

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 7 December 2016 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, EL Holton, TM James, FM Norman, GJ Powell, AJW Powers, A Seldon, NE Shaw, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors WLS Bowen, MJK Cooper and BA Durkin

79. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie and JA Hyde.

80. NAMED SUBSTITUTES

Councillor GJ Powell substituted for Councillor JA Hyde and Councillor NE Shaw for Councillor KS Guthrie.

81. DECLARATIONS OF INTEREST

Agenda item 9 – 161859 – Land West of Larksmead, Brampton Abbots, Ross-on-Wye

Councillors PGH Cutter, BA Durkin, J Hardwick, and EJ Swinglehurst declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

82. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 November 2016 be approved as a correct record and signed by the Chairman.

83. CHAIRMAN'S ANNOUNCEMENTS

The Chairman received the Committee's assent to variations to the order of the agenda.

(The agenda items were discussed in the following order: 151983 – Rogers Farm, Bush Bank, Hereford; 161522 – Land at Yarpole, Leominster; 161627 – Plot 7 Land at Yarpole, Leominster; 151584 – land adjacent to Brick House, Luston; 161859 – land west of larksmead, Brampton Abbots; and 162283 – Records Office, Harold St, Hereford.)

84. APPEALS

The Planning Committee noted the report.

Councillor DW Greenow requested that thanks to Mr E Thomas, Principal Planning Officer, should be recorded on behalf of himself as local ward member and Bartestree and Lugwardine Group Parish Council for Mr Thomas's work on a recent appeal.

85. 151983 - ROGERS FARM, BUSH BANK, HEREFORD, HR4 8EP

(Proposed erection of two poultry buildings, new access and conversion of building to house biomass boiler.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs A Pendleton, of Birley with Upper Hill Parish Council spoke in opposition to the Scheme. Mrs Pritchatt, a local resident neighbouring the development, spoke in objection. Mr G Clark, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor MJK Cooper, spoke on the application.

He commented that there were a number of issues for the Committee to consider: the scale of the development, its proximity to a neighbouring development, drainage, access and odour. He welcomed the fact that a peer review of the odour assessment undertaken on behalf of the applicants had been carried out. He also observed that the applicant had done much to address issues that had been identified. He thanked the Parish Council and Mrs Pritchatt for their comments on the application.

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

In support of the application

- It was stated that the proposed development was close to an A road and to the processing plant. The proposal was to be cut into the hill and did not have an adverse landscape impact.

In objection to the application

- A number of concerns were expressed about the Environment Agency's capacity to ensure that the conditions in the Environmental Permit were adhered to. It was noted that paragraph 122 of the National Planning Policy Framework stated that local planning authorities should assume that pollution control regimes, such as the Agency, would operate effectively.
- A concern was expressed about highway safety. It was observed that the speed limit on that stretch of road was often ignored and, whilst classified as an A road, the character of the A4110 was more like a B road at several points. Large vehicles removing waste and water would present problems.
- Such developments did create noise, dust, pests, traffic and odour to the detriment of neighbours. The problems were intensified during the cleaning out process.
- Whilst manure from such developments might be considered a valuable crop fertiliser, it was also a major contributor to pollution of the county's water courses. Pollution levels were prohibiting housing development in some locations.
- It was asked whether the dust from the farming operation could be washed into river courses by rain.

- The impact on the amenity of Yew Tree Cottage and Micklegarth was of particular concern. The proposal appeared contrary to policy SS6 noting the reference to conserving and enhancing assets, local amenity, air quality and tranquillity
- The EA had stated that the application had no effect on the Special Area of Conservation. It was asked if they had done some baseline testing.

