

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 27 June 2012 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AM Atkinson, AJM Blackshaw, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, RC Hunt, AW Johnson, JG Lester, MD Lloyd-Hayes, FM Norman, R Preece, P Rone, GR Swinford and JD Woodward

**In attendance:** Councillors ACR Chappell, JLV Kenyon and GJ Powell

**10. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JW Hope MBE, Brig P Jones CBE, G Lucas, RI Matthews and PJ Watts.

**11. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AJM Blackshaw, AM Atkinson, AW Johnson, R Preece and P Rone attended the meeting as substitute members for Councillors JW Hope MBE, Brig P Jones CBE, G Lucas, RI Matthews and PJ Watts.

**12. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

7. S102921/ O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN.

Councillor DW Greenow, Personal, The Councillor rents a farm from the developer.

7. S102921/ O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN.

Councillor JLV Kenyon, Prejudicial, The Councillor is a member and sponsor of the rugby club.

8. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX.

Councillor MD Lloyd-Hayes, Personal, The Councillor is Chairman of 'Riding for the Disabled'.

8. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX.

Councillor RC Hunt, Personal, The Councillor declared an interest due to his involvement in Westfield School, Leominster.

9. N121311/F - LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT.

Councillor J Hardwick, Personal, The Councillor knows the applicant.

9. N121311/F - LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT.  
Councillor JG Lester, Personal, The Councillor knows the applicant.

### 13. MINUTES

Members noted the correction to the minutes made at the Planning Committee meeting on 6 June 2012 and asked for further clarification to be inserted to make it clear that they wished for the trees to be replaced in High Town.

**RESOLVED: That subject to the amendment detailed above, the Minutes of the meeting held on 6 June 2012 be approved as a correct record and signed by the Chairman.**

### 14. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

### 15. APPEALS

The Planning Committee noted the report.

### 16. S102921/ O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN

The Principal Planning Officer gave a presentation on the application. He added that 3 further letters of objection had been received after the updates sheet had been produced. These letters had been submitted from previous objectors and raised no new material planning considerations.

In accordance with the criteria for public speaking, Mr Townson, representing Hampton Bishop Parish Council, and Mr Westoby, a neighbouring resident, spoke in objection to the application and Mr Griffiths, the applicant, and Councillor JLV Kenyon, the neighbouring ward member who had declared a prejudicial interest in respect of the application, spoke in support. Councillor Kenyon left the Council Chamber immediately after speaking and took no further participation in the debate.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Hardwick, the local ward member, commented on a number of issues, including:

- The benefits to Rugby in Herefordshire were not argued, however the proposed location was wrong and there were access and highways issues with the proposed site.
- The only way the application could go ahead was through the requirement of 190 dwellings.
- The application was in open countryside in a rural approach to the city.
- The area was an important area of the Wye Valley and was only serviced by a B road.
- The Parish Council and the Objector had both voiced their concerns and their comments should be noted.

Prior to the debate the Principal Planning Officer was asked a question in respect of the requirement to consider Brownfield and Greenfield sites for housing as outlined in the recently introduced National Planning Policy Framework. In response to the question the Principal Planning Officer confirmed that the NPPF required the Council to demonstrate a 5 year supply of deliverable housing land as well as a 5% buffer. He added that there

was now a requirement to consider releasing Greenfield and Brownfield land outside of the settlement boundary and that the NPPF stipulated that housing proposals should be considered in the context of a presumption in favour of sustainable development.

The Committee opened the debate by voicing their disappointment that the application had been bought back before them, however they appreciated the reasons for this as outlined in the Officer's report. They discussed a number of key policies and made the following comments:

- Policy RST10 of the Unitary Development Plan which related to major sports facilities highlighted the importance of regional and sub-regional facilities. It was accepted that there were no other alternative sites which were viable, suitable and available.
- The proposal was in keeping with policy T8 of the Unitary Development Plan as the site was sustainable with good public transport links.
- Policy NC6 of the Unitary Development Plan in terms of biodiversity was also addressed through the protection of the orchard.
- The application was also in accordance with both policies LA2 and LA3 of the UDP in terms of landscaping and the setting of the settlement. Also within 3-5 years the organic status of the retained orchard would be established enhancing the landscape, wildlife and presence of wild flowers on the site.
- The proposal to include 35% affordable housing was in accordance with policy of H9 of the UDP.
- The proposed development would provide much needed housing in Hereford, with 5000 people on the housing waiting list.
- The application was also in accordance with Policy DR2 of the UDP in terms of land use.
- DR4 of the UDP had also been complied with due to the high construction standard of the proposed dwellings achieving code level 4.
- At £6.1 million, the Section 106 agreement was the largest contribution secured in the history of Herefordshire Council and would result in a number of community infrastructure benefits to the residents of the County including the provision of 36 allotments and the transfer of the existing rugby club site to the Council.
- Due to the Ecological Management Plan submitted by the applicant, the application was also now in accordance with Policy S7 of the UDP. This was demonstrated by the withdrawal of an objection by Natural England.

