

# AGENDA

## Planning Committee

Date: **Wednesday 9 December 2015**

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Time: **10.00 am**

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

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Planning Committee

## Membership

**Chairman**

**Vice-Chairman**

**Councillor PGH Cutter**

**Councillor J Hardwick**

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

## AGENDA

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 18 November 2015.	7 - 24
5.	<b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6.	<b>APPEALS</b> To be noted.	
7.	<b>151145 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE</b> Proposed residential development of up to 21 dwellings along with new access and associated works.	25 - 42
8.	<b>151641 - LAND TO REAR OF BRAMLEY HOUSE AND ORCHARD HOUSE, OFF KINGSACRE ROAD, SWAINSHILL, HEREFORD, HR4 0SG</b> Proposed erection of nine dwellings.	43 - 58
9.	<b>150052 - LAND OFF GINHALL LANE, LEOMINSTER</b> Proposed 10 no dwellings with garages.	59 - 68
10.	<b>150053 - LAND AT, AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE</b> Proposed 25 dwellings with garages and car spaces.	69 - 78



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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 18 November 2015 at 10.00 am**

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

**Councillors:** BA Baker, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, TM James, JLV Kenyon, FM Norman, RJ Phillips, AJW Powers, A Seldon, WC Skelton, J Stone, EJ Swinglehurst and LC Tawn

**In attendance:** Councillors PD Price

*(The Committee observed a minute's silence in memory of the victims of the terrorist attacks in Paris on 13 November 2015.)*

**96. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler and JA Hyde.

**97. NAMED SUBSTITUTES**

Councillor RJ Phillips substituted for Councillor CR Butler and Councillor J Stone for Councillor JA Hyde..

**98. DECLARATIONS OF INTEREST**

**Agenda item 11: Land at Applewood House, Bridstow, Ross-on-Wye**

Councillors PGH Cutter, J Hardwick and EJ Swinglehurst declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

**99. MINUTES**

In relation to Minute 93: 151189 – Land off Fernbank Road, Ross-on-Wye, a Member commented that it had been requested that the access into the paddock should be for agricultural use only. The Development Manager confirmed that a sign would be erected at the turning circle to make clear that the access was only for agricultural access.

**RESOLVED:** That the Minutes of the meeting held on 28 October 2015, as amended, be approved as a correct record and signed by the Chairman.

**100. CHAIRMAN'S ANNOUNCEMENTS**

None.

**101. APPEALS**

Clarification was sought as to why an appeal against non-determination had been lodged in relation to application 143609. The Development Manager commented that the planning department had been awaiting responses from consultees. The applicant had decided to go

to appeal rather than await the outcome believing that offered them a greater chance of a successful outcome.

The Planning Committee noted the report.

**102. 150990 - THE MEADOWS, ALMELEY, HEREFORD, HR3 6LQ**

*(Proposed erection of two agricultural buildings, feed bins and associated development for pig rearing.)*

The Case Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr Hall, of Almeley Parish Council spoke in opposition to the Scheme. Mr J Crippin, a local resident, spoke in objection. Mr G Clark, the applicant's agent, spoke in support.

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

He made the following principal comments:

- He invited the Development Manager to indicate on the slides on the screen where other buildings were situated in relation to the Scheme and commented on the distances involved.
- Vehicles would be unable to use the junction by the church.
- The applicant had been farming for a number of years, was settled in the community and was seeking to diversify the business.
- The Council had approved a similar application some 4 kilometres away at Quebb, near Eardisley. A 1900 pig unit at Wigmore had been approved in 2011. He had visited both farms and outlined to the Committee how the operation worked.
- The site at Wigmore used a passive ventilation system which worked well. There had been no dust emitted.
- The main objections related to pollution, dust and smell. He had been unable to detect smell or odour once over 50 metres away from the units.
- The site was served by narrow lanes. If the application were to be approved traffic should be required to avoid going through the village itself.
- The waste management plan would be important. Residents needed to be assured that with a waste management plan in place their amenity would not be affected.
- He noted that the farm at Wigmore he had visited ran a successful bed and breakfast operation within 100 metres of the pig units.

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



- Key issues were the odour from the site and the removal of waste. If the site were to be approved a travel plan would be required that prevented any waste being transported through the village of Almeley. The way in which dirty water from the site was to be managed also needed to be clearly prescribed.
- In relation to odour, the response from the Environmental Health Officer had stated that it was not considered that the estimated level of odour would result in any significant loss of amenity. The prevailing wind should blow odour away from the village.
- The proposed development, which in scale equated to a factory, was simply too close to Almeley.
- The proposal was not sustainable. It potentially involved the transportation of a considerable amount of waste from the site requiring a large number of heavy vehicle movements along very narrow lanes. The transportation of materials to the site would also involve a lot of traffic.
- The Committee lacked the information it needed to make a decision. In particular the Committee had not had sight of the manure and waste management plan. There were also a number of other matters referred to in the proposed conditions that were central to the application and the Committee needed to see these before it could consider it. These included the habitat plan, noise management measures, drainage proposals, the operation of the roof fans and the transport plan. Changes to the proposal were continuing to be made. The committee update, for example, contained a new proposal on the management of waste.
- The transportation of waste was of particular concern. Moving the manure off site did not remove the need to consider the environmental impact, noting the poor condition of the River Wye and the risk to the Special Area of Conservation.
- The application demonstrated the need for a supplementary planning policy governing applications for intensive operations of the kind proposed to assist the Committee.
- It was of concern that the development was at the maximum scale permitted below the threshold that would require an environmental permit. It was suggested that the Environment Agency's lack of formal objection did not carry the weight attributed to it in the report.
- Natural England had originally objected to the application.
- The site did not appear to plan to use the passive ventilation system that had been used to good effect at the sites visited by the local ward member.
- There were alternatives to intensive farming. Intensive farms had an adverse effect on animal health and welfare, and caused pollution through dust, smell and noise leading to a loss of amenity.
- The late suggestion that all manure could be removed off site did not include the removal of dirty water. The estimates of the quantity involved varied significantly.

- Greater weight should have been given in the report to the adverse impact of noise generated from pig farms. The Environmental Health Officer commented that the evidence in the report suggested that an automated feeding system would be used.
- There was demand for manure from farms in the County and the removal of all the manure off site would be possible.
- There was a need to support the British pig industry.
- It was noted that the applicant could convert his existing buildings to pig farming without seeking planning permission.

The Case Officer observed that the comments of the Environment Agency were set out in full in the report. He remained of the view that these represented no objection. Natural England had originally objected to the application. However, the application had been revised and Natural England no longer objected.

The Development Manager commented that the technical advice from officers was that the proposal was acceptable. Technical concerns that had been expressed during the processing of the application had been addressed. If Members considered that they required additional information in order to make a decision it was open to them to defer determination of the application.

The local ward member was given the opportunity to close the debate. He had no additional comments.

A motion that determination of the application be deferred was lost.

A number of grounds were advanced for refusing the application.

**RESOLVED: That planning permission be refused and that officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication, based on the Committee's view that the following should be the reasons for refusal: policies SD3, SD4, SS1, SS6, SS7, MT1, and LD2, and Section 11 of the National Planning Policy Framework in particular paragraph 109.**

*(The meeting adjourned between 11.42 am and 11.48 am.)*

**103. 132707 - LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE**

*(Site for the erection of up to 89 dwellings including affordable housing, construction of vehicular access and other associated works.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs L Haskins, a local resident, spoke in objection to the application. Mr P Smith, the applicant's agent, spoke in support.

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

He sought clarification on precisely what the Committee was being asked to determine because there appeared to some confusion in the documentation. The Development Manager confirmed that the Committee was being asked to determine the principle of development and the means of access only.

On that basis the local ward member made the following principal comments:

- He questioned whether the sewerage proposals were satisfactory and the capacity of Welsh Water's facilities.
- Drainage of the south-eastern part of the site itself was a concern as was drainage of surface water from the site as a whole.
- There were doubts over the capacity of the water supply in the area.
- The minimum number of houses required in the Golden Valley during the life of the Core Strategy was 54 dwellings taking account of recent permissions. The proposal for up to 89 dwellings represented overdevelopment.
- There was insufficient employment in the area, road infrastructure was poor and there was a lack of bus services. Local schools were over capacity.
- There was no funding in the draft S106 agreement for a necessary increase in the size of the community centre.
- He expressed a number of reservations about the detail of the layout and design of the proposed development which he considered unacceptable. He noted that these issues would need to be the subject of a separate application.
- In conclusion, he was not opposed to the development subject to the concerns he had outlined being addressed.

The Development Manager commented that following an initial objection from Welsh Water the applicant had agreed to provide funding to enable Welsh Water to upgrade the Peterchurch Waste Water Treatment Works. Reserved matters would be subject to discussion with the Parish Council, the local ward member and the Chairman of the Committee.

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

- In principle the development appeared appropriate for the site and sustainable.
- The Parish Council had commented constructively, appeared to have no objection in principle, and indicated support if the concerns they had identified could be addressed. It was essential that they were fully consulted at the reserved matters stage.
- It was to be hoped that the upgrade by Welsh Water would include the provision of phosphate strippers.
- The proposed affordable housing needed to be integrated into the site.
- Bus service provision needed to be addressed as part of the S106 agreement.

- The development was too large and disproportionate and would have an impact on the village, particularly with no phasing of development. The application also had implications for other villages in the Golden Valley.
- As had been observed at the last meeting the Core Strategy now contained minimum housing targets and did not afford the Committee the power to control housing growth as it had at times been suggested that it would.
- Housing needed to be appropriate for the demographic of the area.
- The design of housing needed to be good and energy efficient.
- In relation to the proposed public open space this was a further example where there was an unsatisfactory proposal regarding the funding of its management. An answer was still awaited from the executive on its policy on this matter.
- There was no proposal to provide employment land as part of the development.
- A Member expressed support for the Parish Council's suggestion that a roundabout should be installed at the Hawthorn Rise/B4348. The Transportation Manager commented that a range of traffic calming measures were proposed but a roundabout was not considered feasible.
- An informative should be included to make clear the Committee's expectation that layout of the development should comply with policy requirements and be subject to full consultation.

The Development Manager commented that there was no policy requirement for a developer to provide employment land. There was an industrial estate at Peterchurch. A statement of community involvement was being redrafted. Consultation with the Parish Council and the community would take place on reserved matters. The Committee was being asked to consider if the site was acceptable for development or whether there were significant constraints. The density of development was relatively low at 22 dwellings per hectare. The treatment of sewage and phosphates would have to be approved by the Environment Agency as part of the license for the treatment works. The applicant had paid for a feasibility study. Funding had been identified in the S106 agreement for a transport package and school infrastructure.

The local ward member was given the opportunity to close the debate. He commented on the importance of providing employment opportunities. He emphasised that it was essential that the developer engaged fully with the local community on the reserved matters.

**RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the revised Heads of Terms attached to this update, [incorporating a 'Welsh Water' contribution] officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary**

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**

4. **B01 Development in accordance with the approved plans**
5. **G03 Retention of existing trees/hedgerows**
6. **G04 Protection of trees/hedgerows to be retained**
7. **G09 Details of boundary treatments**
8. **G10 Landscaping scheme**
9. **G11 Landscaping scheme - implementation**
10. **E01 Site investigation archaeology**
11. **H06 Vehicular access construction**
12. **H11 Parking-estate development (more than one house)**
13. **H17 Junction improvement/off site works**
14. **H18 On site roads -submission of details**
15. **H19 On site roads- phasing**
16. **H20 Road completion in 2 years**
17. **H21 Wheel washing**
18. **H27 Parking for site operatives**
19. **H29 Secure covered cycle parking provision**
20. **H30 Travel plans**
21. **Prior to commencement of the development, a reptile survey should be conducted with results and any mitigation necessary submitted to, and be approved in writing by the local planning authority and the work shall be implemented as approved.**
22. **No development shall take place until a foul drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.**
23. **I20 Scheme of surface water drainage**
24. **I21 Scheme of surface water regulation**
25. **I16 Restriction of hours during construction**
26. **No dwellings hereby approved shall be beneficially occupied until necessary improvements to the Peterchurch Waste Water Treatment Works**

to accommodate the foul flows from the development hereby approved (in accordance with the requirements as outlined in Dwr Cymru's Feasibility Study) has been completed and confirmed in writing by the Local Planning Authority.

