

PLANNING COMMITTEE

Date: 15.5.2018

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

174528 - PROPOSED SINGLE STOREY EXTENSIONS TO NORTH CHAPEL AND TO NORTH SIDE OF TOWER TO REPLACE EXISTING PLANT ROOM, DISABLED DROP-OFF PARKING BAY AND LIFT ENCLOSURE ON NORTH-WEST SIDE OF CHURCH AND GLAZING OF SOUTH PORCH TO CREATE DRAUGHT LOBBY. INTERIOR ALTERATIONS TO CREATE MULTI-USE VENUE. CHANGE OF USE FROM D1 CLASS ONLY TO D1, A3 AND D2 USES AT ST JAMESS CHURCH, CASTLE STREET, WIGMORE, LEOMINSTER, HR6 9UD

For: Mr Casbourne per Mr Matthew Hollingsworth, 4 Haycroft Road, Sherborne, Cheltenham, GL54 3DY

ADDITIONAL REPRESENTATIONS

Historic England have made the following comments in response to the planning committee report:

Many thanks for the link to the committee report. I think your interpretation of Historic England's comments is fair. Our first advice letter refers to para 134 relating to less than substantial harm rather than 133 relating to substantial harm reflecting the potential we felt existed for amendments to reduce the harm. However, the applicant has chosen not to explore this potential and, having discussed the case with colleagues this morning, I think it would be fair to say that we consider the impact to be at the extreme upper limit of less than substantial and certainly not justified given that alternative less harmful design solutions are almost certainly available. Historic England would hope that if your members refuse the application in line with officer recommendation, it will become possible to achieve a design that conserves the significance of the building.

Wigmore Parish Council:

Email 4/5/2018

Last year Wigmore GPC commissioned its own arboricultural consultant, Jerry Ross, to advise on the state of the trees in Wigmore Closed Churchyard. Mr Ross was made aware of another tree report commissioned by Wigmore CIC and was concerned about their consultant's recommendation to significantly reduce the crown of the lime tree that is nearby the steps, because of significant decay. With the agreement of the parish council Mr Ross has carried out a second inspection and detailed Picus investigation which confirms his initial findings that the tree has decay that would be expected in a 'veteran tree' of this age but that the decay does not warrant the drastic crown reduction recommended by the CIC's report. In the light of the planning application for St James Church, and the proposed upgrade to the adjacent footpath, Mr Ross is also concerned that any disturbance to the tree roots

would cause damage to tree - see 5.4 and 6.7 of his report - . Mr Ross felt that his findings should be forwarded to you for your information. I have attached Mr Ross' report for you.

Comments from Tree Officer in response to the above submission:

The recent Tree Condition Report produced by Jerry Ross Consultancy, requested by Wigmore parish presents a different perspective regarding the structural condition of the Lime trees, T2 in the original Arboricultural Impact Assessment (AIA).

The initial recommendation was to pollard/reduce the canopy by 8m on account of the hollowing of the stem and perceived risk of failure. An 8m reduction would have removed much of the weight out of the canopy but also threatened to long term health of the tree which is protected by a Tree Preservation Order and has been recorded as a veteran specimen by the ancient tree forum. Consequently it has high amenity, historical and ecological value.

Accompanying the AIA was a decay detection survey carried out using a PICUS Tomograph, which indicated that there was significant hollowing of the stem and hence the recommendation to reduce heavily. It was questioned how accurate the results of the PICUS were because the shape of the tree stem in the report did not appear to be a true representation.

The report produced by Jerry Ross, also using a PICUS Tomograph appeared to present a more accurate depiction and therefore, in my opinion the results can be better relied upon.

My original comments stated:

2 – the Common Lime located at the west of the site does have significant decay, demonstrated by the PICUS decay detection. However, this is a tree of high amenity value with a Tree Preservation Order and the recommendation to pollard does put a significant threat on the ongoing health of the tree.

I would prefer to see efforts made to retain this veteran specimen by carrying out alternative remedial works that would both reduce the risk of failure and retain its amenity value.

Recommended works in Jerry Ross Tree Condition Report.

The reduction proposed should amount to about 10% of the tree's height (i.e. approximately 2-3 metres), with a proportionate reduction of lateral branches.

