

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 7 October 2015 at 10.00 am

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

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, TM James, JLV Kenyon, FM Norman, AJW Powers, A Seldon, WC Skelton, J Stone, EJ Swinglehurst and LC Tawn

In attendance: Councillor WLS Bowen

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie and JA Hyde.

68. NAMED SUBSTITUTES

Councillor J Stone substituted for Councillor JA Hyde.

69. DECLARATIONS OF INTEREST

Agenda item 7 – 150989 – Land Adjacent to New House Farm and Marden Primary School, Marden

Councillor BA Baker declared a non-pecuniary interest because he had been a Parish Councillor when the application had been discussed and was a resident of Marden.

Mr K Bishop, Development Manager, declared a non-pecuniary interest because the football team of which he was a director had at one time used the football pitches at Marden, but not this season.

Agenda item 10 - 143272 – Stable and Yard North of Mews house, Mordiford

Councillor PGH Cutter declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

Councillor J Hardwick declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee and because he knew the applicant.

Councillor EJ Swinglehurst declared a non-pecuniary interest as a member of the Wye Valley AONB Joint Advisory Committee.

70. MINUTES

RESOLVED: That the Minutes of the meetings held on 16 September 2015 be approved as a correct record and signed by the Chairman.

71. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

72. APPEALS

The Planning Committee noted the report.

73. 150989 - LAND ADJACENT TO NEW HOUSE FARM AND MARDEN PRIMARY SCHOOL, MARDEN, HEREFORDSHIRE, HR1 3EW

(Proposed residential development of up to 90 dwellings with provision of a site for a community building and associated open public space.)

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 particular he noted that the Inspector's report into the Core Strategy had been received. The policies of the Core Strategy could now be given significant weight in decision taking. It was noted that this would be the case for a number of applications before the Committee.

The local ward member was unable to attend the meeting.

In accordance with the criteria for public speaking, Mrs S Gladwin of Marden Parish Council spoke in support of the Scheme. Mr A Price the applicant and Mr M Barry, the applicant's agent, spoke in support.

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

- The proposal appeared to be a logical extension of the village that commanded support.
- The Principal Planning Officer confirmed that the pre-application consultation had included the school. The issue of school capacity had been considered and addressed.
- The local consultation had been good.
- Although the development was larger than envisaged in the Neighbourhood Plan it appeared to be acceptable to the community.
- The density of the development was quite low and this was in its favour.
- The aim to achieve Passivhaus accreditation was to be welcomed. It was to be hoped that the aspirations for the development would be fulfilled at the reserved matters stage.
- The scheme could be considered to be an exemplar for other developments.
- It was questioned why the application had been brought forward to the Committee on the grounds that it was contrary to policy, given that the Committee had been advised that weight could now be given to the Core Strategy. In addition, if weight

could be given to the Core Strategy this must mean that the Council had a five year housing land supply.

- The Development Manager commented that reports for the Committee had been prepared before the Inspector's report on the Core Strategy had been received. On adoption the Core Strategy would identify a 5.24 year housing land supply. This demonstrated the importance of continuing to grant permission for appropriate housing development. If Members refused the application the Core Strategy policies would be advanced in defence at any subsequent appeal.
- Reference was made to an application for housing development previously approved in Kingstone that had meant development would exceed the indicative housing target for Kingstone it was noted that the applicant in that case had given an assurance that the development would be phased to meet the infrastructure available and school capacity. It was asked whether there would be merit in discussing a similar approach in Marden.
- The Development Manager commented that the Parish Council would have the opportunity to discuss any concerns with the developer at the Reserved Matters Stage.
- Consideration should be given to putting in a pedestrian crossing and a 30mph speed limit on the C1224 off which access to the site was gained.
- The Principal Planning Officer noted that discussions over the off-site sports contribution were centered on whether to enhance football facilities, or to re-surface the tennis courts – the Parish Council's preference. The applicant had indicated that they had no view. Only the level of contribution needed to be agreed.
- It would be important to ensure that the water attenuation scheme was appropriate and that there were arrangements in place to ensure that the scheme was maintained.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report unless otherwise amended in respect of the off-site sports contribution, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

1. **A02 Time limit for submission of reserved matters (outline permission)**
2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of Reserved Matters**
4. **The development shall include no more than 90 houses and no dwellings shall be more than 2 storeys high**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1 and H13 and the policies of the National Planning Policy Framework.

