

AGENDA

Planning Committee

Date: **Wednesday 4 March 2015**

Time: **10.00 am**

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

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

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

Councillor PA Andrews

Councillor AJM Blackshaw

Councillor AN Bridges

Councillor EMK Chave

Councillor BA Durkin

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor JG Lester

Councillor RI Matthews

Councillor RL Mayo

Councillor PJ McCaull

Councillor FM Norman

Councillor J Norris

Councillor TL Widdows

Councillor DB Wilcox

AGENDA

- 1. APOLOGIES FOR ABSENCE**
To receive apologies for absence.
- 2. NAMED SUBSTITUTES (IF ANY)**
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.
- 3. DECLARATIONS OF INTEREST**
To receive any declarations of interest by Members in respect of items on the Agenda.
- 4. MINUTES** 7 - 34
To approve and sign the Minutes of the meetings held on 11 February 2015.
- 5. CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements from the Chairman.
- 6. APPEALS** 35 - 38
To be noted.
- 7. 142175 LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE** 39 - 62
Site for up to 120 dwellings with associated open space and landscaping.
- 8. 143189 LAND WEST OF HOLYWELL GUTTER LANE, HEREFORD, HR1 1 XN** 63 - 76
Proposed erection of 10 no. dwellings and associated hard and soft landscaping.
- 9. 143780 FORMER TAN BROOK CENTRE, ROCKFIELD ROAD, HEREFORD, HR1 2UA** 77 - 86
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.
- 10. 141651 LAND TO THE REAR OF THE FULL PITCHER, NEW STREET, LEDBURY, HR8 2EN** 87 - 104
Site for residential development of up to 100 dwellings with associated means of access and car parking for The Full Pitcher Public House.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 11 February 2015 at 10.00 am

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

Councillors: JM Bartlett, CM Bartrum, AJM Blackshaw, WLS Bowen, AN Bridges, ACR Chappell, EMK Chave, BA Durkin, PJ Edwards, KS Guthrie, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, JG Lester, RL Mayo, PJ McCaull, J Norris, DC Taylor, TL Widdows and DB Wilcox

143. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, PJ Edwards, DW Greenow, J Hardwick, RI Matthews and FM Norman.

144. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JM Bartlett attended the meeting as a substitute member for Councillor FM Norman, Councillor CM Bartrum substituted for Councillor PA Andrews, Councillor WLS Bowen for Councillor J Hardwick, Councillor ARC Chappell for Councillor RI Matthews, Brig P Jones for Councillor DW Greenow and Councillor DC Taylor for Councillor PJ Edwards.

145. DECLARATIONS OF INTEREST

The Chairman noted that two applications on the agenda had been submitted by Members of the Council who were also Members of the Committee and as such known to all Members of the Committee. He invited Members to consider whether they knew the Members concerned to a degree that warranted a specific interest being declared.

Agenda item 7: P141828/F Mill Field, Fownhope

Councillor WLS Bowen declared a non-pecuniary interest because he knew the applicant.

Councillor AN Bridges declared a non-pecuniary interest because he knew the applicant.

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor BA Durkin declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

(Councillor EMK Chave commented that in representations made to Members it had been suggested that since the applicants were members of the Committee, other members of the Committee would know about their applications. She stated for the record that the first she had known of either application was when she received the papers for the meeting.)

146. MINUTES

RESOLVED: That the Minutes of the meeting held on 21 January 2015 be approved as a correct record and signed by the Chairman.

147. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

148. APPEALS

The Planning Committee noted the report.

149. P141828/F MILL FIELD, FOWNHOPE, HEREFORDSHIRE

(Proposed residential development of 22 open market family homes and 11 affordable homes.)

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 highlighted that the impact on the Wye Valley Area of Outstanding Natural Beauty (AONB) and whether the proposed development represented a major development within the local context were the critical issues. Officers had concluded that the development was not a major development. He drew attention to the reference in the update to the intervention of the National Planning Casework Unit (NPCU) for the Department for Communities and Local Government and a proposed change to the recommendation recommending that the Committee be minded to approve the application.

In accordance with the criteria for public speaking, Mr M Simmons, Chairman of Fownhope Parish Council spoke in opposition to the Scheme. Mr C Whitmey, a local resident, spoke in objection. Mr J Spreckley, the Applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor WLS Bowen spoke in the role of the local ward member, having acted in that capacity on behalf of local residents for this planning application because the local ward member Councillor J Hardwick was the applicant.

He commented on a number of issues including:

- The Parish Council and the Neighbourhood Planning Group opposed the application.
- The application was within the AONB and outside but adjoining the settlement boundary for Fownhope.
- Account needed to be taken of the proximity of the Cherry Hill Wood SSSI.
- The site was opposite the Grade II listed Mill House Farm complex.
- One view was that the development should be treated as a major development. However, Fownhope was a proposed 'main village within the Core Strategy. Using a baseline figure of 342 dwellings the proposed development represented less than 10% growth and less than half of the growth proposed within the Core Strategy and included 11 affordable homes. The Principal Planning Officer had concluded that the development was not a major development. He highlighted the comments of the Conservation Manager (Landscape) in bold type in paragraph 6.12 of the report.
- There was some adverse impact on the landscape. The Campaign to Protect Rural England objected. However, the applicant had done a considerable amount to mitigate this impact.

- The development had little impact on the road network.
- Funding was available with the proposed Section 106 agreement to improve footpath access.
- The statutory consultees did not object to the development.
- Weight had to be given to the Council's lack of a 5 yr housing land supply.

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

- It was observed that whether the development was to be treated as a major development was a matter of opinion not fact. Various opinions were expressed on this point. In particular reference was made to paragraph 6.10 of the report setting out the National Planning Policy Guidance on whether a proposed development in a designated area should be treated as a major development. Attention in this context was drawn to the extract from the comments of the Conservation Manager (Landscape) at paragraph 6.12 of the report that: the development would result in "a locally significant adverse change in character of this part of the village". Although the Conservation Manager went on to say that there was the potential for mitigation, the negative impact, whether or not it could be mitigated to some extent was a key consideration. The development should be considered a major development, engaging paragraph 116 of the National Planning Policy Framework.
- The absence of a five year housing supply had to be weighed against the guardianship of the AONB.
- The Principal Planning Officer clarified that the Council assessed Fownhope's contribution to housing growth in the core strategy at 73 houses; the Parish Council considered 61 houses would meet the percentage of growth required. This represented 49% or 54% respectively of the proposed growth requirement.
- The Cherry Hill SSI was a particularly beautiful part of the County. The Wye Valley AONB Partnership was quoted in the report as follows: "the Wye Valley is regarded as one of the finest lowland landscapes in Britain, with the River Wye one the nation's favourite rivers."
- The application did seek to mitigate the impact of the development.
- Measures to make the affordable housing energy efficient and therefore affordable and sustainable in the longer term would have been welcomed.
- It was asked whether a condition could be imposed passing control of the proposed orchard to the Parish Council so that any further development of the site would require the Parish Council's approval. The appropriateness of such an approach was questioned. The Principal Planning Officer commented that paragraph 4 of the draft heads of terms left the maintenance of public open space open for negotiation.
- Account should be taken of local opposition to the development.
- It was questioned whether the width of the current footpath was sufficient and whether that width could be adequately maintained given the overhanging trees. The Transportation Manager confirmed that the feasibility of providing a footpath direct from the development to the village alongside the B4224 had been assessed and one could not be provided.
- It was suggested that the current 30mph speed restriction should be moved back further in advance of the access to the development.
- The development was sustainable and there should therefore be a presumption in favour of development given the absence of a five housing land supply.
- There were no objections from the statutory consultees.

- The proposed provision of bungalow was welcome.
- In conclusion, it was proposed that the application should be refused on the grounds that it did represent a “major” development and that as such paragraph 116 of the National Planning Policy Framework applied. This required permission for a major development in an AONB to be refused save in exceptional circumstances and where it could be demonstrated the proposed development was in the public interest.

The Development Manager commented that if the Committee considered the development was a “major” development paragraph 116 of the NPPF was engaged. He added that the absence of a completed S106 agreement was a further ground for refusal.

The Solicitor sought and received confirmation of the Committee’s view that the development was a “major” development and that the exceptional circumstances in paragraph 116 of the NPPF had not been met and the development would have an adverse effect upon the AONB.

The local ward member was given the opportunity to close the debate. He noted that in deciding whether an application represented a “major” development regard had to be had to the local context and it was a fine balance. He reiterated the benefits of the Scheme, noted the absence of a five year housing land supply and the Parish Council’s objection.

RESOLVED: That planning permission be refused on the grounds set out below 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 application represented “major” development and that paragraph 116 of the NPPF was therefore engaged, and the consequent test of “exceptional circumstances” had not been met in that (i) there was not sufficient evidence from the developer of the cost of, and scope for, developing elsewhere outside the Area of Outstanding Natural Beauty (AONB), and (ii) the development would have an adverse effect on the AONB; and a S106 agreement had not been completed.

150. P141963/O LAND EAST OF CALLOWSIDE, ELM TREE ROAD, EWYAS HAROLD, HEREFORDSHIRE, HR2 0HZ

(Site for erection of up to 38 houses and apartments with highway access onto Elm Green Road; associated infrastructure 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, Mrs E Overstall of Parish Council spoke on the Scheme. Mrs A Hayter, the Applicant’s agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council’s Constitution, the local ward member, Councillor GJ Powell spoke on the application.

He was broadly supportive of the application, noting that the last housing needs study in 2009 had identified the need for 51 affordable homes in Ewyas Harold and that need remained to be met. However, the application was for outline planning permission and he considered that a number of issues would need to be addressed at the reserved matters stage including: the provision of a continuous pathway alongside the B4347; provision for transportation needs in in a S106 agreement, detailed drainage proposals,; measures to ensure safety of bus service operation; and the importance of the developer

conducting further consultation with the Parish Council and local community to deliver a site that had local support.

In the Committee's discussion of the application Members supported the outline application noting that a number of matters would need to be resolved at the reserved matters stage.

The Development Manager commented that approval was being sought for the principle of development and there was scope for detailed discussion to take place on the reserved matters.

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

RESOLVED: That 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. **C01 Samples of external materials**
5. **The development shall include no more than 38 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

6. **H03 Visibility splays**
7. **H08 Access closure**
8. **H11 Parking – estate development (more than one house)**
9. **H17 Junction improvement/off site works**
10. **H18 On site roads – submission of details**
11. **H19 On site roads - phasing**
12. **H20 Road completion**
13. **H21 Wheel washing**
14. **H27 Parking for site operatives**
15. **H29 Covered and secure cycle parking provision**
16. **H30 Travel plans**

17. The species mitigation and habitat enhancement measures shall be carried out in accordance with the recommendations set out in Section 4.5 of the ecologist's report from EDP dated June 2014. Prior to commencement of the development, the habitat features to be retained or lost shall be clearly identified as part of the landscape plan and the works proposed shall be carried out in accordance with the plan.
18. G04 Protection of trees/hedgerows that are to be retained
19. G09 Details of boundary treatments
20. G10 Landscaping scheme
21. G11 Landscaping scheme - implementation
22. L01 Foul/surface water drainage
23. L02 No surface water to connect to public system
24. L03 No drainage run-off to public system
25. L04 Comprehensive and integrated draining of site

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. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN01 Mud on highway
8. HN25 Travel Plans
9. HN05 Works within the highway

151. P142410/O LAND ADJACENT TO B4222, LEA, ROSS ON WYE, HEREFORDSHIRE.

(Proposed outline consent for the erection of up to 38 dwellings.)

The Development Manager 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 P Fountain of Lea Parish Council spoke in opposition to the Scheme. Mr S Banner, Chairman of the Lea Action Group, spoke in objection. Mr B Weatherley, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor H Bramer spoke on the application.

He commented on a number of issues including:

- The application was a further one predicated on the absence of a five year housing land supply. In Lea there were 218 properties. The draft Core strategy envisaged 14% growth up to 2031(30 additional homes). Permission had already been granted for 48 additional homes in Lea. This further application was a step too far.
- Welsh Water had expressed strong concerns regarding overland flooding downstream of the proposal.
- The Transportation Manager had identified that the visibility splays for access needed to be addressed.
- The land drainage manager had identified concerns about fluvial flood risk.
- He highlighted the objections of Lea Parish Council and Ashton Ingham Parish Council set out in the report.

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

- The proposal represented overdevelopment, with too much development delivered too quickly which would have a significant detrimental effect. The application should be refused on these grounds.
- The two Parish Councils had highlighted a number of material considerations in their objections.

The Transportation Manager commented that revised drawings indicated that the visibility splays at the site's access would be satisfactory.

The Development Manager commented that Welsh Water's concerns related to a flood alleviation scheme. Such a scheme would have to be provided before the occupation of any dwellings. There were strong objections to proposed limits on growth in the core strategy and no limit could therefore be placed on development based on the number of houses for which permission had already been granted. He emphasised that an application for 40 homes at Lea had been refused under delegated powers because the proposal had been unacceptable. In contrast, officers considered this application site to be suitable for development. S106 monies would address the pressure on provision of school places. He could not provide the Committee with grounds for refusal.

The local ward member was given the opportunity to close the debate. He reiterated his comments about the scale of development at Lea adding that he did not consider the proposed development to be sustainable.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal: the development would represent overdevelopment of Lea.

Informative

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 by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission

have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

152. P143600/F LAND NORTH OF TARS MILL FARM, HOLLOW FARM ROAD, DINEDOR, HEREFORDSHIRE, HR2 6PE

(Proposed three bedroom dwelling.)

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 G Morris, the Applicant's agent spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor P Sinclair-Knipe spoke on the application.

He commented on a number of issues including:

- The personal family circumstances of the applicant provided a justification of the need for the development.
- The demands of modern farming made it important for a farmer to be near his place of work.
- The Committee had recently approved a similar application at Holme Lacy.
- The Parish Council supported the application. There were numerous letters in support of the application and none in objection to it.

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

- Most farmhouses would probably fail the sustainability test because by their nature they were often in isolated locations.
- There was a farming need for the development.
- There was a social need for the development.
- The applicant had failed to engage with the planning process and provide information required to support the application.
- The application was contrary to policy. Information to support approval having regard to paragraph 55 of the National Planning Policy Framework had not been provided.
- The Principal Planning Officer confirmed that the application had originally been for an agricultural dwelling but evidence to support the functional need had not been provided. The application before the Committee was for an open market dwelling in the open countryside, hence the recommendation that the application be refused.

The Development Manager confirmed that an agricultural tie to the property could be appealed if imposed.

The local ward member was given the opportunity to close the debate. He reiterated his support and the local support for the application.

The Solicitor sought and received confirmation that the grounds for approval were that there was a local social and agricultural need for the development and the development was sustainable.

RESOLVED: (on the Chairman's casting vote) that officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary on the grounds that there was a local social and agricultural need for the development and the development was sustainable.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 1.05 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 11 February 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

P141828/F - PROPOSED RESIDENTIAL DEVELOPMENT OF 22 OPEN MARKET FAMILY HOMES AND 11 AFFORDABLE HOMES AT MILL FIELD, FOWNHOPE, HEREFORDSHIRE.

For: SC Hardwick & Sons per Mr James Spreckley, Brinsop House, Brinsop, Herefordshire HR4 7AS

ADDITIONAL REPRESENTATIONS

1. The National Planning Casework Unit for the Department for Communities and Local Government have requested that should the Council be minded to grant permission that the decision not be issued until the Secretary of State has considered the case against his call-in policy and issued a decision. This does not prevent the application being considered at today's meeting.
2. The agent has submitted the following in response to the Parish Council comments in respect of a lack of engagement with the local community:-

"I note that you have repeated the comments of the Parish Council relating to the consultation process, or their alleged lack of consultation, but have not addressed this in your appraisal nor repeated my rebuttal of their accusation of the lack of consultation. You will recall that I addressed this in some detail in my email to you of 19 September, copying to you my emails to the Parish Council clerk dated 12th June 2012 and 28 January 2013 submitting details of our proposals for their consideration and comment. You will see from their response that the reluctance to engage in consultation was entirely from the Parish Council. It is worth noting that this response from the Parish Clerk was copied to the then Chairman of the Parish Council, who is now the Chairman of the Neighbourhood Plan Steering Group. As a result of this reluctance to engage, I held two Planning Exhibitions in December 2013 to enable me to engage directly with the public. These were widely advertised, although again the clerk declined to circulate the details by email or post details on the Parish Council notice boards. I also attended the Parish Council meeting in December 2013 to explain the proposals, and all the plans were submitted by email to the Parish Council clerk for circulation. As a result of the feedback there have been comprehensive amendments and a comprehensive re-design of the whole proposed development. I met again with the Parish Council as recently as 14th October 2014 to discuss the details of the proposed Community Orchard. In the interest of balance and fairness I would be grateful if you would include this specific information in your update to Members."

3. The Neighbourhood Plan Steering Group (NPSG) has submitted its planning consultant's conclusions in relation to the application site. The assessment concludes that the site should be rejected in principle because of its significant environment effects on matters of acknowledged and national importance, in

particular effect on the Wye Valley AONB and the character and appearance of the Conservation Area.

OFFICER COMMENTS

1. The National Planning Casework Unit request that if the Council is minded to approve the application the Secretary of State is informed to consider to his 'call-in' powers. The wording of the recommendation is changed to reflect this.
2. Item 7 of the Draft Heads of Terms S.106 agreement describes the financial contribution towards recycling as £2640 per dwelling, when it should read £2640 in total (or £120 per open market dwelling).
3. The NPSG assessment of the site's suitability for housing is part of the evidence base that will inform the neighbourhood plan. Officers consider this piece of work cannot be attributed weight in the decision-taking process for the following reasons:-
 - The Neighbourhood Plan, and by extension its evidence base, is not sufficiently advanced to attract weight.
 - The site assessment work has not been subject to any consultation.
 - The site assessment paper is wrong in law as it relies on the General Development Management Order definition of the term 'Major Development' i.e. 10 or more houses or sites exceeding 0.5ha. Case law establishes that for the purposes of NPPF paragraph 116 the term 'Major Development' cannot be ascribed a numerical value.
 - The assessment does not take into account the planning application.

CHANGE TO RECOMMENDATION

In response to the National planning Casework Unit's intervention, it is requested that if Members are minded to granted planning permission The Secretary of State is informed to consider his call-in powers.

**P142410/O - PROPOSED OUTLINE CONSENT FOR THE
ERECTION OF UP TO 38 DWELLINGS AT LAND ADJACENT
TO B4222, LEA, ROSS ON WYE, HEREFORDSHIRE,**

**For: MLN (Land and Properties) Ltd per Mr Weatherley,
Knights, The Brampton, Newcastle under Lyme, Staffordshire,
ST5 0QW**

ADDITIONAL REPRESENTATIONS

A draft S106 has been submitted in accordance with the Draft Heads of Terms.