This is more in tune with retaining the tree in its current form and sympathetic to a veteran tree.

A reduction of this amount is unlikely to have an impact on the tree physiologically and if carried out responsibly should not adversely alter the appearance. Importantly the reduction will go some way to mitigating the threat of failure either in the hollowed stem or branches.

Comments from Applicants in response to Tree report received from Parish Council (as above) and comments of the Tree Officer (as above) and query I respect of amended plans:

The Wigmore CIC team would have no objection to the recommendation stated on the reduction of the tree. The Churchyard and the trees are (for historic reasons) the responsibility of the Parish Council rather than the PCC/Wigmore Centre so it is expected the Parish will follow the recommendation in any case regardless of the proposal now that they have commissioned the report.

As you are aware (and have been advised) we have been simultaneously developing the scheme and negotiating with the Herefordshire DAC committee on a number of details of the scheme in preparation for a Faculty submission. At a special meeting on March 14th we sat down with the architect members of the committee following a request to submit answers to series of detailed questions and having supplied a great deal of detailed drawings for the scheme, which were circulated to the wider advisory team (including many of the advisors who are consultees for the Council) for an earlier meeting. At that meeting we were informed that the DAC advisors felt they had enough to agree to the North Plant Room extension as it stood and the Lift as new “interventions” with a contemporary purpose. They did however have objections to the North Chapel extension materiality which were debated heavily. The subsequent DAC meeting in April there was a statement issued that the North Chapel would not be accepted in its current form. Subsequently we have submitted an amended scheme with a tile roof to match the existing Chapel and Lime render walls with Corten screen doors which is what we were asked to “consider” by the DAC. Given the late stage and that we are about to go to committee I did not forward these amendments to you as we really need to understand the Committee view on the Transport issues which seem to be the main focus and the overriding viability question at present, which we need to know before the HLF meet in June to decide upon the grant in principal.

Archaeology Comments

To clarify:

- In general, I have nothing to add to the lengthy and complex ‘heritage’ correspondence that already exists in relation to this proposal (and which you have summarised ably in your report). Plainly, there are concerns.
- Were planning permission to be granted, it would be essential to impose rigorous planning conditions to ensure appropriate detailed design, and to properly record the archaeological interest of this exceptionally sensitive site. Appreciable ground disturbance and other impacts are indicated/implied by the application, and would require potentially extensive mitigation under NPPF Para 141 / Core Strategy LD4, inter alia.
- In the event of permission being granted, I would advise standard archaeological conditions E04 [acceptable foundation design], and E01 [programme of archaeological work].

Further update received from applicants' agent in respect of application to the Diocese Advisory Committee (including amended plans)

For information please see attached the latest DAC committee comments in regard the change to the North Chapel extension.

As you can see their current view is that some change to the finishes on the other extensions is required, which is not the same advice that we received on 14 March.

Email as follows:

The DAC met yesterday, 9th May, and reviewed the amended drawings 104A, 206A, 207A, 208A, 209A, 210A, and 211A.

The DAC welcomes the change in material to the proposed north chapel extension. The committee advises that the plant room / WC and NW lift shaft need to be equally recessive in respect of their form and materials.

The DAC regrets it remains unable to recommend the scheme in its current form.

NO CHANGE TO RECOMMENDATION

173385 - PROPOSED RESIDENTIAL DEVELOPMENT OF 3 DWELLINGS AT LAND AT NEWCASTLE FARM, ORCOP, HEREFORDSHIRE, HR2 8SF

For: The Owner and/or Occupier per Mrs Claire Rawlings, 10 The Maltings, Dormington, Herefordshire HR1 4FA

ADDITIONAL REPRESENTATIONS

Further email correspondence from the two adjoining neighbours, who had both previously registered their objections for the application have been received since the publication of the report. They have raised a series of questions and issues surrounding the issue of drainage which are summarised below:

- No evidence or risk assessment has been carried out on Holmelea's garden and neighbouring land in relation to flooding/seepage.
- Concerns remain that the surface water swale design proposal will inevitably cause seepage/flooding into Holmelea's garden and neighbouring land, containing pollutants from any Cesspit spillages.
- No protection offered to the residents of Holmelea with regards to risk of flooding from surface water and no evidence of any risk assessment having

been carried out on foul and surface water drainage in relation to the vulnerability of the adjoin properties.

