

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 4 March 2015 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, ACR Chappell, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, JG Lester, PJ McCaull, FM Norman, J Norris, TL Widdows and DB Wilcox

In attendance: Councillors EPJ Harvey, JLV Kenyon, MD Lloyd-Hayes and A Seldon

161. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RI Matthews and RL Mayo.

162. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor ACR Chappell attended the meeting as a substitute member for Councillor RI Matthews.

163. DECLARATIONS OF INTEREST

Agenda item 7 – 142175 – Land off Pencombe Lane, Bromyard

Councillor JG Lester declared a non-pecuniary interest as Chairman of Queen Elizabeth Humanities College Chair of Governors.

Agenda item 9 143780 Former Tan Brook Centre, Rockfield Road, Hereford

Councillor AN Bridges declared a non-pecuniary interest as an employee of Network Rail.

Agenda item 10 141651 Land to the Rear of the Full Pitcher, New Street, Ledbury

Mr K Bishop, Development Manager, declared a non-pecuniary interest as a Director of Herefordshire Football Association.

164. MINUTES

RESOLVED: That the Minutes of the meetings held on 11 February 2015 be approved as a correct record and signed by the Chairman.

165. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

166. APPEALS

The Development Manager reported that the public examination of the Core Strategy had finished. A further consultation would now take place on outstanding matters including the five year housing land supply.

He also drew the Committee's attention to the successful appeal against the refusal, contrary to officer recommendation, of planning application 140351 Quarry Field Cotts lane Lugwardine. He noted that this was one of several appeals in that locality and the Committee would also be asked imminently to consider similar applications in the County.

A Member expressed his surprise at the Inspector's decision given the Committee's concerns about the safety issues associated with that development.

The Planning Committee noted the report.

167. 142175 LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE

(Site for up to 120 dwellings with associated open space and landscaping.)

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, Mr R Page, of Bromyard and Winslow Town Council and Mr R Wilkins of Avenbury Parish Council spoke in opposition to the Scheme. Mr T Ayres, of RPS Planning and Development, spoke in objection. Mr L Lane, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors JG Lester and A Seldon, the local ward members, spoke on the application.

Councillor Lester commented on a number of issues including:

- If considered in isolation, the site had arguments both in favour of it and against it. However, the site could not be considered in isolation given the proposed strategic housing allocation being promoted as part of the Core Strategy on land opposite the application site known as Hardwick Bank.
- The Town Council in its submissions as part of the examination in public of the Core Strategy had indicated that it was in favour of housing development. Bromyard needed growth.
- He commended the community benefits offered in the s106 agreement.
- The Pencombe Lane site would provide only a proportion of the housing Bromyard needed. The Hardwick Bank site could accommodate more houses and meet the whole need. It could be argued that the Pencombe Lane application was premature and prejudiced the development of the Hardwick Bank site. In particular there was concern, as reflected in a letter from RPS Planning and Development, about the provision of a separate access to the Pencombe Lane site jeopardising development of the Hardwick Bank site.
- He acknowledged the officers' comments in the report on the question of prematurity. However, the Hardwick Bank site could accommodate more than the proposed strategic allocation of 250 dwellings meaning that there would not be a housing shortfall to meet as the report suggested. The Town Council supported a larger

development at Hardwick Bank because this would facilitate the creation of a link road between the A44 and the Tenbury Road.

- The Planning Inspector was soon to reach a decision on the Core Strategy. It was therefore premature to determine the application now given the implications if the Town Council's submission to the Inspector were to be supported.
- Because the Pencombe Lane site was not designated in any way this did not mean that weight could not be given to the site's prominence and the impact of the proposed development on the landscape. The Hardwick Bank site did not have the same impact.

Councillor A Seldon commented on a number of issues including:

- He criticised the current operation of the planning system expressing concern that the Town Council had felt compelled to secure independent legal advice in order to challenge the Council's Planning Department.
- The Town Council had opposed development south of the A44 and questioned the retention of such a site within the Core Strategy.
- The site was prominent in the landscape.
- The Hardwick Bank site could accommodate the growth Bromyard needed making it unnecessary to consider the Pencombe Lane site.
- The development would jeopardise the development of a link road between the A44 and the Tenbury road which would remove the need for HGVs to travel through the Town Centre.
- A development of up to 120 houses was a significant development in relation to Bromyard's population.
- Paragraph 216 of the NPPF stated that weight could be given to an emerging plan and the more advanced the preparation of the plan the greater the weight that may be given. The Core Strategy had now completed its examination in public and was therefore at an advanced stage.
- Whilst it might be technically acceptable in theory, the access to the development was of concern given the topography of the location. If it was considered that it jeopardised the development of the strategic housing site it should be refused.
- The landscape impact was of particular significance. Recent decisions by Planning Inspectors following appeals had stated that land did not have to have a designated status to be of value. There was an alternative strategic site at Hardwick Bank. That site should be developed, permitting a link road to be constructed between the A44 and the Tenbury Road.
- There was also concern about the noise nuisance because of proximity to the A44.
- The site was grade 2 agricultural land and the NPPF stated that alternatives should be considered where development was proposed on such land.

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

- Prematurity was an issue. A development of up to 120 dwellings represented a large development for Bromyard and there was a risk that it would prejudice the development of the strategic Hardwick Bank site identified within the Core Strategy.
- The development of the Hardwick Bank site would permit the construction of a link road between the A44 and the Tenbury Road and support the future prosperity of Bromyard.

- The Development Manager commented that no application or pre-application submission for the development of the Hardwick Bank area.
- The development would have an adverse effect on the landscape as highlighted in the response from the Conservative Manager (landscape) set out in section 4.4 report. This noted amongst other things that the landscape was identified as being of High Sensitivity within the Urban Fringe Landscape Sensitivity Analysis due to its visual prominence.
- The concerns about prematurity and the effect on the landscape outweighed the weight that was being given in the officers' report to the absence of five year housing land supply.
- It was suggested the development was contrary to policies S1 and LA3.
- Both Bromyard and Winslow Town Council and Avenbury Parish Council objected to the proposal.
- It was to be regretted that the Town Council was not developing a Neighbourhood Plan.
- The NPPF stated that alternatives should be considered where development was proposed on grade 2 agricultural land.
- The site had been assessed under the Strategic Housing Land Availability Assessment as having significant landscape constraints.
- The Committee could not assume that an application would be forthcoming for the Hardwick Bank site. Nor could it assume that a development would finance the construction of a link road. It should determine the application before it on its merits.

The local ward members were given the opportunity to close the debate.

Councillor Lester commented that no Neighbourhood Plan had been proposed because there was no industrial land identified for Bromyard in the draft Core Strategy and it had been envisaged that the Hardwick Bank site identified for development within the Strategy would meet all Bromyard's housing need. He reiterated that he considered the application to be premature and that it would jeopardise the strategic Hardwick Bank site.

Councillor Seldon reiterated his opposition to the development on the grounds of prematurity, policy S1 and paragraph 109 of the NPPF, noting also that some 20% of the site was in the Parish of Avenbury which had no housing allocation in the Core Strategy.

The Development Manager commented that if the Core Strategy was approved Bromyard would need approximately 500 new dwellings, with 250 of these to be provided on a strategic housing site at Hardwick Bank. Additional housing sites were therefore needed. Policy LA 2 was the more relevant policy if the Committee considered the development would have an adverse effect on the landscape. However, significant weight did need to be given to the absence of a five year housing land supply. He reiterated that there had been no application or pre-application submission for the Hardwick Bank site. The Committee had to consider the application before it on its merits. He noted that only four letters of objection had been received.

The Solicitor sought and received confirmation of the Committee's view that the application should be refused on the grounds that the proposal would have an adverse effect on the landscape and visual amenity of the area and would be premature and prejudicial to the implementation of the strategic core strategy for Bromyard, particularly in relation to the proposed Hardwick Bank site.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal would have an adverse effect on the landscape and visual amenity of the area and be premature and prejudicial to the implementation of the strategic core strategy for Bromyard, particularly in relation to the proposed Hardwick Bank site.

168. 143189 LAND WEST OF HOLYWELL GUTTER LANE, HEREFORD, HR1 1 XN

(Proposed erection of 10 no. dwellings and associated hard and soft landscaping.)

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, Mr F Bowen, a local resident, spoke in objection to the application. Ms K La Tzar and Mr J Hurlstone spoke in support on the applicant's behalf.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors MD Lloyd-Hayes and JLV Kenyon, two of the three local ward members, spoke on the application.