In response to questions officers replied as follows:

- The Principal Planning Officer (PPO) confirmed that paragraph 122 of the NPPF stated that local planning authorities should assume that pollution control regimes, such as the Agency, would operate effectively. The Agency had informed him that they had the power to revoke environmental permits in the event of non-compliance but the usual practice was to seek to solve the problem through discussion.
- In relation to the manure management plan and a concern as to whether this was sound given that manure would be disposed of on land outside the applicant's ownership, seemingly contravening the requirement at paragraph 4.6 of the report, the PPO noted that a permit had been granted.
- The report referred to an average crop cycle of 33-37 days. However, the farming press was now suggesting that a 19 day crop cycle would be feasible. This would have implications for the proposed development. In reply officers observed that the Committee had to consider the application before it. A condition could be added to regulate the crop cycles.
- In response to a suggestion that the 40mph speed limit be extended the PPO commented that this was not within the Committee's gift.
- It was not known whether the development would bring additional jobs.
- The Environmental Health Officer confirmed that the odour modelling had taken account of the clear out process. The Environment Agency's benchmark for moderately offensive odours was a 98th percentile hourly mean of 3.0ou_E/m³ over a one year period. This meant that there was the potential for that level to be exceeded for 2% of that period.
- Asked whether the possibility of locating the units further from the two dwellings nearby had been considered the PPO commented that the location had been assessed as part of the environmental impact assessment. It had been determined that locating the development with the existing farm complex minimised landscape impacts.
- It was not considered that the increase in traffic using a well-established access represented a ground for refusal.

The Lead Development Manager commented that the peer review of the applicant's odour assessment and the independent odour assessment had indicated odour levels would be lower than those stated in the applicant's own assessment. The Transportation Manager considered that the capacity of the road to take the additional traffic was acceptable. Many other issues raised in the debate were regulated by the Environment Agency. The NPPF stated that the Council must assume that their arrangements would operate effectively. A planning inspector, as in the recent application at Moreton-on-Lugg, would say that there was no case for refusal of the application.

The local ward member was given the opportunity to close the debate. He highlighted the need to give appropriate weight to concerns about odour and the impact on neighbouring property and requested that the application be considered on its own merits.

A motion that the application be approved with an additional condition regulating crop cycles was lost.

It was proposed that the application should be refused having regard to the following policies; SS1, SS5, SS6, SD1 and MT1, relevant NPPF paragraphs and related policies on waste management.

The Lead Development Manager commented that he required further reasoning and evidence to be advanced for refusal to enable the council to defend an appeal and the potential for costs to be awarded against the council.

(The meeting adjourned between 11.35 and 11.56)

The following principal reasons for refusal were advanced: ability to control the disposal of waste on land outside the applicant's ownership, the potential for odour levels to exceed the Environment Agency's benchmark levels for 2% of the time with consequential adverse effect on residential amenity and, in that context, concern about the potential for the frequency of the crop cycle to be increased.

The Lead Development Manager commented that he considered that the reasons would be difficult to defend at an appeal and there was a risk that costs would be awarded against the council.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's concerns about the ability to control the disposal of waste on land outside the applicant's ownership, the potential for odour levels to exceed the Environment Agency's benchmark levels for 2% of the time with consequential adverse effect on residential amenity and, in that context, concern about the potential for the frequency of the crop cycle to be increased and the view that the proposal was therefore contrary to policies; SS1, SS5, SS6, SD1 and MT1, relevant NPPF paragraphs and related policies on waste management.

86. 162283 - RECORDS OFFICE, HAROLD STREET, HEREFORD, HEREFORDSHIRE, HR1 2QX

(Demolish existing building and construct a new boarding house to accommodate 49 pupils, nurse bedroom, houseparent accommodation, house tutors flat and overnight staff room.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr T Taylor, of Bartonsham History Group, spoke in objection to the application. Mr P Smith, the Headmaster of Hereford Cathedral School, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor LC Tawn, spoke on the application. He commented that he recognised the significant contribution Hereford Cathedral School made to the County. However, he could not support the application. The pre-planning advice had been that the existing militia barracks should be retained, not demolished as proposed. The considerations were set

out fully in the report. There were several objections to the proposal including some from local history groups and these represented the concerns of a strong local community. He considered the application should be refused for the reasons set out in the report.

