

MINUTES of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 26 April 2017 at 10.00 am

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

Councillors: BA Baker, CR Butler, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, RI Matthews, FM Norman, AJW Powers, A Seldon, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors JM Bartlett, CA Gandy and DG Harlow

132. APOLOGIES FOR ABSENCE

Apologies were received from Councillor PJ Edwards.

133. NAMED SUBSTITUTES

Councillor RI Matthews substituted for Councillor PJ Edwards.

134. DECLARATIONS OF INTEREST

Agenda item 10: 163364 – Land south of Ladywell Lane, Kingsthorne

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

135. MINUTES

RESOLVED: That the Minutes of the meeting held on 7 April 2017 be approved as a correct record and signed by the Chairman.

136. CHAIRMAN'S ANNOUNCEMENTS

There were none.

137. APPEALS

The Planning Committee noted the report.

138. 152261 - LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS

(Outline application for approval of new vehicular access only. Demolition of existing site infrastructure and construction of a mixed use development comprising up to 25 dwellings, 3 offices (b1 use class), a village hall, children day-care centre, together with internal roads, car parking, landscaping and drainage.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He highlighted that the District Valuer, who was independent, had concluded that the site would not be

economically viable if the site was required to provide affordable housing and Section 106 contributions. In other respects, contrary to the additional representations received and reported in the update the only significant change to the application was the repositioning of some dwellings.

In accordance with the criteria for public speaking, Mr A Watkins, of Eardisley Parish Council spoke in opposition to the Scheme. Mr D Killick, a local resident speaking on behalf of Eardisley Village hall Committee and local residents, spoke in objection. Mr D Jackson, the applicant's agent, spoke in support.

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

He made the following principal comments:

- Policy MD1 of the Neighbourhood Development Plan (NDP) identified the old saw mill site for development. Over the period during which the plan had been developed the local aspiration for provision for employment opportunities had grown. The mixed use scheme proposed for the site appeared an excellent idea in principle. However, he had a number of concerns.
- The site's size and topography placed constraints upon the development.
- There was concern about noise levels generated by a business that produced woodchips.
- It was important that account was taken of the existing occupants of the site.
- The information provided on flood risk was a little vague. Eardisley continued to be at risk of flooding and in heavy rainfall water ran through the site.
- The emergency flood plans appeared inadequate.
- There was a question as to the extent to which the site was contaminated, noting the use of arsenic based preservatives used at the former saw mill.
- There were some concerns about traffic, noting the narrowness of the roads and the large vehicles that used the neighbouring industrial site. There were issues to be resolved but he considered there was scope to make the required improvements.
- Any housing needed to be of good quality.
- In summary, the principal concerns related to pollution, the mix of development, flooding and the capacity of the site. He considered the site should be developed but the current application contained insufficient information on which to make a decision.

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

- The proposal appeared to have several benefits.
- The Parish Council had supported the principle of development and the NDP identified the site for development. However, the Parish Council was opposed to the current application. Its view was that the current application did not comply with the NDP because it no longer proposed to include the provision of affordable housing.
- If housing was constructed it would be important that it was of a standard that would address the concerns about noise levels on the site. It should also be energy efficient.
- It was questioned whether the housing officer would still support the application given the absence of affordable housing provision.

- There was a strong view that there was an identified need for affordable housing as set out in policy MD1 of the NDP. The proposal was therefore contrary to a key part of the policy. There was also a concern as to the implications for future development proposals in the County if the Committee readily waived the need for affordable housing as provided for in the Core Strategy and S106 contributions.
- The Lead Development Manager clarified that the application was for outline planning permission. It sought approval for the principle of development and the access. That principle in the case of the application before the Committee included agreement that the site would not include affordable housing and S106 contributions. It was for that reason that the report described the application as contrary to policy. He commented that the detail of the site's development would be considered at the reserved matters stage and that consideration would take account of advice on housing need having regard to the GL Hearn report on local housing requirements. He accepted a request that as a matter of course future reports to the committee would contain a link to the relevant Neighbourhood Development Plan.
- The Principal Planning Officer commented on the allocation of land on the site referred to in policy MD1 stating that the proposal was policy compliant in that respect. He noted that at the consultation stage the Environment Agency had originally objected to the NDP because of lack of clarity over the extent of the flood plain. Following further work the line of the flood plain had been agreed and the application had accordingly been permitted to proceed with the area of public open space being situated on the flood plain. There had had to be some compromise if all elements of the scheme were to be delivered. However, he considered that the application did achieve the substantive elements of MD1.
- It was clarified that it had been proposed that a school contribution would be provided at Eardisley, not Kington as stated in the report, albeit there were now no contributions.
- There were concerns about the flooding and surface waste run off, noting that the River Wye was a sensitive special area of conservation.
- With no contribution to its sustainability there was a risk that the proposed children's centre would become a redundant building.
- Any reserved matters application should be brought back to the Committee.