Councillor Lloyd-Hayes spoke in support of the application commenting on a number of issues including:

- There was a clear need for affordable housing in the area and the proposal to construct the homes to level four of the Code for Sustainable Homes was welcome.
- The City Council supported the application.
- There was sufficient public open space in the area and the development represented a better use of the land.
- The dwellings were sited 12m from the boundary with the closest neighbouring property which was more generous than in many other developments.

Councillor Kenyon acknowledged the impact of the development on the property closest to it. However, the applicant had worked closely with the local ward Councillors and he supported the development as the best solution that could be achieved.

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

- It was accepted that the development met a need for affordable housing. The scheme was well planned and there had been full consultation. The impact on neighbouring properties was unfortunate but was not a ground for refusal in this case.
- It was requested that consideration be given to managing car parking in the location.
- The replacement of trees to be lost during the development was welcome but care needed to be taken to ensure that they did not cause any detriment to properties.

The local ward members were given the opportunity to close the debate but 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**
3. **B07 Section 106 Agreement to secure affordable housing tenure**
4. **C01 Samples of external materials**
5. **The recommendations set out in Section 5 of the ecologist's report from James Johnston dated October 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the main site development, a reptile survey should be conducted to ascertain presence or absence of slow worm and the results submitted in a report the findings of which should be endorsed by the local authority.**

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 the Herefordshire Unitary Development Plan.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

6. **Prior to the commencement of any site development, a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work 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 the Herefordshire Unitary Development Plan

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

7. **G04 Protection of trees/hedgerows that are to be retained**
8. **G10 Landscaping scheme**
9. **G11 Landscaping scheme - implementation**
10. **G15 Landscape maintenance arrangements**

11. H06 Vehicular access construction
12. H13 Access, turning area and parking
13. H19 On site roads - phasing
14. H21 Wheel washing
15. H27 Parking for site operatives
16. I51 Details of slab levels
17. L01 Foul/surface water drainage
18. L02 No surface water to connect to public system
19. L04 Comprehensive & Integrated draining of site
20. I16 Restriction of hours during construction
21. H26 Access location (routing along Hampton Pk Road)

INFORMATIVES:

1. HN02 Public rights of way affected

A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

2. HN08 Section 38 Agreement & Drainage details

3. HN28 Highways Design Guide and Specification

4. 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.

5. N11C General

6. N14 Party Wall Act 1996

169. 143780 FORMER TAN BROOK CENTRE, ROCKFIELD ROAD, HEREFORD, HR1 2UA

(Proposed demolition of existing buildings and construction of a new garden and estate machinery showroom, offices, workshop and storage building, new access parking and alterations.)

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, Mr R Pryce, the applicant's agent, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DB Wilcox, one of the two local ward members, spoke on the application.

He supported the application noting that it would provide a site for the relocation of a viable business displaced by the Hereford Link Road. The proposal also included works that would improve the junction of Aylestone Hill and Rockfield Road.

The Committee indicated support for the development.

The Development Manager confirmed that the junction improvements and subsequent monitoring had been taken into account as part of the Hereford Link Road Scheme.

The local ward member was given the opportunity to close the debate but had no additional comment.

RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers:

1. **A01 Time limit for commencement (full permission)**
2. **B03 Development in accordance with amended plans**
3. **C01 Details of external materials**
4. **H13 Access, turning and parking area**
5. **H17 Junction improvement (Aylestone Hill & Rockfield Road) and off-site works**
6. **H29 Covered and secure cycle parking provision**
7. **I51 Details of slab levels**
8. **I16 Restriction of hours during construction**
9. **L01 Foul/surface water drainage**
10. **L02 No surface water to connect to public system**
11. **L03 No drainage run-off to public system**
12. **L04 Comprehensive and integrated drainage of site**
13. **G09 Details of boundary treatments**
14. **G10 Landscaping scheme**
15. **G11 Landscaping scheme – implementation**

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. HN05 Works within the highway**
- 4. HN07 Section 278 agreement**
- 5. HN10 No drainage to discharge to highway**

170. 141651 LAND TO THE REAR OF THE FULL PITCHER, NEW STREET, LEDBURY, HR8 2EN

(Site for residential development of up to 100 dwellings with associated means of access and car parking for The Full Pitcher Public House.)

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 determination of the application at its meeting on 11 February 2015. Further information was contained in the updated report and in the update sheet in response to the Committee's request. In particular he noted that it was now recommended that further consultation be undertaken on highway aspects of the proposal with officers authorised to approve planning permission subject to no new material planning considerations being raised in the consultation exercise.