In the Committee's discussion of the application Members expressed support for the contribution made to the county by the school and its ambitions but considered that the existing building was of importance to the County and should be retained.

The local ward member was given the opportunity to close the debate. He agreed with comments expressed in opposition to the scheme.

RESOLVED: That planning permission be refused for the following reasons:

- 1. The development would result in the total loss of the former Hereford Militia Barracks; a non-designated heritage asset of significant local interest. Having regard to the balanced judgement set down at NPPF paragraph 135, which includes consideration of the scale of loss and significance of the asset, the Local Planning Authority concludes that proposal is contrary to Herefordshire Local Plan – Core Strategy Policies LD4 and SD1 and guidance set out in Chapter 12 of the NPPF. The development proposals would fail to fulfil the environmental and social roles of sustainable development and are not held, therefore, to represent sustainable development.**
- 2. The development would result in the construction of a 3-storey building of an appearance, scale and massing that would appear stark and discordant in the local context. The Local Planning Authority does not consider that the scheme demonstrates that the character of the surrounding townscape has positively influenced the design and scale of the development proposal. Accordingly the scheme is held contrary to Herefordshire Local Plan – Core Strategy Policies LD1 and SD1 and guidance set out in the NPPF; which confirms that poor design, which fails to take the opportunities available for improving the character and quality of an area, should be refused. The development proposal is not, therefore, considered to fulfil the social and environmental roles of sustainable development and does not, therefore, represent sustainable development.**

Having regard to Reasons for Refusal 1 and 2, and the approach to decision-making prescribed by Herefordshire Local Plan – Core Strategy SS1 and NPPF paragraph 14, the harm arising in the environmental and social dimensions significantly and demonstrably outweighs the benefits of the scheme. The Local Planning Authority concludes that the proposed development is not sustainable development and should be refused accordingly.

- 3 In the absence of full activity surveys, the presence or otherwise of European Protected Species cannot be determined at this stage. Accordingly, the Council cannot be satisfied that the scheme would protect nature conservation sites and habitats in the terms set out at Herefordshire Local Plan – Core Strategy LD2 and the NPPF at paragraph 118. European protected species are afforded the highest level of protection by the planning system and in the circumstances; the potential impacts mean that the scheme is not representative of sustainable development.**

INFORMATIVE

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

87. **161859 - LAND WEST OF LARKSMEAD, BRAMPTON ABBOTTS, ROSS-ON-WYE, HR9 7JE**

(Proposed residential dwelling.)

The Development Manager gave a presentation on the application. He highlighted that although there had been discussions about revising the siting of the proposed dwelling these had not led to any change and the application before the Committee was identical to the application it had refused in October 2015.

Since the publication of the report 2 further letters of support had been received.

A counsel's opinion had also been obtained by an objector. In summary this argued for the weight that should be given to the Committee's previous decision and the importance of consistency in decision making.

The Development Manager reminded the Committee of the grounds on which it had refused the previous, identical, application and that that decision was an important material consideration. However, he added that since that consideration there had been two material changes. The Council did not have a five year housing land supply as it had had at the time of the previous application. This meant that development proposals that accorded with the development plan should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,

In addition the Wye Valley AONB Partnership Manager had this time submitted comments and had expressed no objection to the application.

In accordance with the criteria for public speaking, Mrs E Malcolm, Acting Clerk to Brampton Abbots and Foy Parish Council spoke in opposition to the Scheme. Mr D Teague, a local resident, spoke in objection. Ms V Simpson, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor BA Durkin spoke on the application.

He made the following principal comments:

- The application was identical to the one refused by the Committee in October 2015. The applicant had not appealed against that decision. Consistency of decision making was important.
- The proposal had a ridge height of 6.5 metres, was on a plateau on a hill overlooking Ross-on-Wye. It was in the AONB and weight should be given to paragraph 115 of the National Planning Policy Framework.

- Development proposals in the Parish were sufficient to meet the indicative target for housing growth.
- The design was not of appropriate quality.
- He also expressed reservations about the redirection process and the fact that although the first application had been refused by the Committee it had originally been intended to approve the second, identical, application using delegated powers.