NO CHANGE TO RECOMMENDATION

**P143600/F - PROPOSED THREE BEDROOM DWELLING AT
LAND NORTH OF TARS MILL FARM, HOLLOW FARM ROAD,
DINEDOR, HEREFORDSHIRE, HR2 6PE**

**For: Mr D Greenow & Ms V Huntley per Collins Design & Build,
Unit 5 Westwood Industrial Estate, Pontrilas, Hereford,
Herefordshire HR2 0EL**

ADDITIONAL REPRESENTATIONS

4 additional letters of support have been received that raise no new issues.

The Transportation Officer has confirmed that he has no objections.

NO CHANGE TO RECOMMENDATION

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 11 February 2015 at 2.00 pm

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

Councillors: JM Bartlett, CM Bartrum, AJM Blackshaw, WLS Bowen, AN Bridges, ACR Chappell, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, Brig P Jones CBE, JG Lester, PJ McCaull, J Norris, RJ Phillips, TL Widdows and DB Wilcox

153. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, BA Durkin, J Hardwick, JW Hope MBE, MAF Hubbard, JG Lester, RI Matthews RL Mayo and FM Norman.

154. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JM Bartlett attended the meeting as a substitute member for Councillor FM Norman, Councillor CM Bartrum substituted for Councillor PA Andrews, Councillor WLS Bowen for Councillor J Hardwick, Councillor ARC Chappell for Councillor RI Matthews, Brig P Jones for Councillor JG Lester and Councillor RJ Phillips for Councillor JW Hope.

155. DECLARATIONS OF INTEREST

There were no declarations of interest.

156. P140890/N LAND ADJ ASHGROVE, EASTFIELDS FARM, BODENHAM, HR1 3HS

(Proposed construction of earth slurry lagoon.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Hawnt, a local resident, spoke in objection. Mr A Murphy, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor KS Guthrie spoke on the application.

She commented on a number of issues including:

- The scale of the development was large.
- The slurry pit was situated on the brow of a very steep hill.
- There was concern about the potential for pollution. The pit had been constructed on porous rock and three expert reports had highlighted the harmful effects of a leak. If there was a leak, local boreholes would be contaminated and there was concern that the leakage would flow downhill into the village.

- The banking surrounding the lagoon was not sound. This could compromise any liner put in place. If a leak were to occur it would then be too late to seek to retrieve the situation.
- There was also concern about the smell that the lagoon would cause.
- She cited a number of policies that she considered formed grounds for refusal: S2, DR1, DR2, DR4, DR7, DR8, DR11, E13, M3, M5, M7, LA2, LA5, NC1 and Arch1. The development was also contrary to the three core principles of the National Planning Policy Framework relating to sustainable development.
- In short, the development was wrong, in the wrong place and would have an adverse effect upon the local community.

Councillor JW Millar, as adjoining local ward member, also spoke on the application. He made the following principal points:

- The original retrospective application had been refused on eleven grounds. Only six of these had been fully addressed with the remainder addressed only to some extent.
- Whilst Marden Parish Council supported the application, Bodenham Parish Council remained opposed to it, requiring assurance that all eleven grounds for refusal had been fully addressed.
- There was continuing concern about the risk of leakage. The original excavation had broken through a porous limestone layer. The proposal to install an artificial sealed liner was not infallible. Even with a robust leak detection system there was concern that remedial action could not be taken swiftly enough to prevent pollution.
- The standard of work undertaken to date had been poor. Trees had been damaged. The sides of the pit were collapsing. No archaeological work had been carried out. He did not have confidence in the quality of future work.
- The development presented a risk to the area.

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

- There was concern about the stability of the land and the prevention of future landslips.
- An alternative site should be considered.
- There was doubt about the ability to guarantee the prevention of leakage given that seals on liners did fail.
- Farmers had a duty of care to their neighbours who appeared not to have been consulted about the development.
- The Environment Agency and Natural England had not submitted objections. The Principal Planning Officer commented that she had been unable to recommend refusal in the absence of objections from these bodies, to whom she had made representations, but noted the constraints within which those bodies had to operate.
- Whilst the Environment Agency had stated that it had no objection it was questioned what level of detail it had considered.
- It was suggested that the farming industry now considered metal storage tanks above ground to be the preferred solution for slurry storage.
- It was a concern that given the time that had elapsed the grounds for refusal of an earlier application still remained to be addressed.
- The quality of work undertaken to date at the site was poor.

The local ward member was given the opportunity to close the debate. She reiterated that she considered the development to be inappropriate, presenting an unacceptable risk of pollution to the local area.

Councillor Millar commented that three reports representing independent expert opinion highlighted the risks of the proposed development. He had no confidence in the solutions proposed by the applicant.

It was proposed that the application should be refused on the grounds that the land on which the development was located was unstable, the application presented a risk to water courses, the location was unacceptable being on a steep escarpment, and the development was contrary to a number of policies as outlined by the local ward member.

RESOLVED: That planning permission be refused on the grounds set out below 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 land on which the development was located was unstable, the application presented a risk to water courses, the location was unacceptable being on a steep escarpment, and the development was contrary to a number of policies as outlined by the local ward member: S2, DR1, DR2, DR4, DR7, DR8, DR11, E13, M3, M5, M7, LA2, LA5, NC1 and Arch1. The development was also contrary to the three core principles of the National Planning Policy Framework relating to sustainable development.

Informative

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 by identifying matters of concern with the proposal and clearly setting these out in the reason for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

157. P141487/O LAND TO THE EAST OF THE A49, HOLMER, HEREFORDSHIRE

(Site for proposed erection of 52 no. residential dwellings, parking, landscaping, drainage and other associated engineering works. Vehicular access from A49.)

The Development Manager 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 M Millmore of Holmer and Shelwick Parish Council spoke in opposition to the Scheme. Mr D Weaver, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor SJ Robertson spoke on the application.

She commented on a number of issues including:

- The Conservation Manager (Landscapes) had objected to the development, as summarised at paragraph 6.15 of the report, referring to policies that directed refusal

of development that would adversely affect either the overall character of the landscape or its key features.

- The site had been assessed via the Strategic Housing Land Availability Assessment as having major constraints due to landscape sensitivity;
- The development would represent urbanisation, spoiling the rural setting.
- The Parish Council objected to the development.
- St Bartholomew's Church, Holmer was described in the report by the Conservation Manager (Historic Buildings) as being of exceptional importance and significance. Its setting would be adversely affected by the development.
- The development was at odds with the general pattern of development in the local area.
- The A49 was busy with fast moving traffic. She questioned paragraph 6.19 which stated that accessibility could be achieved through non-car borne access to amenities.
- Negotiations with the Highways Agency were ongoing about the A49. She expressed a number of concerns about the proposed access to the development.
- She questioned the pressure the development would place on schools. Holmer School was not referred to in the S106 agreement and she requested involvement in any future discussions on that agreement.
- There were ongoing sewer problems which the development could only exacerbate.
- If the application were to be approved she requested that the developer provide money to expand the burial ground.
- The development would place a high dependence on the car, was not sustainable and therefore paragraph 14 of the National Planning Policy Framework did not apply.
- The application should be refused on numerous policy grounds including policies LA 3 and LA4 of the Unitary Development Plan.

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

- It was requested that regular updates on the five year housing land supply should be provided to the Committee given the weight reports coming before the Committee recommended should be attached to the absence of that land supply.
- The Section 106 agreement offered a number of positive elements.
- A number of matters were identified as requiring future consideration including foul water and waste disposal, and the need for design and build to be of good quality and meet environmental requirements. It was suggested the need to consider these matters might be reflected in the decision notice as informative notes.
- The bulk of the required housing development in the County should take place in Hereford City and the Market Towns. The area had once been rural but was now urbanised and the site was a logical location for development.
- The proposed access was of concern. The Highways Agency should be requested to put in a central reservation to facilitate turns into the development.
- Heritage assets were important and efforts should be made to protect the setting of the church.
- Concern was expressed about highway safety issues. The A49 was already extremely busy and the development could only make things worse. It was difficult for pedestrians to cross the A49. It was suggested that if the application was

approved the Highways Agency should be requested to work with the developers to make safety improvements including extension of the 30mph speed limit.

- It was asked if the developer could provide land to enable the burial ground to be extended.

The Development Manager commented that the extension of the 30 mph speed limit was provided for within the S106 agreement. If the application was approved discussions would take place with the Highways Agency about safety issues. Concerns about flooding would be addressed at the reserved matters stage. In terms of the landscape impact the only question to be considered was whether the development had a detrimental impact, including a detrimental impact on a listed building under policy HBA4.

The local ward member was given the opportunity to close the debate. She reiterated her opposition to the scheme noting that both the Conservation Manager (Historic Buildings) and the Conservation Manager (Landscapes) objected to the development because of its significant adverse impact.

RESOLVED: That 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 be authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary, after consultation with the Chairman and local ward member.

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. **E01 Archaeological site investigation**
6. **I17 Scheme of foul drainage disposal**
7. **H01 Single access - no footway**
8. **H03 Visibility splays**
9. **H04 Visibility over frontage**
10. **H06 Vehicular access construction**
11. **H08 Access closure**
12. **H11 Parking - estate development (more than one house)**
13. **H17 Junction improvement/off site works**
14. **H21 Wheel washing**
15. **H27 Parking for site operatives**
16. **Foul water and surface water discharges shall be drained separately from the site.**

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

- 17. 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.

- 18. 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.

- 19. Foul flows from the site shall connection to public foul sewerage system located to the South of the proposed development at manhole SO50426101.**

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

- 20. 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.

- 21. No development shall take place until a potable water scheme to satisfactorily accommodate the potable water supply to 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 potable water system has been constructed, completed and brought into use in accordance with the approved scheme.**

Reason: To protect the integrity of the existing public sewerage system and to prevent pollution of the environment.

- 22. No structure is to be sited within a minimum distance of 4.5 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.**

Reason: In order to protect the integrity of the water main in accordance with policy

- 23. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.**

Reason: In order to protect the integrity of the water main in accordance with policy

24. **No part of the development hereby permitted shall be brought into use until the works as shown indicatively on Drawing No. C712/03 Rev A have been completed to the satisfaction of the Local Planning Authority in consultation with the Highways Agency.**

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for the through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interest of road safety.

25. **No trees or shrubs shall be planted within a strip measured 3m from the back of the visibility splay.**

Reason: To ensure that the A49 Trunk Road continues to serve its purpose as part of a national system of routes for the through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interest of road safety.

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. **I05 - HN10 No drainage to discharge to highway**

3. **I06 - HN02 Public rights of way affected**

4. **I07 - HN08 Section 38 Agreement & Drainage details**

5. **I11 - HN01 Mud on highway**

6. **HN28 - Highways Design Guide and Specification**

158. **P141651/O THE FULL PITCHER PUBLIC HOUSE AT 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.)

The Development Manager gave a presentation on the application.

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 TL Widdows and EPJ Harvey, two of the three local ward members, spoke on the application.

Councillor Widdows commented on a number of issues including:

- The proposal on the face of it might seem a good deal when considered alongside the relocation of the cricket pitch. However, he had a number of concerns.
- The proposal would involve the loss of public open space contrary to policy RST4.

- It would also involve the loss of the only pitch where adult football could currently be played. That alternative facility only had junior pitches.
- The Town Council was developing a Neighbourhood Plan and wanted to consult on possible housing sites. The application was therefore premature.
- He questioned whether the road system could cope with a development of the scale proposed which was also too close to the roundabout where New Street joined the A417.
- The site to which the cricket club proposed to relocate was not adequate. Access by means other than car would involve crossing the bypass which had a 60mph speed limit and walking 500m alongside the bypass to the site.

Councillor Harvey commented on a number of issues including:

- The Town Council and the Core Strategy had identified the possibility of siting housing north of the railway viaduct, with sports provision forming part of that development. She suggested the proposal was premature adding that she would like to see exploration of all the options as part of the neighbourhood planning process.
- The proposed access was of concern. The junction was close to the roundabout where New Street joined the A417 and traffic travelled at speed. There were 50 vehicles per hour at peak travel times and the Full Pitcher pub was open all day. She considered that the assessment of traffic movements was optimistic and did not take full account of the school run and shopping trips. She believed there was the possibility of traffic backing up. If the Committee was minded to refuse or defer determination of the application she could provide policy grounds for doing so.

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

- The fact that there were only six letters of objection to a development of 100 houses suggested that there was support for the application.
- As paragraph 6.13 of the report stated the site was within the constraint of the A417 which formed a development boundary and was a logical addition to the town.
- It was important to seek to meet the bulk of the County's housing shortfall by expansion of the city and the market towns.
- The alternative site for the cricket club was not equivalent to the current provision on the edge of the Town. Ledbury had a shortage of public open space and policy RST4 was relevant.
- The cricket club would have better facilities on the alternative site being proposed.
- New Street was a busy street and its capacity to absorb traffic from 100 dwellings was questioned.
- The proposal offered the opportunity to address some of the existing concerns about speed and highway safety at the roundabout.
- The NPPF stated that developers should work with the local community. Discussions should take place with the Town Council and the Neighbourhood Planning Group about design and layout of the scheme.
- It was proposed that determination should be deferred to permit discussion of the options to take place as part of the neighbourhood plan process.

The Development Manager commented that the Ledbury Football Club ground was not part of the application. There was a proposed replacement for the cricket facilities that

currently used the application site. In terms of access to those new facilities he noted that the site was close to Ledbury Rugby Club.

The Transportation Manager informed the Committee that a new design for access to the Full Pitcher site had recently been drawn up, superseding that referred to in the presentation. The change to the design would mean that speeds would be lower and the access safe. Traffic movements were calculated using a national database. It was considered that a right hand turn lane into the site was not required and that cost saving could fund improvements to the roundabout where New Street joined the A417 which was an accident cluster site.

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

Councillor Widdows commented on the importance of preserving sporting facilities and open space. The NPPF provided that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. This had not been addressed. He added that the bypass might form a development boundary but this did not mean that all green space within that boundary should be developed.

Councillor Harvey endorsed Councillor Widdows' comments. She considered that there had been few letters of objection because a number of previous applications had been unsuccessful and the belief was that development of the site would not be permitted. She reiterated concerns about the adequacy of the replacement sports provision and the insufficiency of green open space within the Town. She also questioned the changes to the proposed access and whether there had been adequate consultation on this aspect.

The Development Manager commented that in the light of the new access arrangements he would support deferral of determination of the application.

RESOLVED: That determination of the application be deferred.

159. P142517/F LAND TO THE SOUTH OF ROSS ROAD, LEDBURY, HEREFORDSHIRE

(Proposed erection of cricket pavilion, formation of car park and overflow car park and associated engineering works in association with the relocation of Ledbury Cricket Club and the formation of a proposed vehicular access off Orlham Lane to serve the site.)

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr K Francis of Ledbury Town Council spoke in support of the Scheme. Mr J Lightowler, a local resident, spoke in objection. Mr M Ehrlich, Secretary to the Cricket Club, spoke in support.

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

Councillor Harvey commented on a number of issues including:

- The proposal provided better provision for the cricket club, but did not provide for replacement of the existing football training pitch. The NPPF and UDP required that replacement sports facilities should be of a similar or improved standard.

- There was concern about the access and the width of the verges alongside the road. A cycle path would have been a preferred solution. There was concern about junior players being able to cross the 60mph road safely.

Councillor Widdows commented on a number of issues including

- There was concern about parking provision at the site.
- The site was a greenfield site on grade 2 agricultural land on the edge of Town. There should be more discussion of the options for preserving sporting facilities within the Town
- The access was flawed.

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

- Some concerns about highway access were acknowledged.
- There was no objection from the statutory consultees. Sport England considered the replacement facilities fit for purpose.
- If possible, consideration should be given to the provision of a footway and cycleway to the development.
- The Committee had to consider the suitability of the application before it. If alternative sites were to emerge in future it was a matter for the developer to consider whether one of those was preferable.
- There was insufficient car parking.
- The development provided an opportunity for the cricket club to secure its future. It also provided scope to develop a sports hub with the Rugby Club.

The local ward members were given the opportunity to close the debate. Councillor Widdows supported comments made about the importance of ensuring connectivity to the town through footpath and cycle links.

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 approved plans**
3. **G10 – Landscaping scheme**
4. **G11 – Landscaping scheme (implementation)**
5. **H05 – Access gates**
6. **H13 – Access, turning area and parking**
7. **H17 – Junction improvements / off site works**
8. **H29 – Secure cycle parking provision**
9. **I41 – Scheme of refuse storage (commercial)**
10. **The development hereby approved shall be carried out in accordance with the ecological enhancements as set out in Section 4 of the ecologist's**

report from Crossman Associates dated July 2014. Prior to commencement of the development, a habitat protection and enhancement 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.

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 Herefordshire Unitary Development Plan, and 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

11. Prior to the commencement of development the applicant shall submit the following information to the local planning authority for its written approval:

- Provision of infiltration rates and depth to groundwater, with tests undertaken in accordance with BRE 365, to demonstrate that the proposed solution is appropriate to underlying soil conditions;
- Provision of a detailed surface water strategy for the entire development including the pavilion, sports pitch, car park and overflow car park, informed by the results of on-site infiltration testing;
- Details of the proposed outfall to the existing ditch along Orham Lane;
- Provision of detailed calculations of the size of the proposed soakaways and/or attenuation features, demonstrating that discharge from the site will be limited to existing greenfield rates for a range of events up to the 1 in 100 year event and that sufficient onsite attenuation will be provided up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Demonstration that appropriate pollution control measures are in place in the car park and overflow car park prior to discharge;
- Demonstration that the Applicant has considered designing for exceedance.

The development shall be carried out in accordance with the approved details.

Reason: In order to prevent groundwater pollution and to ensure that any surface water run-off from the site is mitigated, and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

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. I09 – Private apparatus in the highway**
- 3. I35 – Highway Design Guide**
- 4. I45 – Working within the highway**

160. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 5.19 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 11 February 2015

(Afternoon)

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

P141487/O - SITE FOR PROPOSED ERECTION OF 52 NO. RESIDENTIAL DWELLINGS, PARKING, LANDSCAPING, DRAINAGE, AND OTHER ASSOCIATED ENGINEERING WORKS. VEHICULAR ACCESS FROM A49 AT LAND TO THE EAST OF THE A49, HOLMER, HEREFORDSHIRE

For: Mr & Mrs West per Pegasus Group, First Floor South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

ADDITIONAL REPRESENTATIONS

The applicants have confirmed that the new footway along the A49 will be 2m wide as agreed with the Highways Agency.

Discussions are on-going regarding the S106 contributions relating to Education.