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

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

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

28. 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.

29. 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.

30. 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.

#### **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. HN08 Section 38 & Drainage details
3. HN07 Section 278 Agreement
4. HN04 Private apparatus within highway
5. HN28 Highways design Guide and Specification

6. **HN27 Annual Travel Plan Reviews**
7. **HN25 Travel Plans**
8. **S106**
9. **The Committee's expectation is that layout of the development should comply with policy requirements and be subject to full consultation.**

**104. 152240 - LAND AT FERNLEIGH, EAU WITHINGTON, HEREFORD**

*(Proposed erection of a replacement dwellinghouse and the erection of 1 no. new dwellinghouse within the curtilage.)*

The Planning Officer gave a presentation on the application.

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

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

He began by reading a submission from Bartestree with Lugwardine Group Parish Council. This reinforced the Parish Council's support for the application, commenting on and challenging the conclusions in the report on transportation and the principle of development.

He then made the following principal comments:

- The applicants were seeking to provide a bungalow for their elderly parents.
- The access was the safest of the accesses to properties in the immediate area. There was no record of any accident in the area. The proposal would not generate any extra traffic. There was already planning permission for the access to the existing property that was being redeveloped.

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

- One view was that the national speed limit applied on this stretch of the A465 and the access was dangerous. A contrary view was that the development would not change the current situation for which there was planning permission.
- Some support was expressed for approving the development to enable the family to care for their elderly patients.
- The Parish Council supported the proposal and there were 21 letters in support.
- The Development Manager commented that the personal circumstances of the applicant were not a material consideration. The correct approach if the aim was to provide care for relatives was to seek permission for an annex. The current proposal was for two dwellings in the open countryside in an unsustainable location.

- The local ward member was given the opportunity to close the debate. He reiterated his view that the views expressed about transportation represented grounds for refusal and there was merit in enabling a family to care for elderly relatives.

**RESOLVED: That planning permission be refused for the following reasons:**

1. **The application site is situated away from any public services or facilities and is considered an unsustainable location for new residential development. The proposed new dwelling fails to meet any of the criteria for permitting housing outside of settlements and is subsequently contrary to Policy RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
2. **The proposed replacement dwelling is substantially larger than the existing bungalow. This form of intensification within a countryside setting is contrary to Policy RA3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
3. **The intensification in the use of the vehicular access presents an unacceptable risk to highway safety, contrary to part 4 of Policy MT1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
4. **The parking provision is in excess of Council standards, encouraging dependency on the motor vehicle. This is contrary to part 6 of Policy MT1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

**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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

*(The meeting adjourned between 13:32 and 14:00)*

**105. 152246 - 1 ST MARTINS STREET, HEREFORD, HEREFORDSHIRE, HR2 7RD**

*(Proposed conversion of former pub function rooms into 6 self-contained apartments and external stair to north elevation.)*

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr A Lee, a local resident, spoke in objection to the application.

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



- The main concern appeared to relate to pressure on residents parking spaces in the locality. It was acknowledged that this could not be regulated by a planning condition.
- Consideration also needed to be given to waste and recycling provision. The Development Manager suggested that a condition could address this point.

**RESOLVED: That planning permission be granted subject to the following conditions:**

1. **A01 - Time limit for commencement (full permission)**
2. **H29 - Covered and secure cycle parking provision**
3. **D02 - Approval of details:**
  - A) **Detailed design of windows;**
  - B) **Detailed design of staircases.**
  - C) **Waste and Recycling Storage**
4. **B02 - Development in accordance with approved plans and materials (Drawing nos. 2270-05, 2270-06 and 2270-07)**
5. **I16 - Restriction of hours during construction**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11C – General**
3. **N11A – Wildlife and Countryside Act 1981 (as amended) – Birds**
4. **ND02 – Area of Archaeological Importance**
5. **W02 – Welsh Water rights of access**

**106. 151630 - LAND AT APPLEWOOD HOUSE, BRIDSTOW, ROSS ON WYE**

*(Proposed erection of one dwelling.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr P Newton, a local resident, spoke in objection to the application. Mr P Smith, the applicant's agent, spoke in support.

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

She made the following principal comments:

- Referring to the foreword to the National Planning Policy Framework she questioned the merit of the development of a house in the front garden of an existing property with access off an unadopted road.
- The Parish Council had objected to the proposal as had a number of local residents.
- The proposal would have a negative impact on the amenity of existing properties contrary to relevant paragraphs of the Core Strategy and the NPPF. It failed to meet points 1, 3 and 4 of the criteria for development set out in Policy RA2. The proposal was also contrary to policies LD1 and SS6.
- The development was inappropriate in the AONB. Contrary to paragraph 64 of the NPPF it was out of poor design and did not improve the character of the area.
- It was inappropriate development of a residential garden contrary to paragraph 53 of the NPPF.
- The access via an unadopted road was very narrow with limited turning space. An application for development on the site had been refused in 2007.
- She had seen the sewer crossing the site.
- If the Committee was minded to approve the application she requested that the established hedge should be retained as far as possible.

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

- There had to be some concern that a sewer pipe did run underneath the property given Welsh Water's comments about ensuring no detriment to Welsh Water's assets.
- The Transportation Manager had withdrawn his objection to the access in the light of an Inspector's view expressed at an earlier appeal on an adjoining site.
- If planning permission was granted permitted development rights should be removed.
- The proposal represented overdevelopment to the detriment of neighbours.
- Regard should be had to the grounds for objection advanced by the local ward member.
- The development did not represent change for the better and was not appropriate within the AONB.

The Development Manager commented that the site did have constraints but formed part of an existing settlement. The highway safety issues were not significant enough to warrant refusal. If the application were to be approved he suggested that conditions should be added relating to slab levels, hedge maintenance and the removal of permitted development rights.

The local ward member was given the opportunity to close the debate. She had no additional comments.

**RESOLVED:** That planning permission be granted subject to conditions relating to slab levels, hedge maintenance, the removal of permitted development rights and the following conditions:

1. **A01 - Time limit for commencement (full permission)**
2. **B02 - Development in accordance with approved plans**
3. **Foul water and surface water discharges shall be drained separately from the site.**

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

4. **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.

5. **H06 - Vehicular access construction**
6. **H11 - Parking - estate development (more than one house)**
7. **H13 - Access, turning area and parking**
8. **H27 - Parking for site operatives**
9. **H29 - Secure covered cycle parking provision**

**INFORMATIVES:**

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

**107. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

## **Appendix 1 - Schedule of Updates**

The meeting ended at 2.57 pm

**CHAIRMAN**

# **PLANNING COMMITTEE**

**Date: 18 November 2015**

## **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

**150990 - PROPOSED ERECTION OF TWO AGRICULTURAL BUILDINGS, FEED BINS AND ASSOCIATED DEVELOPMENT FOR PIG REARING AT THE MEADOWS, ALMELEY, HEREFORD, HR3 6LQ**

**For: Mr & Mrs Griffiths per Mr Clark, Berrys, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ**

### ADDITIONAL REPRESENTATIONS

**The following responses have been received as a result of comments raised at 5.7 of the report relating to manure and its dispersal:-**

Highways Officer – no change to recommendation –within capacity of access and highway network.

Environmental Health – Methodology to predict amount of land required for spreading appears reasonable.

Additional condition re velocity of fans.

**Following the site inspection** by members the following information was received from the agent

I write to advise you that the applicant has been speaking to local farmers who have expressed an interest in taking manure from the proposed pig unit at The Meadows, Almeley.

As previously advised it is currently proposed that 50% of the manure produced from the proposed pig unit would be taken off-site by third parties. However, following discussions with local farmers it has been established that 100% of the manure could be taken off-site.

I therefore write to confirm that should it be felt that it would be beneficial for the proposal that all the manure from the pig unit is taken off-site that this can be achieved. This would obviously form part of the proposed Manure Management Plan which is to be a condition of any planning approved.

Two farmers, Chris Price, Moor Court Farm and Martin Meredith, Lyonshall have confirmed that they would be able to take all of the manure (50% each) produced by the proposed pig unit. Discussions with these farmers has included the claim by Marches Planning that the amount of manure produced could be in excess of 3,000 tonnes / cubic metres.

Furthermore I can also confirm the following;

- Both farmers have 18 tonnes trailers which are sealed and sheeted, and both have hardstanding areas where manure can be stored prior to being spread.
- Vehicles would not travel through the village of Almeley.
- Both farmers have land available outside of the parish and have arable land which is ploughed.

- Based on 3,000 tonnes of manure and 18 tonne trailers there would be 167 visits required to The Meadows over a 12 month period.
- Records would be kept of these movements from the farm
- The two farmers taking the manure would still be required to follow DEFRA procedures for storage and spreading etc.

11 further letters have been received from different respondents

1. Traffic information inaccurate , there will be more traffic
2. Continue to dispute agents submissions – waste water/manure.
3. Contest officer advice – Ecology/ Environmental Health / Landscape
4. Inaccuracies and omissions in report including comment that Environment Agency did not say no objection and failure to include Natural England condition on dirty water. Failure to include landscape officer condition re size of trees. Failure to consider Great Crested Newt habitats.

### **OFFICER COMMENTS**

The Environmental Health Officer has requested a further condition:- To ensure that roof fans of sufficient velocity to achieve the standards reported in the ES a condition agreeing details of the fans to be fitted is required.

The 'no objection' comment attributed to Environment Agency in the report was an officer summary, however the full text of the response is in the report.

A dirty water condition is included as condition 6 in the recommendation.

The landscape requirement re size of trees is encompassed in condition 9 of the recommendation.

The Ecologist has further advised that the consideration of habitats is in accordance with the Council's Biodiversity SPG.

### **CHANGE TO RECOMMENDATION**

Additional condition.

Before the development hereby permitted is commenced details of the roof fans to be fitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

**P132707/O - SITE FOR THE ERECTION OF UP TO 89 DWELLINGS INCLUDING AFFORDABLE HOUSING. CONSTRUCTION OF VEHICULAR ACCESS AND OTHER ASSOCIATED WORKS AT LAND ADJOINING HAWTHORN RISE, PETERCHURCH, HEREFORDSHIRE,**

**For: Mr Peter Smith per Mr Paul Smith, 41 Bridge Street, Hereford, HR4 9DG**

## **ADDITIONAL REPRESENTATIONS**

Seven letters of objection have been received including one from the School Governors the issues raised are addressed in the report.

## **OFFICER COMMENTS**

The provision of footpaths around the site in close proximity or otherwise to the primary school will be a matter determined at the detailed/reserved matters stage. The key issue of foul drainage disposal which has protracted the determination of this application will be incorporated in a Section 106 Agreement. This will secure funding for the necessary upgrading of the Waste Water Treatment Works in Peterchurch. Treatment of foul drainage will also be addressed by relevant conditions set out in the recommendation.

Surface water drainage details will be scrutinised in accordance with conditions set out in the recommendation to this report. SUDS management is sought by the applicant and this will be encouraged including the provision of soakaways.

There are no overriding grounds for removing all power-lines in the light of responses from the Council's Conservation Manager

There is recognition by the Council's Transportation Manager that there will need to be improved pedestrian and cycle linkages from the site, as well the creation of a gated village.

Changes to Committee Report and Section 106 Planning Obligation:

Reference is made in Section 4.9 of the report – Parks & Countryside to Policies RST4, RST5 and H19 of HUDP. This consultee response should now refer to Policies OS1 and OS2 in the Core Strategy and Section 3 of the Planning Obligation should now refer to Policy OS2 of Core Strategy.

Revised Draft Heads of Term attached.