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

- The application was on an exposed site and represented inappropriate development within the AONB. It did not conserve and enhance the landscape as required by policy LD1.
- It was questioned what weight could be given to the contribution one dwelling made to the five year housing land supply balanced against the adverse impact on the AONB. A view was expressed that the adverse impact on the AONB outweighed the contribution to the five year housing land supply.
- In response to questions about the five year housing land supply the Lead Development Manager commented that the supply in October 2015 had been calculated at 5.01 years. The current calculation was 4.29 years. The calculation would be reviewed in April/May prior to the production of the annual monitoring report.

The Chairman undertook to establish whether more regular updates of the housing land supply figure could be supplied to the Committee.

- A number of members expressed the view that it should be easier to secure a redirection and had reservations about the possibility of an application refused by the Committee subsequently being granted approval under delegated powers. The Chairman explained the process under the current constitution. It was noted that Council was to consider the Constitution on 16 December 2016.

The Lead Development Manager commented that the Committee needed to weigh the harm to the AONB against the benefits of the development.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the scheme and that weight should be given to the adverse impact on the AONB.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication, after consultation with the Chairman and local ward member, based on the Committee's grounds for refusing the previous application: that the proposal was contrary to policies LD1, SD1 and the National Planning Policy Framework

(The meeting adjourned between 14.35 and 14.45.)

88. 161522 - LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA

(Proposed 6 no. detached dwellings and 4 no. Garages.)

Consideration of this application had been deferred by the Committee on 2 November.

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.

He added that the Transportation Manager had reviewed a traffic speed survey commissioned by the Parish Council and had recommended refusal of the application on the grounds that the proposal would present significant harm to highway safety. Accordingly the Development Manager wished to change his recommendation to one of refusal on highway safety grounds having regard to policies MT1 and SS1.

In accordance with the criteria for public speaking, Mrs B Nurse, of Yarpole Group Parish Council spoke in opposition to the Scheme. Mr B Barnett, a local resident, also spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor WLS Bowen, spoke on the application.

He commented that he remained of the view that the proposal had a number of aspects of concern, including emergency access in the event of flooding, Welsh Water's recent confirmation that the local wastewater treatment works could not accommodate any new development until improvements were carried out and that the proposal was outside the settlement boundary. However, the principal concern, that of highway safety had now been recognised and the application should be refused in accordance with the revised officer recommendation.

In response to questions as to whether anything could be done to mitigate the highway safety concerns and about the robustness of the evidence provided by the Parish Council the Lead Development Manager commented that the matter had been examined. Whilst the Inspector had concluded in an appeal on an earlier application that there was no evidence before her that the proposal would have had an unacceptable impact in terms of highway safety, the new evidence provided to the Committee demonstrated that there was a clear and severe highway safety issue.

In relation to sewerage, if the scheme were to be approved a Grampian condition could be applied so that any development could not proceed until such time as appropriate infrastructure had been provided. The Development Manager added that Welsh Water had always acknowledged that new development could not be accommodated without increased water treatment capacity and this was provided for in their plans.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the scheme.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal represented a significant and demonstrable harm to highway safety.

89. 161627 - PLOT 7 LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA

(Proposed dwelling and garage.)

Consideration of this application had been deferred by the Committee on 2 November.

The Development Manager commented that as the site adjoined the site of application 161522 the subject of the previous agenda item, most of the same considerations applied. There was now an objection to the application on highway safety grounds. In addition, following the refusal of application 161522, the proposal now represented development in the open countryside and was contrary to policy RA3.

In accordance with the Council's Constitution, the local ward member, Councillor WLS Bowen spoke on the application. He confirmed his opposition to the scheme on highway safety grounds and that the application was now contrary to policy RA3.

RESOLVED: That planning permission be refused and officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication based on the Committee's view that the proposal represented a significant and demonstrable harm to highway safety and was contrary to policy RA3.

