

MEETING:	PLANNING COMMITTEE
DATE:	24 FEBRUARY 2016
TITLE OF REPORT:	150052 - PROPOSED 10 NO DWELLINGS WITH GARAGES AT LAND OFF GINHALL LANE, LEOMINSTER, For: Mr Owens & Parry per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150052&search=150052
Reason Application submitted to Committee – Re-direction	

Date Received: 9 January 2015

**Ward: Leominster
West**

Grid Ref: 347541,258931

Expiry Date: 10 April 2015

Local Members: Councillor FM Norman

Introduction

This application together with the adjoining planning application (150053) was presented to Planning Committee on 9 December 2015, following a committee site inspection. The Committee resolved that the two applications be deferred in order that consideration could be given to the two sites being served by one access point off Cholstrey Road. The report has been updated to reflect the additional consultations following submission of the amended layout comprising the single access.

1. Site Description and Proposal

- 1.1 This is an outline application with all matters except access reserved for subsequent consideration. The application site forms part of a field bounded by the u/c 93607/ Ginhall Lane to the northwest and the B4529 Cholstrey Road on the southwest. The site area is approximately 0.74 hectares.
- 1.2 Access, which is to be considered as part of this application is onto Cholstrey Road and will require removal of a length of hedgerow to achieve the necessary visibility splays.
- 1.3 A unilateral undertaking to cover affordable housing and developer contributions has been submitted and is currently under consideration.
- 1.4 The following application on the agenda relates to the remaining part of this field, and the field adjoining to the south.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

L01	-	Development in Leominster
H1	-	Affordable Housing - Thresholds and Targets
MT1	-	Traffic Management
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Development
SS2		Delivering New Homes

2.2 National Planning Policy Framework (NPPF).

The following chapters are of particular relevance to this proposal:
Introduction - Achieving sustainable development

Section 4 - Promoting sustainable communities
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 11 - Conserving and enhancing the natural environment

2.3 Neighbourhood Planning

The Neighbourhood Plan Area was designated on 27 July 2012. The plan has reached Regulation 16 stage and is a material consideration. However it is still within the consultation period and therefore is not sufficiently advanced to attract weight for the purposes of determining planning applications.

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 06/1199/F - Closing off of existing field access and creation of a new one. Approved 6/12/06

3.2 98/108/O - Erection of a 40 bed holiday hotel. Refused 17/6/98

3.3 96/987/O - Erection of a 40 bed holiday hotel. Withdrawn 14/3/87

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No Objection

SEWERAGE Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved 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.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Welsh Water has no objection to the proposed development.

4.2 West Mercia Police:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have reasonable access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community well being within Leominster, particularly given that its proximity to the existing housing areas of Barons Cross and Buckfield are of relevance within this context.

Internal Council Consultees

4.3 Transportation Manager

No objection subject to a series of conditions as set out in the recommendation below.

S106 Highway Contributions based on the following:

Medium Accessibility; 2 bedrooms = £1967; 3 bedrooms = £2592; 4 bedrooms = £3933

4.4 Drainage Consultant:

We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

Prior to construction we would also require the following information to be provided:

- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

4.5 Conservation Manager (Ecology)

I have read the ecological report now submitted for this application and should say that it is very brief. However, knowing the site and reading the report I would agree that this development is likely to have a low impact given the biodiversity status of the site. There was no search commissioned from Herefordshire Biological Records Centre. This would have revealed badgers active within the vicinity. Although the report states no evidence of badgers on the site, the potential presence will need accommodating in any plan to develop the site to avoid issues during construction. Any work clearing scrub will need to take place outside the nesting season for birds with inclusion of some enhancements for birds in the development. If this application is to be approved I would therefore advise that the following non-standard condition is attached as follows:

Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme 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.

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

4.6 Environmental Health Manager (contamination):

I refer to the above application and would make the following comments in relation to contaminated land issues only.