In accordance with the criteria for public speaking, Mr K Francis, of Ledbury Town Council spoke in opposition to the Scheme. Mr I Smethurst, a local resident, spoke in objection. Mr R Yeoman, Chairman of Ledbury Cricket Club spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors EPJ Harvey, and TL Widdows, two of the three local ward members, spoke on the application.

Councillor Harvey commented on a number of issues including:

- The application appeared to have been brought back before the Committee rather hastily and given more time and thought a better application could have been submitted for consideration.
- Ledbury Cricket Club had secured a replacement site which was welcome.
- The provision of 40 affordable homes was welcome.
- Whilst not defined as public open space the site was open space, crossed by a public footpath and much used by residents
- She had discussed the situation with Sport England who had indicated that the cricket Club site at Orham Lane was not a suitable replacement for the sports facilities currently provided at the Full Pitcher site because it was not suitable for

adult football. Representatives of Ledbury Rugby Club had also indicated that the football pitches on its Ross Road site were not suitable for adult football.

- In relation to adult football pitch provision, officers had commented that there was “a surplus of senior pitches in the Ledbury Area (not necessarily the town)”. However, the Ledbury locality as opposed to the town included Colwall and Bosbury. There was not an overprovision of senior pitches within the Town itself.
- The provision of housing on the current green space was a concern and opposed by the Town Council.
- There were still outstanding issues about the access to be resolved. She requested that the application should be reconsidered by the Committee and not determined by officers under delegated powers.

Councillor Widdows expressed his concerns about the access noting its proximity to the roundabout and the absence of consultation on the revised proposals.

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

- The site was not public open space and was suitable for housing development.
- Suitable alternative facilities had been found for Ledbury Cricket Club.
- The proposed changes to the access arrangements, involving major alterations to a ring road, in parallel with a major housing development, required more analysis. The Town Council and local ward members needed to discuss the proposals. The Committee should consider the outcome of the consultation.
- A concern was expressed that the current link road worked well and the proposed work would be detrimental
- The Transportation Manager commented that the proposed alterations to the roundabout where the link road joined New Street were not related to the development. They had been proposed by highway safety engineers to address an accident blackspot. The roundabout currently had two lanes in each direction. The intention was to reduce this to one lane in each direction to eradicate sideswiping and reduce traffic speed. The capacity of the bypass was adequate to cope with the reduced speeds.
- Having revisited the access to the proposed housing development in the light of the proposed changes to the roundabout it had been concluded that a right hand turn lane into the development was no longer necessary. The funding that would have been needed for those works could therefore be allocated instead to the improvements at the roundabout.
- The existing speeds of traffic using New Street were low and the new arrangements would further slow traffic entering New Street.
- Whilst the cricket club had found alternative facilities there should be further consideration of sporting provision, in the round, mindful of the concerns about football provision. In response to this concern it was suggested that the Town Council and local ward members could work to find a solution.
- Attention was drawn to the fact that only 6 letters of objection had been received. In response to this point it was observed that a number of organisations, representing numerous people, had submitted objections.

The Development Manager clarified that consultation had been undertaken on the planning application. There had not, however, been full consultation on the final proposed access arrangements.

The local ward members were given the opportunity to close the debate.

Councillor Widdows supported deferral of the application to allow consideration of the provision of sports facilities and consultation on the safety of the proposed access.

Councillor Harvey also supported deferral on these grounds.

The Development Manager commented that an application for housing development without the provision of alternative facilities for the Cricket Club would have been recommended for refusal. Work had been undertaken to secure excellent alternative facilities for the Club and it was now therefore possible to recommend approval. The roundabout was a blackspot and the Transport Section had been fully involved in the proposals for access to the development which were recommended for consultation. The provision of facilities for adult football could be resolved in separate discussions.

