

PLANNING COMMITTEE

Date: 4 March 2015

Morning

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

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

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

ADDITIONAL REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

OFFICER COMMENTS

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

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

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

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

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

NO CHANGE TO RECOMMENDATION

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

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

ADDITIONAL REPRESENTATIONS

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

OFFICER COMMENTS

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

NO CHANGE TO RECOMMENDATION

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

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

ADDITIONAL REPRESENTATIONS

Ecology comments

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

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

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

Prior to commencement of the development, a reptile survey and a nesting bird survey should be carried out and the results with any mitigation required should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.

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

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

CHANGE TO RECOMMENDATION

Add ecology condition as per comments above.

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

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

ADDITIONAL REPRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OFFICER COMMENTS

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

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

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

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

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

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

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

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

CHANGE TO RECOMMENDATION

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