

**MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 24 February 2016 at 10.00 am**

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

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

**149. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hardwick, EL Holton, and JA Hyde.

**150. NAMED SUBSTITUTES**

Councillor J Stone substituted for Councillor JA Hyde.

**151. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**152. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 3 February 2016 be approved as a correct record and signed by the Chairman.

**153. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**154. APPEALS**

A Member commented that an appellant had circulated a letter detailing negotiations between the appellant and the Council about a forthcoming appeal and questioned whether this was appropriate. The Development Manager commented that the applicant's actions did not affect the Council's position or that of third parties and the Inspector would consider the matter of access at the start of the appeal.

The Planning Committee noted the report.

**155. 150052 - LAND OFF GINHALL LANE, LEOMINSTER**

*(Proposed 12 no dwellings with garages.)*

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

He noted that the Committee had deferred consideration of the application to permit consideration of a single access to the two sites: applications 150052 – land off Ginhall Lane, Leominster and 150053 – land at and west of West Winds, Cholstrey Road, Leominster which were adjoining. Application 150053 appeared as a separate application on the agenda. Application 150052 had been revised from an application for 10 dwellings to an application for 12 dwellings. Application 150053 had been revised from an application for 25 dwellings to an application for 23 dwellings.

In accordance with the criteria for public speaking, Mr C Thomas, of Leominster Town Council spoke in opposition to the Scheme. Mr J Verity, speaking on behalf of Leominster Civic Society and local residents, spoke in objection.

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

She made the following principal comments:

- It was important that there was no access onto Ginhall Lane. However, a common access to the two proposed sites would mean a concentration of more traffic at that point.
- There had been no discussion with the local ward member or the Town Council on the draft S106 agreement. She was particularly disappointed that no pedestrian crossing for the Barons Cross estate was included.
- There were already serious traffic problems at the Bargates to which the developments would add. Other large developments were also proposed at Barons Cross and the strategic urban extension.
- The Bargates Area was an air quality management area and pollution levels contravened EU Directives. Pollution was a serious health issue. Core Strategy (CS) policy L01 stated that new development proposals would be encouraged where (amongst other things) they ensured that they did not exacerbate air pollution levels within the designated air quality management area at Bargates.
- She noted that it had been promised over two years ago that smart traffic lights would be installed at the Bargates to reduce pollution but this had not yet happened.
- Policy L01 also stated that new development proposals would be encouraged where (amongst other things) they had demonstrated engagement and consultation with the community including the town/parish council. The applicants had not properly engaged or consulted.
- Local residents reported that accidents did happen on Cholstrey Road where the access was proposed, contrary to the official record, and one had in fact happened on Friday 19 February. The road crossed the brow of a hill and there was a blind spot especially when the sun was low.
- The Strategic Housing Land Availability Assessment 2011 (SHLAA) stated that the site would not be well integrated as it was divorced from the existing residential area by public open space. The site had significant constraints and there were other more appropriate sites that should be considered first. In particular, she considered land at Barons Cross, as a brownfield site, should be developed first.
- Core Strategy Policy LD3 stated that development proposals should identify and retain existing green infrastructure corridors.
- The Leominster Neighbourhood Development Plan (NDP) was at Regulation 16 stage. This had involved a great deal of effort by the local community. Policy LNP 10 of that Plan reflected the local community's view that retaining the green corridor and rural approach to the Town was essential. The report before the Committee did state that the NDP was a material consideration.

