

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 31 January 2018 at 10.00 am

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

Councillors: BA Baker, PJ Edwards, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, J Stone and EJ Swinglehurst

In attendance: Councillors ACR Chappell, PP Marsh and D Summers

122. APOLOGIES FOR ABSENCE

Apologies were received from Councillor CR Butler, DW Greenow and WC Skelton.

123. NAMED SUBSTITUTES

Councillor JA Hyde substituted for Councillor WC Skelton and Councillor J Stone for Councillor CR Butler.

124. DECLARATIONS OF INTEREST

Agenda item 10: 173843 - Hinton Community Centre, Ross Road, Hereford

Councillor Kenyon declared a schedule 2 interest, as defined in the Councillor Code of Conduct, as a trustee of the Centre, and left the meeting for the duration of this item.

125. MINUTES

RESOLVED: That the minutes of the meetings held on 17 January 2018 be approved as a correct record and signed by the Chairman.

126. CHAIRMAN'S ANNOUNCEMENTS

None.

127. APPEALS

The Planning Committee noted the report.

128. 172135 - BARONS CROSS CAMP, CHOLSTREY, LEOMINSTER, HEREFORDSHIRE.

(Reserved matters application for 414 dwellings, vehicular access and associated works.)

(Councillor FM Norman fulfilled the role of local ward member and accordingly had no vote on this application. Councillor JLV Kenyon had not been present during the presentation and had no vote on the application.)

The Principal Planning Officer (PPO) 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 the update included a memorandum of understanding between the applicant and the local planning authority that established a programme for monitoring air quality to ensure in compliance with condition 15 of the outline planning permission that the development did not exacerbate air pollution levels.

In accordance with the criteria for public speaking, Mr C Burke, of Leominster Town Council spoke in opposition to the Scheme. Mr CA Webb-Davies, a local resident, spoke in objection. Mr G Godwin, the applicant's agent, spoke in support.

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

She made the following principal comments:

- There had been a lack of communication by the applicant with the local community.
- The quality of the proposed housing was poor, although it was noted that the plans had now been amended so that bedrooms now met the minimum size used as a guide in the Council's Amenity Standards Document, having originally been significantly smaller.
- There was poor connectivity with the Town.
- There were no community facilities, provision for which had been made in the initial plans.
- The housing mix and provision of public open space had been somewhat improved.
- A significant number of trees were to be removed, missing an opportunity to enhance the development. The Conservation Manager (Trees) objected to these proposals. Trees would also help to reduce the air pollution problems.
- Whilst some concerns had been addressed and some improvements made to the original proposals it remained a mediocre proposal that could be much better.
- Issues of particular concern to the community and to the Civic Society and Campaign to Protect Rural England, as detailed in their submissions, included the lack of an environmental assessment, the impact on the landscape and the loss of trees, and especially the environmental impact of the significant increase in traffic the development would generate.
- Outline permission had been granted some 12 years ago. Circumstances had changed during that time and a new application should have been required.
- The proposal did not fulfil the aims of policy LD1, demonstrating that character of the landscape and townscape had positively influenced the design, and maintain and extend tree cover.
- It also did not fulfil policy LD2 which required that development proposals should conserve, restore and enhance the biodiversity provide for the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks.

- Nor did it comply with policy LD3, which required proposals to protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the objective: identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes.
- The Conservation Manager (Ecology) had indicated that provision for birds and bats needed to be increased.
- The Town Council had expressed an interest in taking responsibility for the management of the public open space but discussions with the applicant had not yet taken place.
- There was particular concern about the environmental impact of the additional traffic that would be generated and the effect on air quality in an area that already suffered from very serious pollution. An approval granted 12 years ago was not acceptable. The adverse effects of poor air quality on health were now much better understood. The young and elderly were particularly vulnerable and a nursing home and a nursery were located at the bottom of the Bargates. Air pollution was still exceeding permitted levels and there was no indication as to how this situation would be mitigated. Policy LO1 stated that it should be ensured that developments do not exacerbate air pollution levels within the designated air quality management area at Bargates.
- Assurance was also required in accordance with policy LO1 that development did not undermine the achievement of water quality targets in accordance with policies SD3 and SD4.
- If the application were to be approved a comprehensive transport plan for the Town was needed before any development took place and this should be prepared in conjunction with the Town Council.