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

RESOLVED: That subject to completion of a further 21 day consultation period, and there being no new material planning considerations raised as a result, officers named in the Scheme of Delegation to Officers, in consultation with the Chair and local members, be authorised to complete a Section 106 Town and Country Planning Act 1990 planning obligation agreement, in accordance with the Heads of Terms stated in the report, and to grant planning permission, subject to the conditions in the report and any further conditions officers consider 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. **H02 Single access - footway**
7. **H06 Vehicular access construction**
8. **H17 Junction improvement/off site works**
9. **I18 Scheme of foul drainage disposal**
10. **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
 - a) **a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
 - b) **if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
 - c) **if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works**

and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

11. The Remediation Scheme, as approved pursuant to condition 10 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment

12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

13. The recommendations set out in Section 4.2 to 4.4 and 4.7 of the ecologist's report from Crossman Associates dated May 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, a full working method statement with a habitat enhancement plan should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan and to comply with Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

Informatives:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. The contaminated land report as required by condition 10 shall be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. All investigations of potentially contaminated sites must undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**
- 3. HN04 Private apparatus within highway**
- 4. HN28 Highways Design Guide and Specification**
- 5. HN05 Works within the highway**

The meeting ended at 1.30 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 4 March 2015

Morning

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

P142175/O - SITE FOR UP TO 120 DWELLINGS WITH ASSOCIATED OPEN SPACE AND LANDSCAPING AT LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE

For: Gladman Developments, Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB

ADDITIONAL REPRESENTATIONS

Further representations have been received from RPS Planning who are acting on behalf of both Bovis Homes and Mosaic Estates in respect of their interests in this application and the prejudicial effect that they consider it will have on the Council's strategic housing land allocation at Hardwick Bank.

They advise that their clients have undertaken further reviews of the technical highway design documents submitted by the applicant's agent in regard of the provision of separate accesses for the application site and Hardwick Bank.

They point out that the Road Safety Audit (RSA) has been undertaken on a different junction from that identified in the Highway Junction Technical Note, and that the roundabout shown in the RSA is larger. It consequently takes more land and moves the junction eastwards closer to the proposed junction. The two documents are considered to be inconsistent.

The deliverability of the roundabout is purely hypothetical. No evidence is given that appropriate visibility splays can be achieved within the land controlled by the landowners of Hardwick Bank and both Bovis Homes and Mosaic Estates are of the view that the necessary visibility cannot be achieved. They therefore consider that the roundabout envisaged by the applicant's agent is undeliverable.

The applicant has not provided any capacity testing of the proposed roundabout to demonstrate that it can accommodate the predicted traffic flows generated by the strategic site, or the redistribution of traffic generated by a new link road. It is highly likely that a larger roundabout would be required and thus affect the applicant's priority junction and visibility requirements.

The roundabout location proposed by the applicant is inconsistent with the emerging Core Strategy. The Development Framework submitted by Bovis Homes and Mosaic Estates is policy compliant with significant landscaping mitigation proposed. This is considered to be pertinent in light of the Landscape Officer's comments.

Bovis Homes and Mosaic Estates remain of the view that the application seeks to pre-determine decisions about the scale and location of new development central to the strategic housing allocation at Hardwick Bank in the emerging Core Strategy. Policy BY2 is considered to carry significant weight given the advanced stage of the Core Strategy and the allocation does not contain any significant in principle objections. It also has the support of Bromyard Town Council.

In response to the additional representations received, the applicant's agent has made a further response.

They highlight the point that the application does not seek permission for aroundabout or access to the Hardwick Bank site. The technical note and RSA were undertaken to demonstrate a roundabout access can be achieved and to allay concerns of prejudice to policy BY2.

They advise that the RSA was drafted over 1 month after the technical note was issued. During the interim the roundabout layout was developed and amended to be in line with the requirements of the Transport Manager. They are of the view that the only difference in the two roundabout plans is size and that there is nothing different in terms of principle to consider between the two.

The applicant's agent also expresses the opinion that, contrary to the assertions made by RPS regarding the location of the potential access, both are situated in virtually the same position. The land takes are similar (perhaps less for a roundabout) and the proximity of the slightly larger roundabout to the priority junction has been assessed as safe.

The view of the applicant's agent is that RPS assert that they have undertaken a detailed assessment of the roundabout concept with highways consultants, but they have failed to provide anything support their assertions on visibility splays, such as plans to support the need for third party land. They consider that it is not for this application to undertake detailed junction modelling for an alternative site but would be part of the assessment of any future application for the Hardwick Bank site.

With regard to the comments made by RPS about landscaping, the applicant's agent considers that the signalised junction arrangement preferred by RPS for the strategic site would have a greater landscape impact than the provision of a roundabout.