OFFICER COMMENTS

The existing recommendation covers these aspects

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 141994/F

- The appeal was received on 4 February 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr J Greene
- The site is located at Land adjacent to Chapel Orchard, Hereford Road, Weobley, Hereford, HR4 8SW
- The development proposed is Proposed erection of 4 nos. dwellings with associated access and parking
- The appeal is to be heard by Written Representations

Case Officer: Mr Philip Mullineux on 01432 261808

Application 142632/U

- The appeal was received on 6 February 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Lawful Certificate
- The appeal is brought by Ms B Eakins
- The site is located at Redwood Orchard, St Michaels, Tenbury Wells, Worcestershire, WR15 8TL
- The development proposed is Application for a Lawful Development Certificate for full residential use. (with statutory declaration witness evidence as requested)
- The appeal is to be heard by Inquiry

Case Officer: Mr A Prior on 01432 261932

Application 142143/O

- The appeal was received on 10 February 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr J Glinos
- The site is located at 24 Hospital Houses, Burghill, Hereford, Herefordshire, HR4 7RE
- The development proposed is Site for a detached 3/4 bedroom house.
- The appeal is to be heard by Written Representations

Case Officer: Ms K Gibbons on 01432 261781

Application 141514

- The appeal was received on 16 February 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Tony Fenn
- The site is located at Land at Bye Cross Farm, Moccas, Hereford, Herefordshire
- The development proposed is proposed detached dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr Matt Tompkins on 01432 261795

Application 142672

- The appeal was received on 17 February 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Steve Birch
- The site is located at Field adjacent to the Barn, Lower Snodhill, Herefordshire, HR3 6BH
- The development proposed is Site for proposed dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Mr Matt Tompkins on 01432 261795

Application 140757

- The appeal was received on 13 February 2015
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr S Watkins and W Reynolds, Braemar Property Developments Ltd
- The site is located at Land East of Church House and West of A438, Bartestree, Herefordshire
- The development proposed is Residential development of up to 51 new dwellings of which up to 18 will be affordable.
- The appeal is to be heard by Written Representations

Case Officer: Mr Edward Thomas on 01432 260479

APPEALS DETERMINED

Application 142219/F

- The appeal was received on 24 October 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mr Joseph Thomas
- The site is located at Land at Yew Tree Cottage, Lingen, Bucknell, Shropshire
- The development proposed was Proposed change of use of paddock, access improvement and construction

The main issue(s) was whether the proposal represents an acceptable form of sustainable development with due regard to its location and the character and appearance of the area.

- **Decision:**
- The application was Refused under Delegated Powers on 10 October 2014
- The appeal was Dismissed on 29 January 2015

Case Officer: Mr Philip Mullineux on 01432 261808

Application 133043/L

- The appeal was received on 26 March 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Countryside Restoration Trust
- The site is located at Rose Cottage, Vowchurch, Hereford, Herefordshire, HR2 0RA
- The development proposed was Building of lean-to-porch incorporating cloakroom facilities.
- The main issue was whether the proposal would preserve a Grade II listed building or any features of special architectural or historic interest which it possess.

Decision:

- The application was Refused under Delegated Powers on 18 February 2014
- The appeal was Allowed on 5 February 2015

Case Officer: Mr Matt Tompkins on 01432 261795

Application 140531

- The appeal was received on 23 May 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mrs E Seymour
- The site is located at Quarry Field, Cotts Lane, Lugwardine, Herefordshire, HR1 4AA
- The development proposed was for Residential development comprising 20 open market homes and 10 affordable homes.
- The main issue was the effect of the proposed development on highway safety; on the setting of listed buildings and other heritage assets; on the character and appearance of the area, and; whether the proposal represents sustainable development to which the National Planning Policy Framework's (the Framework) presumption in favour should apply.

Decision:

- The application was Refused at Planning Committee against Officer Recommendation on 23 April 2014
- The appeal was Allowed on 12 February 2015

Case Officer: Mr Edward Thomas on 01432 260479

If members wish to see the full text of decision letters copies can be provided.

Further information on the subject of this report is available from the relevant case officer



MEETING:	PLANNING COMMITTEE
DATE:	4 March 2014
TITLE OF REPORT:	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
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142175&search=142175
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 18 July 2014

Ward: Bromyard

Grid Ref: 364360,254271

Expiry Date: 22 October 2014

Local Members: Councillors JG Lester & A Seldon

1. Site Description and Proposal

- 1.1 The site is located on the western edge of Bromyard, to the immediate south of Worcester Road (A44) and comprises around 4.7 hectares of agricultural/pastoral land divided into two fields by an established hedgerow boundary. The site boundaries are defined by established hedgerows and trees.
- 1.2 Existing residential areas lie to the north east of the site. To the east of the site are several residential properties fronting Panniers Lane, a cricket ground, Queen Elizabeth High School and established residential areas beyond. Established trees and hedgerows line Pencombe Lane, which forms the southern boundary of the site. A group of woodland trees line the western boundary.
- 1.3 The site lies within an area described by the Council's Landscape Character Assessment as a Timber Plateau Farmlands landscape type. Such areas are defined by the presence of field boundary hedgerows, linear woodland and medium scale open views and all of these features are evident on site. It is located in open countryside and has a rural setting to the south and west. However it also has a recognisable residential context due to inter-visibility with the edge of Bromyard to the north and east, and the more scattered development along Panniers Lane.
- 1.4 The site rises steadily in an approximate south to north direction, with the gradient increasing more considerably towards the northern boundary with the A44.
- 1.5 There are no listed heritage assets within the immediate context of the site. Bromyard Conservation Area lies approximately 1 km to the east of the site, and incorporates the town centre and its immediate surroundings.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

- 1.6 The application seeks outline approval for development of the site for up to 120 dwellings, 35% of which are to be affordable. All matters apart from access are reserved for future consideration and this is to be achieved through the establishment of a single point of access onto the A44. This will require the removal of the existing roadside hedgerow in order to accommodate the required visibility splays. The submission indicates that these hedgerows will be set back and replanted in order to mitigate for their loss and to retain the landscape character of the road frontage.
- 1.7 A new footway is proposed along Worcester Road (A44) between the proposed access and the existing junction with Panniers Lane, providing a connection for pedestrians to the nearby bus stop and convenience store and linking into the site at its north eastern corner.
- 1.8 The application is supported by an indicative master plan. This demonstrates a housing density of approximately 30 dwellings per hectare and includes the provision of a public open space in the north eastern corner and an attenuation pond at the site's lowest point to the south west.
- 1.9 The application is submitted with the following documents:
- Design & Access Statement
 - Planning Statement
 - Affordable Housing Statement
 - Landscape and Visual Impact Assessment
 - Ecological Appraisal
 - Arboricultural Assessment
 - Archaeological Assessment
 - Framework Travel Plan
 - Transport Assessment
 - Flood Risk Assessment & Surface Water Drainage Strategy
 - Noise Impact Assessment
 - Statement of Community Involvement
- 1.10 Since the original submission of the application the applicant's agent has also commissioned a Stage 1 Road Safety Audit. This has been completed in response to concerns raised about the capability of the existing road network to safely accommodate the proposed vehicular access to this site and a separate access to serve the proposed strategic housing allocation that is being promoted as part of the Core Strategy on land opposite known as Hardwick Bank.

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
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

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 Herefordshire Core Strategy:

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing an Independent Inspector is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

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
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	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

2.4 Neighbourhood Planning

Bromyard and Winslow Town Council are not producing a Neighborhood Plan.

- 2.5 The Unitary Development Plan 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/unitary-development-plan>

3. Planning History

- 3.1 None identified

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objections subject to the imposition of conditions to ensure that foul and surface water are discharged separately.

Internal Council Consultations

- 4.2 Transportation Manager

Has considered the content of the Stage 1 Road Safety Audit submitted to support the notion of separate accesses to serve the development and the strategic housing site at Hardwick Bank. Its conclusions are accepted and, subject to minor revisions the access arrangements shown for the site are acceptable.

- 4.3 Conservation Manager (Ecology)

The ecological assessment has produced some fair conclusions and I think the bat and great crested newt appraisals are adequate. If this application is to be approved I would like to see significant habitat enhancement measures put in place to ensure commuting by bats and opportunities for other protected species exist. A habitat enhancement plan should be produced which integrates with the landscape plan together with any SuD system proposals for wetland creation.

- 4.4 Conservation Manager (Landscape)

The site slopes from the northeast to southwest from approximately 174m AOD to 157m AOD and forms part of a gently rolling plateau with an expansive area of pastoral land, defined by visually prominent boundary hedgerows and hedgerow trees. Views of open countryside extend westwards in the direction of Hegdon Hill.

- The site is considered to typify its Landscape Character Type; Timbered Plateau Farmlands: These landscapes are an upstanding version of Principal Timbered Farmlands and in Herefordshire occur in their greatest concentration on the Bromyard Plateau. They are varied agricultural landscapes of hedged fields, scattered farms, woods and wooded valleys associated with undulating relief. The dominant landform is one of the most prominent characteristics and tends to override the pattern of tree cover and field shape. Variations in topography within this landscape create a changing sequence of visual perspectives ranging from open vistas on plateau summits to more secluded scenes along valley bottoms.
- There are no statutory designations within the site. However the landscape is identified as being of High Sensitivity within the Urban Fringe Landscape Sensitivity Analysis (Jan 2010) due to its visual prominence. It is further referenced within the Green

Infrastructure Strategy Herefordshire (Feb 2010) as forming part of the BroLSC2 strategic corridor and part of BRoLEZ2 Enhancement Zone and BroFZ2 Fringe Zone because of its degree of visual sensitivity.

- Flaggoner's Green forms part of a gently rolling plateau, of open countryside, which contrasts with heavily incised slopes to the north and east of the settlement. This visually sensitive plateau contains the settlement of Bromyard. The open space forms part of the gateway to the settlement and serves to preserve its rural setting.

Visual and Public Amenity:

The visual envelope to the north and east is defined by the topography, to the west and southwest the gently rolling terrain affords views of open countryside.

- It is anticipated that a number of residential properties will experience a potential change in view as a result of the proposal. Properties adjacent to the site including Flaggoner's Green House, Chanctonbury, Winslow View and Cedarwood will experience unimpeded views. Those north of the proposal at Broxash Close, Winslow Road and Upper Hardwick Lane will experience second storey views and properties along Pencombe Lane partial filtered views. Partial middle distance views of the proposal are envisaged from existing development along Panniers Lane including Birchyfield, an unregistered historic park and garden, and users of Queen Elizabeth Humanities College.
- Clear views are envisaged along sections of Public Right of Way AV8 in addition to middle distance views along sections of PRoW WN7 where the proposal will be seen as part of a vista of open countryside against the backdrop of the Malvern Hills.
- Users of the A44 Worcester Road will experience clear views of the proposal as the road aligns with the northern boundary at the western approach to Bromyard. Road users of Pencombe Lane will experience a similar degree of change as the road aligns with the southern boundary. Further glimpsed transient views are anticipated from the southern approach along Panniers Lane.

Conclusions:

Whilst it is understood that the Urban Settlement Boundary runs close to the proposed site and existing development lies therein. The prominent nature of the landform is such that development on this site would be viewed in relative isolation, thus making it incongruous with the surrounding open countryside and in turn detrimentally affecting the rural setting of the settlement of Bromyard.

Summary Reason For Recommendation:

It is considered that the proposal is not in accordance with The Herefordshire Unitary Development Plan:

S1 Sustainable Development (2) respecting patterns of local distinctiveness and landscape character in both town and country and safeguarding landscape quality and visual amenity.

LA3 Setting of Settlements - Development outside the built up areas of Hereford, the market towns and rural settlements, which is acceptable in terms of other Plan policies will only be permitted where it would not have an adverse effect upon the landscape setting of the settlement concerned. Important visual approaches into settlements, views of key buildings open areas into development, green corridors ridgelines and surrounding valued open countryside will be particularly protected and where necessary enhanced.

4.5 Conservation Manager (Archaeology)

As the submitted assessment indicates, there are no significant archaeological issues in relation to this development. I therefore have no objections.

4.6 Parks & Countryside Manager

UDP Policy H19 requires schemes in excess of 60 to provide outdoor playing space to include children's play areas for all ages and outdoor sports pitches in accordance with standards provided in UDP Policy RST3.

A site of up to 120 dwellings at an average rate of 2.3 persons (276) in accordance with UDP Policy RST 3 would require the following:

- POS (0.4 ha per 1000 population) – 0.11 ha (on site)
- Play area provision (0.8 ha per 1000 population) - 0.22 a (on site)
- Outdoor sports provision (1.6ha per 1000 population) - 0.44 ha (off site)
0.77 ha in total

It is noted in the design and access statement the quantum on public open space will be met through the provision of 0.62ha SUDs area which will act as public open space in the south west corner and 0.29ha public open space / play in the north eastern corner. There is no mention of formal outdoor sports provision either on or off site, and whilst the offer on site does appear to meet the POS and Play provision adequately of 0.32ha, a contribution towards off site sports will still be required.

In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. In this instance the Playing Pitch Assessment for the Bromyard Area 2012 and the draft Investment Plan currently being prepared have identified a number of deficiencies in provision to meet the current and future population needs.

Play Area Provision: On site provision should include a combination of both formal and informal play opportunities including natural play. Using the Fields in Trusts standards for play provision, this would equate to approx. 0.07ha formal (700 sq m) and 0.15 ha informal play which could include natural play opportunities and play and fitness trails for example.

Formal provision should ideally be one larger facility and a kick-about area to be located within easy access and surveillance of the residential areas. It is noted all detail will be reserved matters and at this stage we will be able to provide more details of the play requirement, value, size etc.

POS/SUDS areas: All on site provision, including play should be fully integrated and accessible and consider including community gardens and neighbourhood green spaces. If SUDs areas are to be provided on site, with careful design (to take account of health and safety issues of standing water) SUDs areas can be included as additional areas of POS providing natural play opportunities and valuable areas for wildlife and biodiversity.

4.7 Education

No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies this application.

4.8 Housing Development Manager

Whilst the application meets the requirement to provide 35% affordable and the local authority's required standards, the tenure mix does not reflect the need for Bromyard. In addition to this, Herefordshire Council's Tenancy Strategy does not support affordable rent as a tenure on S106 sites.

4.9 Forward Planning Manager

The current planning application proposes 120 dwellings on a 4.75 hectare site which delivers approximately 25 dwellings per hectare. It is noted from the plan that varying density levels will exist throughout the site. The matter of scale therefore must be looked at to determine whether or not there is an issue and if so, how might this prejudice the strategic site. Although the site is a large development for the town and a site of this size has not been completed for many years; it is not so great that it would prejudice the Core Strategy proposals or targets. There would continue to be a need to deliver further housing elsewhere around the town through existing commitments, windfall development or sites allocated through a Development Plan Document.

The A44 Leominster Road will provide the primary access for Hardwick Bank. This would therefore mean that two access points are needed along the A44 to serve sites on the northern and southern side of the road. The submission Core Strategy recommends the provision of a roundabout to serve potential development coming forward. However, it is noted that there is no such roundabout proposed on the accompanying plans for this application. The access is a straightforward T- junction that is slightly to the left of a property opposite known as 'Cedarwood'. The position of this access does not allow much room for manoeuvre for the creation of a second access (serving Hardwick Bank) to also exit at this point without encroaching on the garden of the property known as 'Cedarwood' which is best avoided if possible. This situation potentially prejudices the principal access into the strategic site as a further access to serve the urban extension on the A44 is unlikely to be acceptable in Highways terms. The best solution would be a roundabout that would serve both sides of the road without prejudicing the strategic site's primary access point. Should the proposal be acceptable in all other regards discussions should be held between the developers of this site and the urban extension to ensure a suitable solution is determined.

Conclusion

Based on the fact that the proposed access potentially prejudices the delivery of the Core Strategy strategic site at Hardwick Bank, the issue of prematurity would be relevant to this application. Unless the access arrangements for Pencombe Lane can be more sustainable in allowing subsequent developments, set out in emerging plans, to be delivered the proposal should not be permitted.

4.10 Land Drainage Engineer

Overall, for outline planning permission, we do not object to the proposed development on flood risk and drainage grounds. It is recommended that the surface water drainage system is provided in accordance with the Information provided in the FRA and that the Applicant submits the following information as part of the full planning application:

- Detailed drawing showing the proposed surface water and foul water drainage strategy, including SUDS, attenuation measures and pollution prevention measures;
- Demonstration that other SUDS techniques, specifically Infiltration of surface water runoff and the use of on-ground conveyance techniques, were considered further during detailed design and incorporated into the design where appropriate;

- Evidence that the attenuation storage is provided for up to and including the 1 in 100 year rainfall event with a 30% increase in rainfall intensity to allow for the effects of future climate change;
- Confirmation that Dwr Cymru Welsh Water are prepared to adopt the proposed foul and surface water drainage network (including the attenuation pond and discharge to the drainage ditch);
- Evidence that appropriate pollution prevention measures are in place prior to discharge.
- Prior to construction, evidence of infiltration testing in accordance with BRE365 at locations of proposed soakaways to support the design. Groundwater levels should also be provided as Standing Advice recommends the invert levels of soakaways are a minimum of 1m above the groundwater level.

4.11 Environmental Health & Trading Standards Manager

I have considered the Noise Screening report and the Air Quality Screening report and whilst I do not wish raise any issues as regards the Air Quality I would bring to your attention that traffic noise has been identified as a concern on proposed development land adjacent to the A44, to the east of Bromyard and mitigation measures including a noise barrier have been identified as being necessary. I would therefore propose that a noise survey having regard to the advice provided by the World Health Organisation Guidance on Community Noise and BS 8233:2014 be submitted with this application. Such an assessment should have regard to the recommended levels of noise for both inside and outside living areas including consideration of maximum noise levels, and indicate any likely mitigation works. If it is minded to approve this outline permission, as it stands, I would suggest that this should be conditional on the understanding that a full noise assessment as indicated above, and method statements for the construction phase identifying controls to be put in place to control noise and particulate emissions are provided for approval.

4.12 Waste Manager

I have a concern over the collection of refuse & recycling from many of the properties which look like they are located down private drives and over 30m from the primary street. Can it be confirmed what standard the secondary streets will be constructed to and whether these will be able to accommodate travel each week by the 26 tonne refuse collection vehicle?

The informal lanes will not be accessible therefore for those properties over 30m from the point on the highway that the vehicle will be able to travel to, collection points should be established with enough space available to position a bin for each property up to the dimensions of (665mm wide by 880mm deep).

5. Representations

5.1 Bromyard & Winslow Town Council

This Town Council appreciates that Herefordshire Council cannot currently demonstrate a Five year supply of housing land with a "buffer" upon which the applicant has heavily relied. Notwithstanding the above the Town Council resolved not to support this application for the following reasons:

- 1) The site proposed is not an area which can reasonable be considered to be a natural urban extension of Bromyard & Winslow.