90. 151584 - LAND ADJACENT TO BRICK HOUSE, LUSTON, HEREFORDSHIRE, HR6 0EB

(Proposed residential development for three detached and four semi-detached dwellings with modified vehicle access to B4361.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr G Thompson of Luston Group Parish Council spoke in opposition to the Scheme. Mr D Baume, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor WLS Bowen spoke on the application.

He expressed regret that the proposal represented backland development. The Parish Council had been proactive in identifying preferred development sites. It supported the development of the site in principle but considered that a development of up to a maximum of 5 houses would be acceptable. He also expressed concerns about surface water run off into the brook at Luston and the risk of flooding, suggesting that if the application were to be approved consideration should be given to an attenuation pond, and the inclusion of a Grampian condition to ensure that the sewerage system was adequate. In addition vehicles associated with the construction should be required to park on site.

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

- The principle of development was accepted by the Parish Council and the density a 17 per hectare was within the Council's parameters.
- The type of backland development proposed eroded the character of the village.
- Flooding of the brook at Luston was a serious issue and consideration should be given to rainwater harvesting and a wet drainage system.
- The development was urban style development in a rural village and a development of 7 houses was too big. A development of five houses of appropriate style would be more appropriate. The proposal would not conserve and enhance the character of the settlement, it would harm it.
- Developers should have regard to the views of Parish Councils. A development of five houses would be more appropriate.
- The proposal was in a conservation area, but the Conservation Manager (Historic buildings) had commented that the proposed development would have a neutral effect.
- It was questioned whether the proposal met the criteria of policy RA2.

The Lead Development Manager commented that officers had secured a reduction in the proposed development from the 14 dwellings originally proposed. He considered a development of 7 houses to be acceptable. Condition 18 required water conservation and efficiency measures and other conditions controlled surface water run off. The proposal represented organic growth and complied with policy RA2.

The local ward member was given the opportunity to close the debate. He reiterated his request for consideration to be given to an attenuation pond and his regret at the loss of green space.

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

1. **A01 Time limit for commencement (full permission)**
- 2 **B02 Development in accordance with the approved plans**
- 3 **C01 Samples of external materials**
- 4 **F14 Removal of permitted development rights**
- 5 **F16 No new windows in specified elevations**
- 6 **G02 Retention of trees and hedgerows**
- 7 **G10 Landscaping scheme**
- 8 **G11 Landscaping scheme implementation**
- 9 **The recommendations set out in the ecologist's report from Worsfield and Bowen dated September 2014 should be followed unless otherwise agreed in writing by the local planning authority. 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.

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 Policy LD2 of Herefordshire Local Plan – Core Strategy

To comply with Herefordshire Council's Policy LD2 of Herefordshire Local Plan – Core Strategy in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

- 10 **H03 Visibility splays**
- 11 **H11 Parking – estate development (more than one house)**
- 12 **H21 Wheel washing**

- 13 121 Scheme of surface water regulation
- 14 116 Restriction of hours during construction
- 15 L01 Foul/surface water drainage
- 16 L02 No surface water to connect to public system
- 17 L03 No drainage run-off to public system
- 18 Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;

Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031

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. The applicant needs to provide the following information in relation to Condition 13 above :
 - A detailed surface water drainage design, including drainage layout drawings and demonstrating how discharges from the site are restricted to no greater than pre-developed rates.
 - A detailed foul water drainage design, showing the location of the connection into the mains sewer.
 - Evidence of groundwater levels a minimum of 1m below the base of any infiltration devices and/or unlined attenuation structures.
 - Details of provisions to protect the site against flooding during extreme events that may overwhelm the surface water drainage system and/or a result of blockage.
 - Details of any outfall structures to Luston Brook.
 - Confirmation of who will be responsible for the adoption and maintenance of the surface water drainage system.

91. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 3.15 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 7 December 2016

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

161859 - PROPOSED RESIDENTIAL DWELLING AT LAND WEST OF LARKSMEAD, BRAMPTON ABBOTTS, ROSS-ON-WYE, HR9 7JE

For: Mr Fraser per Mr David Kirk, 100 Chase Road, Ross-On-Wye, Herefordshire, HR9 5JH

ADDITIONAL REPRESENTATIONS

Three further letters of support, all from residents of Brampton Abbots, have been received. Comments are summarised as –

- agree with the recommendation of the Officer Report to grant permission
- The building is an excellent example of what can be achieved with forethought and sympathetic design
- The proposal can only benefit the village and its environs.

NO CHANGE TO RECOMMENDATION

161522 - PROPOSED 6 NO. DETACHED DWELLINGS AND 4 NO. GARAGES AT LAND AT YARPOLE, LEOMINSTER, HEREFORDSHIRE, HR6 0BA

For: Mr F Price per John Needham Associates, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

ADDITIONAL REPRESENTATIONS

The Parish Council has submitted a traffic speed survey. An explanation/comment on this data received 5/12/16 is awaited from the Transportation Manager.

The following letter was also received from the Parish Council dated 5/12/16

I write with regard to John Needham's letter to you of 8th November, which is published on the planning portal for 161522 application site, Yarpole HR6.

This application will be decided upon at council on Wednesday 7th December. I would be very grateful if you would make the planning committee aware of our below comments regarding the points Mr Needham makes in his letter. I would also be grateful if you would publish this letter on the portal alongside Mr Needham's letter.

Mr Needham's comments:

1. Highway safety.

While it is the case that the inspector concludes there is no conflict with policy MT1 of the Core Strategy, it is also true that the inspector, having visited the site, does express some reservations as to safety issues and the thoroughness of speed survey reporting. It is on that basis that the PC has commissioned its own survey from Balfour Beatty, and will present its

findings to the council on Wednesday. The Parish Council therefore supports Councillor Bowen's comments to the council.

2. Foul drainage:

Welsh Water has raised an objection to future connection of new housing to the WwTW and connection to public sewage networks, although the inspector will not have seen it. This came to the Parish Council by way of response to our Reg 14 NDP consultation, on 20th July 2016, from Ryan Norman, Forward Plans Officer at Welsh Water:

Dear Sir/Madam,

REGULATION 14 PUBLIC CONSULTATION ON YARPOLE GROUP PARISH NEIGHBOURHOOD DEVELOPMENT PLAN – JULY 2016 I refer to your email dated the 9th June 2016 regarding the above consultation.

Dŵr Cymru Welsh Water (DCWW) appreciates the opportunity to respond and we offer the following representation: Given that the Yarpole Group NDP has been prepared in accordance with the Adopted Herefordshire Local Plan Core Strategy (CS), DCWW are supportive of the aims, objectives and policies set out. We are pleased to note the reference towards the provision of sustainable drainage systems in new development under Policy YG15: Sustainable Design, and also welcome the inclusion of Policy YG13: Treatment of foul water in Yarpole. I can confirm that the Luston and Yarpole Wastewater Treatment Works (WwTW) is currently overloaded, and that until such a time that the improvement scheme is undertaken (it is programmed for completion by the end of our current Asset Management Plan 6 – 2015-2020) it cannot accommodate any new development. On completion of the improvements, there will be no issue in accommodating all of the growth proposed in Yarpole over the NDP period. With regard to providing a supply of clean water or connecting to the public sewerage network for the specific housing allocations YG9 (Croft Crescent) and YG10 (Brook House and adjacent land), as well as the dwellings to be delivered under Policy YG8 (small sites), there are no issues though some level of off-site water mains/public sewers may be required in order to connect to the existing networks. As you will be aware, DCWW do not provide public sewerage to the settlement of Bircher. With regard to Policy YG3 and Policy YG4, there are no issues in providing a supply of clean water though some level of offsite water mains may be required. We hope that the above information will assist as the NDP progresses. In the meantime, should you require any further information please do not hesitate to contact us at Forward.Plans@dwcymru.com or via telephone on 0800 917 2652.