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

- Concerns expressed by the local ward member were endorsed.
- Engagement by the applicant with the local community and the Town Council would have enabled many of the concerns expressed about the development to be overcome.
- Whilst the scheme may be mediocre the benefits of the scheme including the housing mix outweighed the negative impacts.
- Concern was expressed that the removal of the proposed community centre from the plans would be detrimental to the establishment of a community identity.
- Clarification was sought on the level of air pollution in the Bargates area and how it was proposed to mitigate the effects of the proposed development.

The PPO commented that outline planning permission had been granted for the development. Air quality issues had been considered at the time. The permission could not be withdrawn. Although this had been granted in 2005 the landowner had renewed the outline permissions and the authority was therefore obliged to determine the reserved matters application. These matters did not include the principle of traffic management and air quality which would be addressed by conditions on the original permission. The applicant had highlighted the ambiguity in condition 15 of the outline permission and accordingly had offered the memorandum of understanding referred to in the committee update. No development would take place until the first phase of monitoring had taken place and a baseline for pollution levels established.

The Head of Regulatory & Development Management Services commented that air quality had in fact improved since the outline permission had been granted in 2005.

However, the legal target level was still being exceeded. There was an air quality action plan. The first action, an improvement to traffic light sequencing to reduce the amount of idling traffic had been implemented. The southern bypass was also included in the action plan and remained an aspiration in the local transport plan and the core strategy. If measurements showed air quality was deteriorating consideration could potentially be given to the sequencing of the traffic lights or to see if they had the ability to filter through buses and lorries.

- The Conservation Manager (Trees) had objected to the proposal.
- It was asserted that Regulations provided that the local planning authority could not approve an application that would result in a deterioration in an air quality management area. The Lead Development Manager commented that this provision did not apply to the consideration of the reserved matters submission before the Committee.

In response to questions officers commented:

- The southern link road was being pursued. The enhancement to traffic lights at the Bargates had been introduced in September 2017 and significantly reduced delays but it was too soon to assess the full impact.
- It could be ensured that suitable replacement tree planting took place.
- Cornhill farm was some 200m from the development and would not be affected by it. It was not believed that intensive agriculture was carried out on the farm and that was not therefore a consideration in relation to the development.
- The appropriate time for discussions with the Town Council on the management of the public open space would be after planning permission was granted and delivery of the S106 agreement was being considered. It was noted that the Parks and Countryside Officer had commented in the report that the overall design now took account of the two key axis within the site and enabled the creation of a safe accessible network of green space.
- It was clarified that as time had elapsed since 2005, the provision of a community centre originally proposed was not compliant with the community infrastructure levy provisions and the requirement had been removed from planning obligations some time ago. The completed S106 agreement that had accompanied the 2012 outline permission reflected the requirements of the current supplementary planning document.

The Lead Development Manager welcomed the Town Council's interest in managing the public open space, the case officer's success in securing improvements in the size and design of the properties, and confirmed that there would be significant landscaping.

The local ward member was given the opportunity to close the debate. She commented that she had no objection in principle to the development of such a brownfield site. However, a number of matters had not been addressed. In particular, there needed to be clear mitigation of the air pollution problems. This did not appear to be in place. The only solution appeared to be the provision of a relief road.

Councillor Baker proposed and Councillor Swinglehurst seconded a motion that the application be approved in accordance with the printed recommendation with the additional condition as set out in the update sheet. The motion was carried with 7 votes in favour, 3 against and 2 abstentions.

RESOLVED: That approval of Reserved Matters be granted subject to the following conditions and any other conditions considered necessary by officers:

1. **B01 Development in accordance with the approved plans and documents**

2. C01 Samples of external materials

Prior to the commencement of each phase of the development hereby approved, details or samples of materials to be used externally on walls and roofs shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. The recommendations for species and habitat enhancements in the ecologist's report from ECUS Environmental Consultants dated February 2017 and the reports by Mark Latham of 2013 and 2014 should be followed. Prior to the commencement of development a detailed habitat enhancement scheme should be submitted to the local planning authority for approval unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. The plan 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 enhancement work.

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).

4. 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 implement the measures recommended to ensure there is no impact upon reptiles. The results and actions from the inspection together with specific provisions proposed for reptiles shall be relayed to the local planning authority upon completion.

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).

5. The recommendations for protected species mitigation set out in the report by ECUS Environmental Consultants dated February 2017 and the reports

by Mark Latham of 2013 and 2014 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for protected species present should be submitted to the local planning authority in writing. The plan 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.

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).

6. H11 Parking - estate development (more than one house)

Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

7. H17 Junction improvement/off site works

Development shall not begin in relation to any of the specified works until details of the roundabout serving the development 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 to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework.

