

# **PLANNING COMMITTEE**

**Date: 27 June 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

**180603 - FULL PLANNING APPLICATION FOR A PAIR OF SEMI DETACHED TWO STOREY THREE BED DWELLINGS, ASSOCIATED INFRASTRUCTURE AND LANDSCAPING. AT LAND WEST OF ST JOHN THE BAPTISTS CHURCH AND WEST AND SOUTH OF CHURCH HOUSE, ASTON INGHAM, ROSS-ON-WYE,**

**For: Mr Edwards per Miss Jane Wormald, 2 Pitt Cottages, Huntsman Lane, Raglan, Usk, Monmouthshire, NP15 2BE**

### ADDITIONAL REPRESENTATIONS

A further representation together with a video clip has been received from Mr Pettit (resident of Church Cottage), which is set out below:

A number of issues have come to light which I think need attention prior to the hearing.

The first concerns a number of videos submitted by local residents to refute the applicant's view that the land in this application does not flood. We have submitted a number of videos but these two videos taken in 2014 clearly refute this claim. However I am aware that videos are not made available on the Authority's Planning web pages. I am not suggesting this is an attempt to hide information rather than the technical issues which applies to all such videos on this website. However if the councillors sitting on this committee only access information via these web pages they will not be aware of their existence.

This is particularly relevant as the councillors are visiting the site on Tuesday when the grass and weeds have been allowed to grow out of control and the stream is nothing but a trickle. The videos portray a different and relevant scenario when the flow of water could actually be life threatening to young and old potential residents

Could I be assured that these two videos are circulated to the committee members so they are aware of the flooding issues. I am aware they cannot be shown on the day of the hearing but I do feel they are relevant and should be available.

The two videos were recorded in 2014. They clearly show the flood both in the adjacent residents' gardens but more significantly on the lane and the land proposed for development. Please note these floods are totally unaffected by the small wall as the water flows through the saturated land and under the wall rather than over the wall (as claimed by the applicant).

The second issue focuses on the pre-app advice provided by the Authority to the applicant, both for the original application and for this current application. My understanding of both Freedom of Information and Data Protection reveal that both documents should be public and made available on request. As both are extremely pertinent to the application, failure to produce these reduces the abilities of the committee to make a fair decision i.e. with both sides having access to all of the relevant information.

Finally I have been in touch with Historic England. I am making you aware of this as again the evidence used in the Planning Officer's report could be invalidated. Basically I have sent to Historic England Herefordshire's own Building Conservation Officer's report and the report from an expert on planning involving historic assets. Both clearly object to the development but the Planning Officer prefers the single report from Historic England. I wrote to Historic England asking how their officer can support this development when the reports objecting to

the development, above, are applying the criteria established by Historic England in their guidance on “The Setting of Heritage Assets”. I am waiting for a response but asked them to urgently review their decision to support to this development.

## OFFICER COMMENTS

Paragraph 1.5 comments on additional documents that accompanied the original submission. This should also include a topographical survey and Tree Survey with arboricultural constraints.

For the avoidance of any doubt, in addition to the No Objection set out at paragraph 4.5 (Land Drainage), below is the concluding summary of those comments, which followed from further clarification:

*In principle, we do not object to these proposals, however the following information should be provided as part of suitably worded planning conditions:*

- A detailed surface water drainage strategy clarifying the size of the rainwater harvesting storage tanks;*
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;*
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.*

Paragraph 6.49 should read:

*The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 14 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.*

Footnote 9 restrictive policies are applicable given the setting of the listed asset.

## NO CHANGE TO RECOMMENDATION

**180256 - PROPOSED CAMP SITE AND TEMPORARY DWELLING. THIS IS AN AMENDED APPLICATION THAT IS A RESUBMISSION OF APPLICATION NO. 172848 REFUSED 6TH OCTOBER 2017 AT PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN**

**For: Mr And Mrs Rennick per Mr Christopher Knock, Tinkers Grove Cottage, Eastnor, Ledbury, Herefordshire HR8 1RQ**

## ADDITIONAL REPRESENTATIONS

An additional representation has been received from an **objector**, who comments –

The landscape, biodiversity and historic heritage context of the application site, its long-recorded cultural and land management history, and appropriate weight given to Core Strategy and NDP policies demand that this application should be refused. In addition, the following material considerations support refusal:

**Right development in the right place?** Contrary to the Committee Report (para 6.1.3), there is a campsite facility in the village - the recreation ground at Watery Lane, used as an occasional camping/caravan site, is closer to the village centre and local facilities and could be developed on a permanent basis without the adverse impacts of the proposal on land adjacent to Playford. There are other permanent camping/caravan facilities in close proximity (e.g. Haywood Farm at Swagwater Lane HR9 7EB, which is <7 miles away).