- The surface water maintenance conditions are not established, or enforceable, some other solutions are needed.
- Having monitored the drainage area for the last 3 months since January tests, they believe that the runoff has been intermittent and the stagnant water has now been found to have seeped into Holmelea's garden as well as the farmer's field to the south.
- Cesspool/pits are not sustainable and questioned why there is no evidence to show that Reed Beds had been considered within the hierarchical approach when clearly referred to in Core Plan Policy as a potentially sustainable form of foul water treatment.
- Case officer given no consideration to loss of amenity, pollution, and nuisance caused in general
- Questioned if the applicants drainage consultants 'Tumu Engineer' had ever visited the site to appraise for himself of Holmelea's lower ground positioning and taken into consideration it's vulnerability from flooding/seepage risks;
- Questioned if the Council has established if Tumu are accepting professional responsibility and indemnity for the indicative Design Drawing. States that design accountability should be addressed now.
- The ditch which the swale feeds into has no where to go.
- No evidence of a written explanation from the Applicant on this drainage strategy proposal and how it works, or how it should be maintained in perpetuity;
- Design accountability should be addressed. No specified maintenance requirements or precise responsibility for the shared areas within the scheme, and without clarifying there could be a risk to neighbouring properties.
- Transport/Tankering manoeuvres under assessed and impacts not addressed, with no reference or consideration given to the appeal decision at the Trees.
- Cumulative affects not considered with other recently approved dwellings in the vicinity, especially those accessed off the same highway
- Two previous planning refusals for Newcastle Field listed but not commented in relation to current proposal
- Officer not taken in to consideration the Inspectors comments from the recent Appeal Decision at The Trees on character and harm of dwelling.
- No reference in case officer comments in relation to land locking of inter joining field of over half a hectare.
- Concerns over lack of comments in relation to landscaping and whether proposed landscaping can be achieved due to swale.

- The Officer reports on building commitments as being 6, however the current number is 9.
- No evidence of a written explanation from the Applicant on this drainage strategy proposal and how it works, or how it should be maintained in perpetuity.
- Proposal is contrary to the Councils SUDs Handbook which was approved in February 2018 and states that ‘Cesspools will not be permitted on new sits’.
- Concerned that plans and information are being amended at a late stage without giving the public time to consider them.

ADDITIONAL SUPPORTING INFORMATION SUBMITTED BY THE APPLICANT

In response to concerns raised by neighbours relating to the movement of tankers on and off the site, the applicant's agent has submitted a further plan showing the tracking of a 3000 gallon tanker on to the site with the ability to turn and leave the site in forward gear. The agent's drainage consultant has advised that given the rural context of the site a 3000 gallon tanker (13,638-litre) seems most appropriate for emptying the cesspits. The frequency of emptying will be dependent on how many people are living in each dwelling. The previous stated 24 visits (45 day intervals) per year were based on 2 people living in each dwelling (8 visits per year). However, if Plots 1 & 2 had 6-people and Plot 3 had 5-people (i.e. maximum occupancy) then the tanker would be needed at intervals of 16-days. A total of 68 visits per year for the site. It is therefore expected that in actual fact the number of visits would be somewhere in the middle of these two extremes - about 50 visits per year.

In relation to the concerns raised with regards to the risk to the property to the south Holmlea, the Drainage Consultant for the applicant has confirmed that they do not consider there to be any risk and provides the following comment;

'Firstly we're restricting the discharge from each dwelling to 2l/s which is as low as we can feasibly go and this rate will only be achieved in extreme storms. Secondly we're providing a swale with check dams along its length so that discharge will be further attenuated. Although we're no longer reliant on soakaways/infiltration as in previous proposals it's likely that in the majority of storm events the water will be slowed so much by the check dams that it will be allowed to infiltrate into the ground. In extreme storms, water will cascade over the check dams and flow down the swale towards the south but the rate of flow will be so low that it poses no risk of flooding to adjacent properties. It will trickle out to the ditch and join the existing flows. Where the swale meets with the existing ditch the banks will be feathered in so that although it's near 90deg on the ground it will be a slow radius bend so as to smooth out the flow and avoid erosion.'

