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| <b>MEETING:</b>   | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>  | <b>24 FEBRUARY 2016</b>   |
| <b>TITLE OF REPORT:</b>   | <b>150053 - PROPOSED 25 DWELLINGS WITH GARAGES AND CAR SPACES AT LAND AT AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE,</b><br><br><b>For: Mr And Mrs Preece per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG</b>  |
| <b>WEBSITE LINK:</b>  | <a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150053&amp;search=150053">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150053&amp;search=150053</a> |
| <b>Reason Application submitted to Committee – Re-direction</b> |   |

**Date Received: 9 January 2015**

**Ward: Leominster  
West**

**Grid Ref: 347567,258864**

**Expiry Date: 14 April 2015**

Local Member: Councillor FM Norman

### **Introduction**

This application together with the adjoining planning application (150052) 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, Leominster. 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 application site lies adjacent to that previously considered on this agenda. It comprises of the remainder of the field, not included in the previous application, a smaller field currently used for grazing sheep, with a small barn thereon, together with the garden associated with the existing bungalow, West Winds. The site amounts to approximately 0.73 hectares.
- 1.2 This is an outline application with all matters other than access reserved for subsequent approval. Access to the site is proposed via a new access to be created onto the B4529/ Cholstrey Road. An indicative layout has been submitted showing the existing bungalow demolished and the area redeveloped.
- 1.3 A unilateral undertaking to cover affordable housing and developer contributions has been submitted and is currently under consideration.

## 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 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 objections

### 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.

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

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**

Dwr Cymru 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 Consultations

#### 4.3 Transportation Manager

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

S106 Highway Contributions based on the following:

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

#### 4.4 Drainage Consultant: Conditional support

##### **Overall Comment**

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): No objection

This application is associated with P/150052/F and relates to the same ecological report. I have read the ecological report submitted which bears the same comments. I have said that it is very brief but, 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.*

#### 4.6 Environmental Health (Contamination) – No objection

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 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 Environmental Health (Contamination) on re-consultation reiterates previous recommendation set out above

4.8 Parks and Countryside Manager – No objections

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 applications may have been combined to simplify the s106 procedure, hence reference to 35 houses. Nevertheless the requirements apply equally to both sites)

4.9 Parks and Countryside Manager on re-consultation reiterates previous recommendation above

4.10 Education and Commissioning Manager - No objection there is spare capacity at both Primary and senior schools so no contribution can be requested.

4.11 Waste Management Manager states access needs to be improved for some plots, collection points needs to be identifiable in accordance with the 'Guidance notes for storage and collection of domestic refuse and recycling'.

## 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 objects:

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 grounds of development within green corridor.

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

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

5.6 One further letter received, on re-consultation raising the following additional issue

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 requires 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 Governments 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 in 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 minimum of 800, 425 of which have been approved on Barons Cross Camp. This still leaves over a minimum of 300 to be found in or on the edge of town.

6.5 There is a requirement to provide 25% affordable housing on applicable sites in the Leominster housing market area or HMA. The proposal here is to provide, by way of a unilateral undertaking, this provision on this site alone

6.6 The only matter to be determined at this stage relates to the means of access, the remaining matters will be subject to reserved matters or detailed approval in the event that planning approval is granted. The proposed new access from Cholstrey Road will involve the removal of hedgerow. The objections received from local residents on highway safety grounds are noted, however, this proposal can provide the required visibility splays with good visibility to both east and west. It should also be noted that the visibility splays that can be provided as detailed on the submitted plans relate to a speed survey undertaken when the speed limit was higher earlier this year, than it is presently. It should be noted that the

Transportation Manager raises no objection. The increased use of this access point i.e with the addition of 10 dwellings from that previously envisaged is satisfactory.

- 6.7 There are no significant landscape features and no objection on landscape grounds. HCPRE and 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 stage; it has not been the subject of Examination by an Inspector and therefore limited weight can be given to it. However the site is within a sustainable location for residential development.
- 6.9 It is considered that this is an appropriate sustainable site for residential development subject to a satisfactory resolution of the S106 agreement/unilateral undertaking and 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**

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



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. H03 Visibility splays
- 11. H06 Vehicular access construction
- 12. H13 Access, turning area and parking
- 13. 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.