In conclusion, the Lead Development Manager commented that the viability of the site had to be taken into account and the District Valuer supported the applicant's position. The council did not have a five year land supply.

The local ward member was given the opportunity to close the debate. He reiterated the need for access improvements if the development proceeded and requested that the developers consult fully with the Parish Council and the community on any reserved matters application.

A motion that the application be approved with any reserved matters application to be considered by the Committee was lost.

It was proposed that the application should be refused on the basis that it was contrary to the Core Strategy and the Eardisley NDP citing policies H1, MD1 and SS1.

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 was contrary to the Core Strategy and the Eardisley NDP citing policies H1, MD1 and SS1.

(The meeting adjourned between 11.24 am and 11.40 am.)

139. 153330 - LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER

(Proposed 5 no dwellings with garages and treatment plant.)

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 Historic England had requested to be consulted on the application but no response had yet been received. Accordingly it was proposed to seek delegated authority to determine the application, subject to no adverse comment from Heritage England. He drew attention to the response to additional representations made by the Parish Council and the comment of the new Senior Building Conservation Officer.

In accordance with the criteria for public speaking, Ms H Hamilton, of Aymestrey Parish Council spoke in opposition to the Scheme. Mrs K Johnston, a local resident, spoke in objection.

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

She highlighted the concerns about traffic speeds at the location and noted the work already undertaken by the Parish Council to produce a scheme for which funding had been provided by the Police and Crime Commissioner. There was a concern that the development would prevent or reduce the effectiveness of this scheme. She requested that if Historic England was opposed to the development the matter was brought back to the Committee for consideration.

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

- The Transportation Manager confirmed that the applicant had offered £10k towards the proposed traffic calming scheme. Although that scheme was fully funded the sum could be used for associated engineering features.
- It was suggested that the 30mph speed limit should be extended southwards.
- One view was that the proposal would not have an adverse impact on the setting of the grade 1 listed church. Others considered that it would not preserve or enhance the setting. In addition there was no information on the proposed design and the impact that might have on the setting.
- The Parish Council opposed the proposal and it was contrary to the emerging Neighbourhood Development Plan.
- A need for affordable housing had been identified, not for the type of dwellings being proposed.
- A concern was expressed about the possible impact on the River Lugg and the need to ensure that water treatment and drainage arrangements were sufficient. It was asserted that the Council needed to be able to prove that the development would have no adverse impact and there was no evidence that it could do so.

The Lead Development Manager confirmed that the application would be brought back to the Committee for consideration if adverse comment was received from Historic England. He drew attention to the comments of the new Senior Building Conservation Officer in the update that he did not consider that the development would harm the

setting of the church. The size of the development represented organic growth. The NDP was at regulation 14 stage and whilst it was a material consideration it could not be attributed any weight. A further 15 dwellings were required to be built in Aymestrey to meet the growth target. The proposal represented sustainable development.

The local ward member was given the opportunity to close the debate. She commented further on the highway safety measures and observed that advice was that extending the 30mph speed limit southwards as had been suggested in the debate would not in fact work. She expressed surprise at the opinion that the development would not harm the setting of the church as it would mean the tower would no longer be visible when entering from the south.

RESOLVED: That officers named in the scheme of delegation to officers be authorised to grant planning permission, following consultation with the Chairman and local ward member, subject to the conditions set out in the report and update and any other conditions considered necessary by officers and there being no adverse comments received from Historic England, and subject to the application being brought back to the Committee for consideration if such adverse comments were received.

140. 163445 - LAND AT EATON HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0DG

(Proposed dwelling.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking. Mr D Thomas, a relative of the applicant, spoke in support of the application.