Our records suggest the proposed development site is close to a former brick works, this may be considered a potentially contaminative use. This doesn't appear to encroach the site and our

Further information on the subject of this report is available from Mr A Prior on 01432 261932

records do not suggest the associated clay pit has been filled but I would recommend the following be added as an informative in any case.

Recommended note

"The proposed development is near to a former brick works and clay pit These may be considered potentially contaminative uses, our records do not suggest that this encroaches on to the site or that the clay pit has been filled but the applicant may wish to satisfy themselves this is the case through suitable assessment should there be any concern."

4.7 Parks and Countryside Manager:

Although developments of 35 houses could provide a good sized POS and play on site (using recommended standards of provision from both the Play Facilities Study and the Fields in Trust Guidance of 0.8ha of play to include 25ha formal play per 1000 population) given its location near to an existing play area at Ginhall Green, investment to provide additional play equipment here would help to improve this facility and its play value. In accordance with the Play Facilities Study and Investment Plan, the existing provision although in reasonable condition, is only for juniors, is small and offers little in play value. This area could be expanded and developed into a more exciting play area for both existing residents and those from the proposed development. The Leominster Neighbourhood Plan also supports this view and within its green and open space policies acknowledges the need to both protect and enhance this area.

Therefore, in accordance with the SPD on Planning Obligations we would ask for this contribution based on market housing only as follows:

2 bed: £ 965

3 bed: £1,640

4+ bed: £2,219

(This comment was made on the basis that the two application may have been combined to simplify the s106 procedure, hence reference to 35 houses. Nevertheless the requirements apply equally to both sites)

4.8 Parks and Countryside Manager, on re-consultation reiterates recommendation above

4.9 Education and Commissioning Manager:

Spare capacity at both schools therefore no contribution can be requested.

4.10 Waste Management Manager states refuse collection service will only operate on adopted Highway. Collection points should be a maximum of 25 metres from adopted highway.

5. Representations

5.1 Leominster Town Council:

Committee RESOLVED to object to this planning application on the following grounds:

- The application is premature to the adoption of the Herefordshire Core Strategy and the Leominster Area Neighbourhood Plan which specifically designate land suitable for development;
- The application is sited in the Strategic Green Corridor as identified within the Green Infrastructure Plan adopted by Herefordshire Council and is therefore contrary to local planning policy;

- There are major concerns regarding highway safety and the proposed access and egress routes.

5.2. Leominster Town Council, on re-consultation

Recommend Refusal for the following reasons:

- The proposal goes against Policy LD3 of the adopted Herefordshire Core Strategy which requires the retention of existing Green Infrastructure corridors and linkages;
- The proposal is sited directly in the Green Corridor as designated by both the Adopted Core Strategy and the emerging Leominster Area Neighbourhood Plan;
- The background papers continue to refer to the Urban District Plan which has now been superseded by the recently adopted Herefordshire Core Strategy;
- The proposal goes against Policy LANP 10 of the emerging Leominster Area Neighbourhood Plan, currently at Regulation 16 Stage;

The Leominster Area Neighbourhood Plan supports the adopted Herefordshire Core Strategy especially with regard to the protection of the Green Infrastructure Corridor.

Council also wished its previous outstanding objections to be taken into consideration:

The application is sited in the Strategic Green Corridor as identified within the Green Infrastructure Plan adopted by Herefordshire Council and is therefore contrary to local planning policy;

There are major concerns regarding highway safety and the proposed access and egress Routes.

5.3 Leominster Civic Trust object as piecemeal development on a green field site, when brown field sites remain undeveloped, and highway safety.

5.4 Herefordshire CPRE object on basis of development of green corridor.

5.5 Eight letters of objection have been received making the following points:

1. Outside of the UDP boundary
2. Greenfield site, brownfield land available
3. The NP identifies this land as part of the green corridor
4. Highway safety, poor junction –site of many accidents.
5. Ginhall Lane is used as a rat run and by pedestrians
6. The road floods near the junction.

