

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 They have all requested that their support for the application is withdrawn and that the committee are advised that they now object to the application.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