Yours faithfully,

3. Landscaping:

In the original application it is stated that there is no need to alter vegetation around the access, and the inspector states that this matter can be dealt with by condition. None of the existing significant planting on the site needs to be disturbed as a result of the proposal. This is fine with the Parish Council, but we do note that on 4th November 2016, two days after the decision was deferred and the planning committee decided to organise a site visit, the applicant went down to the site and removed trees and vegetation from around the proposed site access, without applying for relevant permissions.

4. Public Footpath:

As far as we can tell the inspector did not disagree with Cllr Bowen or the PC with regard to need to divert the current footpath. The footpath will need to be diverted. So far the applicant has simply relocated the footpath on his plans, there has been no formal application made to Herefordshire for a diversion, and this will need to be forthcoming. Indeed in the PDA it is stated that if planning permission is granted an application will be made. The inspector says (9):

The planning application form suggests that there would be no interference with a public right of way. However, public footpath No YP6 passes diagonally across the appeal site, heading north-eastward from the western end of the road frontage, before turning north as it

heads up to Pound House. Although the submitted layout allows for a route through the development proposed, the footpath would not be retained on the definitive alignment. Were the appeal to succeed, any permission could not be implemented unless and until a successful application for diversion of the footpath had been made. Should such an application be unsuccessful, that would have implications for implementation of the appeal scheme. I have, however, made my decision based only on the planning merits of the case.

5. Design:

Mr Needham faults Cllr Bowen for stating that the inspector referred to the design of the scheme as suburban. But in her report the inspector states (25):

Firstly, it is not clear what has informed the eastern site boundary, which appears to follow an arbitrary stepped line across the open field. That to one side, I consider the cul-de-sac layout proposed, with each pair of dwellings sitting side by side separated by detached garages or parking spaces to be suburban in nature. There is nothing of the more rural, organic feel to the layout that characterises the group of dwellings opposite, which has more of a feel of being arranged around a courtyard. In my view, the layout proposed would present an unexpected and uncharacteristic suburban edge to this rural village and would result in harm to the established rural character and appearance of the area. In this regard, there would be conflict with Core Strategy policies SS6 and SD1, which together and among other things seek to Appeal Decision APP/W1850/W/16/3141786 7 ensure that new development is well integrated, taking into account local context and site characteristics in order to promote local distinctiveness.

6. Neighbourhood Plan:

Mr Needham did meet with me (Parish Clerk) and two members of the NDP Steering Group. The meeting was to try to find common ground concerning two sites that were brought forward under the Parish Council's NDP 'Call for Sites' in spring 2015, to see if further consultation could affect any changes to the design & layout of both sites, to meet the NDP criteria and allow the PC to support the two applications. One of these sites is just north of the historic centre of the village, and the other is further up, on the far side of the mid 20th century bungalow development off Green Lane. Unfortunately it was made plain to the PC that there would be no further consultation. Both sites have since been granted planning permission. But the site being dealt with here, at the bottom of the village, was not discussed at all as it was not brought forward in the NDP Call for Sites. So Cllr Bowen is correct in saying that there was no willingness to consult with the parish on this application (or the others).

The Parish Council supports Councillor Bowen in his representations to council on 2nd November and thanks him for his support in questioning the suitability of this application. The Parish Council also questions Mr Needham's continued assertion that costs were awarded to his client on each specific point he raises. Our understanding is that the inspector awarded costs against planning process with regard to some of these points, rather than against the points themselves.

The Parish Council's objections to this application continue to be based on issues of design and layout, flooding & emergency access, mains water/drainage connection, and highways safety. We would not seek to criticise the inspector's decisions in the report, or the work of the council, planning department or individual lay parishioners or councillors, and rather object to the tone of this letter, which, rather than seeking to commend the applications own merits, sets out instead to undermine the considered thoughts and processes of all these bodies.

OFFICER COMMENTS

The revised comments of the Transportation Manager are awaited following review of the recent speed survey.

CHANGE TO RECOMMENDATION

No change at present