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

- In deferring the application in December the Committee's main concern had been the suitability of the access rather than the principle of development.
- If the application were to be approved the opportunity should be taken to make a number of highway improvements. These should include improved signage including signs warning of the entrance to the development; restricting the speed limit on Ginhall Lane to 30mph, and redesigning the Ginhall Lane junction with Green Lane to manage traffic flow.
- The proposal was contrary to policies L01 and LD3.
- Clarification was sought on the weight that could be given to the NDP, noting the difference in wording at paragraphs 2.3 and 6.8 of the report. It was suggested that there was an issue of prematurity. If the application were to be refused and an appeal lodged, by the time that the appeal was heard the NDP would have been approved and full weight could be given to it at the appeal.
- The area was identified as part of a green corridor of importance to the Town. Paragraph 6.7 of the report referred to mitigation measures if the development proceeded. However, CS policy LD 3 required the retention of existing green infrastructure corridors and their enhancement. The NDP supported the retention of this green corridor.
- The lack of consultation on the draft S106 agreement was regrettable. The Chairman commented that it was important that local ward members were consulted on S106 agreements and requested that Members inform him directly of any concerns about lack of consultation.
- Pollution levels in the Bargates area were a concern.
- There were highway safety issues.
- In response to questions the Development Manager commented that:
  - There was not an issue of prematurity. The NDP was still the subject of consultation. At an appeal it might be at a stage where it would carry more weight but the Committee should not give weight to the NDP in the planning balance at this point.
  - The SHLAA provided an overview and the designation in the SHLAA was not an automatic ground for refusal.
  - The revised application before the Committee was for 12 dwellings, not 10 as incorrectly stated on the report title. Consultation on the revised application had made this aspect of the revision clear and this revision had been included in the Committee update. The legal advisor confirmed that the Committee could proceed to determine the application.
  - It was regrettable that there were concerns about consultation on the draft S106 agreement but it did provide a raft of contributions.
  - The provision of a relief road to alleviate pollution in the Bargates Area was included as part of the strategic urban extension of Leominster proposed within the Core Strategy. Funding Avenues were being explored. Development on the strategic site in Leominster would attract no community infrastructure levy to assist in funding the road.
  - He confirmed that if the application were approved further discussions would take place with the local ward member on S106 projects and a reserved matters application would be subject to a further consultation exercise.

- The speed survey had been undertaken when there was a 50mph limit. The limit had now reduced to 40mph and a Traffic Regulation Order reducing the limit to 30 mph was proposed if the development proceeded. There would be no access off Ginhall Lane even if the associated application 150053 were to be refused. The Transportation Manager added that the speed survey undertaken in 2014 before the reduction in the limit to 40mph had shown the 85%ile speed as 48mph. His recommendation was that a 30 mph limit should be provided. A number of engineering features were also proposed to reinforce the 30mph limit. There had been an accident on Friday 19 February in the locality although he did not as yet have details of the precise location. The reduced speed limit and engineering measures at the appropriate cost were necessary.
- The Principal Planning Officer commented that neither the application site nor the site the subject of application 150053 were believed to have formed part of a brick works nearby. An informative had been included as recommended by the Environmental Health Officer (contamination) to ensure that any issues of potential contamination of the site were addressed.
- Clarification was sought on the relative weight that it was appropriate to give to various policy issues raised in the debate in applying the planning balance. The Principal Planning Officer commented that having examined the Inspector's ruling in a recent appeal no weight could be given to the NDP in the planning balance. In relation to the protection of the green corridor and policy LD3 the site in question was not classified as green belt and in itself the protection of the green corridor was not a ground for refusal. This factor needed to be weighed against the presumption in favour of sustainable development.

The Development Manager commented that the Core Strategy required the development of 2,300 homes in Leominster. Allowing for the strategic site identified for 1,500 homes and commitments for 130 homes this left a need for a further 670 homes. It was to be hoped that the NDP would identify suitable sites.

The local ward member was given the opportunity to close the debate. She commented that the expansion of Leominster by a minimum of 2,300 homes was excessive. It had been requested that the bypass be developed before any further housing development to help address the current pollution problems in the Bargates. There was no indication that a bypass would be constructed soon. The local community through the Town Council and the NDP had expressed clear, strong opposition to the application. The applicants had not approached the Town Council. Weight should also be given to the protection of the green corridor, and the addition to the current pollution problems in the Bargates.

**RESOLVED: That 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 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
- 15 H03 Visibility splays (2.4m x 105m)
- 16 H09 Driveway gradient
- 17 H11 Parking-estate development (more than one house)
- 18 H17 Junction improvements /off site works
- 19 H20 Road completion in 2 years
- 20 H21 Wheel washing
- 21 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. 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.
- 9 HN07 Section 278 Agreement
- 10 HN24 Drainage other than via highway system

**156. 150053 - LAND AT AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE**

*(Proposed 23 dwellings with garages and car spaces.)*

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.