8. H19 On site roads – phasing

None of the dwellings shall not 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 to the

requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

9. H25 Direction of proposed lighting

The proposed lighting shall be directed away from the public highway and no light source shall be visible from outside the extremities of the application site. A street lighting plan must be submitted and approved in writing by the local planning authority for each phase of the development before construction on that phase begins.

Reason: In the interests of highway safety and to conform to the requirements of Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. H29 Secure covered cycle parking provision

Within 8 weeks of the first occupation of the dwelling to which it relates a scheme for the provision of covered and secure cycle parking within the curtilage of each dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The cycle parking shall be installed and made available for use in accordance with a timescale to be agreed in writing by the local planning authority.

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.

11. H31 Outline Travel Plan

Prior to the first occupation of each the development hereby approved an Outline Travel Plan, (which contains an overview of the transport implications of the proposed development, a commitment to promote alternative sustainable means of transport for staff and visitors and supporting strategies, with respect to the development hereby permitted), shall be submitted to and be approved in writing by the Local Planning Authority.

Within six months of the development being first brought into use, a Full Travel Plan, that contains a survey of travel patterns, targets and measures to promote alternative sustainable means of transport shall be further submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

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

Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12. Prior to the commencement of development the following information shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:

- **Adoptable roads should be identified on a drawing.**
- **The cycle link that enters the site at the roundabout should follow the route from the roundabout and cross prior to the T junction indicated at the end of the road entering the site. This cycleway should then follow this route that runs past plot numbers 373 to 378 to the crossroads junction formed near plot 414. From here the cycleway would follow the route to the North West to the T junction outside plot 88 where it follows the eastern road towards the open space indicated on the drawing. A cycle link should then link back through the open space so a loop is formed. The cycleway construction would be 3m unsegregated or 'shared' cycle and pedestrian facility.**
- **From the open space a cycle facility should extend to the Cholstrey Road to provide a link to the linear park.**
- **The raised tables indicated on the carriageway need to be shown with more detail, including methods of traffic control (for example give way lines etc.) at each of the junctions.**
- **Visibility lines for the junctions, conflict points and bends should be indicated.**
- **Herefordshire Council prefers not to have block paved roads. Additional details required in relation to the raised areas and the construction of the roads shaded brown on the proposed layout.**
- **The shaded brown 'through' routes on the site should be considered minor access routes with a 4.8m width, cul-de-sacs could be considered as shared spaces with 4.5m width as per the Design Guide for New Developments**
- **Footway link in the northern corner in the site terminates near plot 1. This should be delineated as a route that links back to the adoptable highway near to plot 7.**
- **The cul-de-sac near plot 20 should have a formal link through to the footway that runs near the site boundary.**
- **The cul-de-sac that runs to plot 53-55 would benefit from a formal footway link towards the open space.**
- **The cul-de-sac near plot 278-279 should have a formal link through to the footway that runs near the site boundary.**
- **The junctions on the bus route should have 10m radii bell mouth arrangements.**
- **The cul-de-sac near to plot 302 has no turning head, and the turning head near 267 appears to be substandard.**
- **Gradient details will be reviewed when details are made available. Pedestrian routes should not exceed 1 in 20.**
- **A bus stop with shelter and bus kerbs should be provided at an appropriate location within the site.**
- **There are a number of straights that exceed the maximum lengths as set out in the Herefordshire Design Guide. These require an alignment change or details of raised tables to mitigate this issue. The straights are particularly apparent from plot 36-83, 09-38, 119-129, 301-258 and 311-341.**

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

- 13. The specification of any gas boilers to be installed in the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority before they are fitted and the approved specification shall be implemented prior to the first occupation of the development and shall be maintained for the lifetime of the development. Any gas boilers provided must meet a dry NOx emission concentration rate of <40mg/kWh.**

In order to minimise the impact of the development on local air quality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 14. With the exception of any site clearance and groundwork or works to provide access to the site, no further development shall take place until details for the provision of charging points for electric vehicles for each dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and charging points shall be available for use for the dwelling to which they relate upon the first occupation of that dwelling.**

Reason: In order to minimise the impact of the development on local air quality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

- 15 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 Pan – 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. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 8 June 2017 (Reference No. P120887/O. This application for the approval of reserved matters is granted subject to these conditions.**

3. **I09 – Private apparatus within the highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)**
4. **I08 – Section 278 Agreement**
5. **I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**
6. **I07 – Section 38 Agreement & Drainage details**
7. **I16 - Affected street lighting or illuminated signs**
8. **I57 – Sky glow**
9. **I49 – Design of street lighting for Section 278**
10. **I54 – Disabled needs**
11. **I51 – Works adjoining highway**
12. **I47 – Drainage other than via highway system**
13. **I35 – Highways Design Guide and Specification**

129. 163963 - LAND NORTH OF GADBRIDGE ROAD, WEOBLEY, HEREFORDSHIRE.