5. **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 Architype Design and Access Statement (8010/PL DAS) dated March 2015.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

6. **H03 Visibility splays (2.4m x 60m)**
7. **H06 Vehicular access construction**
8. **H18 On site roads - submission of details**
9. **H21 Wheel washing**
10. **H27 Parking for site operatives**
11. **H29 Secure covered cycle parking provision**
12. **No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

13. **No development shall take place until a scheme to satisfactorily accommodate a potable water supply for the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved scheme has been constructed, completed and brought into use in accordance with the approved scheme.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

14. **G04 Protection of trees/hedgerows that are to be retained**
15. **G10 Landscaping scheme**
16. **G11 Landscaping scheme - implementation**
17. **G14 Landscape management plan**
18. **The recommendations set out in the recommendations of the Phase 1 Habitat ecologist's report from Hills Ecology dated April 2014 and the**

mitigation and compensation proposals of the great crested newt report from Hills Ecology dated May 2014 should be followed in relation to species mitigation. Prior to commencement of the development, a full working method statement for the protected species present together with a habitat enhancement plan integrated with the landscape proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.

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

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. **HN08 Section 38 Agreement & Drainage details**
3. **HN28 Highways Design Guide and Specification**
4. **HN05 Works within the highway**
5. **HN24 Drainage other than via highway system**
6. **S106**

74. 151316 - LAND OPPOSITE, PLAYING FIELDS, PYEFINCH, BURGHILL, HEREFORDSHIRE HR4 7RW

(Proposed residential development for 24 dwellings)

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. She commented that it was proposed to amend the draft heads of terms appended to include reference to a traffic regulation order imposing a 30mph speed limit on part of the C1095 under the transport contributions.

In accordance with the criteria for public speaking, Mrs H Philpotts, Clerk to Burghill Parish Council spoke in opposition to the Scheme. Mrs J Helme, a local resident, spoke in objection. Mr M Owen, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The Parish Council opposed the proposal. It favoured a number of smaller developments in various locations around the village to retain the rural character of the area.
- A questionnaire as part of the preparation of the village plan had found over 50% of residents were opposed to development in the proposed location.
- There were concerns about the ability of the mains drainage and sewerage to cope with the new development. Garages at Baker's furlong had been flooded by sewage. Welsh Water needed to make improvements.
- The site consisted of impermeable clay and drainage was poor.
- The access was close to the golf club and a dangerous cross roads. Visibility was not good with dips in the road. The current 40mph speed limit would have to be reduced if the development proceeded.
- He questioned the sustainability of the development, noting that shops were some distance away and the car would therefore be the preferred means of travel.
- Space was needed between the development and the listed building and other nearby buildings.
- There were also questions over the retention of hedgerows and footpath provision.
- The application was not as straightforward as it might appear at first sight. Regard should be had to the concerns of the Parish Council and local residents.

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

- The Parish Council's preference for several developments of fewer houses would make it harder for Burghill to meet its housing target.
- The site did have constraints including a listed building and the Welsh Water pipe crossing the site. Maintaining the required access to pipe would restrict the developable area.
- It was essential that the arrangements for the management and future maintenance of the proposed attenuation ponds were secured.
- It was suggested that the first six informatives listed in the recommendation should be changed to conditions to make them binding. The Development Manager commented that the informatives listed could not be translated into conditions. However, conditions were already proposed covering many of these aspects.
- There were too many uncertainties to enable the development to be supported. In particular there was uncertainty over the management of surface water.
- The site was a logical site for development. The density of 16 dwellings per hectare was low.
- A 30mph speed limit on the main road was essential.

- The removal of the hedge would enable the provision of adequate visibility splays.
- It was questioned whether the development would have an adverse effect on listed buildings nearby noting modern development was already present. It was suggested that sensitive design of the new development might even represent an enhancement.
- There was a need for 2 bed bungalows.
- The development met a need for housing.
- The housing officer had suggested a different mix of housing to that proposed.
- Although the Neighbourhood Plan was not at an advanced stage consultation had been undertaken on the preferred location for and type of development and the local community was opposed to the proposal.
- The proposed layout and tree planting proposals were good.
- There was not stated intention to apply high design standards, with energy efficiency and water conservation measures.
- The development included affordable housing which would enable young people to dwell in the village.
- The proposal did not entail the loss of agricultural land.
- There had been insufficient community engagement to date and it was to be hoped that this would improve if the proposal proceeded.
- The response of the land drainage manager at page 76 of the report recommended that certain information was submitted prior to the Council granting outline planning permission. It was asked if this had been supplied.