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

She made the following principal comments:

- The proposal, a care assisted bungalow, was well supported by the local community.
- The design was in keeping with the existing buildings and enhanced the house and estate.
- The development was on the edge of open countryside but within the grounds of Eaton Hill.
- It was in accordance with the Leominster Neighbourhood Development Plan which was at Regulation 16 stage. It also complied with Core Strategy policies H2, SS1, SS2 and SS4. She considered that it met the criterion of policy RA3 as a proposal of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieved sustainable standards of design and construction.

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

- The proposal would not harm the setting.
- It was sustainable in terms of transport compared with development in many other parts of the County.

- The proposal was development contrary to policy. It could not be considered to be innovative design. It was in the open countryside.
- The Hereford and Worcester Garden Trust had objected.
- The objective of providing a purpose built bungalow with accommodation for a carer could have been achieved in a different way with less adverse impact.

The legal adviser reminded the Committee that the application must be determined in accordance with the development plan.

The Lead Development Manager commented that the design, whilst good, did not fulfil the criterion of policy RA3 and the requirements of paragraph 55 of the NPPF. It was outside the settlement boundary for Leominster and was in the open countryside.

The local ward member was given the opportunity to close the debate. She commented that the proposal provided a useful facility and was sustainable. The development was not in open countryside and would not be detrimental.

It was proposed that the application should be approved on the grounds that the proposal was of exceptional quality and innovative design in a sustainable location.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to any conditions considered necessary by officers on the grounds that the proposal was of exceptional quality and innovative design in a sustainable location.

141. 163364 - LAND SOUTH OF LADYWELL LANE, KINGSTHORNE, HEREFORD

(Site for 3 detached dwellings with garages and access.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs A Cook, of Much Birch Parish Council spoke in opposition to the Scheme. Ms A Doran, a local resident, spoke in objection. Mr G Morris, the applicant's agent, spoke in support.

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

He highlighted the local opposition to the proposal. Concerns centred on highway safety, the visual impact and drainage. It was believed that the development would add to existing drainage problems.

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

- The Transportation Manager did not object to the principle of development. Neither did the Drainage Manager.
- There did appear to be considerable local concern about the drainage.
- There were concerns about the access but the impact was not so severe as to warrant refusal of the application.
- Whilst there was no defined settlement boundary, if a Neighbourhood Development Plan were produced and one was defined it was probable that the development would be adjacent to it and therefore in accordance with that Plan.

- Paragraph 4.3.1 of the report assessing any likely effect on the River Wye Special area of Conservation/Site of Special Scientific Interest and the conclusion that there would be no likely significant effects, was welcomed.

The Lead Development Manager commented that it had been concluded that the access was satisfactory. It was also considered that the drainage issues had been resolved, however, this aspect would be subject to further detailed consideration at the reserved matters stage. In weighing the application in the balance the council did not currently have a five year housing land supply and the proposal was consistent with policy RA2. The Government had also indicated in the housing white paper its view that weight could be given to the economic benefit to the local economy of work for local builders.

The local ward member was given the opportunity to close the debate. He reiterated the importance of ensuring that there was a sound solution to the drainage issues.

RESOLVED: That planning permission be granted subject to the following conditions:

- 1 A01 - Time limit for commencement - Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4 Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance, access and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 The development shall be carried out strictly in accordance with the approved plans (drawing nos. OPKT01 & OPKT02), except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6** Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the buildings hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7** Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the each residential planning unit and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) to the distances specified on drawing no. OPKT02 in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8** Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9** The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10** All roadworks shall be completed within a period of 2 years, or other period agreed in writing with the local planning authority, from the commencement of work on the site. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11 Development shall not commence until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall detail:

- **The type of construction vehicles accessing the site;**
- **The number of construction vehicles accessing the site on a daily and weekly basis;**
- **The frequency of construction vehicle movements; and**
- **An explanation of periodic variances to the above.**

Works shall be implemented as approved.