Following the comments made in support of the application a Member of the Committee moved that the application be approved contrary to the case officer's recommendation. In moving the recommendation UDP Policies RST10, T8, NC6, LA2, LA3, H9, DR2, DR4, DR5 and S7 were all given as policies that supported that application.

In seconding the motion another Member of the Committee also put forward Policy S8 of the UDP as being another reason for approving the application. It was also suggested that the application was also supported by Section 3 of the National Planning Policy Framework regarding prosperous rural economies, and section 8 regarding sports venues.

The Committee continued to debate the application with another Member noting the four key requirements of the previous Planning Committee resolution as outlined in paragraphs 7.2 to 7.10 of the officer's report. These issues related to further comments received and the protection of additional orchard, the withdrawal of Natural England's objection, the agreed design code, and the provision of the Section 106 agreement, all of which had now been resolved. He went on to reiterate the policies referred to by previous speakers which supported the application. Finally in summing up he also noted that the approval of the application would protect a large part of the existing orchard

which was not currently protected and could be removed at any time by the farmer, it was felt that this was a benefit in supporting the application. The following points were expressed in supporting the application:

- The 4 requirements outlined in the case officer's report had been met.
- A major sporting facility would be provided which would give the opportunity for improved fitness and wellbeing.
- An approval would secure retention of part of the orchard in a key approach to the city.
- Code Level 4 standard for environmental design was welcomed on the site.
- The 35% affordable housing element with a balanced provision of homes was welcomed.
- The site was well placed in sustainability terms with particular reference being made in respect of the forthcoming Sustrans cycleway to Rotherwas.
- The proposed application also provided a number of community allotments.

Other members spoke in support of the application and noted that the NPPF gave a presumption in favour of sustainable development and therefore the application should be supported. Concern was also expressed in respect of the site being referred to as open countryside as it was accepted that there were a number of dwellings within the Tupsley ward in close proximity to the proposed site.

Some members did however express concern in respect of the application and advised that they would be voting against the motion. It was noted that there were some positives as referred to by previous speakers but that these were outweighed by the negatives which included visual intrusion; the loss of sections of the orchard; the impact on one of the main routes into the city; the traffic concerns; the flood risk; as well as the impact the application would have on the neighbouring residents.

The Councillor who had moved the motion to approve the application agreed that the Section 106 Heads of Terms were as set out in the report, and the inclusion of any necessary conditions as well as the wording of the decision notice, including the conditions, should be delegated to officers in consultation with the ward member, the neighbouring ward member and the Chairman of the Planning Committee. In response to a number of questions from the Locum Lawyer (Planning and Regulatory) he confirmed the following:

- That he accepted that by approving the application the application would be considered as a departure from Policy H7 of the UDP, but that this was justified through the NPPF, through the provision of affordable housing and the lack of a five year housing land supply.
- That the application conformed to the criteria as set out in policies LA2 and LA3 of the UDP as it would not adversely affect the landscape setting and character due to the comprehensive Ecological Management Plan and layout.
- That in respect of policy RST10, the environmental impact was deemed as acceptable with any concerns outweighed by the provision of regional sporting facility on a suitable, viable and affordable site. This was reiterated through the withdrawal of an objection by Natural England.
- That the proposed Ecological Management Plan and the withdrawal of Natural England's objection addressed Policies S7 and NC6.
- That he adopted the reasoning on the other planning issues as set out in the report.

Councillor J Hardwick was given the opportunity to close the debate. He reiterated his opening remarks and requested and made the following additional comments:

- The issues of flooding and visual impact had not been addressed by the applicant.
- 40% of the existing orchard would be lost as part of the application.
- The provision of floodlighting on the site was of concern to the neighbouring residents.
- The agricultural access between the two junior pitches was also a concern in respect of health and safety.
- The impact on the villages of Mordiford and Hampton Bishop as a result of increased traffic was also noted.
- The site was not acceptable and there were clearly more suitable sites within the county.
- The application should therefore be refused in accordance with the case officer's recommendation.

A Named Vote was called for and taken in accordance with paragraph 4.1.16.38 of the Council's constitution.

The following Members voted for the motion:

Councillors PA Andrews, PJ Edwards, DW Greenow, KS Guthrie, RC Hunt, MD Lloyd-Hayes, JD Woodward, AJM Blackshaw (substitute), AM Atkinson (substitute), A Johnson (substitute), P Rone (substitute), R Preece (substitute) BA Durkin (Vice-Chairman), PGH Cutter (Chairman).

The following Members voted against the motion:

Councillors AN Bridges, JG Lester, FM Norman, GR Swinford

As Local Ward Member, Councillor J Hardwick was not entitled to vote on the motion. The motion was carried by 14 votes to 4.

**RESOLVED:**

**That officers named in the scheme of delegation be authorised to issue planning permission in consultation with the Ward Councillor, adjoining (Tupsley) Ward Councillors and the Chair of Planning Committee subject to:**

1. **Any conditions considered necessary by officers.**
2. **The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms as detailed in the officers appraisal.**

**17. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX**

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. She added that a petition containing 1251 signatures had been received in support of the application on the morning of the meeting.

