the application were to be refused there would be a risk of costs being awarded against the authority in the event of a successful appeal.

The local ward member was given the opportunity to close the debate. He reiterated his support for the Parish Council's objection to the proposal. He added that if the application were to be approved a 30 mph speed limit should also be imposed on Gosmore Road.

A motion that the application be refused was defeated.

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, (incorporating a 'Welsh Water' contribution) 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. **C01 Samples of external materials**
5. **The development shall include no more than 80 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

6. **H06 Vehicular access construction**
7. **H09 Driveway gradient**
8. **H11 Parking - estate development (more than one house)**
9. **H17 Junction improvement/off site works**
10. **H18 On site roads - submission of details**
11. **H19 On site roads - phasing**
12. **H20 Road completion in 2 years**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Secure covered cycle parking provision**
16. **H30 Travel plans**

17. **No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Clehonger Waste Water Treatment Works to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study Scope issued 07/07/2015) has been completed and confirmed in writing by the Local Planning Authority.**

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
20. **L03 No drainage run-off to public system**
21. **L04 Comprehensive & Integrated draining of site**
22. **G04 Protection of trees/hedgerows that are to be retained**
23. **G10 Landscaping scheme**
24. **G11 Landscaping scheme - implementation**
25. **The recommendations set out in the ecologist's report from Ecology Services dated August 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire's Unitary Development Plan.

26. **Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the construction process. Specific measures to safeguard the integrity of any local private water supplies should be highlighted such as pollution risk and increased use projections. The Plan shall be implemented as approved.**

Reasons: To ensure that all species and sites are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire's Unitary Development Plan.

To comply with policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN10 No drainage to discharge to highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private apparatus within highway**
- 6. HN28 Highways Design Guide and Specification**
- 7. HN27 Annual travel Plan Reviews**
- 8. HN25 Travel Plans**
- 9. HN13 Protection of visibility splays on private land**
- 10. N02 Section 106 obligation**

(The meeting adjourned between 11.05 – 11.15)

57. 150473 - LAND SOUTH OF THE WHEATSHEAF INN, FROMES HILL, LEDBURY

(Proposed residential development of 20 dwellings including 7 affordable houses.)

The Principal Planning Officer gave a presentation on the application.

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

She made the following principal comments:

- The development, whilst not welcomed locally, was broadly accepted. It would help to support local facilities.
- Traffic along the A4103 often exceeded the speed limit. Any measures to reduce vehicle speeds and improve safety and amenity for residents would be welcome. She requested that the Committee confirmed that the access and road conditions were adequate to permit the development.
- The hedge to the west of the development protected the village and the landscape. She requested that this should be retained in perpetuity.

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

- The Parish Council supported the application.

- The visibility splays were good. It was, however, requested that the Council investigate the feasibility of a 30mph speed limit on the relevant stretch of road.
- It was noted that the proposed traffic measures would help to mitigate the way in which the A4103 severed development either side of the road and improve access to amenities. The Development Manager highlighted the sustainable transport measures provided for in the S106 agreement.
- The Principal Planning Officer confirmed that the density of the development was 18 dwellings per hectare. This was considered acceptable having regard to the character of the area. The hedgerow on the western boundary and mature trees bounding the site would be retained following a modification of the original submission.
- The proposed mix of design was welcomed.

The local ward member was given the opportunity to close the debate. She commented that any measures to control the traffic and make it easier to cross the A4103 would benefit new and existing residents.

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, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with approved plans**
3. **C01 Samples of external materials**
4. **H02 Single access – footway**
5. **H03 Visibility splays**
6. **H06 Vehicular access construction**
7. **H11 Parking – estate development (more than one house)**
8. **H18 On site roads – submission of details**
9. **H20 Road completion**
10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Covered and secure cycle parking provision**
13. **G04 Protection of trees/hedgerows that are to be retained**
14. **G09 Details of boundary treatments**
15. **G10 Landscaping scheme**

16. **G11 Landscaping scheme - implementation**
17. **The recommendations set out in Section 5 of the ecologist's report from Swift Ecology dated January 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work and site clearance.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

18. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The submitted details should include the following information:**

- **A detailed drainage design, with supporting calculations, showing the location and sizes of any soakaways, demonstrating how discharges from the site are restricted to no greater than pre-developed rates between the 1 in 1 year and 1 in 100 year events (with climate change allowance), and demonstrating that no flooding from the drainage system will occur up to the 1 in 30 year event.**
- **Evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.**
- **A revised drainage layout demonstrating that the required separation distance between the package treatment plant and adjacent properties has been achieved.**

The scheme shall be 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 problem and to minimise the risk of pollution in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN10 No drainage to discharge to highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private apparatus within highway**
- 6. HN01 Mud on highway**
- 7. HN24 Drainage other than via highway system**
- 8. HN05 Works within the highway**
- 9. HN28 Highway Design Guide and Specification**
- 10. HN05 Works within the highway**

58. 150789 - LAND AT TENBURY ROAD, BRIMFIELD, HEREFORDSHIRE

(Proposed residential development comprising 15 open market houses and 5 affordable houses together with estate road, allotments with car parking and children's play area.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr J Brick, a local resident, spoke in objection. Mr G Burton, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The development fulfilled the objectives within the core strategy. It was the preferred site for development within the Neighbourhood Plan.
- There were no objections from the Statutory Consultees.
- The provision of affordable housing was welcome.
- The Parish Council supported the proposal but had expressed concern about traffic speeds along Tenbury Road, which was used as a cut through between the A49 and A456. He supported the extension of the 30mph speed limit and traffic calming measures.
- He noted that the Council's ecologist had objected to the proposal and the loss of traditional orchards was a matter of regret. He hoped that condition 15 would be

implemented and that new orchard trees would be planted in the open space in the development to the benefit of the landscape.

- He invited the Committee to have regard to the officer's summary and conclusions at paragraphs 6.33 – 6.37 of the report. He noted that the S106 agreement contained measures relating to traffic management and the site access.

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

- Section 4 of the S106 agreement providing for the maintenance of the public open space by a management company was not satisfactory.
- The density of the development was satisfactory.
- Traffic measures were needed to slow down the traffic, noting that Tenbury Road, was used as a cut through between the A49 and A456.
- The Principal Planning Officer highlighted the sustainable transport measures contained in the S106 agreement which included the provision of a 30mph speed limit. He noted that these could also include a speed indicator device if that was considered appropriate or, for example, a gateway feature. Measures would be discussed with the local ward member and the Parish Council. He confirmed that it had not proved feasible to pursue the suggestion of the Conservation Manager (Landscapes) regarding an alternative access to the site because the land required to achieve it was not in the applicant's ownership.
- The Parish Council should be congratulated on the work it had done on the Neighbourhood Plan. The prioritisation of preferred sites for development assisted the Committee.
- Dissatisfaction was expressed about the removal of several orchard trees on the site that had taken place. It was imperative there was mitigation and replacement planting.
- The Parish Council had requested that the proposed 4-bedroom dwellings be replaced with bungalows. The Neighbourhood Plan did not recommend dwellings with more than three bedrooms. The Development Manager confirmed that the application before the Committee was a full application and if the Committee wished to meet the Parish Council's request it would have to refuse the application.
- It was requested that there should be an additional informative note relating to the management of the public open space. The Development Manager commented that the maximum period that could be covered was 15 years.

The local ward member was given the opportunity to close the debate. He commented that support for the application would demonstrate confidence in the Neighbourhood Plan. A suitable access could be achieved and appropriate traffic calming measures were to be implemented. It was to be hoped that suitable measures would be taken to address the ecological concerns. Whilst there were several matters of detail to resolve, the proposal represented sustainable development and the benefits outweighed the disadvantages.