(Reserved matters following 132924/o for landscaping, appearance, layout and scale.)

The Principal Planning Officer (PPO) 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.

The update included comments from the Transportation Manager and recommended additional conditions. The PPO explained that compliance with one condition would mean that the proposed lay-by in front of plots 1 and 2, designed to meet a request from the Parish Council, could not be delivered. This was unfortunate, however, officers considered that the scheme would be acceptable without the lay-by. It was therefore recommended to delegate authority to named officers in the scheme of delegation to approve the application subject to the submission of an amended layout plan.

In accordance with the criteria for public speaking, Mr D Moore, the applicant's agent, spoke in support of the application.

The Chairman reported that the local ward member, Councillor MJK Cooper, was unable to attend the meeting but had informed him that the Parish Council and he accepted the officer recommendation. No Parish Council representative would therefore be attending to speak.

Members were generally supportive of the application, welcoming the way in which the applicant had worked with the local community and the parish council to seek to deliver a scheme of good quality.

Some concern was expressed about the removal of affordable housing from the scheme, noting amongst other things that the Housing Officer did not support this approach. The report stated that the District Valuer had concluded that on the basis of the provision of affordable housing and the S106 contribution the scheme was not viable. Following

discussions with the applicant the Parish Council had indicated that it would support the payment of S106 contributions rather than the provision of six affordable housing units. Given the agreement of the Parish Council, Members in the main considered this an acceptable approach, but made clear that they would not wish this to set a precedent potentially undermining the delivery of much needed affordable housing.

The PPO confirmed that a condition attached to the grant of outline planning permission required land drainage issues to be addressed.

The Lead Development Manager commented that the District Valuer scrutinised the viability of schemes carefully. The proposal was in accord with the parish council's wishes. There had been some recent affordable housing development elsewhere in Weobley. Regard would be had to the need to make additional provision for affordable housing in the housing market area

Councillor Powers proposed and Councillor Seldon seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 13 votes in favour, 1 against and no abstentions.

RESOLVED: That subject to the completion of a Deed of variation to the Section 106 agreement under the Town & Country Planning Act 1990 in accordance with the Heads of Terms stated in the report and 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 below and any other further conditions considered necessary:

1. **B01 Development in accordance with approved plans and documents**

2. **The Remediation Scheme, as described in Hydrock Document Reference:C-6293-C-BG-001 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 comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

3. **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 comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

4. **M17 Efficient use of water**

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

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. **The attention of the applicant is drawn to the conditions on the outline planning permission granted on 2 April 2015 (Reference No. P132924/O. This application for the approval of reserved matters is granted subject to these conditions.**

130. 173082 - LAND AT PARKGATE, IVINGTON, LEOMINSTER, HEREFORDSHIRE, HR6 0JX

(Proposed erection of an agricultural workers' dwelling (part retrospective).)

This item was withdrawn from the agenda.

131. 173843 - HINTON COMMUNITY CENTRE, ROSS ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RJ

(Retrospective car parking area with new hedge including ecological and biodiversity improvements.)

(Councillor Kenyon declared an interest, left the meeting and was not present during consideration of this application.)

The Development Supervisor/Enforcement Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Wooderson, a Trustee of Hinton Community Association Limited, spoke in support of the application.

In accordance with the Council's Constitution, one of the two local ward members, Councillor ACR Chappell, spoke on the application. He praised the work of the Centre and supported the application, explaining the circumstances that had led to a retrospective application being made. He noted there had been only two objections both of which had expressed concern about traffic.

The Committee considered that the provision of an overflow car park would help to avoid problems arising from unwelcome roadside parking

The Lead Development Manager clarified that an area of hardstanding had been created as permitted development associated with nearby building works. The view had been

reached that it would be beneficial to retain this area as a car park. Rather than removing the hardstanding a retrospective application had therefore been made.

Councillor Edwards proposed and Councillor Stone seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 13 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted subject to the following condition and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. **G11 Landscaping scheme - implementation**

INFORMATIVE:

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.**

132. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 12.30 pm

Chairman

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 (NO₂) at the Bargates Junction AQMA in Leominster town centre. NO₂ 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_x), NO₂ and Ozone (O₃) is already present in Leominster and two NO₂ 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 NO₂ 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