In accordance with the criteria for public speaking, Mrs Bailey, the Head teacher for the school, spoke in support of the application.

Councillor GJ Powell, the Cabinet Member for Education and Infrastructure, addressed the Committee in support of the application in accordance with paragraph 5.13.7 of the

Council's Constitution. Councillor Powell left the Council Chamber immediately after speaking and took no further participation in the debate.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor R Preece, one of the local ward members, commented on a number of issues, including:

- The school was moved to its current location in the 1990's after previously being located on Ross Road.
- The school was built for 40 pupils but now accommodated in excess of 70.
- 64 of the signatures on the petition came from people who lived in close proximity to the school.
- The school was clearly above capacity, a fact confirmed by the LEA, with no viable alternative option apart from an extension to the existing site.

Councillor P Rone, another of the local ward members, commented on a number of issues, including:

- The site visit had highlighted the scale of the proposal.
- The extension to the school would be 24 metres away from the nearest dwelling.
- The school was only open during the week and was not used at weekends.
- The need for the extension was apparent.

Councillor ACR Chappell, the other local ward member, also commented on a number of issues, including:

- The application would have a negative impact on the amenity of neighbouring residents and should be moved onto the playing field of the neighbouring Marlbrook School.
- Sport England have not formally objected and should be approached by the applicant with a view to relocating the extension on the school field.
- The new vacant former Whitecross High School had been designated for a primary school and would be a more appropriate site.
- The proposed extension to the school may need to be extended further in the future.

The Committee discussed the application and had concerns in respect of the close proximity of the proposed extension to the nearby dwellings, that the planned capacity would not be sufficient to meet future needs resulting in further extension being necessary, and the overdevelopment of the site. Members asked for the determination of the application to be deferred pending further discussions with the applicant and Sport England in order to establish if the proposed extension could be relocated into a small area of the playing field of the neighbouring Marlbrook School.

The Committee also discussed the possibility of relocating the entire school to either the now vacant former Whitecross High School site or any other appropriate site within the City.

Councillors Preece, Rone and Chappell were given the opportunity to close the debate. They reiterated their opening remarks.

## **RESOLVED**

**THAT determination of the application be deferred pending further discussions with the applicant and Sport England in respect of the possible re-siting of the proposal onto neighbouring school land or identifying alternative sites within the County.**

**18. N121311/F - LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT**

The 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.

Councillor JG Lester sought advice in respect of a possible interest in the application. The Locum Lawyer (Planning and Regulatory) advised that Planning Committee Members would not necessarily have a personal interest in a fellow Member's planning application by virtue of the fact that they regularly met at public meetings or were members of the same political party. She added that something more than a political acquaintance was required in order for a declaration of interest to be required. Following the guidance Councillor Lester declared a personal interest in the application.

Members noted that the application had only come before the Committee as it had been submitted by the husband of a Councillor. It was further noted that the application would have been approved under delegated powers had this not been the case.

**RESOLVED:**

**Subject to there being no material planning issues raised by the outstanding consultation responses 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.**

**Reason for Approval:**

- 1. The proposed development is considered to be acceptable by the Local Planning Authority as it is well sited, well designed and of an appropriate scale and appearance in the context of the site. It is also considered to be reasonably necessary for the purposes of agriculture and will not harm the amenities of nearby residential dwellings. As such the development is considered to comply with Policies S1, S2, S7, DR1, DR2, DR4, E13, LA2 and CF4 of the Herefordshire Unitary Development Plan 2007 and the Central Government advice contained within the National Planning Policy Framework.**

**19. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 12.50 pm

**CHAIRMAN**





# PLANNING COMMITTEE

27 June 2012

## 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.

**N121311/F – TO ERECT A NEW BUILDING TO BE USED FOR A MIXED USE FOR THE PURPOSES OF AGRICULTURE AND TO INSTALL A WOOD CHIP BOILER TO PROVIDE A HEAT SOURCE TO THE DWELLINGHOUSES KNOWN AS "LEADON COURT" AND "LITTLE LEADON" AT LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE HR8 1HT**

**For: Mr Morgan per John Ruck Construction Ltd, Longmead, Elms Green, Leominster, Herefordshire HR6 0NS**

### ADDITIONAL REPRESENTATIONS

The following comments have been received:-

Conservation Manager (Historic Building Officer): "Leadon Court is a grade II listed building with a detached hopkiln and outbuilding to the north which is listed in its own right. These building are situated to the east of the farm complex and the proposed site of the agricultural barn to the west edge, next to an existing modern shed. Given the distance, topography and intervening barns it is not considered that the proposed barn would have any effect or impact on either of the listed building."

Conservation Manager (Landscape): "The build will be located adjacent to existing large agricultural buildings in an established functional area. As included in the Design and Access Statement, no trees or hedgerows will need to be removed. There will not be a significant negative impact on the site or surrounding landscape and there is no objection to this building."

Traffic Manager: No objection to the application.

### OFFICER COMMENTS

For clarification the boiler which will located within the new building will be served by a flue which will stand 1.5m off the roof of the building, taking the maximum height of the development to 7.3m.

### NO CHANGE TO RECOMMENDATION