## **CHANGE TO RECOMMENDATION**

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the revised Heads of Terms attached to this update, [incorporating a 'Welsh Water' contribution] officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>9 DECEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<p><b>151145 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 21 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE</b></p> <p><b>For: Mrs Susan Churchward, Moreton Farmhouse, Moreton Eye, Leominster, Herefordshire HR6 0DP</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151145&amp;search=151145">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151145&amp;search=151145</a>
<b>Reason Application submitted to Committee – Change of Policy</b>	

**Date Received: 20 April 2015**

**Ward: Leominster  
North & Rural**

**Grid Ref: 351785,261260**

**Expiry Date: 24 July 2015**

Local Member: Councillor J Stone

## **1. Site Description and Proposal**

- 1.1 The application site is on the north-west side of the main built up area of Kimbolton. Chestnut Avenue adjoins the site to the south-west, Stockton Rock, a housing estate of 35 dwellings is to the north-east and Stockton Cross Inn, a listed building, is to the north-east on an a 90 degree bend in the A4112 road from which access will be gained . The site is like Chestnut Avenue elevated in relation to the road, the land inclines from the A4112 in this part of Kimbolton. Ryde Lane defines the eastern boundary, it is a narrow sunken lane serving two properties. The site is presently used for grazing.
- 1.2 There is a narrow footpath that runs along the roadside frontage, it leads eastwards through the settlement to the village hall and school at the eastern end of the predominantly linear settlement.
- 1.3 The site gains access off the northern side of the A4112 road. There is well established hedgerow along the roadside that will need to be removed in order to provide visibility splays of 2.4 x 49.2 metres. The principle of development and means of access are the only matters to be determined at this stage, the other matters will be determined at the Reserved Matters stage in the event that planning permission is granted.
- 1.4 An indicative layout plan has been submitted identifying twenty-one dwellings on this 1.68 hectares site can be achieved. Sixteen market houses will be provided (four x 2 bedroom, eight x 3 bedroom and four x 4 bedroom), and five affordable dwellings. The indicative plan also provides details for a surface water holding/attenuation pond that will discharge into an

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

existing watercourse. Details are also provided for a highway surface water pipe attenuated to greenfield run-off rate. The development will be served by a private sewage treatment plant

- 1.5 This proposal has been the subject of community consultation at a Parish Committee meeting in April 2015.
- 1.6 The proposal was accompanied by an ecological appraisal, speed survey and a flood risk assessment required as the site exceeds one hectare.

## 2. Policies

### 2.1 The Herefordshire Local Plan- Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-Diversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

### 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 transport
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 10	-	Conserving and enhancing the historic environment
Section 11	-	Conserving and enhancing the natural environment

- 2.3 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 None

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Welsh Water: No objections

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### **SEWERAGE**

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### **Internal Council Consultations**

#### 4.2 Transportation Manager - No objection and also states that it is feasible to undertake works for surface water drainage into highway drains.

#### 4.3 Conservation Manager (Landscape): Objection

The proposal will require the removal of a section of existing native hedgerow on the south eastern site boundary. This needs to be compensated for by the replacement of further native hedgerow planting in the appropriate areas of the development site such as the north western development site boundary.

The landscape character of the proposed site is that of a 'Plateau Estate Farmlands' which is composed of mixed farming land use, hedgerows and planned tree cover. Proposed soft landscape boundary features should emphasis this landscape character.

There is an area outside the site to the south approx. 300m away, Cogwell Brook which has flooding issues. Also on the eastern site boundary there is a risk to flooding along the existing access track.

Appropriate Sustainable Drainage proposals should therefore be proposed to identify how suitable sustainable drainage is to be implemented on the proposed site to control site water run off and water pollution control.

The proposed site extends in a north westerly direction beyond the existing adjacent north western housing boundaries. This creates housing creep into open countryside which makes the proposed site out of scale with the existing village pattern.

Adjacent and parallel to the eastern boundary of the site there is a public right of way footpath (KB1). Where appropriate further tree and native hedgerow planting should be proposed on this eastern site boundary, to screen views from this footpath into the development site

Due to distance and lack of intervisibility there is potentially no visual impact on Hamnish Clifford and Eaton Hill Unregistered Parklands.

To the west approx. 200m away there is an Ancient and Semi Ancient Woodland (1106225) To the north approx. 150m away there is an avenue of TPO trees (027355). The tree character of this area is important. Existing trees and hedgerows on site should therefore be protected during the construction activities on site.

## Recommendations

If the below landscape conditions were implemented, I would then not object to this application. The Landscape conditions:

1. The size of the application site was reduced by approx. 40% and 11 houses were proposed. The northern site boundary tied into the adjacent existing northern housing boundaries.
2. An appropriate sustainable drainage plan was forwarded, along with a sustainable maintenance drainage programme.
3. Further native tree and hedgerow planting and native ground cover planting was proposed on the north western site boundary and northern section of the north eastern site boundary.

4.4 Conservation Manager (Ecology): Support subject to appropriate conditions

4.5 Conservation Manager (Archaeology): Conditional Support subject to appropriate conditions

The application site is close to the recorded extent of 'Stockton Bury' deserted medieval village site (located just to the south of the main road).

Whilst it would currently appear that there are no remains of substance relating to Stockton Bury within the application area, and that the layout of recorded earthworks etc suggests the focus of medieval activity was to the south of the road, there is still a possibility that some remains of moderate interest may be present.

Accordingly, whilst I would have no objections to the development as proposed, I would advise a suitable archaeological recording condition (Standard planning condition E01 /C47) as mitigation.

This would be on the basis of NPPF Para 141, and saved Policy LD4 of Core Strategy.

4.6 Land Drainage Manager: Conditional Support

## Site Location

*Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), May 2015*

### Overview of the Proposal

The Applicant proposes the construction of up to 21 new dwellings with associated access and associated works. The site covers an area of 1.68ha and it is currently used as a grazing field. Cogwell Brook is located approximately 400m to the east and south of the site.

### Fluvial Flood Risk

Figure 1 indicates that the site is located in the low risk Flood Zone 1, where the annual probability of flooding from fluvial sources is less than 0.1% (1 in 1000). As the site is greater than 1 ha, a Flood Risk Assessment (FRA) is required in accordance with National Planning Policy Framework (NPPF) as part of the planning application.

A FRA has been provided by the Applicant which confirms the low fluvial flood risk at the site. The FRA also includes an assessment of the likely impacts of future climate change on the proposed development. The submitted FRA is robust and it is found satisfactory.

### **Other Considerations and Sources of Flood Risk**

As required by NPPF, the FRA also gives consideration to flood risk from other sources. The potential flood risk from surface water, canals and sewers have been assessed and is considered to be low. We concur with this assessment.

The submitted FRA states that considering the elevation of the site in relation to the nearest watercourse, the absence of water features within the site boundary and the geology of the site, the risk of flooding from groundwater is also considered to be low. However the report recommends that this is confirmed by intrusive ground investigation and we agree with this approach.

The submitted FRA states that DCWW plans indicate a water main alongside and within the western boundary of the site. The report states that in the event of a burst pipe the resulting flood water would follow the terrain southwards away from the proposed dwellings and therefore risk of flooding from the water main is considered to be low. We concur with this assessment. The report recommends that DCWW is consulted to confirm whether the water main should be diverted or otherwise protected to suit the development proposal. We agree with this recommendation.

### **Surface Water Drainage**

The submitted surface water drainage strategy follows the SUDS management train principles and we appreciate this approach.

The submitted FRA states that no intrusive ground investigation has been undertaken at the site to date, but through consideration of the geology of the site and Cranfield University Landis Soils mapping infiltration techniques are unlikely to be viable method of surface water disposal. The FRA recommends that this is confirmed by intrusive works including soil infiltration rates. We agree with this approach and recommend that infiltration testing is undertaken in accordance with BRE365 and the results issued to the Council for comment prior to construction.

The submitted FRA states that the nearest watercourse is located approximately 400m to the east and south of the site and discharge to this watercourse is considered as the most likely viable solution for the disposal of surface water runoff. Discharge to this watercourse will require construction of approximately 400m of new offsite pipeline below the public highway. These works will require approval of the Herefordshire Council Highways Authority.

It is understood that a new outfall to the watercourse will be required. The Applicant will therefore need to obtain Ordinary watercourse consent from Herefordshire Council prior to construction.

We also note that the surface water drainage system as shown on the submitted drainage strategy drawing indicates that the pipe is flowing uphill for a short section just outside of the site boundary. It is believed that it is a typo rather than the proposed design level, but recommend that this should be appropriately amended.

The FRA states that the drainage system serving the development will be designed in accordance with Sewers for Adoption, and allowing for up to 10% increase for urban creep, and will be offered for adoption by DCWW. We agree with this approach and recommend that evidence of DCWW adoption is provided to the Council prior to construction.

The submitted FRA provides estimated current greenfield runoff rates for a range of events between the 1 in 1 year event and 1 in 100 year event. The FRA confirms that surface water discharge from the development will be limited to these rates in accordance with the requirements of the National Standards for Sustainable Drainage Systems, ensuring no increased flood risk between the 1 in 1 year event and 1 in 100 year event and allowing for the

potential effects of climate change. We agree with this approach but would, however, recommend that a high level overflow is provided at the outfall of any flow control structure as the Applicant intends to limit the flow to less than 5 l/s.

The submitted FRA also provides preliminary volumes of storage that may be required to attenuate surface water runoff generated on the site. The FRA states that this will be provided within oversized pipes. The FRA also states that storage systems sized to cater for events up to the 1 in 30 year event will be offered for adoption to DCWW and that storage systems sized to cater for events between the 1 in 30 year and 1 in 100 year with climate change event would be provided outside of the adoptable system as DCWW are unlikely to adopt systems that cater for larger events. The FRA states that this surplus capacity is recommended to be provided via a single offline tank which would be managed by a single body in the interest of all residents. The FRA recommends that the piped drainage system and crate storage is supported by the use of permeable paving, rain gardens, green roofs and rainwater harvesting. We agree with these recommendations and further recommend that consideration is given to the use of on-ground storage structures that offer other benefits such as amenity, treatment and biodiversity potential.

The submitted outline drainage strategy drawing indicates that exceedance of the drainage system may potentially increase the risk of flooding to the existing properties along Chestnut Avenue and A4112. The submitted FRA recommends that exceedance is addressed at the detailed design stage of the project as it is sensitive to finished ground levels which may be manipulated to minimise the risk to people and property elsewhere. We agree with this approach and recommend that further information is provided as part of any subsequent reserved matters application to demonstrate that exceedance flows (including those as a result of blockage and those as a result of temporary exceedance of gully/pipe capacity up to the 1 in 100 year event) will not adversely impact existing properties along Chestnut Avenue.

The submitted FRA gives some consideration to the treatment of runoff prior to discharge although the recommendations are not clear. We recommend that further consideration is given to the treatment of runoff prior to discharge as part of any subsequent reserved matters application.

### **Foul Water Drainage**

The submitted FRA includes a proposed foul water drainage strategy. No public foul or combined sewers are located in the vicinity of the site. It is proposed that the foul water generated by the development is discharged to a package treatment plant.

The Applicant notes that ground conditions are unlikely to support the discharge of treated foul water to ground, and therefore the treated water is planned to be discharged to the proposed new surface water drainage system located in the public highway. It is recommended that this approach is discussed and agreed with the EA as part of the planning application process. Discharge of treated foul water to the new surface water sewer and eventually to the watercourse will also require discharge consent from Herefordshire Council prior construction. The Applicant proposes that a third party management company will be used to maintain the proposed treatment plant. We agree with this approach.

### **Overall Comment**

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds.

It is recommended that the following information is provided prior construction:

- Soil infiltration rates to confirm whether the infiltration techniques are feasible for both surface water and foul water discharges;

- Groundwater levels if infiltration techniques are found to be feasible on site, as the bottom of a soakaway should be located a minimum of 1m above the recorded groundwater levels;
- Detailed surface water drainage design including SUDS source control measures wherever feasible and drainage calculations. The Applicant must provide evidence that the proposed drainage system will not increase risk of flooding to people and properties within and outside of the site for up to and including the 1 in 100 year event with 30% climate change allowance. The Applicant must also provide information on exceedance routes to ensure no increased flood risk to people and properties elsewhere;
- Detailed foul water drainage design;
- Confirmation of who will be responsible for the maintenance of the proposed package treatment plant and common attenuation storage;
- Confirmation from DCWW that they have agreed to the adoption and maintenance of the surface water drainage system

As discussed above, the Applicant will also need to obtain approval of the Council regarding the proposed combined sewer located within the public highway and ordinary watercourse consent for the new outfall to the watercourse south of the site.