5.6 One letter of objection has been received, following re-advertisement

Priority should be given to site opposite for 425 houses, with a percentage of affordable homes

5.7 The consultation responses can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150052&search=150052>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require local planning authorities to determine applications in line with provisions of the local development plan unless material considerations dictate otherwise.

6.2 In this instance the Development Plan is the recently adopted Herefordshire Local Plan-Core Strategy. HCS Policy SS1 enforces what is at the heart of the Government's National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or

b) specific elements of national policy indicate that development should be restricted.

6.3 Policy SS2 (Delivering new homes) of the Core Strategy sets out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Local Plan the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the HCS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).

6.4 The protection once afforded to this site from residential development ended with the adoption of the Core Strategy. Policy L01 of this new plan advises that a minimum of 2300 new dwellings are required for Leominster during the plan period to 2031. A minimum of 1500 of these are to be provided via the strategic site on the south side of the town, leaving a further 800 to reach the minimum target, 425 of which have been approved on Barons Cross Camp. This still leaves a minimum of 300 to be found in or on the edge of Leominster.

6.5 There is a requirement to provide 25% affordable housing on applicable sites in the Leominster housing market area. The proposal here is to provide, by way of a unilateral undertaking, that proportion on the adjoining site, ref 150053 amongst the 25 houses proposed. The intention is to provide a low density development on the current site which then softens the transition from open countryside to town, on this edge of town location.

6.6 The revised access will take traffic from the site together with traffic from the adjoining site onto Cholstrey Road. Therefore, the objections raised in representations received previously have been addressed in respect of use of Ginhall Lane and the junction with Cholstrey Road and through traffic using the unclassified road.

6.7 There are no significant landscape features and no objection on landscape grounds. HCPRE and the Town Council have objected to the development of an area identified as part of

a green corridor. Policy LD1 of Core Strategy requires the protection and enhancement of the setting of settlements. This can be achieved with the retention of the hedgerow boundary onto Ginhall Lane, notwithstanding the need for removal of hedgerow on Cholstrey Lane. The planting of trees and hedgerow across both sites on an area, presently without any trees will assist in integrating the well treed Ginhall Lane corridor to the east with Cholstrey Lane

- 6.8 The Town Council state that the proposal is contrary to the provisions of the Neighbourhood Development Plan. Whilst the Plan is at the Regulation 16 stage, it is still at the consultation period, and has not been the subject of Examination by an appointed Inspector and therefore limited weight can be given to it. The site is however in a sustainable location for residential development.
- 6.9 It is considered that this is an appropriate site for residential development subject to a satisfactory resolution of the S106 agreement / unilateral undertaking and the compliance with the matters raised by consultees at the reserved matters stage.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms referred to in the report and to be circulated as part of the committee update, 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 Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme 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.

- 5 L01 Foul/surface water drainage**
- 6 L02 No surface water to connect to public system**
- 7. L03 No drainage run-off to public system**
- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved 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

- 9. I20 Scheme of surface water drainage**

- 10. I21 Scheme of surface water regulation
- 11. H03 Visibility splays
- 12. H06 Vehicular access construction
- 13. H13 Access, turning area and parking
- 14. H27 Parking for site operatives

INFORMATIVES:

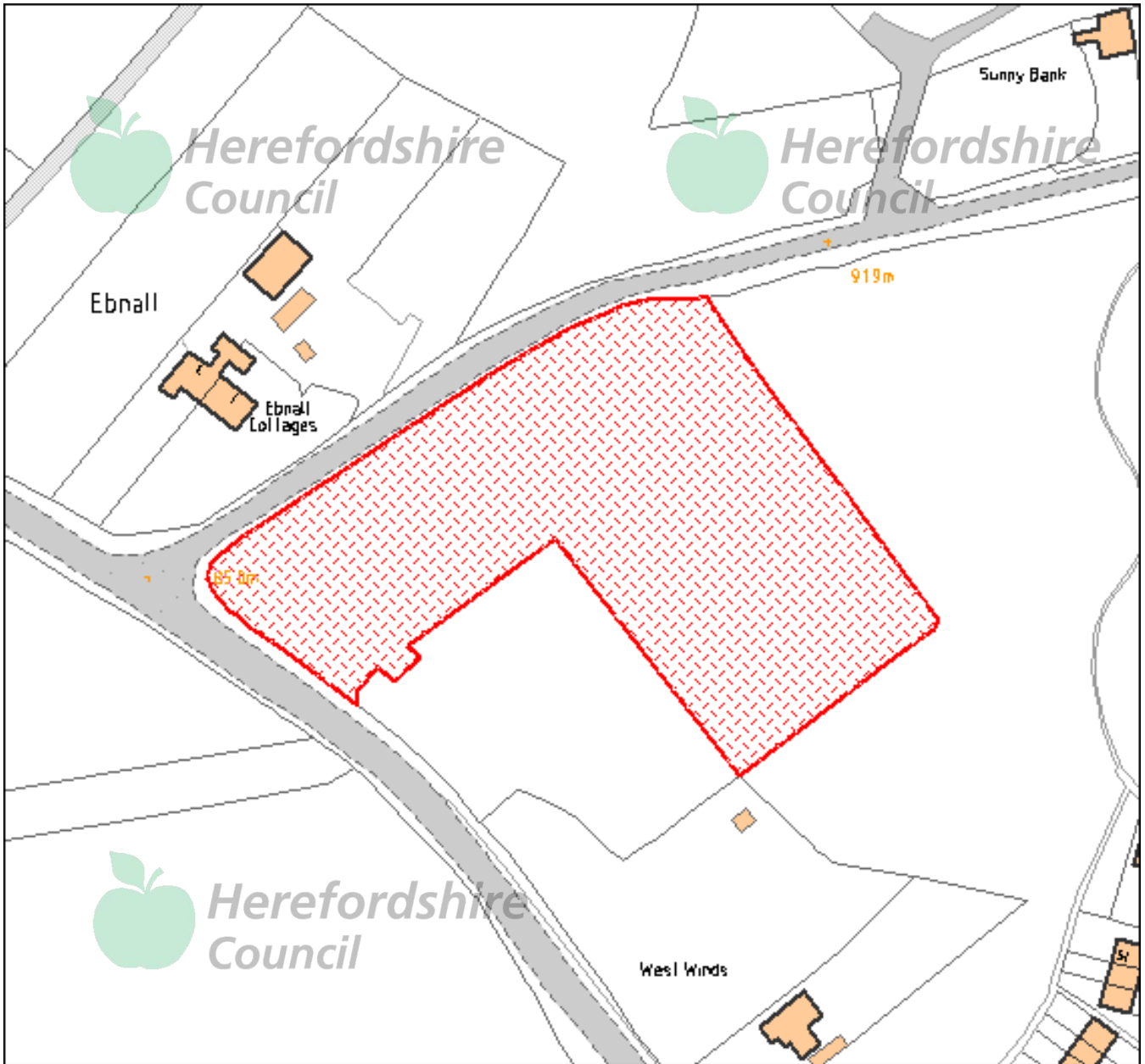
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement and Drainage details
- 4. HN04 Private apparatus within highway
- 5. HN01 Mud on highway
- 6. HN28 Highways Design Guide and Specification
- 7. HN05 Works within the highway
- 8. The proposed development is near to a former brick works and clay pit. These may be considered potentially contaminative uses, our records do not suggest that this encroaches on to the site or that the clay pit has been filled but the applicant may wish to satisfy themselves this is the case through suitable assessment should there be any concern.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150052

SITE ADDRESS : LAND OFF GINHALL LANE, LEOMINSTER

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