

Supplement to the agenda for

Planning and regulatory committee

Wednesday 2 August 2017

10.00 am

**The Council Chamber - The Shire Hall, St. Peter's Square,
Hereford, HR1 2HX**

Schedule of Updates

Public Speakers

Pages

3 - 8

9 - 10

PLANNING COMMITTEE

Date: 2 August 2017

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

162261 - PROPOSED SITE FOR UP TO 80 DWELLINGS, GARAGES, PARKING, OPEN SPACE AND INDICATIVE ROAD LAYOUT AT LAND OFF ASHFIELD WAY, BROMYARD, HEREFORDSHIRE, HR7 4BF

ADDITIONAL REPRESENTATIONS

Further correspondence has been received from Nunwell Surgery. It reiterates their concerns about the amount of new housing development that may take place in Bromyard and the impact that this will have on their service delivery.

OFFICER COMMENTS

No further comment

NO CHANGE TO RECOMMENDATION

162809 - PROPOSED HOLIDAY PARK FOR 40 HOLIDAY CARAVANS, ASSOCIATED INFRASTRUCTURE AND MANAGERIAL LODGE AT TOM'S PATCH, STANFORD BISHOP, BRINGSTY

For: Mr & Mrs Powell-Bateson c/o Agent per Mr Jeremy Lambe, Galeri, Victoria Dock, Caernarfon, Gwynedd, LL55 1SQ

ADDITIONAL REPRESENTATIONS

Email received from Bromyard & District Chamber of Commerce & Industry.

They have advised that they wish to express their support for the following reasons.

1. Rural Business diversification (NPPF)
2. Favourable economic activity in the Bromyard and District area.
3. Opportunities for local employment (NPPF and Herefordshire LDF/Core Strategy).
4. Not aware that the B4220 is heavily used in terms of severity (NPPF)
5. Holiday Parks in the Bromyard & District area should be encouraged given their significant contribution to the local economy and their wider Tourism favourable impact in the County of Herefordshire (Policy E4 LDF/Core strategy).

OFFICER COMMENTS

Three additional letters of representation have been received. In summary the points raised are as follows:

- The officer's report does not properly apply the 'planning balance'. It automatically assumes in favour of sustainable development and does not sufficiently take account

of the need for the 'weighing' or balancing of all relevant factors before determining whether the proposal is sustainable in terms of paragraph 14 of the NPPF.

- The report downplays the relevance of the appeal decision at Rock Farm for an almost identical proposal.
- Reference to a recently dismissed appeal for 5 dwellings at Woods End, 500 metres north of the site which was dismissed for not meeting sustainability criteria and having a negative impact on the Herefordshire Wooded Plateau Landscape.
- Another appeal was dismissed on landscape grounds at Little Froome Farm, Bromyard for a solar PV farm, despite massive potential renewable energy benefits.
- The negative impacts on the AONB and North Herefordshire Wooded Plateau Landscape measures weigh heavily against the proposal.
- The roofs of the lodge style units will intrude significantly within the setting of Silkcroft when viewed from the west and north east, particularly during autumn and winter months.
- Visual and residential amenity from other properties, namely The Herefordshire House (467 metres), The Oaks (520 metres) and Chapel Cottage (475 metres) will all be substantially affected by the cumulative negative impacts of the development.
- The lack of a Neighbourhood Development Plan (NDP) apparently discounts the strong feelings of the local community.
- The report uses the absence of a NDP for invoking the precedence of Policy E4 of the Core Strategy regarding the promotion of sustainable development.
- Questions paragraph 6.29 of the report which suggests that there is confusion about the ownership of Toms Patch and Malvern View Country Park.
- Agreement with paragraph 6.30 of the report that planning does not exist to stifle development and that over-development can only be assessed on planning-related issues, provided that competition is actually intended and that the real intention is not in fact to sell the site to the owners of Malvern View.
- Weight must be given to the cumulative negative impact of the site and Malvern View.
- The number of conditions proposed to be imposed and the amount of mitigation required are a clear indication that the proposal almost certainly represents over-development.
- The report over-exaggerates the benefits to be derived from tourism. There may be marginal benefits to local pubs and restaurants but these do not provide adequate justification for further permanent major encroachment into the rural environment.
- Continued concern about highway safety

OFFICER COMMENTS

The correspondence from the Chamber of Commerce does not raise any new issues but concurs with the view expressed in the Officer's Appraisal at paragraph 6.33 that the proposal will have benefits in terms of its economic impact. This is one of the three dimensions of sustainable development and is a material planning consideration in favour of the proposal to which officers have attributed weight.

The representations raise a number of points that require further comment. They are addressed in the same order:

With regard to the 'planning balance' the officer's view is that the process for considering the application is set out quite clearly in paragraphs 6.3 and 6.4 in that it sets out the need to apply the planning balance before coming to the conclusion as to whether the proposal is representative of sustainable development.