The Development Manager commented that 106 dwellings were required to meet the indicative housing target for Burghill. This would mean some 10 sites would have to be identified to meet the Parish Council's preference for smaller developments. The site was in the heart of the village, of low density and provided 8 affordable houses. The Conservation Manager (Historic Buildings Officer) had commented that the development would not be detrimental to the setting of listed buildings nearby. This was the type of site that the Committee would have to support if it wanted villages to grow and to retain local people within them. In relation to drainage before any development commenced proposals would have to have been approved by the local planning authority and other relevant statutory bodies. He acknowledged that the authority had not received the information as recommended by the land drainage matter. However, that would form a fundamental part of consideration of drainage proposals at the reserved matters stage. The development provided benefits including improvements to the road network, footpaths to the local recreation area, and path to the school. A reduced speed limit would also be imposed. The site was sustainable. He proposed that officers be authorised to amend the S106 agreement after consultation with the local ward member having particular regard to the maintenance of drainage measures.

Councillor Bowen was given the opportunity to close the debate on behalf of the local ward member. He reiterated his request that the Committee took account of the Parish Council's concerns. The development must be sustainable and drainage and access problems had to be overcome.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report unless otherwise amended in respect of surface water drainage maintenance, off-site play and transportation contribution, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary

1. A02 Time limit for submission of reserved matters (outline permission)
2. A03 Time limit for commencement (outline permission)
3. A04 Approval of reserved matters
4. A05 Plans and particulars of reserved matters
5. B01 Development in accordance with the approved plans
6. C01 Samples of external materials
7. H06 Vehicular access construction
8. H09 Driveway gradient
9. H13 Access, turning area and parking
10. H27 Parking for site operatives
11. H29 Secure covered cycle parking provision
12. G03 Retention of existing trees/hedgerows
13. G04 Protection of trees/hedgerows that are to be retained
14. G11 Landscaping scheme - implementation
15. I16 Restriction of hours during construction
16. I51 Details of slab levels
17. K4 Nature Conservation - Implementation
18. L01 Foul/surface water drainage
19. L02 No surface water to connect to public system
20. L04 Comprehensive & Integrated draining of site
21. H17 Junction improvement / off site works

INFORMATIVES:

1. HN10 No drainage to discharge to highway

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.

- 2. HN08 Section 38 Agreement & Drainage details**
- 3. HN28 Highways Design Guide and Specification**
- 4. HN13 Protection of visibility splays on private land**
- 5. HN05 Works within the highway**
- 6. The developer is advised that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**
- 7. 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.**

75. 151150- LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE.

(Proposed residential development of 69 no dwellings of which 24 will be affordable, accompanied by associated infrastructure and public open space.)

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 P Bainbridge of Withington Parish Council spoke in opposition to the Scheme. S Williams, a local resident, spoke in objection. Ms S Griffiths, the applicant's agent, spoke in support.

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

He made the following principal comments:

- He highlighted the Parish Council's objection to the Scheme. In particular, he commented that there had been no response to the Parish Council's support for the principle of the provision of a village green in the centre of the development. The density of the development could be reduced to provide a village green.
- A buffer zone between the houses and the main road would be preferable.
- The C1130 was used by heavy vehicles and they did not adhere to the speed limit. The Parish Council had requested that consideration be given to a one way system.
- The Parish Council had stated that part of the application site would in principle provide an acceptable location for development. The question was whether the detail of the application that had been submitted was acceptable noting that it did not

reflect the preferences expressed by the Parish Council including those in relation to layout, density and open space.

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

- Improved community engagement might well have resulted in a proposal which the local community could support. It was suggested there had been insufficient consultation.
- No information had been submitted on the energy efficiency of the proposed housing.
- The intention that the management of the public open space would be the responsibility of a management company was questioned. It was requested that the Council's executive should consider the level of financial contribution the Council would need to secure management of public open space for developments.
- Differing views were expressed on the benefits or otherwise of village greens in the centre of developments.
- The proposals for transport infrastructure in the draft heads of terms were welcomed.
- The Principal Planning Officer confirmed that there was capacity in the school for all year groups.
- The detrimental impact on the amenity of the residents of Orchard view detracted from an otherwise acceptable proposal.