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, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. A01 Time limit for commencement (full permission)
2. B01 Development in accordance with approved plans
3. C01 Samples of external materials
4. H03 Visibility splays
5. H06 Vehicular access construction
6. H11 Parking – estate development (more than one house)
7. H18 On site roads – submission of details
8. H20 Road completion
9. H21 Wheel washing
10. H27 Parking for site operatives
11. H29 Covered and secure cycle parking provision
12. G04 Protection of trees/hedgerows that are to be retained
13. G10 Landscaping scheme
14. G11 Landscaping scheme - implementation
15. The recommendations set out in Section 8 of the ecologist's report from Star Ecology dated 13th February 2015 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work and site clearance.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

16. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be 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 problem and to minimise the risk of pollution in accordance with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

17. Prior to the first occupation of the development hereby approved details of the proposed pedestrian link with public footpath BF2 to the south of the site shall be submitted to and approved in writing by the local planning authority. The link shall be constructed in accordance with the approved details, shall be available for use upon the first occupation of the site and shall be retained in perpetuity.

Reason: To ensure the creation of a pedestrian link upon first occupation of the site and to ensure its connectivity with the rest of the village in accordance with T6 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN01 Mud on highway
7. HN24 Drainage other than via highway system
8. HN05 Works within the highway
9. HN28 Highway Design Guide and Specification

59. 150812 - LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG

(Site for proposed residential development for 30 houses.)

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 highlighted that determination of the application had been deferred by the Committee on 5 August 2015. In response to the Committee's concern that the application represented overdevelopment the applicant had now proposed a development of up to 30 houses rather than the 35 originally proposed. This represented a development of 24 dwellings per hectare reduced from 27 per hectare. This was considered an acceptable density for the site, having regard to the National Planning Policy Framework, because of the proposed provision of green open space. The application remained an outline application. The indicative layout contained with the original application had been withdrawn and the applicant had submitted a revised plan showing only the means of access.

In accordance with the criteria for public speaking, Mrs A Pendleton of Leominster Town Council spoke in opposition to the Scheme. Mr S Wheeler, a local resident, spoke in objection to the application.

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

He made the following principal comments:

- Local support remained for the retention of the area as public open space.
- The absence of an indicative layout meant that it was unclear where dwellings would now be situated. There was no clarity as to where the proposed green space would be provided.
- He questioned the accuracy of the traffic survey by Balfour Beatty Living Places of the use of the Bargates suggesting that it did not take account of traffic exiting Westfield Court.
- It appeared that there was to be a single lane access onto the site. This was dangerous. There were already parking problems in the area because of dwellings having a lack of parking spaces and parking on the roadside. There was a concern about access for emergency vehicles.
- He was not wholly opposed to development on the site but considered there were still too many issues that remained outstanding.

The Development Manager reminded the Committee that the application was an outline application and the Committee therefore had to consider the principle of development and the suitability of the access, which he confirmed was a two way access. If the application were approved detailed proposals would be subject to consultation. He noted that condition 6 in the recommendation in the report needed to be amended to limit the development to 30 dwellings.

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

- The density of development had been reduced.
- The withdrawal of the indicative layout made it hard to assess the impact on residents. Whilst local residents accepted the principle of development this was subject to the provision of green open space as part of any scheme.

- The report's comments on highway matters were not accepted. The area was served by a network of very small roads lined with traffic. The roads were dangerous for users including emergency vehicles. The pollution problems on the Bargates were significant and there was no sign of a resolution to them. The application site provided a green lung.
- The application site had not been included in the Town's Neighbourhood Plan. This was well advanced. There was ample land allocated for housing in Leominster including the strategic allocation and other allocations. It was suggested that the development was therefore premature.

The Principal Planning Officer commented that the only basis on which prematurity could be advanced as a ground for refusal would be if it could be demonstrated that the application would in some way delay the development of the strategic allocation in the Core Strategy of 1,500 new homes in Leominster. It was difficult to see how such an argument could be made.

The Development Manager confirmed that the Leominster Neighbourhood Plan was at Regulation 14 stage. A Member asserted that the Plan was therefore close to achieving Regulation 16 stage at which point weight could be given to the Plan. To have reached Regulation 14 the Plan must be in general conformity with the Core Strategy. The application site was not in the Plan and it was for that reason that he considered an argument could be advanced that the application was premature.

The local ward member was given the opportunity to close the debate. He commented that he remained concerned about the proposal. If planning permission were to be granted he requested that he be consulted on the detailed application.