## 5. Representations

### 5.1 Kimbolton Parish Council state:

Kimbolton Parish Council held an Extraordinary Meeting on 19th May 2015 to discuss this application and wish to make the following objections:

1. The Parish Council has severe concerns about the surface drainage and sewage management solutions proposed for this development. There is an existing problem with pollution into the Coggle Brook and the planning application gives no clarification as to where any outflows would lead to. There is also a concern as how adequate provision of mains water supply will be achieved.
2. Access from the existing highway to the site is poor due to the narrow road, fragmented footpath/pavement access and elevation of the site. The Parish Council is concerned about increased traffic using this access, particularly at night.
3. The Parish Council is concerned about the impact that such a substantial development will have on the community, measured against the existing population, infrastructure and geography of the parish. It will take Kimbolton Parish new homes built well in excess of the 14% guidance figure for 2011-2031 and cause a considerable strain on local services with such a population increase.
4. The Parish Council would like to request that this application is passed to the Planning Committee for determination due to the scale and impact of such a scheme on the parish.

### 5.2 43 letters of objection and 2 letters of support have been received. The content is summarised below

- Loss of good quality countryside
- Impact on infrastructure
- Dangerous access point, limited visibility and stopping distances

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

- Access too close to our driveway
- Traffic survey flawed, diversion at time in Kimbolton
- Pollution of Coggle Brook, polluted already
- Should use alternative route use fields at Endale –foul drainage
- Surface water run-off
- Water pressure issues, could impact on our supply
- Effect on Ryde Lane due to erosion
- Light pollution?
- Needed housing close to bulk of development in village
- Village schools are vulnerable to closure, increase in numbers will assist

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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 Kimbolton is identified as a settlement within the Core Strategy suitable for proportionate growth over the lifetime of the Core Strategy. Kimbolton has a Public House and shop, very close to the site and further away a junior school. The minimum number required with the plan period after taking into account recent permissions is 30 dwellings.
- 6.5 The application is made in outline with all matters reserved and involves the erection of up to 21 dwellings with 40% affordable on land to the north-west of the A4112. The site for residential development comprises a block that is wider along the northern boundary than the roadside one. The southern half of the site has been identified within the SHLAA study as a site of low constraints.
- 6.6 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, heritage assets in the form of the listed building (Stockton Cross Inn) and archaeology, ecology, existing surface water and foul drainage arrangements and increased traffic movements such that these would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

### **Impact on landscape character, visual amenity and heritage assets**

- 6.7 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that *'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'* Core Strategy policies SS6 (environmental quality and local distinctiveness) (landscape character), LD1 (landscape and townscape), LD2 (biodiversity and geodiversity), LD3 (green infrastructure) and LD4 (historic environment and heritage assets) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.8 The application site has no formal landscape designation. It is accepted that the proposed development is not likely to adversely affect the character of the wider Herefordshire landscape or its visual amenity. It will be viewed from the highway/public footpath but will be viewed against a backdrop of mature trees which are beyond the line of the northern boundary and therefore not affected by development of the site. Whilst, it is acknowledged that this is an elevated site this site needs to be placed in the context of modern housing development particularly to the west (Chestnut Avenue) and Stockton Rock to the east. Otherwise development in Kimbolton is predominantly linear in form following the main thoroughfare, the A4112 Road. Sites need to be considered for this larger settlement, designated under Policy RA2 for proportionate growth in the Core Strategy, notwithstanding the recommendation of the Conservation Manager (Landscape) this is a site that can be developed such that it will not have an adverse and detrimental impact in the wider landscape. This is given the extent of built development either side of the site and the extent of established tree planting providing a backdrop to this low density development. Whilst, it is acknowledged that development will extend beyond a notional boundary to the settlement, it is not considered that this fact alone provides sufficient grounds for resisting development of this site, the lower slope of which has been identified in the SHLAA Study as being one of low constraints. This proposal provides a logical extension to Kimbolton.
- 6.9 The nearest heritage asset is the grade II listed Stockton Cross Inn, just along the A4112 road. The proposed development will not have an adverse impact on the setting of this heritage asset given the distance and its relationship to the listed building. There are no other heritage assets in such proximity to the proposal site.

- 6.10 The final issue relates to archaeology. This can be addressed by imposition of a condition requiring a scheme of investigation in order to protect any archaeological assets on the site.

### **Transport**

- 6.11 The means of access is the only matter to be determined at this stage. The proposed access point onto the A4112 road has the requisite visibility splays, this has been determined by the speed survey on a stretch of road that is subject to a 30 mph speed limit.
- 6.12 Representations have been received relating to traffic movement and access. Traffic joining the highway will have good visibility to the west, towards the A49 and visibility to the east towards the Stockton Cross Inn and around a bend. Whilst, traffic heading westwards through Kimbolton and heading uphill passing Stockton Cross Inn will only see the new access point on passing the public house this is mitigated by the speed limit and need for care when negotiating the bend. This road is capable of absorbing the additional traffic movements without having an adverse impact on highway safety. This is also with regard to the proximity of the new access point to Steps Cottage adjoining the proposal site.
- 6.13 The development will also benefit from having access to a footpath that runs along the northern side of the highway and which continues further west providing access to the village hall and further on, the junior school.

### **Foul drainage**

- 6.14 This is an issue raised by the Parish Council and in a number of representations received.
- 6.15 The applicant has opted for use of a package treatment plant that will be managed by a third party management company. Details will need to be provided for how the treated foul drainage will enter the public highway, a matter that is clearly in the control of the highway authority. The key issue is that this process undertaken by the developer under the control of the Council's Highway Authority. The Environment Agency will only make recommendations when the number of dwellings exceeds eighty and that the site is wholly within Flood Zone 1.

### **Surface water drainage**

- 6.16 Surface water drainage will need to be provided such that the run-off rate including at storm time is consistent with the run-off for this greenfield site. This is feasible subject to conditions as recommended by the Land Drainage Officer. It is considered that the design of such features can be controlled in order to control run-off. This could also be achieved by good landscaping, rain-water harvesting, and the use of oversized pipes and storage tanks. The Highways Department has also confirmed that it is feasible for surface water management to be controlled within the adopted highway, as recommended by the Land Drainage Officer above.

### **Public Open Space**

- 6.17 There is no formal open space provision in Kimbolton that could attract contributions from this proposal as required by Policies OS1 and OS2 in the Core Strategy. Contributions in accordance with any Section 106/Planning Obligation would be used to improve the existing public footpaths network.
- 6.18 Therefore, given local circumstances officers consider that the development can provide benefits in providing improved recreational facilities around the settlement in accordance with the requirements of Core Strategy Policies OS1 and OS2 and NPPF paragraphs 70 and 73.

## **S106 contributions**

- 6.19 Contributions will be required as follows. On the submitted housing mixes the contributions required as follows

‘Education Contribution’ – No contribution required

‘Sustainable Transport Contribution’ - £46,724 (based on mix of 2 x 2 bedroom, 6 x 3 bedroom and 4 x 4 bedroom). This money would be directed towards sustainable transport projects, with potential expenditure on improving footpaths and possibly the cycle way link on the A49

‘Off site play’ - £3,916 (based on mix of 2 x 2 bedroom, 6 x 3 bedroom and 4 x 4 bedroom) This contribution would be directed towards improving the Public Rights of Way Network in accordance with the Public Rights of Way Improvement plan.

The S106 will also include provisions to ensure 40% of the development meets the definition of affordable housing (up to 9 units), together with requisite standards and eligibility criteria.

### **Impact on adjoining residential amenity**

- 6.20 There will be an indirect impact on the nearest property, Steps Cottage, as regards use of the new access road serving this site. However, this is not considered such that the amenity of future residents will be adversely impacted upon. The impact of new dwellings on this property will need to be assessed at the detailed or reserved matters stage. Therefore, the proposal will accord with the provisions of Policy SD1 of Herefordshire Local Plan - Core Strategy .

### **Ecology**

- 6.21 The Council’s Ecologist requests that details for enhancement of biodiversity be provided before commencement of works on site, otherwise no matters of concern are raised to an area of predominantly grazing land.

### **Summary and Conclusions**

- 6.22 The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development: the economic, social and environmental roles. This is carried on in the provisions of the Core Strategy objectives which translate into policies encouraging social progress, economic prosperity and controlling environmental quality.
- 6.23 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. The site is mostly inside what was previously defined as the settlement boundary, notwithstanding the new settlement boundary will only be defined on adoption of the Neighbourhood Plan. Policy RA2 in the Core Strategy states that *in the period leading up to definition of appropriate settlement boundaries the Council will assess applications against their relationship to the main built form of the settlement*. Therefore, given the context of the site and relationship to existing residential areas it is concluded that the proposal accords with this policy requirement. This is in part a SHLAA minor constraints site in what is, having regard to the NPPF, a sustainable location with good access to a wide variety of services and facilities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable transport).
- 6.24 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the

economic role. Likewise Section 106 contributions should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 40% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development. Beyond this, the application also makes provision for contributions to improved recreation, which will be dedicated to the Parish Council. Monies will also secure improvements for cycle way provision. In broader terms it is considered that this is an appropriate site that can provide the scale of housing proposed and associated community benefits.

- 6.25 The tension, in this case, relates to the environmental role. Whilst it is acknowledged that the site is an elevated one that projects beyond the northern boundary to Chestnut Avenue, this will not given the context of the site i.e a extensive boundary of trees and its relationship to existing residential sites result in a development that projects detrimentally into open countryside. The site will be low density and there are opportunities for planting that also assist in ameliorating the impact of providing a mixed development for this settlement.
- 6.26 Additional traffic will join the A4112, however, this road is capable of taking the increased traffic volumes without having an adverse impact on highway safety
- 6.27 Foul and surface water drainage can be provided, as confirmed by the Land Drainage Consultant and the highways department, that will not result in pollution of watercourses or flooding subject to measures being undertaken as recommended and as subject to conditions attached to any planning approval granted. Drainage details will be subject to the approval of the Council's Land Drainage Officer and Transportation Manager.
- 6.28 Ecological issues can be addressed by submission of a habitat enhancement scheme that will provide measures for improving biodiversity in and around the development site.
- 6.29 Officers conclude that there are no overriding landscape, highways, drainage, recreation and ecological issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

## **RECOMMENDATION**

**Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report and appended, 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. **B01 Development in accordance with the approved plans**
- 5. **G03 Retention of existing trees/hedgerows**
- 6. **G04 Protection of trees/hedgerows that are to be retained**
- 7. **G09 Details of Boundary treatments**

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

8. G10 Landscaping scheme
9. G11 Landscaping scheme - implementation
10. H13 (Access, turning and parking)
11. H27 (Parking for site operatives)
12. E01 Site investigation - archaeology
13. The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme 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 SS6, LD2 and LD3 of Herefordshire Local Plan –Core Strategy

To comply with Herefordshire Council's Policy LD2 and LD3 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

14. I20 Scheme of surface water drainage
15. I21 Scheme of surface water regulation
16. I18 Scheme of foul drainage disposal
17. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

**Reason: - To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031**

**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. The following information should be provided in connection with Conditions 14, 15 and 16 above:

Soil infiltration rates to confirm whether the infiltration techniques are feasible for both surface water and foul water discharges;

Groundwater levels if infiltration techniques are found to be feasible on site, as the bottom of a soakaway should be located a minimum of 1m above the recorded groundwater levels;

Detailed surface water drainage design including SUDS source control measures wherever feasible and drainage calculations. The Applicant must provide evidence that the proposed drainage system will not increase risk of flooding to people and properties within and outside of the site for up to and including the 1 in 100 year event with 30% climate change allowance. The Applicant must also provide information on exceedance routes to ensure no increased flood risk to people and properties elsewhere;

- Detailed foul water drainage design;
- Confirmation of who will be responsible for the maintenance of the proposed package treatment plant and common attenuation storage;
- Confirmation from DCWW that they have agreed to the adoption and maintenance of the surface water drainage system

As discussed above, the Applicant will also need to obtain approval of the Council regarding the proposed combined sewer located within the public highway and ordinary watercourse consent for the new outfall to the watercourse south of the site.