The Development Manager commented that the applicant had consulted extensively and had made changes to the scheme. However, a point came where an applicant could not make further changes if the scheme were to remain achievable. At 23 houses per hectare the density of the development was relatively low noting that the density of the development of the adjacent Southbank development was 31 houses per hectare. Contributions were also offered for transport infrastructure. No weight could be given to the Neighbourhood Plan. Energy saving would be a key aspect of the design of the dwellings. The site was acceptable for development.

The local ward member was given the opportunity to close the debate. He commented that concerns about the proposed development remained, including the impact on Orchard View, and whilst the developer had listened to some of these further compromise might have been possible.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for submission of reserved matters (outline permission)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **G04 Protection of tree/hedgerows that are to be retained**

5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **G14 Landscape management plan**
8. **G19 Details of play equipment**
9. **H03 Visibility splays**
10. **H05 Access gates**
11. **H06 Vehicular access construction**
12. **H11 Parking – estate development**
13. **H17 Junction improvements/off site works**
14. **H27 Parking for site operatives**
15. **I16 Restriction of hours during construction**
16. **I51 Details of slab levels**
17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L03 No drainage run off to public system**
20. **L04 Comprehensive and integrated draining of site**
21. **The recommendations set out in the ecologist's report from Betts Ecology dated January 2015 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 integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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

22. **I16 Restriction of hours during construction**

INFORMATIVES:

1. **HN04 Private apparatus within highway**
2. **HN05 Works within the highway**
3. **HN08 Section 38 Agreement & Drainage details**
4. **N11C General**

5. **S106**

6. **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.**

76. **143272 - STABLE AND YARD NORTH OF MEWS HOUSE, MORDIFORD, HEREFORDSHIRE, HR1 4LN**

(Proposed earth sheltered dwelling to replace an existing stable and storage building on a previously developed site.)

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 G Thomas, the applicant's agent, spoke in support of the application.

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

He made the following principal comments:

- The development was sustainable.
- It was designed to sit sympathetically within the landscape and with appropriate landscaping of the site the development would be suitable.
- The development did not have an impact upon the garden view of Sufton Court.
- The unregistered parkland surrounding the site had experienced significant change over the years and it had to be recognised that landscapes did change. There had, for example been a change from stock farming to intensive arable farming.
- There was substantial support for the proposal including support from the Parish Council.

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

- The development was sustainable.
- The Parish Council supported the proposal and there were also a number of letters in support.
- There was no adverse effect on Sufton Court or the surrounding unregistered park and garden.
- The development worked well within the landscape.

- The design was good and had regard to the need for energy efficiency.
- The development would be an improvement on the existing structures, or at least would have a minimal impact.
- The dwelling was in open countryside with a high landscape value. It was larger than the building it was to replace and the design was alien to the setting. The scheme had little of benefit. It undermined the protection that should be afforded to such landscapes.
- A smaller conversion scheme would be more appropriate.
- The landscape was significant noting the link to Sir Edward Elgar. However, it had been damaged over the years.
- It was noted that officers had recommended refusal citing the detriment to the landscape that would be caused by a single dwelling. It was requested that officers apply a consistent approach when preparing the report on the forthcoming application for the southern link road.

The Development Manager commented that permission for a house of standard design would have been refused. Having regard to the consultation responses and the proposed design it was acknowledged that some might consider that the scheme did represent an enhancement. English Heritage had no objection although concerns had been expressed by some other respondents.

The local ward member was given the opportunity to close the debate. He noted that the Committee had recently approved another single property at Cradley in the open countryside within an AONB given the quality of its design. With the correct design the development proposed was sustainable.

RESOLVED: That that officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary on the grounds that that the proposal was sustainable and had no detrimental impact upon the unregistered park and garden.

Appendix 1 - Schedule of Updates

The meeting ended at 1.05 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 7 October 2015

MORNING

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

150989 - PROPOSED RESIDENTIAL DEVELOPMENT OF UP TO 90 DWELLINGS, WITH PROVISION OF A SITE FOR A COMMUNITY BUILDING AND ASSOCIATED OPEN PUBLIC SPACE. AT LAND ADJACENT TO NEW HOUSE FARM AND MARDEN PRIMARY SCHOOL, MARDEN, HEREFORDSHIRE,

For: Mr Price per Mr Paul Neep, Twyford Barn, Upper Twyford, Hereford, Herefordshire HR2 8AD

OFFICER COMMENTS

Core Strategy

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such."