The Development Manager confirmed that the local ward member would be consulted.

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, 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. **A01 Time limit for commencement (full permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **C01 Samples of external materials**
6. **The development shall include no more than 30 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **H02 Single access – footway**
8. **H03 Visibility splays**

9. H06 Vehicular access construction
10. H11 Parking – estate development (more than one house)
11. H18 On site roads – submission of details
12. H20 Road completion
13. H21 Wheel washing
14. H27 Parking for site operatives
15. H29 Covered and secure cycle parking provision
16. The recommendations for species and habitat enhancements set out in the Preliminary Herptofauna Mitigation Strategy from Nigel Hand dated June 2015 should be completed as approved before development commences on site. On completion of the mitigation measures, confirmation of the translocation should be made to the local planning authority in writing together with photographic evidence of the measures implemented.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

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

17. G04 Protection of trees/hedgerows that are to be retained
18. G09 Details of boundary treatments
19. G10 Landscaping scheme
20. G11 Landscaping scheme - implementation
21. L01 Foul/surface water drainage
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 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.

25. L02 No surface water to connect to public system
26. L03 No drainage run-off to public system
27. L04 Comprehensive and integrated draining of site

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details

4. **HN07 Section 278 Agreement**
5. **HN04 Private apparatus within highway**
6. **HN01 Mud on highway**
7. **HN24 Drainage other than via highway system**
8. **HN05 Works within the highway**
9. **HN28 Highway Design Guide and Specification**
10. **The assessment required by condition 22 should be undertaken in accordance with good practice guidance and should be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. The assessment must also include asbestos sampling and analysis and this should be included with any submission.**

Appendix 1 - Schedule of Committee Updates

The meeting ended at 12.52 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 16 September 2015 (10:00 am)

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

P142349/O - RESIDENTIAL DEVELOPMENT FOR UP TO 80 HOUSES. AT LAND BETWEEN, GOSMORE ROAD AND THE SEVEN STARS PUBLIC HOUSE, GOSMORE ROAD, CLEHONGER,

For: Mr & Mrs Gladwyn & Mrs J Davies per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS

ADDITIONAL REPRESENTATIONS

1. The Council's Legal Executive has been instructed to prepare a legal undertaking incorporating the requirement for the developer to make the Welsh Water contribution.
2. Welsh Water and the Council's Ecologist have confirmed that the upgrade work to the Waste Water Treatment Works will ensure biological oxygen demand, phosphates and other nutrients, which are output to the R. Wye SAC, will be within the regimes/thresholds which are licensed by the Environment Agency. Welsh Water confirms that *"because of the increased biological capacity there would be a natural improvement to treating incoming phosphates."*

NO CHANGE TO RECOMMENDATION

150812 - SITE FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR 30 HOUSES AT LAND OFF WESTCROFT, LEOMINSTER, HEREFORDSHIRE, HR6 8HG

For: Mr Bates per Miss Lorraine Whistance, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW

ADDITIONAL REPRESENTATIONS

Three further letters of objection have been received in response to the further consultation period undertaken following the amendment of the application.

The letters reiterate the objections previously made and these have been detailed in the original report. Two of the letters comment about the lack of detail contained within the application and that as a result it is impossible to judge what the effect of development will be upon residential amenity.

The letters also suggest that if planning permission is forthcoming, conditions should be imposed to ensure that existing trees and hedges are retained, that measures should be put in place to improve biodiversity and that the social housing component of the proposed development should be integrated and not located in one single area.

OFFICER COMMENTS

The limited information provided in the application is due to the fact that it is made in outline and Members are reminded that they are simply being asked to consider the principle of development, with only the means of access to be determined at this stage. Officers are satisfied that a development of 30 dwellings can be accommodated given the size of the site and the resultant density of 24 dwellings per hectare.

The conditions that have been recommended should planning permission be granted would either be addressed through the submission of a Reserved Matters Application or; with particular regard to matters of ecological enhancement and landscape protection, are covered by conditions 16 and 17 respectively.

NO CHANGE TO RECOMMENDATION