Further to consideration of application 150052, land off Ginhall Lane, Leominster, the previous agenda item, he reiterated that the Committee had deferred consideration of the application to permit consideration of a single access to the two sites: applications 150052 – land off Ginhall Lane, Leominster and 150053 – land at and west of West Winds, Cholstrey Road, Leominster which were adjoining. Application 150052 had been revised from an application for 10 dwellings to an application for 12 dwellings. Application 150053 had been revised from an application for 25 dwellings to an application for 23 dwellings.

In accordance with the criteria for public speaking, Mr C Thomas, of Leominster Town Council spoke in opposition to the Scheme. Mr J Verity, speaking on behalf of Leominster Civic Society and local residents, spoke in objection.

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

She made the following principal comments:

- She noted that the comments she had made in relation to the previous application (150052) were also relevant to application 150053. In summary these were:
- The report did not consider or address the concerns about air pollution on the Bargates.
- Local residents were concerned about highway safety and believed that a number of accidents had taken place that had not been recorded.
- Insufficient weight was being given to the retention of the site as greenfield land forming part of a green corridor on the edge of the Town.
- Core Strategy (CS) Policy LD3 stated that development proposals should identify and retain existing green infrastructure corridors.
- The Strategic Housing Land Availability Assessment 2011 (SHLAA) stated that the site had significant constraints.
- The Leominster Neighbourhood Development Plan (NDP) wanted the green corridor to be protected. The report stated that the NDP was a material consideration. If the application was refused and an appeal lodged the NDP could well have been adopted and be given weight at the appeal.
- Consideration should be given to the view of the local community that the attractive entrance to the Town should be protected.

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

- The proposal was contrary to policy LD3 as had been argued in the case of application 150052.
- The policy was contrary to policy LO1. The policy stated that in addition to a single strategic urban extension of 1,500 dwellings, the remaining dwellings to be accommodated during the plan period would be "provided through existing

commitments, smaller scale non-strategic sites within the existing built up area; those which come forward through the Leominster Neighbourhood Development Plan, or sites judged as having development potential which are identified in the Strategic Housing Land Availability Assessment.” The application site was not in the existing built up area, not in the NDP and the SHLAA considered that the site had significant constraints. Policy L01 also provided that developments should not exacerbate air pollution levels within the designated air quality management area at Bargates. The applicants had not demonstrated engagement and consultation with the local community as required by the policy.

- Paragraph 184 of the National Planning Policy Framework referred to neighbourhood planning as a powerful set of tools for local people to ensure that they get the right types of development for their community. Account should be taken of the views of the Town Council and the NDP.
- It was asked whether a condition could be imposed to ensure that the developer carried out the required landscaping and funded its future maintenance. The Development Manager commented that the draft Section 106 agreement provided for a raft of contributions that included provision to enhance the open space within the development. Discussions would be held with the local ward member and the Town Council on the S106 agreement.
- A Member suggested that the wording of relevant policies could be interpreted in a way that permitted the development.
- If the application was approved highway improvements would be required as outlined during discussion of application 150052, the subject of the previous agenda item.
- Traffic management proposals were welcomed.
- The Development Manager commented that CS policy L02 did take account of the air pollution issue as it made reference to the provision of the Leominster relief road.
- The relief road had been awaited for some considerable time. A small number of landholders held large landholdings required for the relief road. It was questioned whether they would be inclined to sell their land.
- Having approved application 150052 it was questioned how the Committee could refuse the application.

The Development Manager commented that further discussion with the Council was needed on the NDP even though it was at Regulation 16 stage because it listed the site earmarked for the strategic urban extension as a green infrastructure area and did not identify sufficient housing sites to meet the identified need within the Core Strategy. In relation to policy L01 he remarked that the site at Cholstrey Road was adjacent to the built up area.