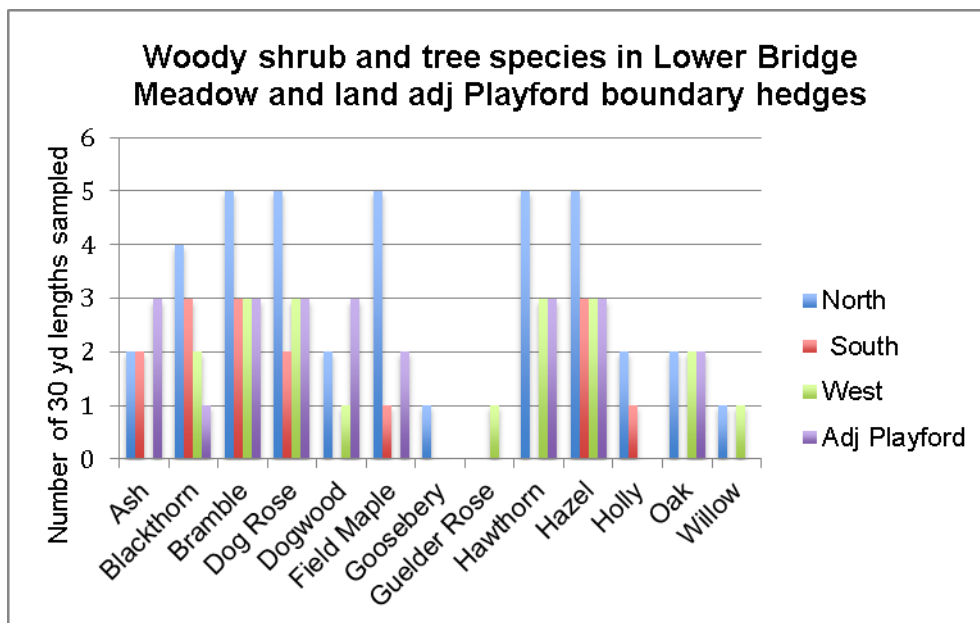
**Proven need for this rural business proposal in this location?** During the last 25 years there has been no event when the camping/caravan sites at Watery Lane, Rye Meadows and land adjacent to Walwyn Court not been able to meet demand (e.g. the Steam Rally and Model Aircraft Show). All of these sites are close to the village centre and local facilities.

**Evidence of sustained functional need for a temporary dwelling?** Page 12 of the 'Application and Steps to Date' supporting document cites personal circumstances as justification for a temporary dwelling and the business proposal as an adjunct to the dwelling (rather than vice versa) to "generate a modest but sustainable income". The refusal of an appeal at Stanford Bishop (P162809/F) for 40 holiday caravans and a 'managerial lodge' provides precedent in this case.

**Proposal of "high quality, sustainable design" and "carefully sited" in context of Core Strategy Policy RA4?** The plans submitted show that the proposed temporary dwelling and ancillary buildings are not of a "high quality, sustainable design"; nor are they "carefully sited" in relation to the Grade 2 listed cottage at Playford. There is no coherent relationship with the existing settlement pattern represented by buildings at Ladycroft and Playford, nor with the predominant built form of Much Marcle which is linear and set back from, but in close proximity to the roadside.

**Highways/Landscape impact & roadside hedgerow?** The Committee Report (para 6.28) states "*It is advised that since speeds are higher than 37.2 mph, the highest visibility splay distances are required. The speeds equate to 116.4m and 129m respectively. The provision of the visibility splays would require a large section of hedgerow to be removed to the south, whilst the visibility splay to the north appears to affect land which is not in either highway land or land owned by the applicant*". Whereas The Protected Species Survey Report (May 2017) asserts "*The Western hedge that runs alongside the road appears to be fairly recent*"... (Page 5, para 5.2). Evidence to support this conclusion is weak and there is strong evidence to the contrary:

- Documentary evidence shows the boundary and line of the B4024 Dymock Road are unchanged since the 1797 Inclosure map and the 1839 Tithe map;
- Hedge bank and ditch are continuous along the entire length of this hedge;
- Dog's mercury, lords and ladies, and wild daffodils within the bottom of the hedge are indicators of longevity and assert from former ancient woodland;
- Average number of woody shrub and tree species along this length of hedge is 7.3 (from 3 x 30 yard samples), which by applying Hooper's rule (Pollard et al 1974), could potentially age this hedge at 840 years old and comparable in age and biodiversity value to the northern hedge of Lower Bridge Meadow (Local Wildlife Site SO63/21) on the opposite side of the B4024 Dymock Road – see comparative table below.