- 2) The land available for housing within close connectivity of the Town Centre, much of it identified in the Core Strategy 2011-31 LDF, is more than sufficient to meet the additional housing provision of 500 dwellings over the plan period.
- 3) Given that the Core Strategy 2011-31 LDF has now been submitted for examination the Council regards this application as being "premature".
- 4) The land has been assessed as part of the Strategic Housing Land Assessment (SHLAA) and is considered to have significant landscape constraints and is not seen to have development potential during the Plan period.
- 5) Should a Planning Application come before Herefordshire Council's Planning Committee this Town Council will wish to be represented as an objector.

5.2 Avenbury Parish Council

After some discussion the Parish Council resolved not to support the application for the following reasons:

- 1) The Core Strategy indicates no new development to take place within the Avenbury Parish area.
- 2) The proposed development will be too visible within the landscape.
- 3) The proposed development is outside of the preferred boundary of Bromyard.
- 4) According to the Strategic Housing Land Assessment the land is very definitely unsuitable for development.
- 5) If this application comes before Herefordshire Council Planning Committee this parish wishes to be represented.

5.3 Letters of objection have been received from Bovis Homes and Mosaic Estates. Both parties are promoting the land at Hardwick Bank for residential development. In summary the points raised by both parties are as follows:

- The implementation of the proposed vehicular access arrangement would prejudice the ability to achieve a safe vehicular access into the draft strategic allocation at Hardwick Bank.
- With reference to paragraph 14 of the National Planning Policy Guidance (NPPG) the application at Pencombe Lane would pre-determine decisions about the scale and location of new development central to the emerging Core Strategy, which is at a significantly advanced stage.
- Whilst approval of the Pencombe Lane site could result in additional houses being built in Bromyard, these would not outweigh the loss of the strategic site, either in whole or in part.
- The potential negative effects of the application significantly and demonstrably outweigh the potential benefits of granting permission.

5.4 A letter of objection has been received from Bromyard & District Chamber of Commerce. In summary the points raised are as follows:

- Access to the major employment site at Porthouse on Tenbury Road is poor and the town suffers from large vehicles passing along narrow streets.

- Development at Hardwick Bank would, with a comprehensive scheme, provide the means to deliver a relief road.
- If this proposal is allowed much of the critical mass of development in the Hardwick Bank area would be lost. The application is therefore considered to be premature.
- Housing needs to be put in areas to promote employment and trade and therefore needs to be close to employment and town facilities. To develop on the outer reaches of the town is contrary to the needs and wishes of existing businesses.

5.5 Four letters of objection from local residents have also been received. In summary the points raised are as follows:

- This is a speculative application that seeks to take advantage of the Council's lack of a five year housing land supply.
- If permission is granted for 120 on this site the reduction in housing for Hardwick Bank will mean developers of the site would not be able to afford to construct a relief road.
- Approval could damage the ambition to build a link road between the A44 and Tenbury Road.
- 500 new houses have been identified for Bromyard in the emerging Core Strategy and it identifies Hardwick Bank as the preferred location. If 500 homes are built here then developers will also build the much needed relief road.
- The application is premature. Granting planning permission would undermine the plan making process as the access to the draft strategic allocation site would be compromised.
- The site was considered for housing development under the SHLAA and was found to be unsuitable for development due to its landscape impact.
- The site is isolated and does not relate well to the rest of the town.
- The application site is Grade 2 agricultural land. The proposal is contrary to paragraph 112 of the NPPF as it will result in the loss of good quality and versatile agricultural land and the applicant has not demonstrated that the development is necessary.
- Access to public transport from the site is limited. There is no regular bus service along the A44 and the bus stop is on the northern side of the A44, requiring pedestrians to cross the road.
- The proposal does not represent a sustainable form of development.
- The Hardwick Bank site is much closer to shops, services and employment sites. It would have greater access to local bus services and is considered to be more sustainable.
- The proposal will significantly increase flood risk from surface water run off to a property immediately to the south west of the site.
- The public consultation undertaken by the applicant was misleading and fundamentally flawed.

5.6 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>

Further information on the subject of this report is available from Mr A Banks on 01432 383085

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 Bromyard is one of the county's market towns and the extent of its residential area is defined by Policy H1 of the HUDP. In the emerging Core Strategy it is anticipated that the town will accommodate approximately 500 new dwellings, with 250 of these to be provided on a strategic housing site at Hardwick Bank.

6.2 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 that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development, and whether the development is premature and prejudices the delivery of the strategic housing allocation at Hardwick Bank, particularly due to the access arrangements that are proposed.

The Principle of Development in the Context of 'saved' UDP Policies, the National Planning Policy Framework (NPPF) and Other Material Guidance

6.3 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."

6.4 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

"In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that maybe given)."

6.6 The practical effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years' worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and preferably years 11-15 too. Paragraph 47 underlines that UDP housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This has been reaffirmed by the published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% bracket.
- 6.9 In this context, therefore, the proposed erection of up to 120 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary.

Assessment of the Scheme's Sustainability Having Regard to the NPPF and Housing Land Supply

- 6.11 The NPPF refers to the pursuit of sustainable development as the golden thread running through decision-taking. It also identifies the three mutually dependent dimensions to sustainable development; the economic, social and environmental dimensions or *roles*.
- 6.12 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use resources prudently and movement towards a low-carbon economy.
- 6.13 Bromyard is one of the county's market towns and, in the hierarchy of settlement pattern, is accordingly a main focus for population. It has a good range of shops, services and employment opportunities and the site lies on the south western fringe of the developed area; the residential environs of Winslow Road located on the opposite side of the A44. It is your officers view that the site is sustainably located where the delivery of up to 120 dwellings, including 35% affordable, together with contributions towards public open space, sustainable transport and education infrastructure would contribute towards fulfilment of the economic and social roles. These are significant material considerations telling in favour of the development. The site is not subject to any environmental designations and the Council's Conservation Manager observes that the scheme has the potential to deliver ecological enhancement in accordance with saved UDP policy and NPPF objectives.

Impact on Landscape Character

- 6.14 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 geo-diversity sites or landscape areas will be judged. It also 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.'* Appeal decisions have also confirmed that although not containing

the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), and LA3 are broadly consistent with chapter 11 of the NPPF.

- 6.15 The application site has no formal landscape designation. It lies in open countryside outside but adjacent to Bromyard's settlement boundary and is considered to be of High Sensitivity within the Urban Fringe Landscape Sensitivity Analysis (Jan 2010) due to its visual prominence and importance in providing a transitional gateway between town and countryside. Accordingly it was classified as a site with significant landscape constraints in the SHLAA. The Conservation Manager (Landscape) has maintained this opinion in her consultation response, objecting to the application on the basis that the development would be relatively isolated in relation to the rest of the town and would consequently be detrimental to its setting, contrary to policies S1 and LA3 of the HUDP.
- 6.16 It is accepted that the site is at the fringes of the town and that development in this location will undoubtedly change the character of the immediate locality from countryside to a more urban environment. The site is opposite the strategic allocation of Hardwick Bank and the areas of this site adjacent to the A44 are on land at a higher level than this application site. It is your officers' view that when the area is viewed from public vantage points to the south; particularly Panniers Lane, the land at Hardwick Bank is most prominent and not the site to which this application relates. Indeed, the site at Hardwick Bank is similarly constrained in landscape impact terms and is also considered to have Medium to High Sensitivity in the Urban Fringe Landscape Sensitivity Analysis. The development of the strategic site will change the character of the area and on this basis it is not considered that this proposal would cause such harm in its own right to warrant the refusal of this proposal. As noted previously, the site does not have any specific landscape designation and the landscape impacts that will arise are not considered to outweigh the council's lack of a five year housing land supply.
- 6.17 On the basis that conditions will be imposed requiring the protection of hedgerows where possible and the formulation of a detailed planting regime and in the context of the housing supply situation, the principle of development is considered acceptable in the context of 'saved' UDP policies LA2 and LA3.

Pedestrian and Public Transport Access to Local Facilities

- 6.18 Saved UDP policy DR3 and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 30 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 32 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where *'the residual cumulative impacts of development are severe.'*
- 6.19 The application shows the provision of a single point of vehicular access directly onto the A44 and this will be considered later in the report. It also indicates the provision of a footway extension along the southern side of the A44 from the point of access to the site for approximately 170 metres in an easterly direction to link to an existing controlled pedestrian crossing. Bus stops are located on either side of the A44 a further 50 metres further east. The plan also shows a further pedestrian link from the site at the junction of Pencombe Lane / Panniers Lane and a further extension of an existing footway on the eastern side of Panniers Lane. This provides a direct pedestrian link to the Queen Elizabeth Humanities College.
- 6.20 Your officers are satisfied that the proposed footway improvements create satisfactory links to the existing pedestrian network and would provide future residents of the site with genuine opportunities to access services by foot and public transport. The improvements can be

secured through a Section 278 Agreement and the imposition of an appropriately worded condition should planning permission be forthcoming.

Land Drainage and Flood Risk

- 6.21 Neither Welsh Water nor the Council's Land Drainage Manager have any objection to the development subject to the imposition of planning conditions. The site lies wholly with Flood Zone 1 and is at low risk of flooding from fluvial sources. Whilst objection letters have expressed concern at surface water drainage and the absence of detailed design from the current submission, there is no objection in principle to the development of the site as proposed on the provision that detailed drainage proposals are formulated and agreed prior to commencement of development. The Land Drainage consultants comments set out the detailed information that should be incorporated at the detailed design stage and this will be reflected in the imposition of a planning condition to require the submission of a fully integrated foul and surface water drainage system for agreement prior to the commencement of development, with completion of the scheme prior to first occupation of any of the dwelling houses approved. This scheme would be subject to a further round of consultation at the Reserved Matters stage.

Impact on Ecological Interests

- 6.22 The Council's Conservation Manager (Ecology) concurs with the findings of the submitted ecological appraisals. It is concluded that the proposal will not have a significant impact on ecological interests, but actually has the potential to enhance biodiversity. Subject to the imposition of conditions as set out below, which include tree and hedgerow protection measures, the development is considered to accord with the provisions of the Development Plan and NPPF guidance.

Prematurity and Prejudicial Impacts of the Development

- 6.23 Paragraph 14 of the National Planning Policy Guidance (NPPG) offers some useful advice on this matter. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:

- a) *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

- 6.24 The objections raised on the grounds of prematurity and prejudice are made on the basis of two presumptions; that the creation of an independent access to the application site will compromise the provision of a new roundabout access on the A44 to serve the strategic site and that the erection of 120 dwellings will affect the deliverability of 500 homes and the provision of a link road between the A44 and Tenbury Road at Hardwick Bank.

- 6.25 In response to the concerns raised about the impact of the proposed access, the applicant has commissioned the completion of a Stage 1 Road Safety Audit, based on a presumption that the development would be served by its own access as shown on the plans originally submitted, and that the development of the strategic site would be provided for by a separate roundabout further to the west.
- 6.26 The Audit represents an independent assessment of the assumption that the two sites would be served by independent accesses. It identifies a number of issues to be addressed through the detailed design of each junction and makes a number of recommendations as to how this would be achieved. It does not conclude that the approach is unviable or that it would unduly compromise the highway safety of road users. The Council's Transportation Manager has considered the contents of the Audit and, whilst he does not consider the provision of two separate accesses to be an ideal solution, he concurs with its findings. Therefore it is your officers' view that the proposed access arrangements would not prejudice the delivery of the Council's strategic allocation at Hardwick Bank.
- 6.27 Policy BY1 of the Herefordshire Local Plan – Core Strategy sets out the requirements for residential development in Bromyard and advises that it should provide around 500 new homes during the plan period. Policy BY2 then deals specifically with the strategic allocation at Hardwick Bank and advises that around 250 dwellings will be provided on the site – approximately half of the total allocation for the town.
- 6.28 Contrary to the inference of the objections received, the emerging policies for Bromyard do not require the entire 500 dwelling allocation to be provided at Hardwick Bank. The presumption of the objection letters seems to be that a development of 500 dwellings would fund the creation of a link road between the A44 and Tenbury Road. This is not substantiated with any viability assessment to demonstrate that a development of 500 dwellings would provide adequate funding for a link road, nor does Policy BY2 envisage that a residential development will provide it in isolation, stating the following:
- The development areas should also be serviced by a residential road which would allow for opportunities to extend development beyond the plan period and serve as a future link road to other parts of the local highway network*
- 6.29 Policy BY1 envisages that the remainder of the allocation would be provided through a combination of existing commitments, windfall developments and sites allocated through a Neighbourhood Development Plan. Seventy six dwellings have been granted in outline at the Porthouse Farm site and, combined with the strategic allocation of 250 at Hardwick Bank, this leaves a shortfall of 184 dwellings during the plan period. The current application provides a significant proportion of this shortfall.
- 6.30 The Town Council have not stated their intention to complete a Neighbourhood Development Plan and the preference to allocate all of Bromyard's housing to the Hardwick Bank site is a view expressed only in the letters of objection received and the comments of the Town Council. The ambition to create a formal link road between the A44 and Tenbury Road will not be prejudiced should planning permission be granted here and, given the Council's stated position with regard to housing land supply and the lack of any other significant material planning objections to the proposal, it is not clear that this proposal would prejudice the plan-making process. Your officers' view is therefore that the proposal is neither premature or prejudicial.

Summary and Conclusions

- 6.31 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out-of-date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater

the consistency, the greater the weight that may be accorded. 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.

- 6.29 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 in the absence of significant and demonstrable adverse impacts, the application should be approved.
- 6.30 The site lies outside but adjacent to the settlement boundary for Bromyard and is, having regard to the NPPF and saved and emerging local policies, a sustainable location. The site includes improvements to pedestrian facilities beyond the extent of the application site and these will ensure that prospective residents have a genuine choice of transport modes. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).
- 6.31 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 S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable and in offering enhancements to footways in the locality, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.32 The Conservation Manager (Landscapes) has objected to the development on landscape impact grounds. However, the Council's strategic housing allocation at Hardwick Bank is similarly constrained and parts of it are, in your officer's opinion, more visually prominent. The site has no landscape designation and impacts can be mitigated through detailed design and the imposition of conditions to retain and protect existing landscape features where possible. There are no designated heritage assets within the locality and the site is not subject to any of the other restrictive policies that footnote 9 of the NPPF refers to.
- 6.33 The development proposed is not considered to be so substantial that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development on the strategic housing site at Hardwick Bank. It has been demonstrated that separate access arrangements can be provided for the application site and the strategic housing site at Hardwick Bank without compromising highway safety and therefore the proposal is neither premature or prejudicial.
- 6.34 Officers conclude that there are no highways, drainage, ecological or archaeological 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.
- 6.35 It is therefore concluded that planning permission should be granted subject to the completion of a Section 106 Planning Obligation and appropriate planning conditions. The conditions will include a requirement to limit the number of dwellings to no more than 120 and to formulate an integrated foul and surface water run-off scheme. Officers would also recommend the developer conducts further consultation with the Parish and Town Council and local community as regards the detail of any forthcoming Reserved Matters submission.

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. **C01 – Samples of external materials**
6. **The development shall include no more than 120 dwellings and no dwelling shall be more than two storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. **The development shall not begin until a scheme for the provision of affordable housing as part of the development on the site, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:**
 - 1) **The numbers, type, tenure and location on the site of the affordable housing provision to be made;**
 - 2) **The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing, if no Registered Social Landlord is involved;**
 - 3) **The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and**
 - 4) **The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.**

Reason: To secure satisfactory affordable housing provision in accordance with saved Policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

8. **H03 Visibility splays**
9. **H11 Parking – estate development (more than one house)**
10. **H17 Junction improvement/off site works**
11. **H18 On site roads – submission of details**
12. **H19 On site roads - phasing**
13. **H20 Road completion**

Further information on the subject of this report is available from Mr A Banks on 01432 383085

14. **H21 Wheel washing**
15. **H27 Parking for site operatives**
16. **H29 Covered and secure cycle parking provision**
17. **H30 Travel plans**
18. **The recommendations set out in the ecologist's report from fpcr dated July 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, 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.

19. **G04 Protection of trees/hedgerows that are to be retained**
20. **G09 Details of boundary treatments**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **L01 Foul/surface water drainage**
24. **L02 No surface water to connect to public system**
25. **L03 No drainage run-off to public system**
26. **L04 Comprehensive and integrated draining of site**

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. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C General**
4. **HN04 Private apparatus within highway**

- 5. **HN28 Highways Design Guide and Specification**
- 6. **HN05 Works within the highway**
- 7. **HN07 Section 278 Agreement**
- 9. **HN10 No drainage to discharge to highway**
- 10. **HN08 Section 38 Agreement & Drainage details**
- 11. **HN01 Mud on highway**
- 12. **HN25 Travel Plans**

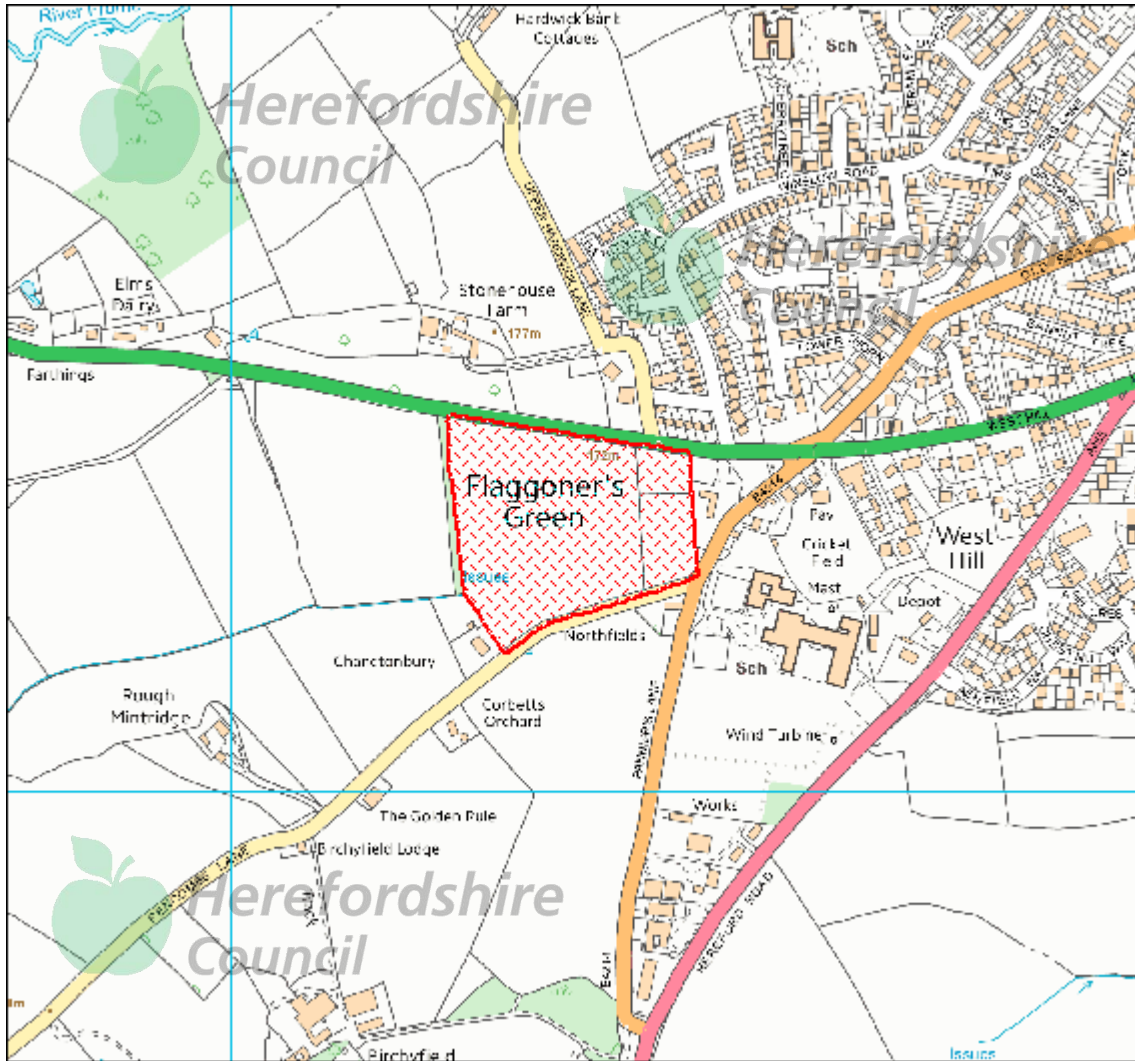
Decision:

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: 142175/O

SITE ADDRESS : LAND OFF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

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

Planning Application – P142175/O

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against on general market units only.