Reason: To protect the safety and condition of the highway as required by Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12 Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure, with immediate effect, that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking, with immediate effect, in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14 The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15 The recommended working methods as stated in the preliminary bat survey report by Pure Ecology dated September 2016 shall be implemented as stated unless otherwise approved in writing by the local planning authority. The recommended bat roosting enhancements with the additional inclusion of one (Schwegler or similar) bird box and insect habitat box per dwelling and at least one hedgehog home in the wider landscaping shall be included

in the completed development unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

- 16** Before any work begins, or equipment or materials moved on to site, a survey of trees and hedgerows on the site to BS5837:2012 must be undertaken and the resulting report with arboricultural risk assessment, arboricultural working methods and recommended tree and hedgerow protection measures shall be supplied to the planning authority for written approval. All approved works and protection measures for trees and hedgerows must remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006.

- 17** Prior to the commencement/first use of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1.** The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2.** It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 3.** This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit

3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

- 5. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**
- 6. It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.**
- 7. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**

142. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Departure of Mr M Tompkins

The Chairman reported that Mr Tompkins, Senior Planning Officer, was leaving the council. He thanked him for his hard work and, on behalf of the Committee, wished him the best for the future.

Appendix 1 - Schedule of Updates

The meeting ended at 1.42 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 26 April 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

152261 - OUTLINE APPLICATION FOR APPROVAL OF NEW VEHICULAR ACCESS ONLY. DEMOLITION OF EXISTING SITE INFRASTRUCTURE AND CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING UP TO 25 DWELLINGS, 3 OFFICES (B1 USE CLASS), A VILLAGE HALL, CHILDREN DAY-CARE CENTRE, TOGETHER WITH INTERNAL ROADS, CAR PARKING, LANDSCAPING AND DRAINAGE AT LAND AT FORMER OLD SAWMILLS, EARDISLEY, HEREFORDSHIRE, HR3 6NS

For: West Register (Realisation) Ltd per Mr Daniel Jackson, Lowry House, 17 Marble Street, Manchester, Greater Manchester, M2 3AW

ADDITIONAL REPRESENTATIONS

Email correspondence from six people who had previously registered their support for the application has been received since the publication of the report. They have all requested that their support for the application is withdrawn and that the committee are advised that they now object to the application. In summary their reasons for doing so are as follows:

- The plan no longer includes the provision of affordable housing
- There will be no two bed dwellings
- All of the dwellings are three storey
- The plot allocated for the village hall is smaller than the site of the existing hall
- The plots for the village hall and the day care centre have been reduced considerably and are inadequate for the needs of the community
- In whose terms has the viability of the site been assessed?
- The proposals do not accord with the Neighbourhood Plan

OFFICER COMMENTS

As reported in the officer report, the application has been the subject of a viability appraisal by the applicant. This has been independently scrutinised on behalf of the Council by the District Valuers Office and this has concluded that the development of the site would not be economically viable if the site is required to provide affordable housing and Section 106 contributions. Due to the fact that the applicant's appraisal and the District Valuer's report contain commercially sensitive information they are not published or available for the public to view. However, Members can be assured that the District Valuer's advice is entirely independent.

Contrary to the suggestions made in the recently received correspondence, the proposals have not changed significantly since their original submission. The plots shown for the village hall, day care centre and car park are all exactly the same size as originally submitted. The only changes made have been to re-position the dwellings so that they are the furthest possible distance from the noise source.

Whilst it is noted that the illustrative layout shows that the dwellings are all three bed, Members are reminded that the application has been made in outline and design is reserved for future consideration. The mix of housing should better reflect the findings of the

Herefordshire Local Housing Market Assessment produced by GL Hearn consultants, which forms part of the evidence base for the Core Strategy. If Members are minded to approve the application, this could be reflected in the conditions and informatives attached to the decision.

Attention is drawn to condition 17 which requires the provision of the car park. The condition should require it to be provided upon the occupation of the 10th dwelling on the site in accordance with paragraph 6.8 of the report.

CHANGE TO RECOMMENDATION

Condition 4 to be amended to read as follows:

With the exception of the housing mix indicated on the plan, the submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the revised Proposed Site Plan – Drawing no. AL-20-01 Revision P7

Reason: To define the terms of the permission and to conform to Herefordshire Local Plan - Core Strategy Policies LD1, LD2, LD3 and MT1 and Eardisley Group Neighbourhood Plan Policy MD1.

Amendment to condition 17 to require the provision of the car park prior to the occupation of the 10th dwelling on the site

153330 - PROPOSED 5 NO. DWELLINGS WITH GARAGES AND TREATMENT PLANT AT LAND ADJACENT TO VILLAGE HALL, AYMESTREY, LEOMINSTER,

For: Mr Probert per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

ADDITIONAL REPRESENTATIONS

A request has been received from Historic England to be consulted on this application, any response will be reported verbally.