OFFICER COMMENTS

Your Officers have discussed the implications of the application on the strategic site at Hardwick Bank with colleagues in Forward Planning. It is their view that, given that we are yet to receive the Inspector's report, the weight we can give to the Core Strategy remains limited.

Whilst the Development Framework referred to by RPS in their further representations was submitted to the Inspector at the Examination in Public and is therefore in the public domain, it is not considered that it can be given any weight as a material consideration at this stage as it has not been subject to consultation and may be amended by the Inspector in her report.

It is appropriate for the Planning Committee to consider whether the proposal would prejudice the implementation of the strategic proposal for Bromyard and, if it would, there could be a prematurity argument for refusal. Notwithstanding the further representations that have been received, your officers remain of the view that the information submitted does demonstrate that it is technically possible to provide two separate points of access for the respective sites. On this basis the development of the strategic site would not be prejudiced and the application to be considered is not premature.

Furthermore, the Development Framework submitted by RPS and the representations made by Bromyard Town Council pre-suppose that the site at Hardwick Bank will be developed for 500 dwellings. Members are reminded that Policy BY2 of the emerging Core Strategy provides for a mixed use development "...of around 250 new homes..." and does not envisage the number indicated by the Development Framework. In your officers view it is

consequently unreasonable to suggest that the proposal is premature as, when combined with the strategic housing allocation of 250 and committed development (76 at Porthouse Farm), the housing allocation for Bromyard would not be met.

NO CHANGE TO RECOMMENDATION

143189 - PROPOSED ERECTION OF 10 NO. DWELLINGS AND ASSOCIATED HARD AND SOFT LANDSCAPING AT LAND WEST OF HOLYWELL GUTTER LANE, HEREFORD, HEREFORDSHIRE, HR1 1XN

For: Ms Duggan per Mr David Wint, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT

ADDITIONAL REPRESENTATIONS

The applicants have confirmed that the proposed development will be constructed to Code for Sustainable Homes, Level 4.

OFFICER COMMENTS

Officers welcome this confirmation and commitment to Sustainable methods of construction and would recommend that this be included within the Section 106 agreement.

NO CHANGE TO RECOMMENDATION

143780 - PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A NEW GARDEN AND ESTATE MACHINERY SHOWROOM, OFFICES, WORKSHOP AND STORAGE BUILDING, NEW ACCESS, PARKING AND ALTERATIONS TO ROCKFIELD ROAD JUNCTION AT FORMER TAN BROOK CENTRE, ROCKFIELD ROAD, HEREFORD, HR1 2UA

For: Mr Smith per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL

ADDITIONAL REPRESENTATIONS

Ecology comments

The Council's Ecologist has responded. He has no objection subject to the imposition of conditions:

"I visited this site as part of a pre-application enquiry and the potential for bats and nesting birds I considered slight, although slow worms in the context of known habitats off-site (amongst the scrub along the railway line) may be more likely.

There is no assessment of this with this full application submission and in view of the risk to such species I would advise that a condition is added to any approval requesting a slow-worm and nesting bird appraisal prior to any works commencing. I suggest the following non-standard ecological condition is worded as follows:

Prior to commencement of the development, a reptile survey and a nesting bird survey should be carried out and the results with any mitigation required 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

CHANGE TO RECOMMENDATION

Add ecology condition as per comments above.

141651 - SITE FOR RESIDENTIAL DEVELOPMENT OF UP TO 100 DWELLINGS, WITH ASSOCIATED MEANS OF ACCESS AND CAR PARKING FOR THE FULL PITCHER PUBLIC HOUSE AT LAND TO THE REAR OF THE FULL PITCHER, NEW STREET, LEDBURY, HR8 2EN

The Silverwood Partnership & Enterprise Inn Plc per Ms L Wilkinson, D2 Planning, Suites 3 & 4 Westbury Court, Church Road, Westbury on Trym, Bristol, BS9 3EF

ADDITIONAL REPRESENTATIONS

The statement relating to full size football pitch provision published as part of the updated committee report was found to be inaccurate in respect of the use of pitches at Ledbury Rugby Club. The following statement is a revision to that included in the committee report.

It has been agreed with the chairman of the rugby club. He has provided written confirmation that the rugby club agrees with its contents and is fully supportive of this application. The following text therefore supersedes the statement contained within paragraph 1.2 of the committee report:

This statement has been prepared following the decision of the Planning Committee on 11th February 2015 to defer the application in order for further information in regards to the provision of football facilities in the Ledbury area to be submitted.