Site for residential development of up to 120 dwellings with associated open space and landscaping
– Land off Pencombe Lane, Bromyard, Herefordshire

1. The developer covenants with Herefordshire Council to pay Herefordshire Council a contribution of £184,507 (index linked) towards providing improved education facilities at Bromyard Early Years, St Peters Primary School, St Marys RC High School, Post 16, Youth and Special Education Needs. The contribution will be spent according to the need at the schools at the point of receipt of the monies. The sums shall be paid on or before first occupation of the 1st open market dwellinghouse, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£2,458	(index linked) for a 2 bedroom open market unit
£3,690	(index linked) for a 3 bedroom open market unit
£4,917	(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 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 connecting to the site
 - d) Public initiatives to promote sustainable modes of transport
 - e) Safer routes to school
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £124,320. The contributions will provide for off-site outdoor sport facilities at to be spent at either Bromyard Cricket Club, Bromyard Rugby Club or Bromyard Football Club, or on priorities at the time of receiving the contribution. The contribution will be sought in consultation with the local parish council, community and club. The sum may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to either pay Herefordshire Council a 15 year commuted sum for maintenance of the on-site Public Open Space (POS) and Attenuation Basins, if to be adopted by the Council. Such sums to be calculated in accordance with the Council's tariffs. Alternatively, the maintenance of the on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£120.00	(index linked) for a 1 bedroom open market unit
£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Bromyard. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

7. The developer covenants with Herefordshire Council to pay the sum of £10,000 towards community infrastructure improvements at the Queen Elizabeth Humanities College. The contribution will provide new audio visual housing facilities that will be used for community activities. The sum shall be paid on or before the occupation of the 39th open market dwelling.

8. The developer covenants with Herefordshire Council that 35% (42 units – on basis of development of 120) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.

10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:

10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

10.2. satisfy the requirements of paragraphs 9 & 10 of this schedule

11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons

Further information on the subject of this report is available from Mr A Banks on 01432 383085

one of whom has:-

11.1. a local connection with the parish of Bromyard

11.2. in the event of there being no person with a local connection to Bromyard any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.

12. For the purposes of sub-paragraph 9.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

12.1. is or in the past was normally resident there; or

12.2. is employed there; or

12.3. has a family association there; or

12.4. a proven need to give support to or receive support from family members; or

12.5. because of special circumstances;

13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 5, 6 and 7 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

16. 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.

17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

18. The developer shall pay to the Council on or before the completion of the Agreement, the

Further information on the subject of this report is available from Mr A Banks on 01432 383085

reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Andrew Banks
Principal Planning Officer

23rd February 2015



MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	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
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143189&search=143189
Reason Application submitted to Committee – Council Land	

Date Received: 22 October 2014

Ward: Tupsley

Grid Ref: 353725,239417

Expiry Date: 22 January 2015

Local Members: Councillors JLV Kenyon, CA North, and MD Lloyd-Hayes

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of Hereford city in the area known as Hampton Dene. The site is within the Hereford City Urban settlement boundary and is defined by the bridleway Holywell Gutter Lane to its east and Gurney Avenue to its west. The site itself comprises a parcel of land that is irregular in shape and includes a rectangular parcel of land to the west of Holywell Gutter Lane that is currently disused and overgrown and land further west that is currently associated with the public open space, providing pedestrian access from Gurney Avenue to the play area and rear of the adjoining properties. This area leading to the open space is allocated within the Herefordshire Unitary Development Plan as Public Open Space.
- 1.2 The eastern boundary of the site, adjacent Holywell Gutter Lane comprises a mature mixed native hedgerow that will be retained, beyond this to the east are allotments. The northern boundary of the site with No. 40 Thistledown Grove is formed by a close board fence. To the west, the site boundaries are formed with the existing rear boundaries of the dwellings that front Gurney Avenue (nos 21 – 29). To the south are no. 31 Gurney Avenue and Corporation Farm. All dwellings in the vicinity of the application site are two storey properties that incorporate a mixture of brick and render. Corporation Farm is a period property of some architectural merit (owned by the applicant) that incorporates some brick banding and detailing to windows and roofline.
- 1.3 The application seeks planning permission for ten affordable dwellings that include 6 x 1 bed flats, 1 x 2 bed house and 1 x 3 bed house for affordable rent and 1 x 2 bed house and 1 x 3 bed house that will be shared ownership. The occupation of these dwellings will be controlled through a section 106 agreement that ensures local connection, firstly to the ward of Tupsley, secondly to the ward of Aylestone and the parishes of Hampton Bishop, Dinedor and Lower

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

Bullingham and thirdly to the rest of the County of Herefordshire. The ten dwellings will be served by 13 car parking spaces.

- 1.4 The proposal includes the creation of a new vehicular access from Gurney Avenue. This will be 4.5m wide with footways on either side. This enters the site and curves to the north with a turning head to the east and parking spaces and associate landscaping to the west. The pedestrian footway will extend to the south east leading to the play area and open space. This proposal includes the removal of five of the existing trees plus the existing landscaped boundary that forms the western boundary of the rectangular parcel of land. The existing trees to the south of the site along the Public Right of Way will be retained and additional landscaping provided across the site to mitigate and enhance the area.
- 1.5 Plots 5 – 10 (6 x 1 bedroom flats) lie to the east of the site and have been designed to appear as a terrace of dwellings. The design of the terrace incorporates a change in ridge heights by stepping the ridge down and articulation in the façade by stepping one of the units back slightly. The eaves heights would be 5.2m and the properties would have a ridge height of 8m. Internally the flats will provide bedrooms, living room, kitchen and bathroom. Externally landscaping is proposed to the front of the properties and garden areas to the rear. Secure cycle parking and bin stores will also be provided to the south of these dwellings.
- 1.6 To the north of the site, and at right angles to the proposed flats, two pairs of semi detached dwellings are proposed (plots 1 to 4). Two of these will be made available as shared ownership properties. Externally the dwellings will be brick, with some stone banding as detailing and porch. Internally the three bed properties will provide 84sqm of accommodation comprising a living room, kitchen / diner, wc and hallway, with three bedrooms and bathroom at first floor. The two bed units will provide 78 sqm of accommodation comprising a living room, kitchen / diner, wc and hallway, with two bedrooms and bathroom at first floor. Car parking for these dwellings would be sited to the front of the properties with some communal landscaped areas.
- 1.7 The proposals include level access from all parking areas to front and rear accesses of the properties and to the bin stores and collection points. Building entrances all have a level threshold all external routes are of a width suitable for wheelchair use.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

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 11 - Conserving and Enhancing the Natural Environment

2.2 National Planning Practice Guidance (companion guidance to the NPPF)

2.3 Herefordshire Unitary Development Plan 2007 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement

DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T6	-	Walking
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
RST4	-	Safeguarding Existing Recreational Open Space
CF2	-	Foul Drainage

These Unitary Development Plan 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/unitary-development-plan>

2.3 Herefordshire Core Strategy:

The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing an Independent Inspector is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

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
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency

These Herefordshire Local Plan (Pre-submission publication) 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>

3. Planning History

- 3.1 HC940361/F - Demolition of existing barn, refurbishment of existing house and construction of 4 no. houses – Withdrawn
- 3.2 HC940519PF – Demolition of existing barn, refurbishment of existing house and construction of 4 no. houses – Refused

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raise no objection but recommend conditions be attached to any planning permission.

Internal Consultation Responses

- 4.2 The Transportation Manager recommends that any permission include conditions. Temporary closure orders may be required for the footway YF80107 during construction with a suitable diversion route provided

- 4.3 Conservation Manager (Ecology):

Thank you for consulting me on the above application. I have read the ecological report from James Johnston and broadly agree with its findings. The opportunity for protected species utilising the site seems restricted with the exception perhaps of slow-worms and nesting birds. It would be a fair assumption that some commoner bats species would utilise the area for foraging especially the boundaries but otherwise the site appears to be of little value as roost sites.

The site will be sensitive in nature conservation terms during the spring months onward in 2015 and the recommendations for timing of works and further reptile surveys are particularly important to observe especially in relation to the proposed access road construction in March 2015. An ecologist will need to oversee these works with a site inspection prior to work commencing to ensure no bird nesting is affected. It is not unreasonable also to expect the site landscaping to incorporate nature conservation in the form of a site enhancement plan.

Overall, I would be content to accept the findings of the report including the proposal for reptile (slow-worm) survey in Spring 2015 and suggest that conditions are added to any approval.

- 4.4 The Public Rights of Way Manager – No Objection

- 4.5 The Housing Manager. We are fully supportive of the above development for 10 affordable dwellings to meet an identified need. The land is currently owned by the Local Authority and discussions have taken place between Herefordshire Housing Limited (HHL) and Property Services for a considerable period of time over potential use of the land. HHL have also liaised with planning so as to achieve the best development for the site.

The dwellings are to be designed to Lifetime Homes, DQS and the minimum level 3 of Code for Sustainable Homes and allocated to those in need with a local connection to the ward of Tupsley in the first instance

4.6 The Parks and Countryside Manager has made the following comments:

UDP Policy H19 - Open Space Requirements (arising from housing development)

Developments of this size in accordance with UDP Policy H19 are usually required to provide POS on a pro rata basis. The proposal is for 100% affordable housing, which in accordance with the SPD on planning obligations is exempt from providing off site contributions. The proposal does also retain some of the existing open space/landscaping as part of the development including a footpath and has indicated improved landscaping/ planting, therefore this policy is met.

UDP Policy RST4 - Safeguarding Existing Recreation Open Space

Part of the site is zoned in the UDP under policy RST4. It is a largely “natural” area and is owned by Herefordshire Housing with limited recreational value given its size. The proposal will result in the loss of a strip along one side as it includes taking the access road through this piece of land.

UDP Policy RST4 does not permit development proposals that would result in the loss of public or private open spaces with recreational value unless there is a clear excess of outdoor open space in the area taking account of the wider recreational value. The Open Space Assessment 2006 indicates that there is a clear excess in both amenity and parks open spaces in this part of Hereford.

Given its limited value for recreation and the clear excess in provision of POS in this area, compensation under Policy RST4 is not required in this instance and this policy is met.

5. Representations

5.1 Hereford City Council - We support this application, however, higher standards of energy efficiency should be imposed (at least level 4 code)

5.2 Hampton Bishop Paris Council (Adjoining Parish) – No comments received

5.3 18 letters of objection have been received that raise the following issues:

- The proposal would result in an unacceptable loss of privacy, adversely affecting the amenities enjoyed by the occupiers of the adjacent dwellings –
- Overbearing impact upon the neighbouring properties.
- Fragmented form of development detrimental to the character of Holywell Gutter Lane and harmful to the open, rural and undeveloped character of the area.
- One bedroom flats are out of character with the area
- Layout and siting is inappropriate and unsympathetic. Lack of overspill car parking so vehicles may park on the bend of the road reducing road width and impacting upon highway safety.
- The access siting on a bend would present a considerable highway safety risk.
- Parked vehicles would block accesses.
- Internal circulation within the site is unacceptable.
- Noise and disturbance during construction.
- Additional traffic would increase noise pollution.
- Site would be better used as allotments.
- The sewerage system is already overburdened.

- 5.4 In addition to this a petition of 50 signatures has also been received in objection to the proposal on the following grounds:
- An application for 10 dwellings was refused in 1994 on the grounds that it would create a traffic hazard, be too intrusive on neighbouring houses and would result in a loss of open space.
 - The construction of the access road would lead to the loss of 5 mature trees.
 - The creation of the 7 spaces on that part of the open space between the access and 29 Gurney Ave and the vehicle movements would be detrimental to the area.
 - The loss of hedgerow would impact upon the environment and biodiversity.
 - The access position would present a traffic hazard/conflict with pedestrians / children and cyclists.
 - Noise and pollution from the vehicles.
 - The proposal would have a detrimental effect on the environment and quality of life in the area.

- 5.5 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 The application falls to be considered having regard to the following issue:

- The principle of development and five year housing land supply
- Design, layout and impact of the proposed development
- Highway and pedestrian safety
- Loss of protected open space (RST4)
- Section 106 – Housing Tenure and Lettings / sale policy

- 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 for the area is the Herefordshire Unitary Development Plan 2007 (HUDP). The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan - Core Strategy. HUDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached. The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3rd July and the plan was submitted to the Inspectorate on 23rd September 2014. For the present, however, the Core Strategy Policies, which have not been examined in public, attract only very limited weight for the purposes of decision taking.

- 6.4 The two-stage process set out at S38 (6) requires, for the purpose of any determination, assessment of material considerations. In this instance, and in the context of the UDP and housing land supply deficit, the NPPF is the most significant material consideration for the purpose of decision-taking. NPPF Paragraph 215 has the practical effect of superseding UDP policies with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take

precedence over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged if development can be shown to be sustainable.

6.5 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:

- *“Approving development proposals that accord with the development plan without delay;&*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-*
 - *any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

6.6 The application site lies within the urban settlement boundary of Hereford City and as such policy H1 of the Herefordshire Unitary Development Plan would apply. This policy is supportive of residential development in such locations subject to compliance with housing design and other policies of the Plan. This policy is consistent with the advice within the NPPF that directs development to settlements that are best places to meet the sustainable criteria. The sites location offers good access to the services, facilities and employment opportunities offered by Hereford City and the surrounding area.

6.7 The NPPF at paragraph 6 states that “policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.” However, paragraph 7 goes on to identify the three roles of sustainable development (the economic, social and environmental).

6.8 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. There are also economic benefits that can be attributed to the construction industry and processes. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs as well as additional residents supporting the services and facilities that serve the local area. In this instance the scheme contributes towards this requirement with a mix of shared ownership and rented affordable units of various sizes meeting an identified need for the area and County. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity.

Design, Layout and Impact of the Proposed Development

6.9 Policy H13 of the Herefordshire Unitary Development Plan and the UDP’s overall approach to design policy DR1, set out the need for all developments to achieve architectural and urban design solutions which reflect and enhance local distinctiveness, retain site features and respect their landscape and townscape context. This site has relationships with both the residential developments of Gurney Avenue and Thistledown Grove, but also plays a role in the transition from the urban to the rural area.

6.10 One of the key features is the substantial hedgerow that forms the boundary with Holywell Gutter Lane. This bridleway is a well used and important piece of infrastructure in the local Public Right of Way network. The proposed plans retain this important hedgerow, with dwellings set back from this by 5m and a visual break being retained between the rear of plots 5 – 10 and the end gable of plot 4. This relationship is not unusual to the north of the site along Holywell Gutter Lane as it progresses towards Copsewood Drive, with the gardens, rear

elevations and end gables forming an existing appropriate edge of the city that this small scale development would continue.

- 6.11 Within the site's layout there are opportunities for landscaping along boundaries and parking areas, with scope for additional landscaping along the pedestrian route through the site to the play area and Holywell Gutter Lane.
- 6.12 The proposed development and siting of the dwellings has been carefully considered in the context of the immediate neighbours. The main concern would relate to the relationship between plots 1 – 4 and the impact upon amenities enjoyed by 40 Thistledown Grove. These dwellings have been sited 12m from the boundary with this property to ensure that the proposed dwellings would not be overbearing on the garden. This is not an unusual arrangement in an urban area such as this and this can be mitigated with suitable landscaping and boundary treatments. The relationship with the dwellings on Gurney Avenue has also been carefully considered, and whilst there may be some oblique overlooking between properties the impact would not be so harmful as to warrant a reason for refusal. The use of planting and boundary treatments can help mitigate and assimilate the new development into the area.
- 6.13 The second key concern relates to the potential impact upon the quiet enjoyment of properties from the presence of the cars, parking and general residential use of the area. The impact of this would be mainly to those residents on Gurney Avenue and this impact has been carefully considered. There is little scope to alter the layout and as such there is a reliance upon sufficient and robust landscaping to ensure that there is successful integration and mitigation. The development is relatively small in scale and size, and traffic movements and activity are unlikely to be so significant that it would have a significant and demonstrable harm on the local residents. As such, the proposed development would, with the appropriate conditions, ensure that a satisfactory level of amenity is maintained in accordance with the requirements of policies DR2 and H13 of the Herefordshire Unitary Development Plan.
- 6.14 The applicants have also confirmed that they have adopted a robust approach to sustainability from the outset using a fabric first approach that results in buildings that are thermally efficient by design e.g openings and insulation options are carefully considered to minimise heat loss as a result of cold bridging, and energy saving heat, light and ventilation installations are specified. Built in recycling storage is to be provided internally and externally, along with greywater recycling facilities and secure cycle storage for each household. It is also understood that the applicants have approached the allotment management committee, to explore the feasibility of a shared surface water recycling system, which has been well received in principle.