The parish council make the following additional comments

1) Your report says twice that the visibility splay for the development would enable the village gateways. As established by Bruce Evans on site, there is already sufficient room on highway land for the gateways.

2) You say the applicant has offered to contribute to the cost of the gateways. As we have repeatedly made clear, we already have funding for the gateways.

Can you confirm that Historic England was consulted on this application, given its impact on the Grade 1 listed church.

Nick Joyce advised that the development would “not materially adversely” affect the setting of the church, but this nevertheless suggests there may be less than substantial harm. Mr

Joyce does not appear to know that this was an assessment he was required to make. I would in any case entirely disagree: the potential harm is significant and adverse.

Mr Joyce clearly has no understanding of the requirements of the Town and Country Planning (Conservation Areas and Listed Buildings) Act 1990, of NPPF paragraphs 132 - 136/paragraph 14, footnote 9 or Historic England's advice on The Setting of Heritage Assets. Nor has your officer report addressed any of these requirements. Merely mentioning the 1990 Act and NPPF para 132 does not suffice. Your report says "not only will there be less than substantial harm, there is considered to be no harm." This is not what Mr Joyce said and is patently untrue. It is not, in any case, a judgement either you or Mr Joyce could make, because the applicant has not provided site levels, visualisations, an LVIA or a heritage assessment.

Mr Joyce is an architect. He does not appear to be qualified or competent to carry out the required assessment and there is a potential conflict of interest in that he also makes planning applications to Herefordshire Council (including a current one). It may be that he would be disinclined to criticise the work of another architect and he has failed to do so here when a major impact of the development has been left entirely un-assessed.

Your report asserts that much of the church is screened by the trees and hedges bounding the application site, but fails to advise that these will be removed to make way for the visibility splay. Please amend and make this clear.

Your description of Aymestrey Village at 1.2 of your report appears to be describing a different village. This is the character assessment of the village provided by Bill Bloxsome, planning advisor to the Aymestrey NDP, following a walk through of the settlements of the parish:

Aymestrey

- Attractive historic settlement developed primarily on west side of A4110 road.
- Village hall and church on east side with two further dwellings facing onto road. No residential development in depth/single plot depth only. Very low density.
- Development on west side of road close to road frontage and generally also face onto road. Little development in depth on this side. Higher density. Public house at north end adjacent to River Lugg.
- Road through village comprises course of Watling Street Roman Road Potential site for Battle of Mortimer's Cross being investigated.
- Character, form and architecture of village very important and worthy of conservation. No dwelling of similar design but interrelationships also important. Limited development to rear of properties.

The NDP assessment of the housing position is that we have only 11 houses to be approved/allocated by 2031. Given recent history, this number would be achieved by windfalls (this does not, however, necessarily affect the approach to be taken by the NDP).

6.5 of your report advises that there would be a condition ensuring space is available for entry gates. As established by Bruce Evans, there is already space for the village entry gates without this development and you have not addressed the parish council's concerns that the gateways would be ineffectual set further back and with the road widened to create the access for this development.

OFFICER COMMENTS

Mr Joyce is no longer employed by the council. When he was any applications submitted by his company were reported to the planning committee for determination, as with any other employee in the planning department.

Since Mr Joyce would not be available to either attend committee or comment further, the new Senior Building Conservation Officer has been asked to comment, as set out below.

Description & Location of Development

The proposals are for a group of 5 houses on land to south of Aymestrey, Herefordshire

The nearby Heritage Assets which could potentially be affected are the church (G1), an un-registered Park & Garden to the N, Croft Castle 2.3km to the E (G1), Croft Castle Park 840m to the SE (G2*)

There is also Aymestrey Court, an unlisted timber framed building to the North and an unlisted former tin tabernacle to the West, now converted.

Aymestrey is a scattered linear settlement situated within a flat bottomed valley with a ridge to the E and hills to the W. It is characterised by a mix of modern and vernacular houses with the Church as a centrepiece.

Limitations

These comments relate only to listed buildings and historic areas, for advice on buried archaeology or Scheduled Ancient Monuments please contact the Council's Planning Archaeologist, Julian Cotton.