FURTHER COMMENTS FROM THE TRANSPORTATION MANAGER

In light of the submitted tracking plan and information, I wish to put forward the following comments,

1. There will be an increase in vehicle numbers for development; however this does not conflict with policy MT1 and would not be classed as severe reason to refuse it.
2. The issue of the use of a tanker and its movements will also provide additional movements on the lane however even at the highest capacity this will only equate to a 1 vehicle movement per week, once again this would not be classed a severe.
3. The access to the sites is to be built to HC road construction, therefore is built to be used as a passing place for the route.
4. The turning provision within the site allows for the vehicles to leave the highway and does not block the highway.

CHANGE TO RECOMMENDATION

Recommended amendments to conditions are set out below:

Amendment to condition 12

After 'drawing D01 C (outline drainage strategy)' add *unless* alternative details

Additional condition

A drainage management plan, including management responsibilities and maintenance schedules for both foul and surface water arrangements shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of any of the dwelling hereby approved. The drainage management plan shall be carried out as approved.

Reason: To prevent pollution of the water environment and to comply with Policy SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

172345 - CHANGE OF USE OF LAND FOR THE SITING OF UP TO 95 NO. CARAVANS, AND A CHANGE OF USE, AND COMPREHENSIVE REDEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDREN'S ENTERTAINMENT AREA; AND,

173946 - RE-DEVELOPMENT OF THE EXISTING FARMYARD BUILDINGS AND ASSOCIATED AGRICULTURAL BARNs TO PROVIDE ADDITIONAL FACILITIES INCLUDING INDOOR POOL, GYMNASIUM, SPA, OWNERS LOUNGE, OFFICE AREA, PLAY BARN, CHILDRENS ENTERTAINMENT AREA AND PETTING FARM AT MALVERN VIEW COUNTRY ESTATE, WOODEND LANE, STANFORD BISHOP, WORCESTER

**For: N/A per Miss Wendy Sockett, C/O Park Leisure 2000 Ltd,
1 Tudor Court, York Business Park, York, YO26 6RS**

ADDITIONAL REPRESENTATIONS

Further representations have been received from two local residents. In summary the points raised are as follows:

- Whilst the number of caravans proposed on Area B has been reduced from 68 to 41, thus reducing the overall number of additional caravans from 122 to 95 (as noted in paragraph 1.8) the total area of open pastureland that will be lost to the proposed development has NOT been commensurately reduced.

- With regard to the appeal decision at Tom's Patch the Planning Inspector considered and weighed a number of relevant factors and he was able to conclude that the negative visual impact on the Locally Designated North Herefordshire Timbered Plateau Landscape arising from the proposed development was sufficiently large, on its own, to outweigh the limited benefits arising from the development proposal, thus rendering it "not sustainable" in Framework terms.
- The Principal Planning Officer has identified all the main factors and both he and the Landscape Officer have tried to be extremely even handed in their approach, even possibly "over discounting" some of the clear arguments weighing against this development project. However I feel that the simple conclusion drawn in the Committee Report dated 4 May 2018 that there is therefore an automatic presumption in favour of Sustainable Development (NPPF paragraph 14) does not sufficiently consider the requirement for the preliminary "Framework sustainability balance".
- I would suggest that insufficient weight has been given to the cumulative impact of the proposed development (a large increase in the locally developed area). This is a negative impact on not only the nature and "grain" of the landscape when viewed from WITHIN the AONB but also on the direct cumulative impact on the views TOWARDS the AONB when viewed across the two proposed Malvern View development sites A & B, particularly from Woodend Lane and Linley Green Lane.
- In the Autumn and Winter all the indigenous mitigation screening disappears. The proposed recreation complex east/west ridge oriented zinc metal roof will be a new alien feature and will be clearly visible from higher elevations within the AONB. It will give rise to glint and glare particularly in the winter when the sun is low and during the summer from mid-afternoon onward.
- The Rock Farm Appeal Decision and general comments in the Tom's Patch Appeal Decision regarding the negative visual impact arising from so called "dense mitigation planting" (paragraphs 17 & 18) and regarding the lack of cover in Winter as a result of native deciduous mitigation planting (paragraph 12) made by Planning Inspector Tudor in the Tom's Patch Appeal Decision clearly apply in respect of this proposed development. The weight to be given to the proximity to the Bromyard Downs (Rock Farm Appeal) (3.1 kilometres) in that case is very similar to the proximity to the Suckley Hills AONB (2.1 kilometres) where the highest status of protection should apply to views both towards and from the AONB.
- The setting of the Boyce Farmhouse Grade II Listed Building has never been considered in any of the previous development proposals for the site. The standing seam grey zinc roof of the proposed new swimming pool will intrude significantly within the setting of the Listed Building when it is viewed locally from higher ground to the South on public footpaths near The Wootons, Acton Beauchamp, looking north, particularly during the Autumn and Winter months when indigenous mitigation planting will be ineffective.
- The more distant panorama including Clater Park & Gardens Grade II Listed Building on the slopes of the Bromyard Downs above the Malvern View Caravan Park will also be negatively affected when viewed from public footpaths on higher ground near The Wootons looking North across proposed development Area B (41 new caravans), which will appear prominently as a new negative feature in the foreground of the view.
- The lack of a Neighbourhood Plan should not automatically count "against" in respect of a major planning decision such as this.
- The caravan park is likely to provide for low cost second homes rather than tourist rental holiday opportunities and the visitor spend will be commensurately lower. I would concur with the Principal Planning Officer's observation and this does not sit well with the Herefordshire Core Strategy Policy E4 – Tourism as a clear justification for the proposed development. Caravan owners will bring most grocery provisions for short-term breaks from their own primary residences. There will of course be some marginal additional benefit to local pubs and restaurants from second home visitors particularly during the school holidays. However the incremental economic benefit from 95 additional occasional visitors (compared with the already existing 274