Highway and Pedestrian Safety

- 6.15 Another key issue and concern relates to the introduction of the new access and the potential impacts upon highway and pedestrian safety. Consideration has been given to the most appropriate way to access the site, including the option of using Holywell Gutter Lane. A detailed assessment of this has been submitted that concludes that given the standard of the residential routes within the existing built development to the west of the site, combined with the more direct access to neighbouring properties and schools, whilst it may be technically feasible to provide access to the site via Holywell Gutter Lane, it would seem more practical and preferable to link the site directly to the neighbouring residential estate via the proposed access to Gurney Avenue. The short cul-de-sac serving the site would form a natural extension to the existing residential road network and would be consistent with the arrangement of similar streets connecting to the other roads within the estate. The local road network is capable of accommodating the traffic generated from ten additional dwellings without detriment to highway safety.

- 6.16 The Council's Transportation Manager is agreeable with this assessment and he has confirmed that the proposed access is one that provides acceptable visibility. The creation of this access would be subject to agreement of detailed engineering drawing of the construction and drainage of the highway and footways. The proposal includes the provision of the footway alongside the access and then turning into the public open space. This will be clearly defined to ensure pedestrian safety is maintained.
- 6.17 Local residents have also raised concerns about potential for overspill parking onto Gurney Avenue. The proposal meets the Council's required parking standards with each of the dwellings being allocated two parking spaces and the flats also having at least one space per unit, but unallocated to allow flexibility. Locally all dwellings have ample off road parking to each dwelling. There are few opportunities for on street parking on Gurney Avenue, and the presence of the new access junction is likely to discourage parking within its vicinity.

Loss of Protected Open Space (RST4)

- 6.18 Part of the site is allocated within the Herefordshire Unitary Development Plan under policy RST4 as Safeguarded recreational land. It is a largely "natural" area and is owned by Herefordshire Housing with limited recreational value given its size. The proposal will result in the loss of a strip along one side as it includes taking the access road through this piece of land. UDP Policy RST4 does not permit development proposals that would result in the loss of public or private open spaces with recreational value unless there is a clear excess of outdoor open space in the area taking account of the wider recreational value. As confirmed by the Parks and Countryside Manager, the Open Space Assessment 2006 indicates that there is a clear excess in both amenity and parks open spaces in this part of Hereford. Given its limited value for recreation and the clear excess in provision of Public Open Space in this area, compensation under Policy RST4 is not required in this instance and the proposal is considered to be policy compliant.

Section 106 – Housing Tenure and Lettings/Sale Policy

- 6.19 Following public consultation with the applicants and discussions with the Ward Councillors, changes were made to the proposal to include 2 shared ownership properties (1 x 2 bed and 1 x 3 bed). It has also been made clear that there will be a local lettings / sales policy in place and controlled via a Section 106 agreement.
- 6.20 Priority will be given to applicants with a local connection firstly to the ward of Tupsley, secondly to the ward of Aylestone and the parishes of Hampton Bishop, Dinedor and Lower Bullingham and thirdly to the rest of the County of Herefordshire.

Local connection will be prioritised as follows:

- 1) Normally Resident - having resided in the ward for 6 of the last 12 months or 3 of the last 5 years.
- 2) Employed - employed in the ward (or a formal offer of employment). Family Association - where a household has parents, children, brothers or sisters currently residing in the ward.
- 3) Support - a need to give or receive care or support to enable someone to live independently in the ward.
- 4) Special Circumstances – this is not ordinarily used, but can be applied where another form of local connection is supported by the Local Authority and ward members for a particular household.

- 6.21 The social benefits of the proposed scheme in the provision of the housing are acknowledged as being significant in their own right, and must be given significant weight in the decision making process. What these changes ensure is that the local community will be the beneficiary, in the first instance, of this provision.

Other Matters

- 6.22 The proposal also successfully addresses the issues relating to biodiversity and the Council's Ecologist has confirmed that subject to the imposition of conditions, the proposed development would comply with policies NC1, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and with the guidance contained within the Unitary Development Plan. Conditions in respect of the protection of trees and hedgerows that are to remain are recommended by way of conditions, along with mitigation and enhancement measures recommended by the ecologist. In this respect, the environmental role of the proposed development is also addressed.
- 6.23 Some concern has also been raised in representations about the sewerage capacity in the area. Welsh Water has been consulted and raises no objection to the proposal subject to conditions being imposed.

Conclusion

- 6.24 The application site is located within the existing urban settlement boundary, in a location that is considered to be sustainable. The application has been fully considered having regard to the policies of the Unitary Development Plan and is considered to be compliant with these relevant policies. No adverse impacts have been identified in this assessment of the proposal that would significantly or demonstrably outweigh the benefits of this proposed scheme.
- 6.25 In this instance the economic benefits may be taken to include jobs in the construction of the proposed development, increased spending power of new residents to support local shops and services, income from the New Homes Bonus, plus the additional Council Tax receipts.
- 6.26 The social benefits may be taken to include the delivery of affordable housing to address an existing local need plus support for existing services. The provision of affordable housing should, in the context of a housing land supply shortfall and district wide shortage of affordable housing, attract substantial weight.
- 6.27 In terms of the environmental role, the scheme delivers benefits in terms of bio-diversity enhancement and management and the Council's Ecologist expresses support for the proposal. The site's design and layout also supports the development environmental role by respecting the character of the built environment and the sites transitional role between urban and rural contexts. Landscaping and protection of existing features are of particular importance here and conditions are recommended.
- 6.28 The potential impacts of the proposed development in respect of impacts upon amenity and the risk of indiscriminate parking on the highway are considered to minimal, and could not be quantified as a significant or demonstrable harm that would outweigh the benefits. Having regard to the above, the proposal is considered to represent sustainable development and as such the presumption in favour of development should apply. The proposal is recommended for approval with conditions.

RECOMMENDATION

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**

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

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**

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

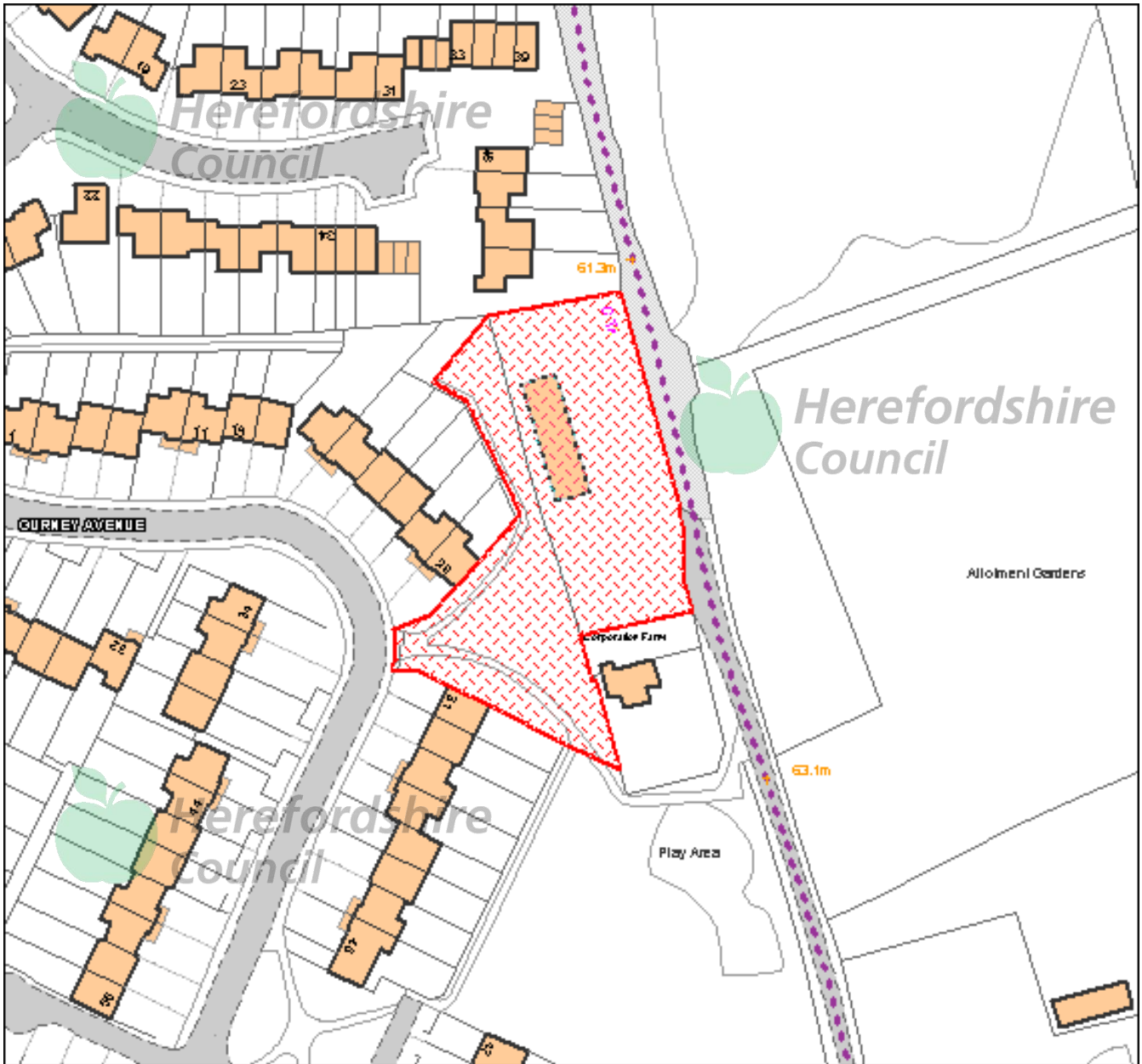
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143189

SITE ADDRESS : LAND WEST OF HOLYWELL GUTTER LANE, HEREFORD, HEREFORDSHIRE, HR1 1XN

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



MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	<p>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</p> <p>For: Mr Smith per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143780&search=143780
Reason Application submitted to Committee – Council Land	

Date Received: 19 December 2014 Ward: Aylestone Grid Ref: 351737,240400

Expiry Date: 20 March 2015

Local Members: Councillors NP Nenadich and DB Wilcox

1. Site Description and Proposal

- 1.1 Planning permission is sought for the demolition of existing buildings at the Tan Brook Centre, Rockfield Road, Hereford and replacement with a new headquarters for Ron Smith Ltd. The proposal arises as a consequence of the Compulsory Purchase Order process for the Hereford Link Road, which necessitates acquisition of Ron Smith's current premises on Widemarsh Street. The application follows pre-application discussion, which has led to design revisions.
- 1.2 The application site is home to the former Tan Brook Adult Training Centre and a further building that has the benefit of planning permission for textile recycling and associated ancillary retail element (113198/F). The site is now vacant. The site, which extends to 0.24ha, is within and at the gateway to the Aylestone Hill Conservation Area, but also falling in an area characterised by a mixture of uses. The site, if not the existing buildings, is of some prominence at the entrance to the Conservation Area and its position in the foreground of the Grade II listed Aylestone Court.
- 1.3 As well as being within the Conservation Area the site, despite its non-conforming current lawful uses, is also identified within the UDP as safeguarded employment land; the Rockfield Road industrial estate extending south-eastwards from the site. Elsewhere the site is bounded to the frontage by the A438 Aylestone Hill road and embankment associated with the railway crossing; the railway forming the site's south-western boundary. Moving northwards uphill the area is predominantly residential, there being several designated heritage assets locally, most notably

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

Aylestone Court Hotel and Nos. 8 & 10 Aylestone Hill, all of which are Grade II listed. The residential properties are generally large-scale.

- 1.4 The existing buildings are generally single storey with flat roofs and brick facing. They are unsightly if unobtrusive. The footprint is roughly 30m square. The site slopes appreciably down from Rockfield Road towards the railway line and the A465 Aylestone Hill carriageway is also significantly higher than the site. There is an embankment and the pavement edge is marked by black iron railings. This embankment is in separate ownership and does not form part of the application site. Mid C20th brick built industrial units to the rear (SE) are tight on the common boundary.
- 1.5 As a consequence of the topography and known underground constraints (network rail easements, drains and gas pipeline), the proposed replacement building is set back within the site so as to be in close proximity to the rear of the adjoining industrial units. This is not dissimilar to the existing relationship, albeit the proposed building would, by virtue of its continuous elevation, be likely to have a greater impact than the existing buildings.
- 1.6 The building is, in effect, two-storey with the lower storey dedicated to storage, workshop and offices and the upper ground floor, from which level access would be achieved from Rockfield Road, given over to the main retail display area and incidental offices, staff facilities and storage. The proposal also involves widening of the junction of Rockfield Road and Aylestone Hill and the provision of a footway from the site entrance to tie into the existing footway on Aylestone Hill. Parking for twenty one vehicles is located at the front of the building in two ranks with central aisle. A single disabled bay is located parallel to Rockfield Road, outside the main entrance.
- 1.7 The building has a shallow pitched roof behind a parapet. Facing materials comprise architectural cladding, split faced stonework and brickwork (at the lower level) with powder-coated aluminium glazing, recessed by 0.5m to give the frontage some depth. The parapet is higher around the retail display area in order to provide emphasis to the entrance and differentiate the uses within the building.
- 1.8 The application is accompanied by a Planning, Design and Access Statement, incorporating a Heritage Assessment. This sets out the rationale for the design approach having regard to the site context and constraints, including a Welsh Water main and gas main.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
E5	-	Safeguarding Employment Land and Buildings
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Listed Buildings within Conservation Areas
NC1	-	Biodiversity and Development

2.2 National Planning Policy Framework. In particular:-

Paragraph 14 -	The Presumption in Favour of Sustainable Development
Paragraph 17	- Core Planning Principles
Chapter 1	- Building a Strong, Competitive Economy
Chapter 4	- Promoting Sustainable Transport
Chepter 7	- Requiring Good Design
Chapter 12	- Conserving and Enhancing the Historic Environment

2.3 The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing an Independent Inspector is in the process of examining the Core Strategy in order to determine its soundness. The majority of the Core Strategy policies were subject to objection and, as the examination in public is not yet complete, can be afforded only limited weight for the purposes of decision making.

SS1	Presumption in Favour of Sustainable Development
SS4	Movement and Transportation
SS6	Addressing Climate Change
MT1	Traffic Management, Highway Safety and Promoting Active Travel
LD1	Local Distinctiveness
LD2	Landscape and Townscape
LD3	Biodiversity and Geodiversity
SD1	Sustainable Design and Energy Efficiency
SD3	Sustainable Water Management and Water Resources
ID1	Infrastructure Delivery

2.4 The Unitary Development Plan 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/unitary-development-plan>

3. Planning History

3.1 113198/F: Textile recycling facility with associated ancillary retail offer (smaller building on site): Approved 20th December 2011

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection subject to conditions

4.2 Network Rail: No objection on the basis of the amended site layout, which now excludes land in Network Rail ownership.

Internal Council Advice

4.3 Transportation Manager: No objection subject to conditions.

The proposal includes the widening of the initial section of Rockfield Road, which will facilitate traffic entering from Aylestone Hill should a vehicle be waiting to leave Rockfield Road. The proposed footway on the western radius will also be of benefit. Such works should be at the applicant's expense and may require a Section 278 agreement for the works within adopted highway.

The likely traffic generation for the proposed use is likely to be little different to that for the current permitted use and improvements to Rockfield Road are included in the proposals. Therefore I have no objections.

4.4 Conservation Manager (Historic Buildings): No objection subject to conditions

The application site is in the south-west corner of the Aylestone Hill Conservation Area. It is bounded by Rockfield Road, Aylestone Hill and the railway line with small commercial units to the south boundary. To the east of the site, across Rockfield Road, is Aylestone Hill House (now Aylestone Court Hotel), a grade II listed late 18th century three-storey building, which is representative of the south side of Aylestone Hill and its large detached houses on spacious plots.

The existing building on the site is a brick built building of largely single storey layout which has until recently been used as an adult training centre. The building dates from about 1965 and was constructed on former allotment land. It is not considered that the building is worthy of retention on historic or architectural grounds provided that the replacement represents and enhancement of the conservation area.

The Local Plan heritage policies relevant to this application are HBA4 (setting of a listed building), HBA6 (new development within a conservation area) and HBA7 (demolition within a conservation area).

The proposal shows a new showroom and associated workshops for an existing garden machinery business which needs to relocate. Pre-application advice was given on several iterations of the scheme and progress was made towards a satisfactory conclusion.

The submitted scheme would see the demolition of the existing building. This building is not a positive contributor to the conservation area and does not provide an attractive gateway into the city of Hereford when approached from Aylestone Hill. Therefore its replacement is considered beneficial and complies with Policy HBA7.

The replacement building would be located towards the south of the site to allow access and manoeuvring space between the new building and Aylestone Hill, with the access to the site off Rockfield Road. The building would be a very simple rectangle on plan and elevation as it has a shallow pitched roof hidden behind a parapet wall. It would consist of two levels, making use of the change in levels on the site already. The proposed showroom would be located on the upper floor to be on the same level as vehicular and pedestrian traffic on Aylestone Hill.

The elevations are simple and unadulterated but use different materials to visually designate difference areas of the building. The showroom area is the most prominent and consists of large areas of glazing bordered by a frame of a seamless material (yet to be finalised) which provides a raised parapet to the roof line thus emphasising this element. The other proposed materials in the palette are brick and dark split-faced block to the lower floor and a dark panel to the upper floor.

Solar panels are proposed for the roof which is considered acceptable in principle, though their appearance and positioning should be such that their visibility is kept to a minimum behind the parapet wall.

The character of the proposal is a distinct improvement compared with the retail sheds over the railway to the west and is generally considered to be acceptable for this location, on the junction of the residential and commercial areas of Hereford.

The building lies across Rockfield Road from Aylestone Hill House, a grade II listed building. The setting of this heritage asset will be altered by the proposals but it is not considered that the

effect will be adverse. There is clearly a change in appearance and character between the east and west sides of Rockfield Road and has been for many decades. The proposal site sits on the junction of commercial and non-commercial space. The building takes the use from one side and the increased quality of appearance from the other.

Overall it is considered that the proposed scheme satisfies Policies HBA6 and HBA4 in relation to the conservation area and the adjacent listed building.

Conditions will be required for the palette of materials, the type of solar panels (preferably dark framed with dark spacers and non-reflective glass to reduce glare) and the positioning of the solar panels.

4.5 Economic Development: No objection

Under the Herefordshire Unitary Development Plan the site is identified as 'safeguarded employment land'. Positioned on the site is a range of single storey flat roofed brick units, which has been recently occupied by a recycling charity. Adjacent to the site is Brook Retail Park and the Rockfield Industrial Estate, which consists of 12 light industrial units with mixed; retail, service and manufacturing based uses. The proposed use is classified as a Sui Generis employment use. The new development facilitates business relocation/expansion and does not result in 'the loss of existing, permitted or proposed employment and building, to non-employment uses' (in accordance with policy E5).