Comments

- Setting is the surrounding area in which a heritage asset is experienced. This is not necessarily reliant on there being direct views between a site and the object. For example, buildings or sites which are close to each other, but not visible from each other, may have a connection due to historic or aesthetic connections which means that they are within each other's setting, for example a lodge for a country house designed by the same architect, or buildings associated with a historic event such as a battle.
- If you consider that the experience of the church, as with many similar villages, the centre piece of any village, is partly how it is perceived from the approach to and through the village, then the field is within that setting.
- The development is such that whilst it would alter the setting, it is not felt that this would harm the setting. Therefore we do not feel that the proposals would trigger s134 of the NPPF. When viewed from the SE of the churchyard, it is likely that the housing would be perceived from the Church to a limited extent, and the church will be perceived from the housing. The design and layout of the housing is not such that it would detract from the character of the settlement and therefore the setting of the church. The setting of the church is that it is situated within a scattered linear village with views out to countryside beyond. It is not felt that the fundamental character of this setting will be changed, even though it will be altered to a limited degree.
- Section 128 of the NPPF requires an applicant to describe the significance of any heritage assets affected including contribution made by their setting. This should be proportionate to the significance of the assets and the potential impact. For the avoidance of doubt it may be that the applicant could include an addendum to their DAS to outline nearby heritage assets, their significance and any impact on these.

Transportation Manager

In response to the comments from parish council regarding visibility and gateway at 1) and 2), the

- a. The east has a very narrow verge, the post will need to be set away from the edge of carriageway, normally between 600mm and 1m but this will be set by

BBLP. Due to the close proximity of the hedge, this would only allow for minimal impact, possibly only a post or a very short section of gate which could be quickly covered by any growth. The proposed moving of the hedge back would allow for a more substantial Gateway feature.

- b. If the committee were minded to approve, the Gateway Feature would need to accommodate the visibility splay and the gateway feature, due to the locality requirement for gateway features, there needs to be a time limit for the hedge to be pulled back to enable the features to be installed, the risk being, the development doesn't happen and the features can't be installed.
- c. The applicant has offered funding, this is one for the PC, if not required, due to concerns about speed, there are works that need to be conditioned and delivered through S278, this would reinforce the engineering features and the speed limit.

The proposal has been revised to provide individual water treatment plants rather than a single one to serve all 5 dwellings. As a consequence our drainage consultant recommends conditions which would be added to the recommended conditions set out in the report

CHANGE TO RECOMMENDATION

Add drainage conditions

Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;

- A foul water drainage strategy to demonstrate how foul water and treated effluent will be managed. If infiltration is proposed from the package treatment plants, testing in accordance with BS6297 is required;
- A detailed surface water drainage strategy that demonstrates how surface water runoff will be managed with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage; •
- Demonstration that appropriate pollution control measures are in place prior to discharge.
- If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

**163445 - PROPOSED DWELLING AT LAND AT EATON HILL,
LEOMINSTER, HEREFORDSHIRE, HR6 0DG**

**For: Mrs Thomas per Mr Garry Thomas, Ring House,
Fownhope, Hereford, HR1 4PJ**

ADDITIONAL REPRESENTATIONS

The applicant's agent states in rebuttal that:

- Proposal accords with policies SS1 and SS4 of Core Strategy
- Policy RA4 is not relevant nor is Policy RA3 - settlement boundaries are out of date and not so relevant
- Fact site is outside the settlement boundary and in a rural location - does not make the site unsustainable
- Not give rise to significant car journeys - evidence given distance to facilities
- No comment in report on niche type housing proposed. If at appeal settlement boundary will not be considered and planning authority will need to back up assessment of sustainability of site
- This is a sustainable location. No 5 year housing land supply and specific type of housing proposed, which is necessary and underprovided.

OFFICER COMMENTS

The proposal site is not a sustainable one in that it does not provide a realistic choice of modes of transport to service the dwelling. It will be dependent upon private transport. Walking unlit paths along the trunk road into Leominster for a range of services is not a practical means of transport. All health care, shopping and leisure needs are dependent on private car use. This is a cornerstone of Core Strategy policy and the fact that the authority does not have a 5 year land supply does not outweigh the need for development to be in sustainable locations.

NO CHANGE TO RECOMMENDATION