caravans) is not an adequate justification for a further permanent major encroachment into the rural environment particularly during the Winter when all the pain in the landscape is exposed through lack of tree and hedge cover and none of the benefit accrues to the local residents and businesses in Herefordshire because the caravan park is empty.

- Much emphasis in its recent plans has been placed by Malvern View Country Park on improving and upgrading the quality of the facilities on-site including a bar and licensed restaurant. In addition other activities are offered there, including a swimming pool and health and leisure spa (and they already have planning permission for a nine hole golf course) all designed to offer existing caravan owners plenty of opportunities to keep them within the caravan park for a significant proportion of the time and to ensure increased on-site spend.
- A significant proportion of any economic benefit in this case would probably not accrue to Herefordshire businesses as the Malvern Hills AONB is more likely to be a destination for visitors. The local residents of Stanford Bishop would necessarily carry ALL the “negatives” in terms of the impact in their local rural residential environment (including increased local traffic in the very narrow country lanes, night time local urbanised caravan park illumination particularly in the winter the local environmental impact of additional visiting dog walkers) with virtually none of the economic benefit.

OFFICER COMMENTS

The first bullet point infers a need to commensurately reduce the size of site B given that the number of caravans proposed has been reduced. The purpose of reducing the number of caravans proposed has been to introduce more substantial areas of landscape planting, particularly the extension of the woodland block that bounds the site to the south. It is right that this should be contained within the ‘red line’ of the application site and thus the site area has not been reduced commensurately with the number of caravans proposed.

Issues relating to landscape impact and the impact upon the AONB have been discussed at length within the main body of the report. The further comments made disagree with the conclusions of the case officer and Landscape Officer in terms of these impacts and do not present any new information to lead officers to a different conclusion. This includes the appeal decisions at Rock Farm and Tom’s Patch and the differences between the application site and, in particular, Tom’s Patch, are explained in the Landscape Officer’s comments at paragraph 4.4.

With regard to the impact of the proposed development on the significance of designated heritage assets, your officers are quite clear that the impacts are negligible. This is covered at length by paragraphs 6.24 to 6.35 of the main report.

During the site visit a question was asked about the implementation of highway improvement works around the junction of Woodend Lane and the B4220 and it was suggested that these works should be implemented before any caravans are occupied. The wording of condition 15 would address this as it requires that none of the approved development is occupied until the off-site highway works are complete.

A copy of the appeal decision at Tom’s Patch is referred to in the officer’s report. For clarification, a copy is appended to this update sheet.

CHANGE TO RECOMMENDATION

No change to the recommendation