In terms of 'safeguarding employment', Ron Smith & Co has stated that they have 'over 30 employees based at their Hereford and Worcester branches'. The development and expansion of new facilities will enable them to retain their existing workforce and create 12 new full time jobs at their Hereford branch.

From an economic perspective we strongly support the application on the grounds that:

- 1) The development proposals are of scale and character that supports existing uses adjacent to the site (Rockfield Industrial Estate and Brook Retail Park).
- 2) The site is not contrary to the delivery of policy E5 of the Herefordshire UDP (safeguarding employment land and buildings).
- 3) The proposal supports the continuation and expansion of Ron Smith & Co's business operations for their Hereford branch.
- 4) The proposal helps safeguard and create additional jobs.

4.6 Land Drainage Officer: No objection subject to conditions.

4.7 Conservation Manager (Ecology): Comments awaited

5. Representations

5.1 Hereford City Council: No comment

5.2 One letter of objection has been received from Mr J Llewellyn, 3 Aylestone Court Mews, Rockfield Road.

The objection relates to concerns over highway safety.

- 1) The increase in traffic to the development, especially HGVs, will conflict with the use of Rockfield Road by pedestrians (including people with impaired mobility). There is a poorly maintained white line on the eastern side of Rockfield Road which is supposed to provide space for pedestrians (including people accessing Aylestone Court Mews). In reality HGVs and vans in particular cross over this white line and I have nearly been hit twice. I am not convinced that widening Rockfield Road will provide enough space for pedestrians on the eastern side, and the proposals for a footway are only to / from the development on the western side. More HGVs and vans could mean greater risks without provision of better pedestrian facilities on the eastern side of Rockfield Road.
- 2) I am very concerned about the increase in traffic turning into and out of Rockfield Road, and potential implications for highway safety. There are particular challenges turning right into Rockfield Road from the railway bridge and turning right out of Rockfield Road up to Aylestone Hill (in particular as a result of traffic conflicts with the busy right turn filter lane from Aylestone Hill into Barrs Court Road). There is no detail about any proposed junction improvements, and whether these have been subject to a safety audit. It should also be noted that this junction is crossed by hundreds of college students from the 6th form college.

Therefore I would ask that this application is refused until there are clear and detailed proposals for pedestrian and more general highway safety improvements to Rockfield Road and the junction with Aylestone Hill.

- 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>

6. Officer's Appraisal

Planning Policy

- 6.1 The Unitary Development Plan (UDP) remains the Development Plan for the county. Weight may only be attributed to those saved policies that are consistent with the NPPF (paragraph 215 refers). In this instance the saved UDP policies that refer to the pursuit of good, sustainable design and the protection and conservation of heritage assets (DR1, HBA4, HBA6 and HBA7) are considered to accord with the NPPF at Chapters 7 and 12 in particular. It is acknowledged, however, that these policies do not contain the cost-benefit analysis explicit in the NPPF policies – Paragraph 134 being an example. For instance whilst HBA4 tolerates no harm to the setting of a listed building, 134 says that less than substantial harm to the significance of a designated heritage asset may be weighed against the public benefits of a scheme.
- 6.2 In this instance the statutory duty to have special regard to the desirability of either preserving or enhancing the character or appearance of the Conservation Area and the setting of the adjoining listed building must also be accounted for. This duty is repeated in saved HUDP policies HBA4 and HBA6, but is a statutory duty that sways the balance strongly towards the conservation of heritage assets.

Impact on Designated Heritage Assets

- 6.3 In this instance, the site in its existing condition makes a poor contribution to the character or appearance of the conservation area. The conservation area designation was made in 1969 and intended to protect an important route into the city centre. It is supposed that the application site was included as a gateway/bookend to the conservation area. The existing buildings are vacant and likely to deteriorate in condition. The site is not maintained and

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

already heavily littered. In your officers' opinion the site is in need of redevelopment and the loss of the existing buildings is not prejudicial to the character or appearance of the conservation area.

- 6.4 The Conservation Manager agrees with this perspective and her detailed response at 4.4 provides commentary on the scheme's impact on both the character and appearance of the conservation area and the setting of the adjoining listed building. It is concluded that the scheme is consistent with the objectives of saved UDP policies HBA4, HBA6 and HBA7 and NPPF heritage policies, in that it represents local enhancement of the appearance of the conservation area and has no more than a neutral impact on the setting of the listed building. It is concluded, therefore, that the statutory tests enshrined in the Planning (Listed Buildings and Conservation Areas) Act 1990 are met.

Transport

- 6.5 At paragraph 32 the NPPF confirms that applications should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Transportation Manager identifies improvements that the scheme will deliver at the junction of Aylestone Hill and Rockfield Road by allowing for part of the application site to be dedicated for the widening of Rockfield Road to 6.7m for the first 24m; providing an additional 3m to the width of the carriageway. A 2.0m footway will be provided around the junction radius on the city side and tactile paving installed. This increased width will allow for two vehicles to pass at the junction, something which can be difficult in present conditions.
- 6.6 The right-turn on exit from Aylestone Hill can be a difficult manoeuvre in the context of the right-turn lanes for Barrs Court and Southbank Road respectively. This is an existing issue and one that the scheme is unlikely to exacerbate to a material degree. The objection from the neighbour refers to the increase in HGV traffic and vehicle movements associated with the scheme and traffic more generally. It should be noted, however, that predicted HGV movements will be limited, with most deliveries being undertaken by van or rigid-based 7.5 tonne lorries. Moreover there is little evidence to suggest that the development will increase traffic movements when compared to historic usage.
- 6.7 Officers consider that the scheme will represent improvement to the existing conditions and will not result in residential cumulative impacts that could be described as severe. The scheme is considered to accord with the saved UDP policy DR3 (Movement) and NPPF guidance at Chapter 4.

Economic Development

- 6.8 The proposal is for a sui generis use and officers are conscious of the preamble to saved UDP E5, which gives some latitude where the location of certain sui generis uses on safeguarded employment land is concerned. Officers are also conscious of NPPF advice, which may be argued to take precedence over UDP policies in any case, which cautions against the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
- 6.9 It is also the case that the existing lawful use of the site is not a traditional employment use falling within Class B and that the development is a necessary relocation of an existing well-established business that has been seeking alternative premises on account of having to move from their existing premises to facilitate delivery of the Edgar Street Link Road. In these circumstances the principle of development is acceptable in terms its impact on the supply of employment land and buildings.

Other Matters

- 6.10 The building is located towards the rear of the site, in close proximity to the units to the rear. However, officers do not consider the impact of the building's scale and mass so prejudicial as to warrant refusal on amenity impacts. The presence of windows in the flank elevations of the units most closely affected would compensate for any loss of daylight to windows in the elevation facing the application site. The applicants have been in discussion with the occupiers of Unit 1 Rockfield Road and have undertaken to reposition the proposed bike shelter in order to further mitigate any impact on light to adjoining windows. The scheme is considered to accord with saved UDP policy E8 and the NPPF, which requires that all developments 'secure high quality design and good standards of amenity for all existing and future occupants of land and buildings.'

Summary and Conclusion

- 6.11 The site is a brownfield site adjacent the city centre within the Aylestone Hill Conservation Area. Existing buildings on site date from the mid C20th and have no architectural or historical interest. Demolition is acceptable within this context. The proposed building is considered to enhance the character and appearance of the conservation area. The location on site respects the setting of the adjoining listed building. Officers conclude there is no harm to the significance of either of the two designated heritage assets.
- 6.12 The scheme also promotes benefits in terms of the relocation of an existing business that will:
- 1) Enable the Edgar Street Link Road to proceed;
 - 2) Result in improvements to the junction of Aylestone Hill and Rockfield Road to the benefit of the wider industrial estate and pedestrians;
 - 3) Enable the business to be retained within the county with potential growth;
 - 4) Enhance the character and appearance of the Conservation Area.
- 6.13 The proposal is therefore considered to represent sustainable development that accords with all aforementioned saved UDP policies, NPPF policies and statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.14 The application is recommended for approval subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 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:

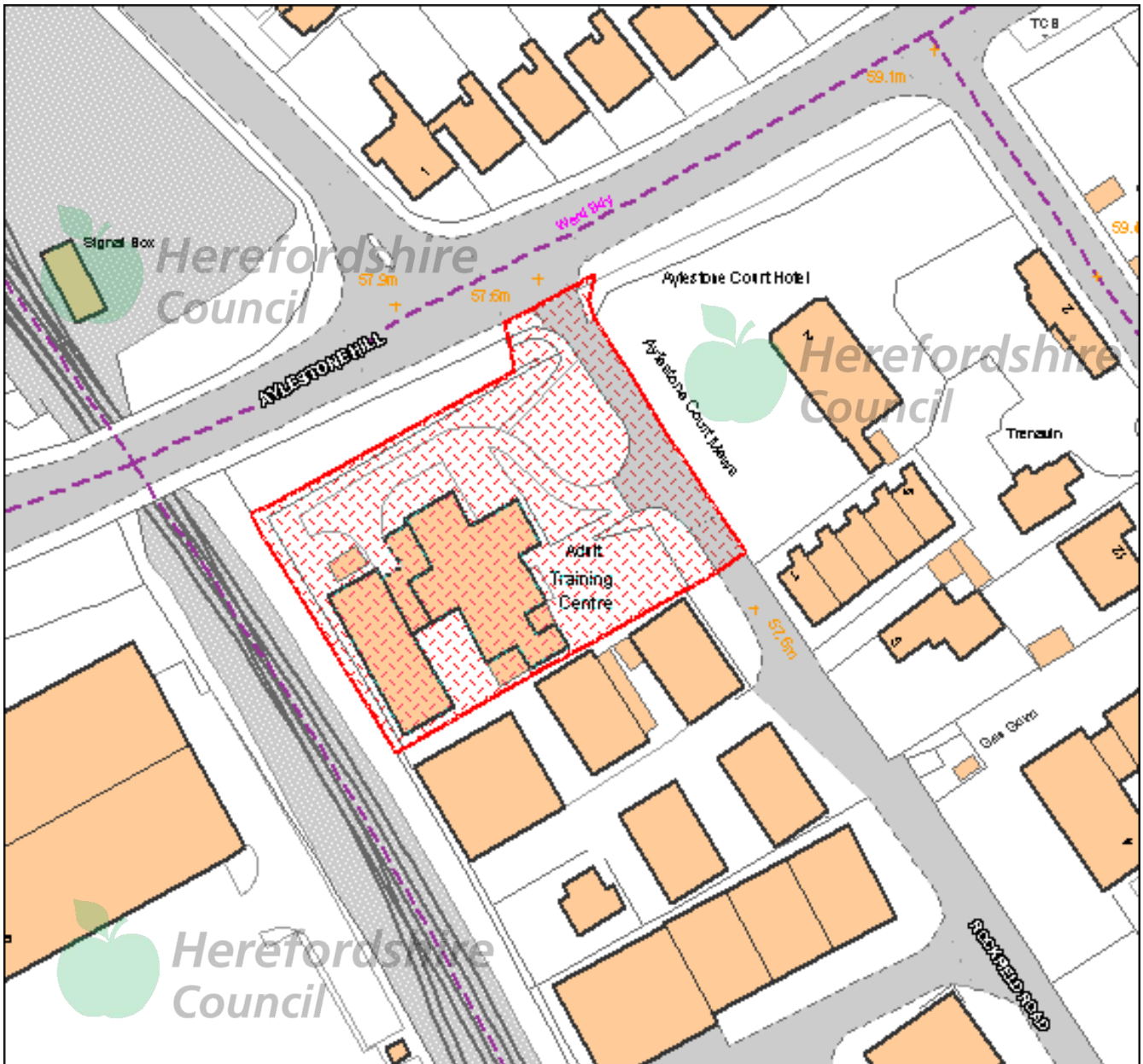
- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission 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**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: 143780

SITE ADDRESS : FORMER TAN BROOK CENTRE, ROCKFIELD ROAD, HEREFORD, HR1 2UA

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479



MEETING:	PLANNING COMMITTEE
DATE:	4 MARCH 2015
TITLE OF REPORT:	<p>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</p> <p>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</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141651&search=141651
Reason Application submitted to Committee – Contrary to Policy	

Date Received: 5 June 2014

Ward: Ledbury

Grid Ref: 370470,236849

Expiry Date: 10 September 2014

Local Members: Councillors PL Bettington, EPJ Harvey and TL Widdows

Introduction

- 1.1 This application was deferred at the last Planning Committee on 11 February 2015 with a request for the submission of additional information regarding the details of the means of access to the site, clarification as to whether the visibility splays required crossed third party land and details of existing football pitch provision in the town.
- 1.2 The applicant's agent has also provided a written statement regarding the existing provision of football pitches in Ledbury and this is reproduced in full below:

There are currently five senior full size football pitches in Ledbury. One at New Street (formally the home of Ledbury Town Football Club), three at the Ledbury Rugby Club's sports fields on Ross Road (now being used for matches by Ledbury Town Football Club) and one all-weather AstroTurf pitch at John Masefield High School which has also been used for training by Ledbury Town Football Club.

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 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.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

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 to take over the use of the pitch for junior football use, which they will agree to.

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 be locked out permanently, although the new Committee continue to negotiate with the Landlord.

Ledbury Rugby Club are allowing Ledbury Town Football Club to use their grounds on the Ross Road for matches as they have the shower facilities required post match for home and away players.

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.

Wyn Rogers, Director of Ledbury Rugby Club, has agreed to allow Ledbury Town Football Club to play on a semi-permanent basis at Ross Road. To help with wear and tear at Ross Road the junior team, Ledbury 'Swifts', will be allowed to play at the existing cricket pitch and when brought into use, the new Cricket Ground approved at Ross Road/Orlham Lane. This new facility includes a Sport England compliant junior pitch and will be made available to the Swifts by Ledbury Cricket Club on a permanent basis.

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.

- 1.3 The Council's Parks & Countryside Officer has provided an additional response in relation to the statement about football pitch provision in Ledbury an comments as follows:

There is a surplus of senior pitches in the Ledbury Area (not necessarily the town). The use of the second pitch at the Ledbury Cricket Club is as D2 Planning Ltd has reported in the accompanying statement was used on an ad hoc basis as and when at the good will of the cricket club and given its usage and lack of security it was not included in the overall calculations in the Playing Pitch Assessment. With regard to any future investment at this site and the delivery of sustainable facilities for both football and cricket it is not considered a viable option and is not included in the Investment Plan.

The new cricket facility will meet both the needs for cricket and will also help to address some of those for football by accommodating a junior football pitch. This will support the development of a sustainable facility providing for both summer and winter sports.

- 1.4 Since its deferral at Planning Committee on 11 February, the application has attracted further public interest with 34 letters of support received. In summary the points raised are as follows:

- The re-location of the cricket club is vital to allow the game to grow in Ledbury and this can only happen if the existing site is re-developed for housing.
- If the club does not re-locate and, without any security of tenure at its existing ground, the club may cease to exist.
- The site to which this application relates is within the limits of the bypass and would therefore be integrated within the community.
- The site would have easy access to the local network of footpaths that take pedestrians to the town centre and to John Masefield High School.

- Development of the site would cause very little visual impact.
- Suggestions that development would lead to the loss of a public open space are incorrect as the site is actually privately owned land.

1.5 Correspondence has also been received from Ledbury Area Cycle Forum. They consider that the Council should take up the offer made by the applicant to upgrade the path on the north side of Ross Road as far as the Orham Lane junction as an upgraded path, linking with the town trail, would provide safe pedestrian access.

2. Officer's Comments

2.1 With regard to proposed access arrangements, the applicant's agent has provided additional plans. These confirm that visibility splays in excess of 50 metres can be provided in both directions and that these can be accommodated within the highway. The plans have been assessed by the Council's Transportation Manager and he has confirmed that the splays do not cross third party land.

2.2 Your officers are content that this proposal will not erode sports pitch provision in Ledbury and this is reflected in the comments of the Parks & Countryside Officer who is satisfied that; in combination with the now approved scheme for the re-location of the cricket club, pitch provision would be improved. This view is not altered by the above statement.

2.3 The letters of support do not raise any new issues and the comments from Ledbury Area Cycle Forum regarding the upgrade of the footpath along Ross Road are covered by the proposed contributions for highway improvements as outlined in the Draft Heads of Terms Agreement that is appended to the original report.

2.4 It is therefore concluded that the proposal is acceptable as submitted and there is no change to the recommendation made in the original report which follows below.

Extract from report to Planning Committee on 11 February 2015

1. Site Description and Proposal

- 1.1 The site comprises 2.75 hectares of generally flat recreation land located to the east of New Street, Ledbury, on an area to the rear of The Full Pitcher Public House. The land is currently used as a cricket pitch and is an area of managed grassland. The boundaries to the north, south and east are formed with tall and unmanaged hedgerows while the western boundary is a post and wire fence along the rear of The Full Pitcher Public House. A public footpath also crosses the existing cricket pitch. A football pitch is also used on the cricket outfield during the winter. The land rises gradually from the rear of the Public House to the top of the site.
- 1.2 The site is located on the south-western edge of the town and adjacent to the A417. The site is adjoined to the north by Ledbury Town Football Club, to the east by an area of open space associated with a neighbouring residential estate with New Street and Leadon Way (A417) forming the western and southern boundaries respectively.
- 1.3 The application is made in outline and is for the erection of up to 100 dwellings. All matters apart from means of access are reserved for future consideration. The proposal also includes details of a revised parking layout for The Full Pitcher Public House. The detailed arrangements for access show a new junction on New Street.
- 1.4 The application is submitted with the following documents:
- Design & Access Statement
 - Transport Assessment
 - Flood Risk Assessment and Surface Water Drainage Strategy
 - Open Space / Recreational Needs Assessment
 - Ecological Appraisal
 - Affordable Housing Statement
 - Draft Heads of Terms Agreement

2. Policies

2.1 National Planning Policy Framework:

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
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

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas

H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
RST4	-	Safeguarding Existing Recreational Open Space

2.3 Herefordshire Local Plan Core Strategy - Deposit Draft

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
LB1	-	Development in Ledbury
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	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

Neighbourhood Planning

2.4 An emerging neighbourhood plan may be a material consideration once it has reached submission/local authority publication stage (Regulation 16). In the case of the Ledbury, a neighbourhood area was designated on 12th November 2012 and work has commenced on a plan but this has not yet reached Regulation 14 stage. Therefore no material weight can be applied in the Planning Balance.

2.5 The Unitary Development Plan 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/unitary-development-plan>

3. Planning History

3.1 There is no history on the application site that is specifically relevant to this application. However, the following relate to an adjoining site and are considered to be relevant:

100939/F - Proposed new access and car park layout and demolition of existing bungalow – Refused 30 June 2010.

112337/F - New access and car park layout following demolition of existing bungalow – Refused 11 November 2011.