There are currently four senior full size football pitches in Ledbury. One at New Street (formally the home of Ledbury Town Football Club), one all-weather AstroTurf pitch at John Masefield High School which has been used for training by Ledbury Town Football Club and two at the Ledbury Rugby Club's sports fields on Ross Road (which have been used for the occasional senior football game since LTFC went in to liquidation).

In the past Ledbury Cricket Club have sub-let the pitch at the top of their ground to Ledbury Town Football Club, they would use the pitch for pre-season training when their own ground was under a maintenance programme and at times when there was a fixture clash at their main pitch using their own changing facilities. At all times Ledbury Cricket Club had the final say over usage to protect the pitch from causing damage to the outfield, it was therefore not in used in wet conditions and was not used for training beyond pre-season due to there being no floodlights.

This agreement is no longer in place as it was made with the old committee of Ledbury Town Football Club which has been disbanded, and because the club had fallen into arrears which breached the terms of the sub-letting. Ledbury Cricket Club have now been approached by Ledbury Rugby Club who are interested in using that land as overflow in the interim period from their Ross Road site for Junior football and/or Rugby. No agreement is yet in place. Ledbury Town Football Club are indebted to their Landlord and have now surrendered the lease of their main football ground on New Street and due to continuing debt have now been locked out permanently, although the new Committee continue to negotiate with the Landlord.

To support the community, Ledbury Rugby Club has allowed Ledbury Town Football Colts team to use their grounds on the Ross Road on 2 occasions in January/February 2015. Capacity is severely constrained at Ross Road and Ledbury Rugby Club is unable to provide pitches and facilities to Ledbury Town Football club on any more than a one-off, ad hoc basis. Specifically the current Ross Road site does not have the capacity to absorb senior football in the short or medium term.

Since the lock out of Ledbury Town Football Club, Ledbury Cricket Club, as gesture of good will, allowed the team to use the pitch on one occasion to enable them to fulfil a fixture, but the changing and shower facilities available at the cricket ground are inadequate for senior football use. It is worth noting that the football pitch at Ledbury Cricket Club was not included in the calculations in the Council's Playing Pitch Assessment due to its limited usage and lack of security.

As recognised by the Council's Parks and Countryside Officer, there is currently a surplus of senior football pitch provision in the Ledbury area so the proposals would not result in a deficiency of senior football pitches in Ledbury. The new facility at Orlham Lane will provide a Sport England compliant junior football pitch. Ledbury Cricket Club intends to make this available to Ledbury Swifts and if taken up, this will relieve pressure on the Ross Road facility.

Therefore, in view of the above, it has been clearly demonstrated that the relocation of the Cricket Club to the Ross Road/Orlham Lane site will not result in a deficiency of football pitches, for either junior or senior players, in the Ledbury area.

The applicant's agent has also submitted further email correspondence in which she points out that the football pitch at the Cricket Club was not included in the calculations in the Council's Playing Pitch Assessment due to its limited usage and lack of security. She also highlights the fact that the Council's Parks & Countryside Officer recognises that there is currently a surplus of senior football pitch provision in the Ledbury area but a deficit of junior pitches. The approved scheme at Orham Lane will be addressing this balance. Finally she reminds that the existing Cricket Field is not Public Open Space but it is privately rented and that the proposed residential development will provide an element of open space which will be Public Open Space.

Two further letters of support has also been received. They reiterate many of the points contained within the report at paragraph 1.4, but an additional point about the need for additional affordable housing in Ledbury is also raised.

One further letter of objection has been received from the chairman of Ledbury Town Football Club. In summary the points raised are as follows:

- There are very limited facilities for senior football in the Town and while we are currently locked out of our facility adjacent to the cricket club we are using the football pitch to service two teams requirements in order to keep senior football alive.
- The previous regime also had a lease on the pitch on the cricket ground which allowed us a summer training facility and an option when we have two simultaneous home games. We are currently renting the pitch on an 'ad hoc' basis as and when we need it.
- Even if the club's tenancy at New Street was secure it would still be objecting as the potential impact on the ground would be detrimental and the town would still be one pitch less.
- Any development on sporting facilities should give the utmost consideration to all involved and ultimately as a minimum all the users should be offered a viable, practical alternative.