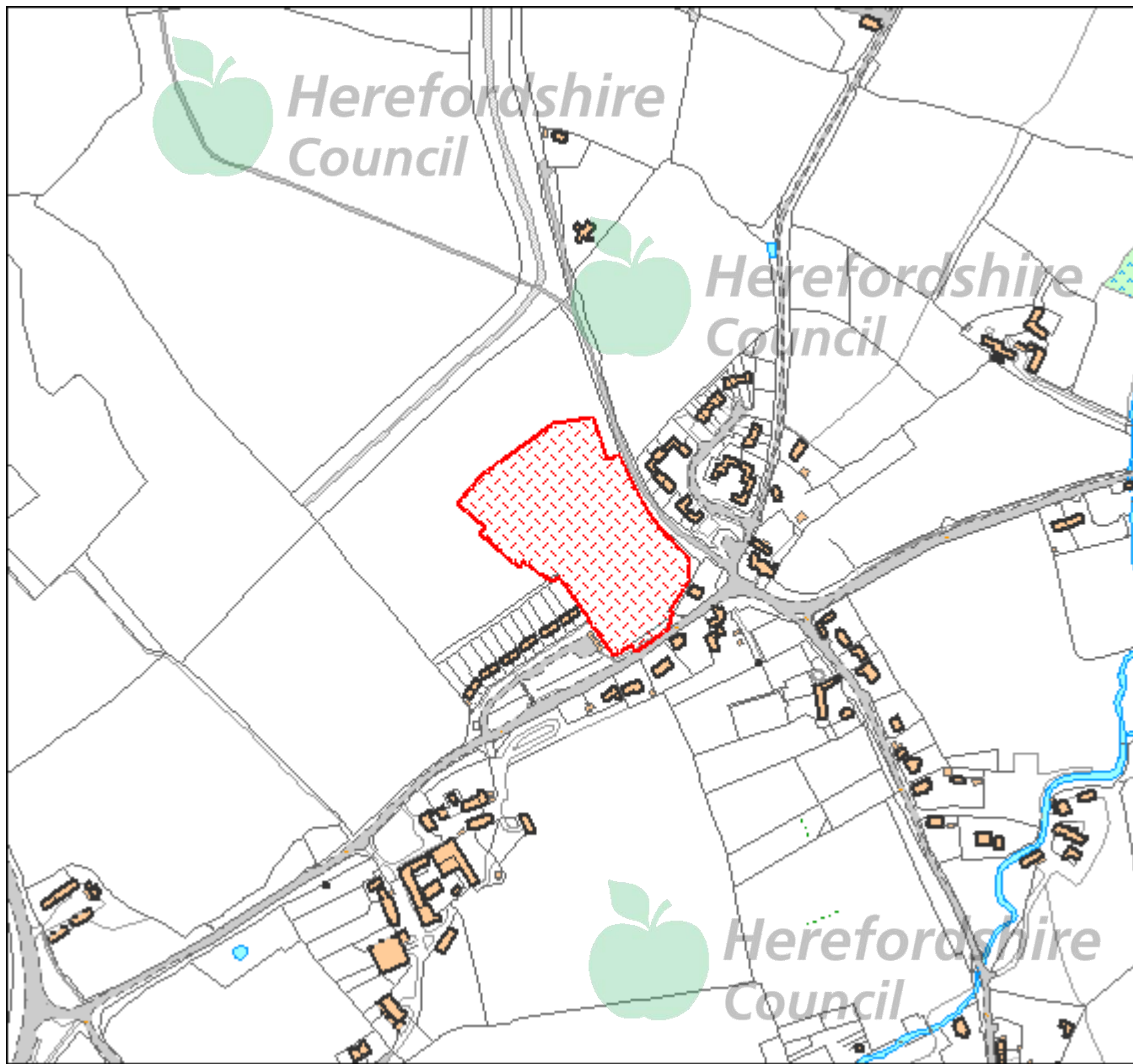
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 151145

**SITE ADDRESS:** FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE

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





## HEADS OF TERMS

### Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

#### Planning Application – P142542/CE

21 houses on the land between Chestnut Avenue and Stockton Rock, Kimbolton, Herefordshire

#### 1. Affordable Housing

The agreement will make provision for a scheme of Affordable Housing to be agreed with the Local Authority, to include;

- a) The numbers, type, tenure and location on the site of the affordable housing provision to be 25% or more of the total dwelling permitted;
- b) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c) The arrangements for the transfer of the affordable housing to an affordable housing provider;
- d) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and
- e) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

#### 2. Highways and Public Transport Contribution

Subject to meeting the appropriate tests of necessity and reasonableness, the agreement will require the Developer to pay necessary contributions (the amount and phasing of which to be agreed with the local authority) towards the costs of improvements to highway infrastructure in the vicinity of the Development.

#### 3. Children and Young People Contribution

Subject to meeting the appropriate tests of necessity and reasonableness, the agreement will provide for the payment of an appropriate sum (the amount and phasing of which to be agreed with the local authority) towards the costs of education and childcare provision to serve the Development.

#### 4. Other

Other contributions may be identified through planning consultation process, and subject to meeting appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>9 DECEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<p><b>151641 - PROPOSED ERECTION OF NINE DWELLINGS AT LAND TO REAR OF BRAMLEY HOUSE AND ORCHARD HOUSE, OFF KINGSACRE ROAD, SWAINSHILL, HEREFORD, HR4 0SG</b></p> <p><b>For: Messrs Griffiths per Mr Robert Jolly, P O Box 310, Malvern, Worcestershire, WR14 9FF</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151641&amp;search=151641">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151641&amp;search=151641</a>
<b>Reason Application submitted to Committee – Redirection.</b>	

**Date Received: 1 June 2015**

**Ward: Credenhill**

**Grid Ref: 346753,241573**

**Expiry Date: 27 July 2015**

Local Member: Councillor RI Matthews (Councillor WLS Bowen has acted on his behalf for this application.)

### **1. Site Description and Proposal**

- 1.1 The application site lies to the south side of the A438, Kings Acre Road, to the west of Hereford City but within the Parish of Breinton. The site is currently used as a paddock. The site is rectangular in form and 0.58 hectares in size.
- 1.2 The site is accessed by way of an existing access road off the A438 that also provides access to the two detached properties, Bramley House and Orchard House (owned by family of the applicant). The eastern boundary of the site is formed by an existing hedgerow, beyond which lies the un-adopted lane that serves five dwellings. Four of these dwellings front the site, with their front gardens and parking areas adjacent to the lane and private gardens to the rear. The remaining dwelling is located to the south and is set in an enclosed garden with access to the south of the lane.
- 1.3 The western boundary of the site is formed by existing landscape boundary, beyond which are the detached dwellings that front Breinton Lane and their rear gardens that extend approximately 35m from the rear of the dwelling to the boundary. The exception to this is a detached bungalow known as St Aidans, that lies on the boundary of the site in its south western corner.
- 1.4 The application seeks outline planning permission for the erection of 9 dwellings with all matters except for access reserved for future consideration. An indicative layout has been provided but matters of layout, appearance, scale and landscaping are reserved. Access would be via the existing road and would be 4.8m wide, with footway provision. Visibility splays of 4.5m by 120m in either direction are detailed on the submitted plans.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

1.5 The application is also accompanied by a Planning Supporting Statement, Ecological report, and Flood Risk and Drainage Statement. The draft Heads of Terms is appended to this report.

## **2. Policies**

2.1 National Planning Policy Framework (NPPF). In particular chapters:

- 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
- Section 12 - Conserving and enhancing the historic environment

2.2 National Planning Practice Guidance

2.3 The Herefordshire Local Plan – Core Strategy:

- SS1 - Presumption in Favour of Sustainable Development
- SS2 - Delivering New Homes
- SS3 - Releasing Land for Residential Development
- SS4 - Movement and Transportation
- SS6 - Addressing Climate Change
- RA1 - Rural Housing Strategy
- RA2 - Housing in Settlements outside Hereford and the Market Towns
- H1 - Affordable Housing – Thresholds and Targets
- H3 - Ensuring an Appropriate Range and Mix of Housing
- OS1 - Requirement for Open Space, Sports and Recreation Facilities
- OS2 - Meeting Open Space, Sports and Recreation Needs
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

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>

2.4 Breinton Parish Neighbourhood Area was approved in January 2014 and has since progressed to Regulation 16 stage and its initial 6 week consultation has been completed. At this time, there are some areas that require further work to ensure compliance with the Core Strategy and a repeat Regulation 16 consultation will be undertaken in the new year before progressing to examination. At this stage, where compliant with the Core Strategy, weight can be attributed to this document in the decision making process.

## **3. Planning History**

3.1 DCCW2004/4088/F – Proposed site for residential development – Withdrawn

3.2 SH921185PF and SH910725/F - 2 dwellings and joint access.

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

## 4. Consultation Summary

### Statutory Consultees

- 4.1 Welsh Water raises no objection to the proposed development but recommends conditions be attached to the planning permission in respect of foul and surface water drainage and the presence of the mains Sewer across the site.

### Internal Council Consultees

- 4.2 The Transportation Manager makes the following comments:

It is noted that the application is in outline with all matters except access reserved.

An indicative layout plan has been submitted and in principle this would be likely to provide an acceptable layout. Car parking should be provided in accordance with our standards for the number of bedrooms proposed, and secure covered cycle parking included in the proposals, either in appropriately sized garages or elsewhere

The proposed development is indicated to use a surfaced access onto Kings Acre Road that currently exists, however whilst geometrically this is likely to be acceptable, the construction of this is unknown and may not be acceptable for adoption. I would suggest the agent discusses adoption proposals with our Senior Highways Adoptions Officer.

The amorphous turning head generates excessive paved areas and could be changed to a standard turning head to reduce the impact of the development.

The impact of the development on the existing transport network is considered acceptable.

The development would link to the existing footway infrastructure on Kings Acre Road and onward to bus stops schools and other facilities, however the distance to these needs to be taken into consideration in determination of the application

- 4.3 The Conservation Manager (Ecology):

This site proposed for development lies within a substantial area of Traditional Orchard - a UK Biodiversity Action Plan priority habitat (now a Habitat of Principal Importance). As such, it is of significant value for their wildlife potential within the landscape. These orchards are habitat for a variety of species which are considered of local importance including noble chafer, lesser spotted woodpecker with many species of fungi and saproxylic beetles. Sadly, I understand that this area is now cleared of its fruit trees which is happening to many old orchard sites throughout Herefordshire to satisfy development objectives. Conservation of these habitats is especially important for the latter due to the maturity of the trees and wood decay within them. The NERC Act 2006 with a 2010 updated habitat and species list including Traditional Orchards as UK Priority Habitat.

As the LPA's policy documents state, "Policy NC6 of the UDP and the NPPF support the protection of priority habitats. Traditional Orchards are important features in the wider landscape and are protected under UDP Policy LA2." On the basis of the ecological importance of such sites and the above policy, I do not support removal of trees on these sites for development and I would recommend refusal of any applications requiring this.

There is presumption against development of these priority habitats and it is so sad to see what was a traditional orchard reduced to nothing over the years. Further, removal of trees will not result in any avoidance of the policies above and may also result in breaches of wildlife

legislation It seems that this site has piles of brash left from the most recent clearance and I notice that this is last part of a more extensive traditional orchard encompassing an area to the south of the site.

Clearly the site has little of its biodiversity interest as little remains of this Habitat of Principle Importance. The ecological survey report clearly did not reveal the development site to be of much ecological value but the area to the south covered by the ecological survey is still clearly of interest. It appears that the area to the south is still within the applicant's ownership and, as such, might be maintained as traditional orchard.

I will not object to the development provided there is a compensatory commitment to re-establish areas of lost trees and manage an area in association with this development as traditional orchard.