Whilst not clear from the description of development, both of these applications sought to provide car parking for Ledbury Town Football Club. Both applications were refused for similar reasons relating to the over-engineered design of the access onto New Street, the fact that the schemes over-provided parking at a level in excess of the Council's adopted parking standards and due to the detrimental effect that the proposal would have had on the street scene.

4. Consultation Summary

Statutory Consultations

- 4.1 **Sport England** - It is understood that development of the site, and its replacement will in principle allow the cricket club to have a bigger, better site with security of tenure allowing the club to grow as they aspire. It is noted that the Open Space Needs Assessment accompanying the application refers to a concurrent planning application for the relocation of the existing cricket club facilities to a brand new, purpose built site to the south of Ross Road/west of Orham Lane. The site is stated to provide a junior and senior cricket pitch as well as a new cricket pavilion and is half a mile from the existing site.

Whilst the intentions are set out and Sport England could in principle support the proposal as it would meet our Exception E4 to the loss of playing fields, it is vital that the replacement facilities are subject to a detailed planning application which is determined at the same time/before this application.

In order for Sport England not to object to this current planning application, the planning application, P142517/F, for the relocation would need to be approved, and the facilities be operational before work could start on the redevelopment of this site for housing.

Therefore, Sport England maintains its objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is delivered, or arrangements are confirmed on replacement provision.

Sport England can confirm that once a suitable section 106 agreement or other legal mechanism has been signed, we will withdraw our objection. Sport England would be pleased to discuss the contents of the section 106 agreement or other legal mechanism, with a view to withdrawing the current objection.

Should your Authority be minded to approve the application without an acceptable section 106 agreement or other legal mechanism in place, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the National Planning Policy Guidance, the application should be referred to the National Planning Casework Unit.

- 4.2 Severn Trent – No objection subject to conditions.

Internal Council Consultations

- 4.3 Transportation Manager - I am content that the speed regime south-bound in New Street, and the roundabout works will bring speeds down to that where the Stopping Sight Distance is small enough that rear-end shunts into vehicles waiting to turn right into the development will be unlikely. In any case, the peak flows south-bound on New Street show that there will be sufficient breaks in the traffic to limit queueing behind right turning vehicles.

The amendments to the roundabout, once implemented will slow traffic exiting the roundabout to New Street. This will obviate the need to provide a right turning lane into the proposed development.

- 4.4 Conservation Manager (Ecology) – No objection subject to the imposition of a condition to secure an ecological mitigation and enhancement scheme in accordance with the recommendations of the ecology report submitted as part of the application.
- 4.5 Public Rights of Way Manager - No objection as the proposal does not appear to affect public footpath LR35
- 4.6 Housing Development Officer - No objection subject to the provision of affordable housing.
- 4.7 Parks & Countryside Manager - The principal of this proposal is supported in meeting the need identified by the Herefordshire Playing Pitch Assessment 2012 and policy requirements to require alternative provision of at least equivalent community benefit. A comprehensive proposal to show that it is possible for the cricket club to develop facilities of a least equivalent quality which are sustainable and that the proposed site is suitable, both in planning terms and in meeting the club's needs in being fit for purpose is required before this application is determined. This should include details of phasing/ timescales/ estimated costs/financial support. The new facility should be ready for use prior to the closure of the existing.

In their Design and Access Statement, the applicant acknowledges that open space provided within the development will be by agreement with the Local Authority.

- 4.8 Education: No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies the application.
- 4.9 Environmental Health and Trading Standards Manager - Records indicate two areas of unknown filled ground within the proposed development. They also suggest that the proposed development is within 250m of a known closed landfill site with some of the proposed residential development being within 100 metres. It will therefore be necessary for the applicant to undertake a site investigation to consider the risk from the landfill to the development. Therefore we would recommend a condition be appended to any planning approval to ensure the site is both safe and suitable for its intended use.

5. Representations

- 5.1 Ledbury Town Council - Object to the application on the following grounds:
- The site is currently protected under UDP Policy RST4 Safeguarded Open Space.
 - There is no provision made for the loss of the existing sporting facility on the site.
 - Concerns over access and egress.
- 5.2 Ramblers Association – Pleased to note that the development does not require any diversion or extinguishment of the footpath but object to the application. The footpath passes through a pleasant open green space and is readily accessible to the nearby population. This proposal will completely change the nature of the site, both literally and visually, to detriment of the footpath users.
- 5.3 CPRE – Object to the application for the following reasons:
- It is important to protect open spaces within Ledbury.
 - The built up area of Ledbury will be extended beyond its natural boundaries and would create a precedent for further development.
 - Ledbury has made a substantial contribution towards housing development in recent years. More development will bring further pressure on the town's infrastructure.
 - The problems experienced by the cricket club due to the nature of their tenancy should not carry much weight in the determination of this application.

5.4 Ledbury & District Civic Society – Object to the application on the following grounds:

- It has been suggested that the 100 dwellings proposed here will not contribute to the housing numbers required for Ledbury in the emerging Core Strategy. If this is the case then this is unreasonable.
- The application is made on the basis that a replacement cricket ground will be found. This should be fully established before outline planning permission is granted on this site.
- Ledbury is short of green spaces within the town. If permission is granted here there should be robust protection for the football ground next door.

5.5 Six letters of objection have been received in response to the public consultation period. In summary the points raised are as follows:

- The proposal results in the loss of a recreational area that is protected by UDP policy
- Ledbury lacks green spaces within the town environment
- The development will bring pressure to close the public footpath which crosses the site
- The existing open space on Villa Way, and adjacent to the application site, is not properly maintained. This is why the cricket pitch is used by dog walkers
- The proposal represents over-development
- There are inadequate services and facilities in Ledbury with particular concern about the capacity of schools and doctors surgery
- Concern about highway safety and intensification of traffic along New Street
- There is insufficient space to create a protected right turn and its implementation would increase the likelihood of accidents.

5.6 One letter of support has been received. In summary the points raised are as follows:

- More houses are needed in the area
- The proposal to replace the cricket pitch is in relatively close proximity to the town and will provide more opportunities for young people to be involved in sport
- The provision of a protected right turn will improve highway safety

5.7 Correspondence has also been received from the freehold owners of the adjacent football ground. In summary the points raised are as follows:

- The scheme will result in the loss of the club's training pitch
- Residential development immediately adjoining the boundary of the ground will be affected by existing floodlighting and match day attendances
- Is there an intention for a landscaped buffer or other form of noise attenuation between the site and football ground?
- Would it be possible to condition any planning permission, should it be forthcoming, to reserve a point of vehicular access from the estate road to the football ground?

5.8 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 The site to which this application relates is currently used as a cricket pitch by Ledbury Cricket Club, and also contains a football pitch that has been used for training purposes by Ledbury Town Football Club. It lies within Ledbury's settlement boundary and therefore in this case the primary issue is not that of the release of land that has previously been considered as open countryside, but the potential loss of sports pitches. The key policies to consider are S8, RST1 and RST4 of the Herefordshire Unitary Development Plan (HUDP).
- 6.2 Specifically, Policy RST4 deals with the safeguarding of existing recreational open space. It is a criteria based policy that suggests that proposals that would result in the loss of public or private open spaces with recreational value, or facilities that help meet the needs of the community will not be permitted unless:
- There is a clear excess of outdoor playing space provision and/or open space in the area; or
 - Alternative provision of at least equivalent community benefit is provided in a convenient and accessible location.
- 6.3 The application site is privately owned and is rented to Ledbury Cricket Club on a short term lease. The club are reluctant to invest in the current site as they have no security of tenure and their short lease has meant in the past that they have been unsuccessful in their attempts to secure grant funding for improvements.
- 6.4 The public have a right of access across the field via a public footpath. However, as private land it is not otherwise generally available for public use. An area of public open space on Villa Way is located immediately to the east of the application site, separated from it only by a hedgerow.
- 6.5 The Herefordshire Playing Pitch Assessment advises that there is a shortfall of formal playing pitches in Ledbury and therefore the first of these criteria is not applicable. However, it will be noted that a separate application is to be considered for the provision of new cricket and junior football pitches on land at Orham Lane, approximately 500 metres to the west of this application site (application reference P142517/F), and that the application is to be considered by Planning Committee with a recommendation for approval from officers.
- 6.6 The application for replacement facilities demonstrates that improved cricket and junior football provision would be made for the town were planning permission to be granted. The application has the support of the Council's Parks & Countryside Officer and of Sport England, and your officers are satisfied that the new facilities meet the second criteria of Policy RST4. Therefore the loss of the existing sports pitches and the principle of developing the land for housing is considered to be acceptable, subject to all other material planning considerations.
- 6.7 The comments received in relation to this application from Sport England are caveated that permission should not be granted unless alternative provision is secured. Both your officers and the applicant's agent acknowledge the importance of ensuring that new cricket facilities are provided and are capable of use before the re-development of the site takes place and this is reflected by a clause in the Heads of Terms Agreement attached to this report, which requires alternative provision to be made and capable of use before the development of this site takes place.

6.8 Paragraph 32 of the NPPF is key to the highway impact debate where it states:

Plans and decisions should take account of whether improvements can be undertaken within the transport network that, cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.9 The application has been amended since its original submission in terms of the manner in which access to the site is provided. It was initially intended to create a protected right turn into the site for vehicles approaching from the west. However, this is now omitted from the scheme following further discussions between the applicant's highway consultant and the Council's highway engineers. The changes to the proposal have resulted from separate proposals to make alterations to the roundabout that forms the A417/A449/New Street junction to improve its safety. These plans would see the narrowing of access/egress points on the arms of the roundabout, including New Street. With a proposal to create a protected right turn into the site these plans would not be feasible and therefore the applicant was asked to investigate the possibility of its omission. A 7 day traffic count on New Street within the locality of the proposed access was subsequently completed and a supplementary Transport Assessment has been submitted.

6.10 The Assessment shows that the peak flow in a single hour over the seven day period was 305 movements in a northerly direction (into Ledbury) and 102 in a southerly direction. The report also includes an assessment of the gap in traffic flows within the peak hour to see whether there would be capacity for vehicles turning right to be safely accommodated. This part of the assessment assumes that; based on a development of 100 dwellings, 50 vehicle movements would occur within the peak hour. The summary shows that there were 50 occasions where the gap between southerly traffic movements were in excess of 25 seconds. The report considers that, with vehicles travelling at a speed of 30mph, a five second gap is reasonably required to make a right turn safely, and it concludes that it is unlikely that the development would give rise to a situation where vehicles would be caused to queue back onto the roundabout as they wait to make a right turn.

6.11 The Council's Highway Engineer has considered and accepts the findings of the supplementary Transport Assessment. It is accepted also that there is not a requirement for a protected right turn, thus facilitating the improvements to the roundabout. Although they are not required as a consequence of the development proposed, the applicant has indicated a willingness to part fund the improvement works as the costs of providing access to the site are reduced through the omission of the protected right turn.

6.12 The information contained within the supplementary Highway Assessment serves to demonstrate that, with the amended access arrangements, the proposal can be accommodated into the existing highway network with detriment to the safety of highway users. The alterations to the roundabout are considered to represent an improvement to safety and therefore the proposal is considered to accord with Policies DR3 and T8 of the HUDP and paragraph 32 of the NPPF.

6.13 The site is immediately adjacent to existing residential areas and forms a logical addition to the town for housing. The boundaries of the town are constrained to the south by the A417 and the substantial tree belt that runs along its northern side. The site has an obvious visual relationship with the town's built form and the proposal is considered to accord with Policy LA3 of the UDP which assesses the impact of development upon the setting of settlements.

6.14 Some of the letters of objection raise concerns about the proposed density of the scheme and consider that it represents over-development. The site amounts to 2.75 hectares and, based on a development of 100 dwellings, this would amount to 36 dwellings per hectare. This is not considered to be high density and would reflect the pattern of development within the locality

and the proposal is considered to accord with Policies DR1 and H13 of the HUDP in this regard. The application is of course made in outline and therefore, should planning permission be granted, the detailed design of a scheme would be subject to further scrutiny through a reserved matters application.

- 6.15 On the basis of the amendments made to the proposed access, and that alternative cricket and football provision will be secured on an alternative site, it is concluded that the proposal represents a sustainable form of development and accords with the Herefordshire Unitary Development Plan and the National Planning Policy Framework. It has not been demonstrated that there are any material planning considerations that outweigh the presumption in favour of sustainable development and therefore the application is recommended for approval subject to the completion of a Section 106 Agreement and the conditions outlined below.

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. **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

Further information on the subject of this report is available from Mr A Banks on 01432 383085

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**

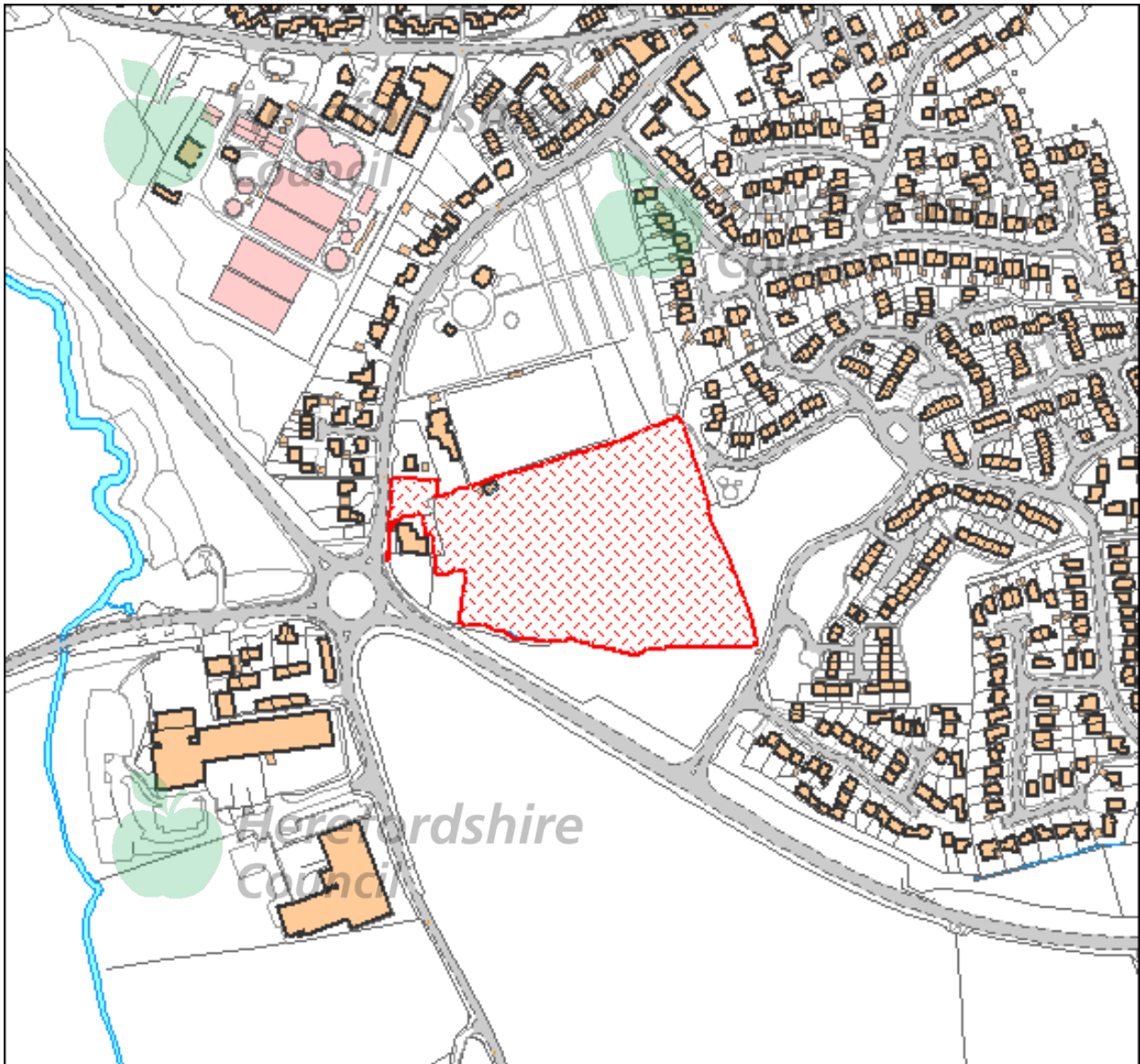
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141651

SITE ADDRESS : LAND TO THE REAR OF THE FULL PITCHER, NEW STREET, LEDBURY, HEREFORD, HR8 2EN

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

DRAFT HEADS OF TERMS

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

Planning Application – P141651/O

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1st April 2008. All contributions in respect of the residential development are assessed against on general market units only.

Site for residential development of up to 100 dwellings, with associated means of access and car parking for the Full Pitcher Public House, New Street, Ledbury

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

£2,845	(index linked) for a 2 bedroom apartment open market unit
£4,900	(index linked) for a 2/3 bedroom open market unit
£8,955	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Ledbury Early Years, Ledbury Primary School, John Masefield Secondary School, St Marys RC High School, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

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

£1,967	(index linked) for a 2 bedroom open market unit
£2,952	(index linked) for a 3 bedroom open market unit
£3,933	(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 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 connecting to the site
- d) Public initiatives to promote sustainable modes of transport
- e) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£120.00	(index linked) for a 1 bedroom open market unit
£146.00	(index linked) for a 2 bedroom open market unit
£198.00	(index linked) for a 3 bedroom open market unit
£241.00	(index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Ledbury. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

Further information on the subject of this report is available from Mr A Banks on 01432 383085

5. The developer covenants not to permit the development of that part of the site currently used for sporting activities until such time as the new cricket pitches to secure the relocation of the cricket club to the site at Orlham Lane, Ledbury (application reference P142517/F) have been completed and are capable of use, and a written offer has been made to the cricket club to transfer to the relocated site for consideration of One Pound (£1.00)
6. The developer covenants with Herefordshire Council that 40% (40 units – on basis of development of 100) of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
7. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 80% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
8. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-:
 - 8.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 8.2. satisfy the requirements of paragraphs 9 & 10 of this schedule
9. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 9.1. a local connection with the parish of Ledbury
 - 9.2. in the event of there being no person with a local connection to Ledbury any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.
10. For the purposes of sub-paragraph 9.1 of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
 - 10.1. is or in the past was normally resident there; or
 - 10.2. is employed there; or
 - 10.3. has a family association there; or
 - 10.4. a proven need to give support to or receive support from family members; or
 - 10.5. because of special circumstances;
11. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency ‘Design and Quality Standards 2007’ (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation ‘Lifetime Homes’ standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
12. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 4 of the ‘Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes’ or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

13. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3 and 4 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
14. 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.
15. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
16. 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.

Andrew Banks
Principal Planning Officer

30th January 2015