The local ward member was given the opportunity to close the debate. She reiterated that the application was contrary to policy L01. A relief road would not be provided in advance of the site being developed if the application were approved. Air pollution issues would therefore remain. The proposal was contrary to the SHLAA, CS policies LD3 and L01, the NDP and local wishes.

A motion that the application be approved was lost.

It was proposed that the application should be refused on the grounds that it was contrary to policies L01, LD3 and LD1 and the NPPF.

**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**

**application should be refused because it was contrary to policies LO1, LD3 and LD1 and the NPPF.**

**157. 153764 - 16 CORNEWALL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HF**

*(Proposed extension, dormer loft conversion and replacement of conservatory/lean to with glazed extension.)*

The Development Manager gave a presentation on the application.

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

He noted that the link to the consultation responses in the report had been incorrect and emphasised the importance of ensuring that access was provided to the responses to all applications and that all responses were published to the website.

He had no objection to the proposal itself but sought assurance that as a the extension would be south facing the zinc cladding proposed would not create a nuisance by reflecting sunlight.

In the Committee's discussion of the application it was requested that provision be made regarding the Party Wall Act. The Development Manager confirmed that an informative could be added to that effect.

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

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

1. **A01 - Time limit for commencement (full permission)**
2. **B01 - Development in accordance with the approved plans (drawing nos. 004/1/15, 005/1/15 (Ground and first floor layouts) and 005/1/15 (Proposed Elevations)**
3. **C01 - Samples of external materials**
4. **I16 - Restriction of hours during construction**

**Informative:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2 **I48 Party Wall Act**

**158. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Updates**



**PLANNING COMMITTEE**

**Date: 24 February 2016**

**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

**150052 - PROPOSED 10 NO DWELLINGS WITH GARAGES  
AT LAND OFF GINHALL LANE, LEOMINSTER,**

**For: Mr Owens & Parry per Mr John Needham, 22 Broad  
Street, Ludlow, Shropshire, SY8 1NG**

## ADDITIONAL REPRESENTATIONS

The Council's Transportation Manager states :

1. The 40 mph speed limit adjacent to the site was extended in Jan 2015 past the proposed site entrance.
2. Using Mfs2 - (Manual for streets 2 2.0 sec), The submitted speed survey shows the 85%tile speed as 48 mph over a 6 day period, the survey was undertaken in 2014 before the speed limit had been reduced. The visibility splays would equate to 105m in each direction, therefore the proposed visibility splays would exceed the requirements. Traffic/speed calming measures should be sort as part of this application. A 30 mph should be provided as a s278 requirement. To enhance the provision of a 30 mph speed limit, dwellings **MUST** have a presence on the highway, therefore screening of the site on the highway side should be minimal. The site should be in keeping with other historic developments in the area of having a presence near the highway, therefore promoting a change in drivers perception of the site/highway. The forward visibility for vehicles approaching a turning vehicle can also be met.
3. There have been no recorded accidents within the official 5 year period adjacent to the site. However it has previously been a historic accident cluster site adjacent to Ginhall Lane.
4. Width of the access needs to be 5 m wide from its junction with B4360 for approximately 25+ metres.
5. The turning head to the north west of the site does not meet HC design guidance.
6. A footway runs along site boundary, no footway connections have been provided both onsite and adjacent to the access. Drop crossings should be provided at the site access. The site should look to connect to footways/cycleway in the area to provide safer routes.
7. Forward visibility on site should meet HC design guidance.
8. Cycle parking needs to be provided, it should be secure, covered and individual to each property.
9. All developments should meet HC design speciation and should be to adoptable standard.