Marden's draft NDP (Reg. 14 stage) allocates the application site as a site for housing. Whilst the NDP is not yet adopted, officers consider the site allocation to be in accordance with the requirements of the Core Strategy, having particular regard for Policy RA2. Subsequently, this application conforms to both the NDP and Core Strategy.

Off-site play contribution

The Parish Council has met with the applicants to discuss the off-site sports contribution discussed at 4.8 of the report and at paragraph 12 of the Heads of Terms.

The Parish Council has a preference for this money to be directed towards re-surfacing of the tennis courts and has provided a quote for this work. Further discussion and refinement of the Heads of Terms will be necessary in consultation with the applicants and Parish Council.

CHANGE TO RECOMMENDATION

In light of the above, a change to the recommendation is sought in order to allow delegation to officers to finalise the Heads of Terms and subsequent legal agreement to reflect final agreement of the off-site sports contribution.

Subject to the completion of a Section 106 Town and Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report unless otherwise amended in respect of the off-site sports contribution, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

151316 - PROPOSED RESIDENTIAL DEVELOPMENT FOR 24 DWELLINGS AT LAND OPPOSITE, PLAYING FIELDS, PYEFINCH, BURGHILL, HEREFORD

For: Mr Edwards per Mr Mark Owen, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9D

OFFICER COMMENTS

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

- 1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;*
- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such."

Burghill have not yet progressed their Neighbourhood Plan to a stage that can be given weight.

Having regard to the proposal, in its outline form, this would comply with the criteria of this policy.

Section 106

Off site play

It is clarified that the off-site contribution will be directed towards the facilities at 'The Copse' and the Heads of Terms shall be amended to reflect this.

Highways

The Heads of Terms are amended to provide for the inclusion of the Traffic Regulation Order to reduce speed limit from 40mph to 30mph in the Transportation Section.

CHANGE TO RECOMMENDATION

In light of the above, a change to the recommendation is sought in order to allow delegation to officers to finalise the Heads of Terms and subsequent legal agreement to reflect final agreement of the off-site play contribution and transportation contribution.

Subject to the completion of a Section 106 Town and Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report unless otherwise amended in respect of the off-site play and transportation contribution, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

151150 - PROPOSED RESIDENTIAL DEVELOPMENT OF 69 NO. NEW DWELLINGS OF WHICH 24 WILL BE AFFORDABLE, ACCOMPANIED BY ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE. AT LAND ADJACENT TO SOUTHBANK, WITHINGTON, HEREFORDSHIRE,

For: David Wilson Homes (Mercia) Ltd per Mrs Sian Griffiths, Unit 6 De Sallis Court, Hampton Lovett, Droitwich, Worcestershire WR9 0QE

Core Strategy

The Inspector's Report into the Core Strategy has been received. The policies of the Core Strategy can now be given significant weight in decision taking. RA2 is relevant as guiding development in rural settlements. It states:-

"The minimum growth target in each rural Housing Market Area will be used to inform the level of housing development to be delivered in the various settlements set out in Figures 4.20 and 4.21. Neighbourhood Development Plans will allocate land for new housing or otherwise demonstrate delivery to provide levels of housing to meet the various targets.

Housing proposals will be permitted where the following criteria are met:

1. Their design and layout should reflect the size, role and function of each settlement and be located within or adjacent to the main built up area. In relation to smaller settlements identified in fig 4.21 proposals will be expected to demonstrate particular attention to the

Schedule of Committee Updates

form, layout, character and setting of the site and its location in that settlement; and/or they result in development that contributes to or is essential to the social well-being of the settlement concerned;

2. Their locations make best and full use of suitable brownfield sites wherever possible;

3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and

4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.

Specific proposals for the delivery of local need housing will be particularly supported where they meet an identified need and their long-term retention as local needs housing is secured as such.”

In this case the NDP is not adopted. In the absence of a NDP, the development's conformity with the numbered criteria of Core Strategy Policy RA2 is the appropriate method of determination. In this instance, officers have failed to identify overriding harm in the context of Policy RA2. The proposal is therefore representative of sustainable development when held against both the NPPF and Core Strategy.

OFFICER COMMENTS

At 5.2 of the report reference is made to the appeal at Vine Tree Close; a proposal for 31 dwellings. The appeal was allowed as reported in the Appeals update.

The net minimum requirement for housing within the parish is 45 as reported at 6.6 of the report.