I would suggest that a non-standard condition is applied to any approval of this application.

4.4 The Public rights of Way Manager raises no objection.

4.5 Education makes the following comment:

The educational facilities provided for this development site are Stretton Sugwas Primary School and Whitecross High School.

Stretton Sugwas Primary School has a planned admission number of 20. As at the schools summer census 2015:-

- 4 year groups are at or over capacity- YR=21, Y1=20, Y2=20, Y5=21

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to provide an extension to the classroom space at the school.

Whitecross Secondary School has a planned admission number of 180. As at the schools summer census 2015:-

- 2 year groups are at or over capacity- Y7=190, Y11=180

The school will require additional classroom space to accommodate the needs of the children created by this development and we would therefore be seeking the contribution to increase the corridor running alongside and into the dining area. This will ease the congestion that will be caused by an increase in pupils and also provide additional space to be used for PE and breakout classes.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

<b>Contribution by No of Bedrooms</b>	<b>Primary</b>	<b>Secondary</b>
<b>2+bedroom apartment</b>	£1,084	£1,036
<b>2/3 bedroom house or bungalow</b>	£1,899	£1,949
<b>4+ bedroom house or bungalow</b>	£3,111	£4,002

## 5. Representations

### 5.1 Breinton Parish Council:

*Breinton Parish Councillors have considered this application against the saved policies of the Unitary Development Plan (UDP), the modified version of the Core Strategy (CS) currently being considered by the Inspector and the Council's own emerging Neighbourhood Development Plan (NDP) that will be submitted for Regulation 16 consultations in the next week.*

*The site in question is classified as 'open countryside' under the UDP. It is part of the Hereford Rural housing market area in the Core Strategy which in its entirety is expected to absorb 18% more housing by 2031. The NDP provides considerable evidence that the proportional amount of housing should be much lower in Breinton given the extensive environmental and other constraints. Without a finally agreed planning framework for the wider area, applications such as these might be considered premature particularly given the proximity of other potential sites which could result in piecemeal development which is certainly not the intention of the NDP.*

*It is against this background that Parish Councillors have advised me to write to you with their comments.*

#### **Overdevelopment**

- 1. A key concern is that the present application, for nine houses, in itself represents overdevelopment of the site because the density is significantly greater than the existing, surrounding residential development of the area. We note that only part of the site listed in the current SHLAA is covered by this application and the current proposal ends in what the Transportation Department refers to as an 'amorphous turning head that generates excessive paved areas' – presumably required for continued access to the agricultural land beyond.*
- 2. This high density will in effect negatively change the character of the area and add significantly to the loss of amenity to neighbours. Therefore, it is certainly the view of the Parish Council that the number of units permitted should be reduced. Essentially, each should have larger gardens/grounds and/or there should be more communal space and careful thought should be given to layout and landscaping at the detailed planning stage upon which we would expect to be consulted.*
- 3. The Parish Council notes that Herefordshire Council's own reports point to a lack of sports fields, public open space in the wider area and Breinton's 2013 Community Led Plan shows strong support from local young people for more play areas etc.*

#### **Loss of biodiversity and historic landscape character**

- 4. The Parish Councillors is aware that until very recently the land in question was maintained as traditional orchard. There has been considerable neglect of the orchard in recent years, and trees have been purposefully removed. Since the field has not been converted to arable, and nor has it been intensively grazed, it seems reasonable to assume that this neglect has been deliberate with a view to making the land easier to develop for housing. This is not the first time recently that orchard areas in Breinton have been removed before planning applications to develop land have been submitted by other owners (ref. APP/W1850/A/13/2203561 – Breinton Lee)*
- 5. In this connection Councillors noted the previous application in 2004 for 10 units on the site in question (DCCW2004/4088/0) when it was also claimed that the land was not viable for agriculture / orchard despite being of demonstrably high quality.*

6. *Breinton is one of the few parishes in the whole of Herefordshire that, while being located close to Hereford city, has nonetheless retained a mix of traditional and modern cropped orchards. The Parish Council therefore views with concern, the loss of any further traditional orchards to be replaced by housing. While not opposing the present application, we note with interest the general comment made by the Council's own Ecologist about the cumulative impact of such losses on bio-diversity. This is a point made in many of the letters of objection that the Parish Council has received. It is not only bio-diversity, we are equally concerned about the negative impact upon the historic landscape character of Breinton.*
7. *We therefore support the suggestion made by the Council's Ecologist that, should permission be granted for development, in mitigation the applicants should be required to arrange for, and to secure, the restoration of an equivalent area of traditional orchard in the nearby vicinity. In order to compensate the community for the loss of this orchard land to development and especially those residents nearest to the site in question, such restoration should if at all possible be located on a directly adjacent site in the applicant's possession.*

### **Transportation**

8. *Parish Councillors note that the Transportation Department's views that access onto Kings Acre Road is 'likely to be acceptable' and that 'the impact on the existing transport network is considered acceptable'. Nonetheless, we have received a considerable number of representations with concerns regarding the access and egress of vehicles into the proposed development. Should this development proceed, there will inevitably be a substantial increase in the number of vehicles accessing the A438 in this area. In particular we note resident's concerns about road safety including the death of a young pedestrian. The Planning Committee should be absolutely certain that they have the full and correct history of incidents along this stretch of the A438 before reaching any conclusions on this application.*
9. *Provision for access to and from the site should certainly include sufficient space for footpaths and cycle-ways not only into and out of the site, but across the front of the properties along that section of KAR. Not only has footpath width been cited as a contributory factor to the apparently poor highways safety in this location such changes would also improve sustainable travel options for residents.*
10. *In the Parish Council's view, should any development be approved, the developer should also make a contribution to the King Acre cycle path to provide sustainable transport alternatives. This is even more important with the reduction in buses arising from First Group removing their services along KAR. This is one of the many weaknesses in the planning statement that supports this application. It over emphasises the public transport links, the local job prospects and the support such development would provide for local (almost non-existent) services. The Transportation Department's comment on the distance to bus stops, schools and other facilities is relevant here for those without access to a car.*

### **Sustainable development**

11. *The Parish Council also repeat their long-held concerns over the sustainability of all such developments. None of the plans submitted ever acknowledge water or drainage issues. Every site in the parish of which the Parish Council is aware has constraints on sewerage – potential hydraulic overloading, sewage treatment – potential capacity issues and water supply – low water pressure. If approval for this application is granted, the developer should fund improvements to the mains water and sewerage infrastructure, including waste water capacity, prior to development, to overcome the difficulties in this location and for the surrounding properties who will be impacted from additional development in this area.*



## **Planning process**

12. *One of the difficulties with applications for outline planning permission only is that they provide insufficient detail for the Parish Council to make an informed decision and do not address many of the issues of concern to local residents. For instance it is not clear from the outline plans what type of housing is proposed for this development. Breinton's Community Led Plan and the emerging Neighbourhood Development Plan identifies that the local community do not need, or want, executive style houses. It is desired that smaller housing units will address local needs. Smaller units will also be more in keeping with the area and would reduce the impact on existing properties. From the limited amount of information available it does not appear that this proposal will address housing needs in the parish as quantified in the 2012 needs survey.*
13. *Therefore, if permission is granted, the Parish Councillors would want to be consulted on all the matters relating to any detailed planning application that is submitted in the future. Can you please note your records that subsequent planning applications should be referred back to Breinton Parish Council for comment and not determined by officers under delegated powers.*
14. *Finally, please note that this application is not in Swainshill as claimed or might be assumed from the apparent postal address, but Breinton. Swainshill forms part of the adjacent parish – Stretton Sugwas – and housing issues there are being addressed by their NDP. The application has caused considerable disquiet amongst neighbouring property owners which you will judge from the number and content of the representations that you receive. The application had to be considered twice by Parish Councillors – at a planning meeting and again, more recently, at a full council meeting – because the first meeting had to be closed prematurely due to the bad behaviour of some of those present. This incident has now resulted in the Parish Council being banned from holding further planning meetings at that venue.*

5.2 12 letters of objection have been received that raise the following issues:

- Density not in keeping. Dwellings will be cramped in their plots
- Should be less dwellings that are larger with large plots
- There is a need for smaller homes rather than select developments
- Inspectors previously been dismissive of ribbon development
- Location will encourage car use
- Lack of budget for bus services
- Access not wide enough
- Highway safety from additional traffic movements at the junction on the A438
- Traffic movements are high with heavy vehicles, agricultural vehicles
- Speeding is common
- Pedestrian safety for those crossing this access;
- Numbers of dwellings mean additional traffic
- Preservation of agricultural land
- Overlooking and loss of privacy
- Impact on tranquillity of the area.
- Impact on water / sewerage pipes during construction
- Removal of the orchard and trees has been detrimental to wildlife
- Potential for development further on and this would have a further impact
- Schools are oversubscribe

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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>

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

## 6. Officer's Appraisal

6.1 The application falls to be considered having regard to the following issues:

1. Principle of Development
2. Character of the Area and impact on surrounding area
3. Affordable Housing requirements
4. Access and Highway Safety
5. Biodiversity
6. Section 106 Agreement

6.2 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.3 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. 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*

6.4 Policies SS2 (Delivering new homes) and SS3 (Releasing land for residential development) of the Core Strategy set out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Core Strategy the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the Core Strategy, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans)

6.5 Policy RA1 of the Core Strategy identifies that Herefordshire Rural areas will need to find a minimum of 5,300 new dwellings between 2011 and 2031 to contribute towards the county's housing needs. The dwellings will be broadly distributed across the seven Housing Market Areas (HMA's). Breinton lies within the Hereford HMA.

6.6 The dwellings that lie in the vicinity of the application site lie within the Parish of Breinton, and within its designated Neighbourhood Area. The Neighbourhood Development Plan describes Breinton: *The parish is not conventional in the sense that it neither has one larger village nor a distinct centre. The parish is very rural and consists of a series of dispersed hamlets: including*

*Lower Breinton, Breinton Common, Cranstone and Warham, as well as significant ribbon development, backing on to open fields, along the south side of the A438 - Kings Acre Road.*

- 6.7 Breinton draft NDP acknowledges in its objectives, the need to promote a level of housing growth to meet the indicative housing target for Herefordshire that is proportionate to the size of Breinton parish and its settlements so that the parish retains its essentially rural character. Whilst the key objectives of the Breinton NDP are broadly compliant with the CS, its specific Housing policies are being reconsidered to ensure compliance with the CS policy position relating specifically to policy RA2 and RA3 and to ensure growth of the parish is appropriate.
- 6.8 The Parish is currently reconsidering its housing policies within its Neighbourhood Plan to ensure compliance with the Core Strategy objectives. As such, it is not possible to give weight to these policies at this time. It does however; acknowledge that Breinton is identified as being an 'other' settlement which is capable of accommodating proportionate housing development (figure 4.15). This seeks an 18% minimum growth target over the plan period across the area. This equates, when taking into account the Kings Acre area, to a minimum of 72 dwellings, to 2031. As there are a number of planning permissions already secured in the area (to April 2014), the residual minimum requirement over the lifetime of the Core Strategy is 67 and therefore remains well in excess of the nine units proposed.

#### *Character of the area*

- 6.9 RA2 is relevant as guiding development in these rural settlements. It states:-

*"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.14 and 4.15. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.*

*Housing proposals will be permitted where the following criteria are met:*

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.15 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

*Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such."*

- 6.10 As noted above, Breinton does not have one readily identifiable core area of housing, but a large proportion of the dwellings that lie in the parish lie in the Kings Acre area. This cluster of dwelling is formed by both ribbons development along Kings Acre Road, incorporating the cul-de-sac developments of four acres and cherry orchard as well as the detached dwellings that front Breinton Lane to the north of the application site. The emerging NDP policy appears very

specific to Kings Acre frontage and protecting the visual breaks along this area as well as protecting open countryside (although it is not yet clear what is considered to be open countryside). This is being reviewed and no weight can currently be attributed to this NDP policy. Although its aims are acknowledged, it would be difficult to apply these to the application being considered.