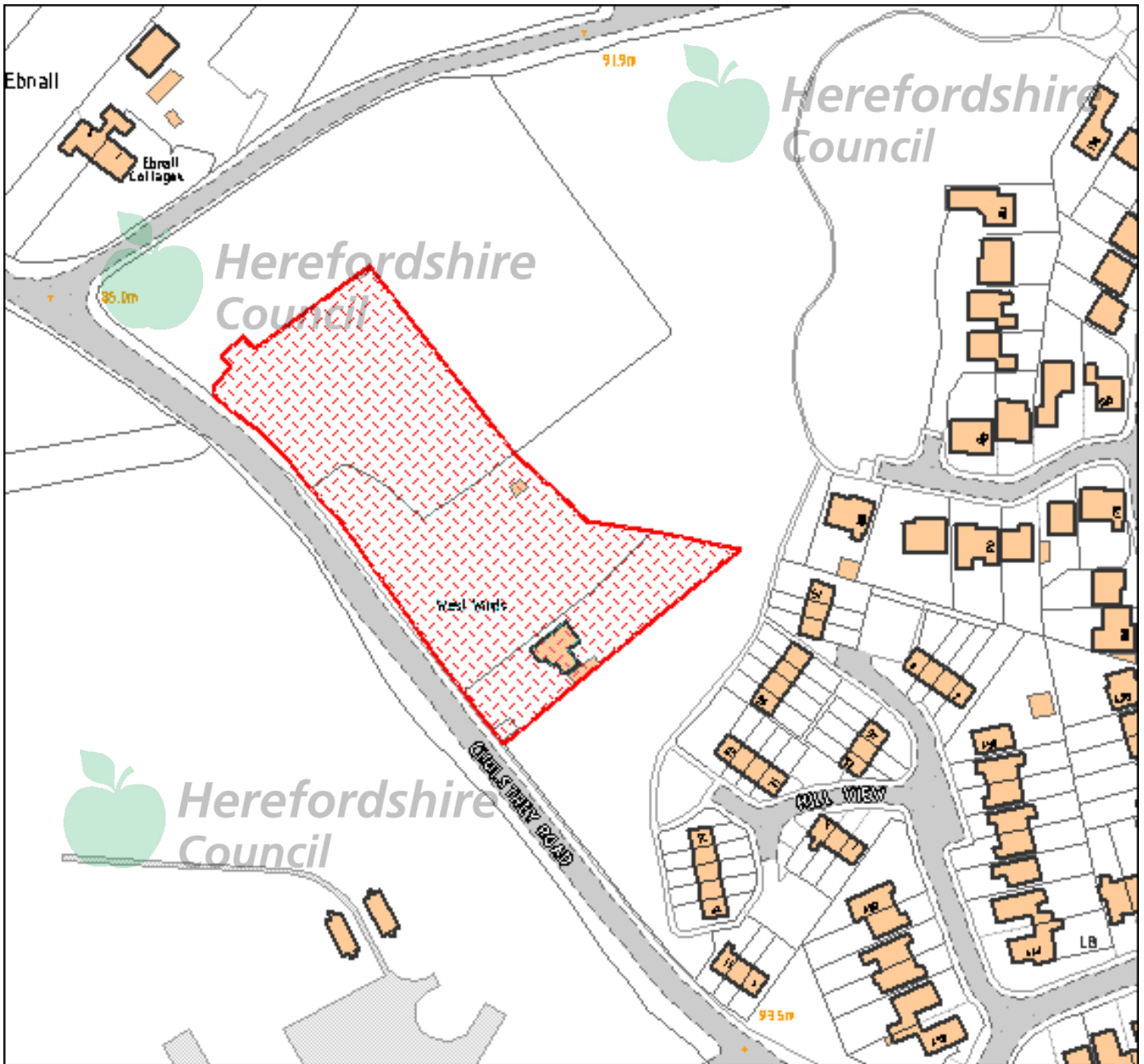
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 150053

**SITE ADDRESS :** LAND AT, AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE

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