NO CHANGE TO RECOMMENDATION

143272 - PROPOSED EARTH SHELTERED DWELLING TO REPLACE AN EXISTING STABLE AND STORAGE BUILDING ON A PREVIOUSLY DEVELOPED SITE AT STABLE AND YARD NORTH OF MEWS HOUSE, MORDIFORD, HEREFORDSHIRE, HR1 4LN

For: Mr & Mrs Gullis per Mr Garry Thomas, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

ADDITIONAL REPRESENTATIONS

- 1 letter of support has been withdrawn since the publication of the report.
- The agent has submitted the following information:

The following statement is issued to the planning committee to correct areas of the planning report which include a number of technical errors as follows...

i) The planning report omits Pre-Application advice issued by the Local Authority and does not account for how the Applicant has met with the pre-app advice received; there are 32 letters of support – and the Parish Council, Ecology Officer, Flooding Officer and Transport Manager have raised no objections to the proposal – it can therefore be supported un UDP policy DR1;

ii) *The planning report fails to consider the sustainable development credentials of the proposal. As such it does not assess within the planning balance the proposals sustainable development opportunities; and given support from Historic England (NPPF footnote 9), lack of a 5-year housing supply – the proposal can be approved under NPPF paragraph 14;*

iii) *In assessing compliance with UDP policy HBA4 and HBA6 the planning report does not consider appropriately the significant restoration of the landscape and enhancement of important heritage designations, and the fact Historic England has raised no objection demonstrates the proposal can be supported under policy LA2, LA4, HBA4 and HBA6.*

iv) *Whilst the planning report is wrong to conclude under paragraph 6.6 that... it is not yet possible to give weight to the emerging Core Strategy... as the Inspector has provided a statement on the Core Strategy and there is no change to the list of growth settlements within the plan, significant weight can therefore be given to the status of Mordiford as a sustainable settlement for growth, and it is agreed the proposal constitutes sustainable development.*

v) *Further more: – the following technical corrections are noted.*

1. CORRECTIONS TO PLANNING REPORT

1.1. *Paragraph 4.2.2, sub paragraph 4, describes existing landscape – referring to the 1843 map – as remaining relatively unaltered. Notwithstanding this, the planning report omits commentary on the detailed investigation of historic documents, carried out on behalf of the Applicant, which has identified how there has been significant and considerable change within the historic landscape; and as a result the Applicant actually proposes sensitive restoration of a significant part of the historic landscape – using the same tree species and the same planting layout, which can be identified within several key historic documents submitted as part of the application*

1.2. *Paragraph 4.2.2, sub paragraph 5, incorrectly describes a significant landscape feature as a railway embankment. No railway has ever run through this part of the Wye Valley, and the Landscape Officer is incorrect to refer to these raised earthworks as a railway feature. For the avoidance of any doubt the raised earth works feature is actually the flood bank to protect parts of the Wye Valley from fluvial flooding, which can extend from the river Lugg. This large earthwork feature was installed in the 1960s.*

1.3. *Paragraph 4.2.2, sub paragraph 7, the Applicant confirms the line of trees which offer natural screening of the proposal falls within his ownership. As such they can be effectively controlled as part of any planning condition.*

1.4. *Paragraph 4.2.3, sub paragraph 5 identifies the proposal as having the potential to adversely affect the setting of important heritage assets. It would appear from this statement the planning report overlooks positive contributions the proposal would make in restoring an important part of the historic landscape, as viewed from the west and overlooks there is no objection from Historic England.*

1.5. *Paragraph 4.3, sub paragraph 2, states that the proposal would be more prominent in the landscape than the existing building. It would appear that the planning report overlooks substantial information: detailing historic landscape restoration, 3D visuals, and part of the proposal is built into the bank, which actually confirms that the proposal would offer significant enhancement of the site, and would be an opportunity for the Local Authority to control this sensitive historic landscape – in perpetuity.*

1.6. *Paragraph 6.7, does not account for how the proposal offers substantial enhancement of the historic parkland and setting of designated heritage assets, in the form of restoration of significant parts of the historic landscape, and high-quality sustainable design; as such paragraph 6.7 fails to consider how the proposal would be in accord with UDP policies HBA4, HBA6 and NPPF Chapter 12 and more specifically paragraphs 132 and 133.*

1.7. Paragraph 6.15, attempts to down play the existing brown-field nature of the site. Development has occurred on the site since 2008 and prior to this period the site had been used for the dumping of hardcore and other alien materials to the landscape. Given these important material considerations the proposal would be an opportunity to significantly enhance the site, and restore a significant part of the historic landscape character and setting, whilst introducing also high-quality contemporary design that has been detailed sensitively – in direct response to the setting and characteristics of the site location. The Applicant respectfully asserts that the proposal should be considered in the context that “development has already occurred on the site”, and the proposal will not only enhance the site but it would restore the landscape character and setting. This is acknowledged in a significant number of supporting letters (paragraph 5.3).