- 6.11 Kings Acre is often described as being linear ribbon development but is interspersed with cul-de-sacs and historic developments that emerge southwards such as those on Cherry Orchard, Yew Tree Gardens and Four Acres, all within very close proximity to this site. The proposal, whilst in outline, has provided an indicative plan, showing a Cul-de-Sac arrangement not dissimilar to the Cul-de-Sac at Four Acres to the east. It is my opinion that this site is well related to the built form of the surrounding area and with sensitive landscaping and design could be integrated, as organic growth, into the surrounding area in accordance with the requirements of the relevant Core Strategy Policies.
- 6.12 Local residents raise concern about the density of development, but this proposal of nine dwellings within a 0.58 hectare site represents a very low density of only 15.5 per hectare. The plans submitted are indicative only, but clearly identify that a development of nine dwellings can be accommodated on this site. It is worth noting that locally density is generally low with the dwellings in Cherry Orchard representing development of approximately 15 per hectare, those on four acres, around 12 per hectare and Yew Tree Gardens around 17 per hectare.
- 6.13 The application is outline only with all matters except for access reserved. Whilst an indicative plan has been submitted with the application, the layout, scale, appearance and landscaping would form part of a Reserved Matters application and this application seeks to establish the principle of development. These submissions should seek to not only address some of the concerns raised by local residents in respect of layout, privacy and amenity, but also the requirements of policy RA2 above.
- 6.14 In addition to this Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that positively contribute to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks in the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy conservation infrastructure. Policy SD3 deals specifically with water consumption and a condition is recommended to address this requirement. The use of sustainable construction methods is also pursued in this policy. These requirements must be considered alongside those of residential amenity in the progression of any approval. Officers would also expect the exploration of the retention of trees and mature landscape boundaries as these would help to integrate the development. Noting the recent loss of trees and the Conservation Manager's comments, this must form an integral part of a Reserved Matters submission. This assessment is also required by policy LD1 of the Core Strategy that acknowledges the importance and value of the landscape and seeks to conserve landscape features such as trees and boundary hedgerows.
- 6.15 The comments of Welsh Water and local residents in respect of the location of the drains are also noted and would need to be considered when finalising any layouts. Any developer would be in detailed discussion with Welsh Water in any respect, but the applicant is clearly aware of these issues as the drain locations have been detailed on the plans submitted. Surface water drainage plans would also need to be supplied and considered and a condition is recommended. As such, the requirements of policy SD4 in respect of Foul Sewerage can be met.
- 6.16 Officers are satisfied, that whilst this application is in outline form only at this stage, this is a small scale development that can be, though careful design and consideration, assimilated

successfully into the locality, whilst providing a relatively modest, but important, number of dwellings to the parish that will count towards the minimum 18% increase in dwellings sought in the parish and Hereford Housing Market Areas by policy RA1 of the Core Strategy.

### ***Affordable Housing***

- 6.17 Policy H1 of the Core Strategy established the affordable housing targets for the County. This policy states that all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 sqm will be expected to contribute towards meeting affordable housing needs. This application does not meet this threshold and therefore affordable housing is not required.

### ***Ecology***

- 6.18 Many of the letters of objection refer to the gradual removal of trees from this former orchard site. This is reflected in the comments of the Council's Conservation Manager (Ecology), who does not object but recommends that a condition be imposed ensuring the re-establishment of areas of lost trees and management of an area in association with this development as traditional orchard. The developer or applicant may wish to ensure this detail is identified on a reserved Matter submission. On this basis the proposal would ensure compliance with the requirements of policy LD2 of the Core Strategy.
- 6.19 Access is a matter in which agreement is sought at this Outline stage. The concerns of local residents in respect of the speed of traffic and concern about additional turning movements into and out of the access are noted. However, this junction does offer adequate visibility in either direction and is capable of accommodating the traffic movements without a severe impact on the highway impact. As such, this proposal would, with the appropriate conditions and upgrade to the junction meet adoptable standards, comply with the requirements of policy MT1 of the Core Strategy. In addition to this, S106 contributions are sought that can be used for improvements to sustainable transport infrastructure including pedestrian / cycleway and bus stops. Liaison with the Ward Councillor and Parish Council on these matters will be sought.

### ***Section 106 Agreement***

- 6.20 Policy ID1 of the Core Strategy seeks to secure provision for new and / or enhancement of existing infrastructure, services and facilities to support development and sustainable communities. This can be secured through a S106 agreement and a draft Heads of Terms is appended to this report that seeks contributions for transport infrastructure, open spaces / play, education and waste.
- 6.21 Local residents have raised concern about capacity at the school, but this is acknowledged in seeking a contribution to support the school's growth where it has capacity issues. The lack of a cycle path and pedestrian safety issues is also raised in representation, and this application would also contribute towards improving sustainable transport infrastructure in the locality, in consultation with the Parish Council and Highways Officers. Subject to the completion of the S106 agreement, the proposed development would be compliant with the requirements of policy ID1 of the Core Strategy.

### ***Conclusion***

- 6.22 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site's location in an established group of dwellings to the west of Hereford City has access to local services and employment via genuine opportunities to use alternative means of travel. Access to the site can be safely achieved and section 106 contributions can be secured to improve local

connectivity and infrastructure. The principle of development is considered to be acceptable, with detailed design matters being considered in the Reserved Matters stage to ensure compliance with, in particular Policies RA2, SD1 and LD1 of the Core Strategy.

- 6.22 Having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic and social roles. Likewise S106 contributions should also be regarded as material considerations when making any decision.
- 6.24 The adoption of the Core Strategy confirms, at this moment in time, a five year housing land supply of 5.24 years (Published March 2015). The provision of a five year housing land supply is only feasible when the Local Planning Authority continue to grant planning permission for housing to meet its growth targets, including the current shortfall. Small scale sites such as the one proposed are vital to support the growth required over the plan period and to ensure a continued five year housing land supply for the County.
- 6.25 This proposed development is considered to be sustainable development, for which there is a presumption in favour and as such, it is officers' recommendation that this is approved with the appropriate conditions, subject to the completion of the S106 agreement in accordance with the Heads of Terms attached to this report.

## **RECOMMENDATION**

**Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:**

- 1. 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. A05 Plans and particulars of reserved matters**
- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. G11 Landscaping scheme - implementation**
- 8. H09 Driveway gradient**
- 9. H13 Access, turning area and parking**
- 10. H18 On site roads - submission of details**
- 11. H27 Parking for site operatives**
- 12. H29 Secure covered cycle parking provision**
- 13. I16 Restriction of hours during construction**

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

14. The recommendations set out in the ecologist's report from Focus ecology dated May 2015 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority. The scheme shall incorporate the allocation of a compensatory area of mixed orchard planting commensurate with the composition of the original site trees and the scheme be implemented as approved and managed as a standard tree orchard in perpetuity. 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 Policy LD2 of the Herefordshire Local Plan - Core Strategy in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

15. L01 Foul/surface water drainage
16. L02 No surface water to connect to public system
17. L03 No drainage run-off to public system
18. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.

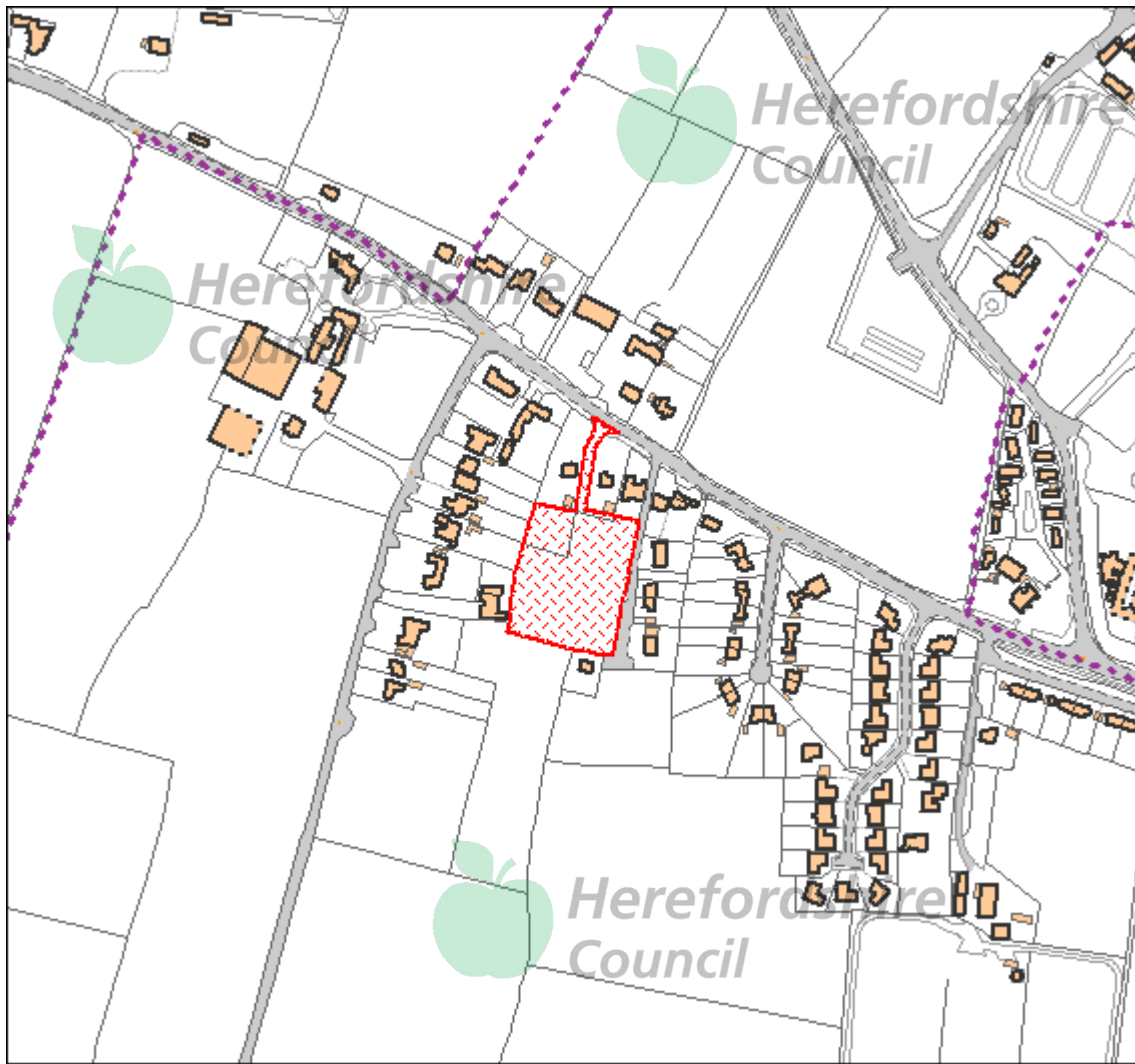
**Reason:** To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

**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. HN08 Section 38 Agreement & Drainage details
3. HN01 Mud on highway
4. HN28 Highways Design Guide and Specification

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 151641

**SITE ADDRESS :** LAND TO REAR OF BRAMLEY HOUSE AND ORCHARD HOUSE, OFF KINGSACRE ROAD, SWAINSHILL, HEREFORD, HR4 0SG

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# HEADS OF TERMS

## Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

### Planning Application – 151641

**Site address:** Land to the rear of Bramley House and Orchard House, off Kings Acre Road, Swainshill, Herefordshire, HR4 0SG

**Proposal:** Proposed erection of 9 dwellings

**Parish:** Breinton

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

### Transportation

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

<b>£- £1,720</b>	(index linked) for a 2 bedroom open market unit
<b>£- £2,580</b>	(index linked) for a 3 bedroom open market unit
<b>£- £3,440</b>	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council, in consultation with the Parish Council and Highways England, at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality,
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways in the locality
- d) Public initiatives to promote sustainable modes of transport
- e) Safer routes to school

The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling unless phased payments are agreed with the Local Planning Authority.