The references to appeal decisions are noted but Members are reminded that applications must be treated on their own merits. However, it is considered necessary to provide some commentary to address the points raised.

With reference to the appeal at Rock Farm, paragraph 6.31 of the Officer's Appraisal identifies a crucial difference between the two sites; the topography of the site. In that case the Inspector concluded that the site would be clearly visible in the near and middle distance as the site is quite steeply sloped and is not afforded the same degree of existing mature vegetation. In this case the site is flat and is surrounded by mature vegetation. As a result its visual impact is considered to be limited by comparison.

Contrary to the suggestion of one of the authors, the appeal for residential development at Woods End does not refer specifically to the negative impact of that appeal proposal would have on the North Herefordshire Wooded Plateau Landscape. It does consider settlement pattern and the impact of the site. Paragraph 18 of the appeal decision specifically says:

"...the visual impact of the site in the wider countryside is minimal. The impact of the site is essentially limited to passers-by on the road and has little effect on the setting of the listed building to the north..." and continues: *"the site has no material impact on the large Malvern View Leisure Park..."*

The visual impacts of a solar PV farm are inherently different to those of this proposal. They do not afford the same potential to introduce new planting to mitigate the impacts of development. The site in question is quite open and is clearly visible from a number of public vantage points. The same cannot be said of this site; whose characteristics and visual prominence have been examined in detail by the applicant's landscape appraisal and the Council's Landscape Officer, both of which concur that the site has a limited impact in the wider landscape.

The comments concerning the impact on heritage assets and residential amenity are a matter of judgement on behalf of the author of the correspondence. In the case of impact upon Silkcroft the comments do not apply the same test of significance of impact as outlined in the Officer's Appraisal. In terms of amenity, the correspondence fails to specify what the cumulative impacts are. The properties are distant from the site and it is not considered that they will suffer any demonstrable detrimental impact to their amenity.

The fact that the report highlights the lack of a NDP is not intended to dilute the significance of the comments received from the local community, but simply makes clear the policy basis under which the application should be considered.

While the author of the further correspondence may be clear about the ownership of the application site a number of objection letters do make reference to Malvern View and appear to conclude that this proposal is linked to it.

Correspondence suggests that the site may be sold to the owners of Malvern View and that consequently will not result in competition. In the same way that the planning system should not seek to stifle competition it cannot seek to restrict future ownership.

National Planning Practice Guidance (NPPG) provides advice about the use of planning conditions. It says:

"When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development."

It does not suggest that the number of conditions to be imposed is an indication that the cumulative impacts of a proposal render it as unacceptable – the conditions are there to mitigate identified impacts.

Finally, the economic benefits have been given weight in the planning balance. It appears that the benefits are also given weight by local Chamber of Commerce. The precise impacts

are impossible to determine but the very fact that the proposal will bring tourists into the local area who will spend some of their income in Herefordshire has to be beneficial to the local economy.

The correspondence does not raise any new issues but concurs with the view expressed in the Officer's Appraisal at paragraph 6.33 that the proposal will have benefits in terms of its economic impact. This is one of the three dimensions of sustainable development and is a material planning consideration in favour of the proposal to which officers have attributed significant weight.

NO CHANGE TO RECOMMENDATION

PLANNING COMMITTEE - 2 August 2017

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
7	NT & R Eckley Per Mr J Needham	Proposed Site for up to 80 dwellings, garages, parking, open space and indicative road layout at Land off Ashfield Way, Bromyard, Herefordshire, HR7 4BF	162261	27
		PARISH COUNCIL OBJECTOR	MR R PAGE (Bromyard and Winslow Town Council) MRS C HUGHES (local resident)	
8	Mr & Mrs Powell-Bateson For Mr J Lambe	Proposed holiday park for 40 holiday caravans, associated infrastructure and managerial lodge at Tom's Patch, Stanford Bishop, Bringsty	162809	55
		PARISH COUNCIL OBJECTOR SUPPORTER	MR A ELLIOT (Acton Beauchamp Group Parish Council) MR M VENABLES (local resident) MR J LAMBE (applicant's agent)	
9	Mr & Mrs Long Per Mr B Griffin	Erection of a 3-bed dwelling, amended access and bio-disc drainage at Land at Four Winds, Phocle Green, Ross-on-Wye	170984	73
		SUPPORTER	MR J LONG (applicant) and MR B GRIFFIN (applicant's agent)	
10	Mr Hall Per Mr J Phipps	Proposed bungalow and garage with access at Land Adjacent to Holly Brook Cottage, Lyde, Herefordshire, HR4 8AD	170465	
		OBJECTOR SUPPORTER	MR J HARBOUR (local resident) MRS HALL (APPLICANT) and Mr R MEREDITH and Mr J PHIPPS (applicant's agent)	