Conditions

CAB – 2.4, 105M

CAE, CAH, CAL, CAJ, CAQ, CAP, CAS, CAT, CAZ, CB2,

I11, I09, I45, I08, I07, I05, I47, I35

6 letters of objection have been received raising the following additional points. Ginhall Lane will be used as a rat –run. No need for houses given site opposite not developed. Calming measures required for Ginhall Lane. Back draft from lorries for pedestrians walking along Cholstrey Road. Strategic green corridor in The Green Infrastructure Study, incorporated in

draft Neighbourhood Plan Study. Protection is afforded by Policy LD3 in Core Strategy and Paragraph 5.1.42 of Core Strategy

S106 headline figures subject to legal scrutiny

**Transportation**

2 bed - £1966

3 bed - £2949

3 bed – 3932

**Open Space**

2 bed - £965

3 bed - £1640

4 bed - £2219

**Recycling**

£80 per dwelling including affordable

**Affordable**

25% of the dwellings being Affordable units covering the whole site

**OFFICER COMMENTS**

Removal of the Ginhall Lane access retains hedgerow that contributes to the green corridor. The access provided on Cholstrey Road will have the required visibility based upon a speed survey carried out when the speed limit was higher than 40 mph. The additional conditions recommended by the Transportation Manager are set out below

It should be noted that the indicative layout provides for 12 dwellings and 23 on the adjoining site. The descriptions for each site relate to 10 and 25 dwellings respectively.

**CHANGE TO RECOMMENDATION**

Add the following conditions

H03 Visibility splays (2.4m x 105m)

H09 Driveway gradient

H11 Parking-estate development (more than one house)

H17 Junction improvements /off site works

H20 Road completion in 2 years

H21 Wheel washing

H29 Secure covered cycle parking provision

Additional Informatives :

HN07 Section 278 Agreement

HN24 Drainage other than via highway system

**150053 - PROPOSED 25 DWELLINGS WITH GARAGES AND CAR SPACES AT LAND AT AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE,**

**For: Mr And Mrs Preece per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG**

### **ADDITIONAL REPRESENTATIONS**

The Council's Transportation Manager states :

1. The 40 mph speed limit adjacent to the site was extended in Jan 2015 past the proposed site entrance.
2. Using Mfs2 - (Manual for streets 2 2.0 sec), The submitted speed survey shows the 85%tile speed as 48 mph over a 6 day period, the survey was undertaken in 2014 before the speed limit had been reduced. The visibility splays would equate to 105m in each direction, therefore the proposed visibility splays would exceed the requirements. Traffic/speed calming measures should be sort as part of this application. A 30 mph should be provided as a s278 requirement. To enhance the provision of a 30 mph speed limit, dwellings **MUST** have a present on the highway, therefore screening of the site on the highway side should be minimal. The site should be in keeping with other historic developments in the area of having a presents near the highway, therefore promoting a change in drivers perception of the site/highway. The forward visibility for vehicles approaching a turning vehicle can also be met.
3. There have been no recorded accidents within the official 5 year period adjacent to the site. However it has previously been a historic accident cluster site adjacent to Ginhall Lane.
4. Width of the access needs to be 5 m wide from its junction with B4360 for approximately 25+ metres.
5. The turning head to the north west of the site does not meet HC design guidance.
6. A footway runs along site boundary, no footway connections have been provided both onsite and adjacent to the access. Drop crossings should be provided at the site access. The site should look to connect to footways/cycleway in the area to provide safer routes.
7. Forward visibility on site should meet HC design guidance.
8. Cycle parking needs to be provided, it should be secure, covered and individual to each property.
9. All developments should meet HC design speciation and should be to adoptable standard.

Conditions

CAB – 2.4, 105M

CAE, CAH, CAL, CAJ, CAQ, CAP, CAS, CAT, CAZ, CB2,

I11, I09, I45, I08, I07, I05, I47, I35

6 letters of objection have been received raising the following additional points. Ginhall Lane will be used as a rat –run. No need for houses given site opposite not developed. Calming measures required for Ginhall Lane. Back draft from lorries for pedestrians walking along Cholstrey Road. Strategic green corridor in The Green infrastructure Study, incorporated in draft Neighbourhood Plan Study. Protection is afforded by Policy LD3 in Core Strategy and Paragraph 5.1.42 of Core Strategy

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It should be noted that the indicative layout provides for 23 dwellings and 12 on the adjoining site. The description for each site relates to 25 and 10 dwellings respectively.

**CHANGE TO RECOMMENDATION**

Add the following conditions

H03 Visibility splays (2.4m x 105m)

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