1.8. Paragraph 6.17, suggests that residential paraphernalia and lighting would have detrimental affect; and, that should landscape mitigation fail the development would have more severe and adverse impact. The report fails to consider statements issued by Historic England and the Conservation Manager (paragraph 4.1, 4.2.1), which suggests they would be happy to condition the planning application with suitable planning condition to effectively control in perpetuity such paraphernalia as: – lighting, landscaping details, surface materials and domestic curtilage etc.

1.9. It would appear the planning report, under paragraph 6.19, does not consider the supporting comments illuminated by 32 separate letters of support (summarised at paragraph 5.3), as such it would appear that the public would welcome the landscape and design merits of the proposal and recognise the proposal would sustain and significantly enhance the landscape character and setting.

1.10. Paragraph 6.22, draws members attention to the very detailed response from the Conservation Manager in respect of the impact of the proposed dwelling on the Heritage and Designated Heritage Assets; it should be noted that the Conservation Manager and the Herefordshire and Worcester Gardens Trust have provided **no** detailed, or robust comment, on the historic landscape assessment, nor commented on proposed restoration of parts of the historic parkland and setting; as such members should be mindful the planning report omits important facts. The proposal would in fact be an opportunity to restore a significant part of an important historic Herefordshire Landscape and enhance views from the west.

1.11. Paragraph 6.28, attempts to suggest that the brown-field nature of the site has high environmental value and as such, under NPPF paragraph 17, it should not be afforded any material weight for consideration for re-use. The Applicant respectfully asserts that the Local Authority did not raise the issue of “high environmental value” at the time of approved development in 2008. As such for the purposes of this proposal, the site should be considered as previously developed land and should therefore be given full weight for potential re-use under paragraph 17 of the NPPF.

2.0 CONCLUSIONS

2.1 The planning report confirms the proposals location is sustainable and significant material evidence has been submitted, which confirms that the proposal would not only preserve landscape character and setting but offer significant restoration of designated heritage assets forming the historic parkland setting; in addition the proposal meets the three tests of sustainable development, in particular – the social needs of a local family wishing to remain in the area during retirement, environmentally – in terms of achieving a very high sustainable design construction standard, and economically – by providing an opportunity to create jobs in construction and landscape restoration. It can be concluded that the proposal can be supported under paragraph 14 of the NPPF as being highly sustainable development.

2.2 Given 32 letters of support, which encourage the design merits of the proposal and encourage proposed landscape enhancements; and given the fact that there was no objections received from notably: Historic England, the Highways Officer, Ecology Officer and no flooding issues have been raised, and given the Parish Council has offered support, the proposal complies with UDP policy DR1.

2.3 No objection has been raised by Historic England and it states it is happy for appropriate planning conditions to be attached to a planning permission. The proposal can therefore be supported under UDP policy HBA4 and HBA6.

2.4 The proposal provides robust assessment and information in support of restoration of a significant part of the historic parkland and landscape and confirms there has been substantial change to the landscape over time and there is opportunity to restore part of the designated heritage asset. As such the Applicant welcomes the fact that the Conservation and Landscape Manager states (in paragraph 4.2.1 sub paragraph 7), that... □if the application is met with approval it is recommended that landscape proposals be submitted which incorporate the detailing of the proposed sedum roof and green living walls□ The Applicant is happy to accept suitable landscape condition and it can be concluded therefore that the proposal supports UDP policy LA2 and LA4.

2.5 The Local Authority has confirmed the site is sustainable and suitable for development, (as confirmed in 2008); and as the proposal is in accordance with UDP policies DR1, LA2, LA4, HBA4 and HBA6 it can be considered as supporting core planning principles under NPPF paragraph 17 – as a previously developed sustainable site and location suitable for re-use.

OFFICER COMMENTS

The rebuttal submitted by the agent is noted, however it does not change the recommendation.

NO CHANGE TO RECOMMENDATION