### Public Open Space / Play

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

<b>£193.00</b>	(index linked) for 1 bedroom open market unit
<b>£235.00</b>	(index linked) for a 2 bedroom open market unit
<b>£317.00</b>	(index linked) for a 3 bedroom open market unit
<b>£386.000</b>	(index linked) for a 4+ bedroom open market unit

To provide an off-site contribution towards improvements to existing the local Public Rights of Way

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Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

Network , in consultation with the Public Rights of Way Manager Parish Council. This will be in accordance

The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling unless phased payments are agreed. With the local planning Authority.

### **Waste**

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£80** (index linked) per dwelling. The contribution will be used to provide 1x waste and 1x recycling bin for each dwelling. The sum shall be paid on or before occupation of the 1<sup>st</sup> open market dwelling unless phased payments are agreed with the Local Planning Authority.

### **Education**

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

**£ 2,120.00** (index linked) for a 2 bedroom open market dwelling

**£5,587.00** (index linked) for a 3 bedroom open market dwelling

**£7113.00** (index linked) for a 4+ bedroom open market dwelling

to provide enhanced educational infrastructure at enhanced educational infrastructure at Stretton Sugwas Primary School and Whitecross High School, and shall be paid in accordance with a phasing programme to be agreed in writing with Herefordshire Council, and may be pooled with other contributions if appropriate.

5. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 and 4 above for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
7. If the developer wishes to negotiate staged and/or phased trigger points upon which one or more of the covenants referred to above shall be payable/delivered, then the developer shall pay a contribution towards Herefordshire Council's cost of monitoring and enforcing the Section 106 Agreement. Depending on the complexity of the deferred payment/delivery schedule the contribution will be no more than 2% of the total sum detailed in this Heads of Terms. The contribution shall be paid on or before the commencement of the development.
8. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

9.

**Kelly Gibbons**  
**October 2015**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>9 DECEMBER 2015</b>
<b>TITLE OF REPORT:</b>	<b>150052 - PROPOSED 10 NO DWELLINGS WITH GARAGES AT LAND OFF GINHALL LANE, LEOMINSTER</b>  <b>For: Mr Owens &amp; Parry 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=150052&amp;search=150052">https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150052&amp;search=150052</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

**Date Received: 9 January 2015**

**Ward: Leominster West**

**Grid Ref: 347541,258931**

**Expiry Date: 10 April 2015**

Local Member: Councillor FM Norman

## 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 Ginhall Lane and will require removal of hedgerow to achieve the necessary visibility splays. The field at this point is approximately 2m above the level of the road.
- 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

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

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

#### 4.8 Education and Commissioning Manager:

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

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

#### 5.3 Herefordshire CPRE object on basis of development of green corridor.

#### 5.4 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.

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

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

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## 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 2,300 new dwellings are required for Leominster during the plan period to 2031. A minimum of 1,500 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 proposed access from Ginhall Lane will involve removal of hedgerow, and significant excavation to achieve a suitable gradient. The objections received on highway safety grounds are noted, but the Transportation Manager raises no objection subject to a number of conditions.



- 6.7 There are no significant landscape features and no objection on landscape grounds. HCPRE have objected to the development of an area identified as part of a green corridor. However this is a general categorisation in the Core Strategy which is not based on O.S based plan, as it is not intended to prevent development of these general areas, and many of them already contain development. The intention, through the S106 is to enhance the adjoining linear park.
- 6.8 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. The draft Heads of Terms will be circulated as part of the committee update.

## **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.

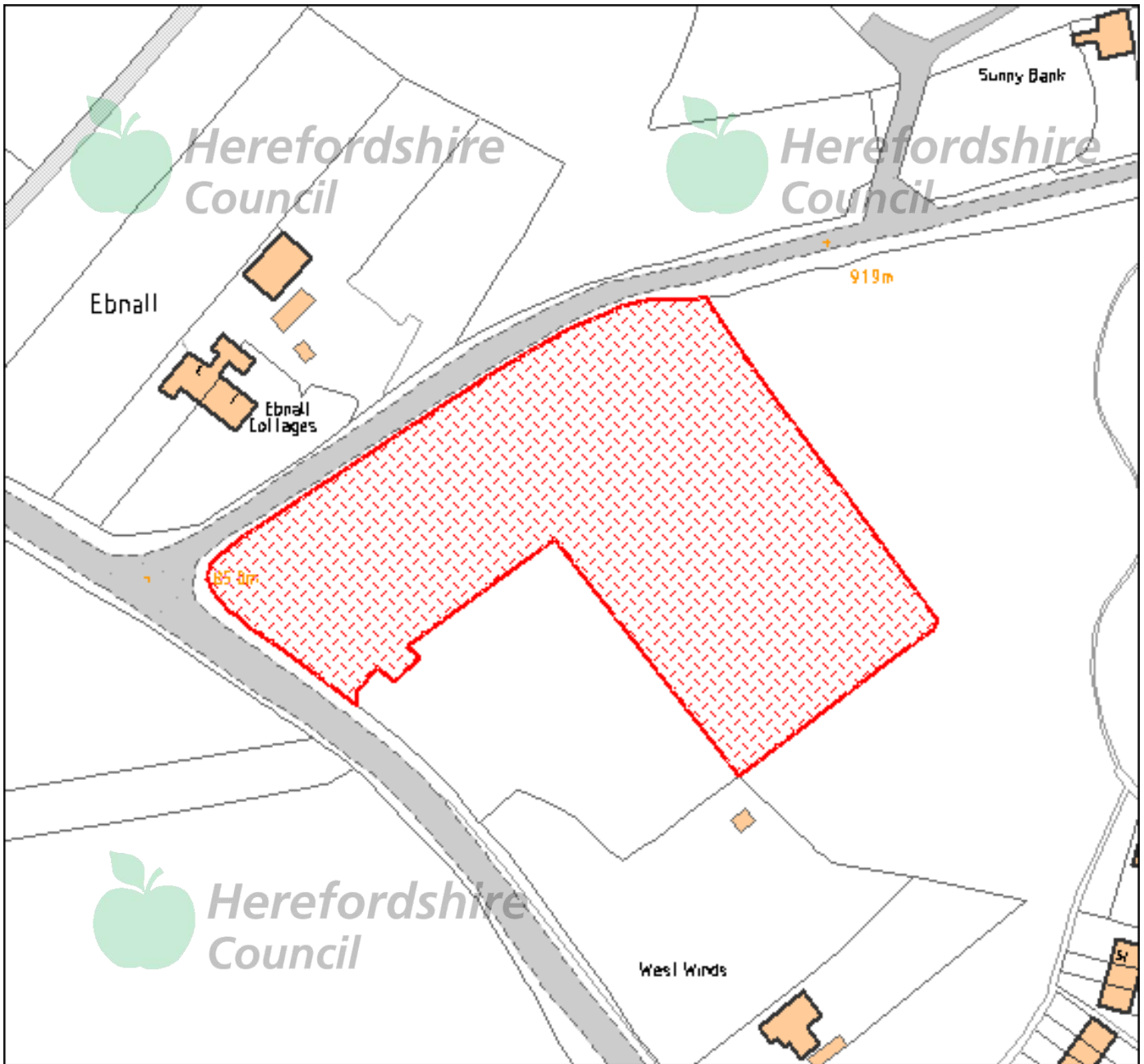
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 150052

**SITE ADDRESS :** LAND OFF GINHALL LANE, LEOMINSTER

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>9 DECEMBER 2015</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>  <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

## **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

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

## 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<sup>th</sup> July 2012. The plan has reached Regulation 14 stage 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.

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.

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

#### 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.*

#### 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 (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 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 polices 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)

4.8 Education and Commissioning Manager - No objection there spare capacity at both Primary and senior schools so no contribution.

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

5.3 Herefordshire CPRE object on grounds of development within green corridor.

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

- Outside of the UDP boundary
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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, that proportion which is required on the adjoining site, ref 150052, amongst the 25 houses proposed here.

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 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. The Transportation Manager also raises no objection.

- 6.7 There are no significant landscape features and no objection on landscape grounds. HCPRE have objected to the development of an area identified as part of a green corridor. However this is a general categorisation in the Core Strategy which is not based on an Ordnance Survey based plan, as it is not intended to prevent development of these general areas, and many of them already contain development. The intention, through the S106 is to enhance the adjoining linear park.
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## **RECOMMENDATION**

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- 13. H27 Parking for site operatives

**INFORMATIVES:**

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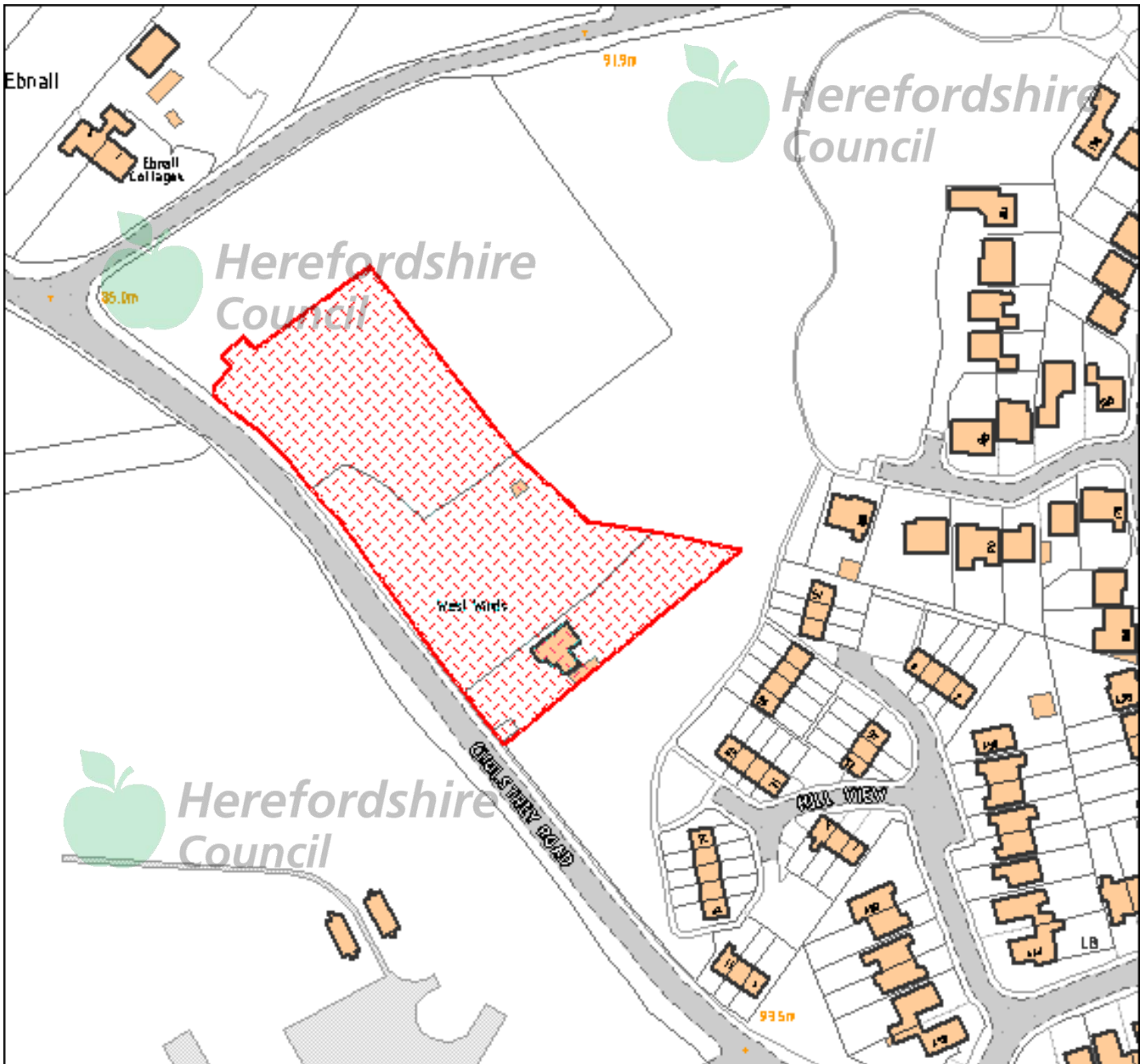
Decision: .....

Notes: .....

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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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