Further representations have also been received from a highway consultant and solicitor acting on behalf of the adjoining landowner of Ledbury Town Football Club. In summary the points raised are as follows:

- There has been no formal consultation on the amended drawings showing the revised access arrangements from New Road. This is clearly not in accordance with the Council's own advice and procedures.
- No Road Safety Audit (RSA) has been carried out. The Council is being inconsistent in its approach to highway matters and this scheme has not had the required level of highway scrutiny for the Council to properly understand the highway safety aspects of this scheme.
- The Supplementary Transport Statement was made even though the Transportation Manager originally had no objection to the proposal as originally submitted. The traffic survey that was subsequently required was rushed and was carried out in December. Data collected in this period is unreliable and is not accepted as satisfactory evidence of normal highway conditions.
- No survey of the bypass roundabout appears to have been undertaken. A manual turning count of the roundabout is essential to be able to consider the existing situation and the impact of the proposed development and the proposed works to the roundabout.
- The narrowing of the entry and exit points of the roundabout will impact upon its capacity and the Council are not in a position to be able to understand the operation of the junction without a RSA.

- The application is devoid of essential information to technically assess the application from a highway safety and capacity perspective. Officers have not acted in accordance with normal practice and the traffic survey is not reliable.
- No assessment has been made regarding the impact of the adjoining established land use of Ledbury Town Football Club, or the fact that the development (if approved) will have a negative impact on the ability to improve or re-develop Ledbury Town Football Club.
- In order to continue sporting / leisure use the impact of the floodlights, crowd noise and access to the site all have an impact on the residential development shown. This is considered to be a major omission
- The adjoining landowner is considering issuing a Blight Notice against the Council.

OFFICER COMMENTS

Policy S8 to be added to the list of policies at paragraph 2.2 in the original report

In light of the further changes to the statement submitted regarding football pitch provision in Ledbury the further advice of the Council's Parks & Countryside Officer has been sought. She has confirmed that the football pitch within the application site was not included in the overall calculations in the Playing Pitch Assessment and that there is a surplus of adult football pitches in the town.

On this basis your officers remain of the view that; in light of the approved scheme for new cricket and junior football pitch facilities at Orham Lane, the loss of the playing pitches will not be detrimental to provision in the town and that the scheme is compliant with Policy RST4 of the UDP.

With regard to the comments received from the highway consultant and solicitor, further advice has been sought from the Council's Transportation Manager. He has advised that, in his opinion there is no need for RSA as all of the information required has been submitted as part of the original Transport Assessment and the supplementary document submitted which includes the traffic counts. The Transportation Manager has confirmed that he is satisfied with the level of information received.

The comments that relate to the changes proposed to the roundabout need to be clarified. The alterations are not a pre-requisite of this proposal. They are safety improvements that were being considered by the Council's Highway Safety Team as a matter of course. When they became aware of the application, including the original proposal to include a protected right turn, it was brought to officer's attention that their scheme of improvements would be compromised. In order to ensure that the improvement scheme could be facilitated in the future the applicants were asked to consider the implications of amending the access arrangements to the scheme and, at the same time, demonstrate that the changes would not compromise highway safety. It is for this reason alone that the scheme has been amended and explains the situation where the Transportation Manager did not object to the application yet further amendments were required.

Officers accept that the amendments should have been subject to further consultation and it is therefore recommended that the application is delegated to officers to approve, subject to the completion of a further consultation period and no new material planning considerations being raised as a result.

The most recent representations highlight the fact that the officers report does not properly consider the impact of the development on Ledbury Town Football Club. Football is not currently taking place at Ledbury as the club has been declared bankrupt. Notwithstanding this, the ground remains and is clearly capable of being brought back into use for the purposes of playing football at some point in the future. The ground is of a modest scale and exists in a predominantly residential area. Given the size of the football ground and the

crowds that are likely to be attracted if a football club is re-established, the principle of introducing residential development in closer proximity to the football ground than currently exists is considered to be acceptable. The precise location of dwellings and their relationship with the football ground would be subject to a reserved matters application if this application is approved and any impact could be mitigated.

CHANGE TO RECOMMENDATION

Subject to the completion of a further 21 day consultation period and there being no new material planning considerations raised as a result, that officers named in the Scheme of Delegation to Officers be authorised to complete a Section 106 Town & Country Planning obligation and to grant outline planning permission subject to the conditions below and any other further conditions considered necessary.