Contrary to the conclusions of the Protected Species Report (May 2017), the hedge that runs along the B4024 meets the important hedgerow criteria (Page 15 of the report) Nos 5, 7, 8 (i), (ii), (iv), (v), (vi), and (vii).

The highways visibility splay required to achieve what's required to approve this application would necessitate the removal of the entirety of a species-rich hedgerow that has been demonstrably unchanged since the 1797 Inclosure map and in all probability for a long period before that date.

**Conclusion.** This proposal is space hungry, traffic-generating, energy inefficient sprawl, which pays no respect to local character, cultural history and landscape setting. It is contrary to the 1947 Act origins of the Town and Country Planning system – this is 'plotlands' re-visited and should be refused on that basis.

Following a further visit to the site to assess the impact of providing the recommended visibility splays, The Ecologist comments as follows:

There are no tree issues – only a small, scrubby ash in the hedgerow.

However, the amount of hedge would require translocating/replanting is extensive and I would be concerned about the biodiversity impact of its removal, however, temporary for bats commuting and as habitat nesting birds. In a quick inspection of the woody species in the hedge, I believe the hedgerow would constitute a species rich, potentially an Important Hedgerow.

In addition, the removal of hedge which is out of the applicant's ownership I suggest is a significant factor.

## OFFICER COMMENTS

The comments are noted. The Officer Report sets out a broadly similar position in general to the objectors' concerns, which are recognised. Refusal is recommended on landscape, environmental and sustainability grounds along with non-compliance with the Much Marcle Neighbourhood Plan which has significant weight. The lack of justification for the dwelling is also set out within the Report. Furthermore on the basis of the required visibility splays, which would necessitate extensive hedgerow removal as the objector and Ecologist states, the required visibility splays cannot be implemented.

## CHANGE TO RECOMMENDATION

Refusal is recommended as set out within the recommendation section of the Report together with an additional reason for refusal:

The extent of the loss of hedgerow required to provide for the necessary visibility splays at the proposed site entrance would be harmful to the biodiversity value of the site and surrounding area, contrary to policy LD2 of the Herefordshire Local Plan Core Strategy, Policy NE2 of the Much Marcle Neighbourhood Development Plan and the guidance provided by the National Planning Policy Framework

**173699 - PROPOSED RESIDENTIAL DEVELOPMENT OF 5 DWELLINGS, INCLUDING THE FORMATION OF A VEHICULAR ACCESS, PROVISION OF AN ORCHARD AND COPPICE STRIPS, FOUL DRAINAGE TREATMENT PLANTS AND OTHER ASSOCIATED WORKS AT LAND AT WOONTON, WOONTON, ALMELEY,**

**For: Mr Mills per Mr Geraint Jones, 54 High Street, Kington, Herefordshire, HR5 3BJ**

## ADDITIONAL REPRESENTATIONS / COMMENTS

*Comments from Parish Council (via Cllr Phillips)*

The support for the application seems to be based on the fact that the NDP is only at 14 – we have now submitted at 15 and therefore likely to be at 16 by next week – would this discrepancy be worth pointing out to the planning officer and councillors involved as I would not like to see them going into the meeting with the wrong information – especially as it has such an influence.

*Additional representations has been received from **two objectors**. The content of these can be summarised as follows;*

- Woonton is not a village and lacks services and facilities
- The Officer report incorrectly states Woonton Farm is to the north east of the site. It is actually to the west.
- The development would lead to the loss of visual amenity and views for residents and road users on the C1079.
- The loss of hedgerows would be harmful to biodiversity and contrary to LD2 and LD3.
- The inclusion of a pedestrian footway would suburbanise the character of the hamlet.
- The NDP group has chosen to support the Woonton Farm site for housing. It does not support this site.
- The lack of interest in other approved sites by developers suggests there is no need for new housing in Woonton
- There is an issue with a high water table in the settlement which makes development difficult.
- The harm to listed buildings cannot be mitigated by any means.

- The proposal would harm the character of the landscape and settlement and will reduce the sense of openness in this part of the village.
- There will be no means to prevent the future planting of trees or hedges in the future, which will block views further.
- The proposal is not proportionate growth.
- The proposal would result in increased noise and would disturb the ambience of the area.
- The report has not addressed the loss of agricultural land.
- The sub-soil and ground conditions in Woonton means drainage is near impossible
- The submitted drainage statement is not adequate.
- The Council will be liable for any future failures of the drainage systems and the damage this causes.

## OFFICER COMMENTS

The draft Almeley Neighbourhood Development Plan (NDP) has been submitted to Herefordshire Council and will commence its Regulation 16 consultation on the 27<sup>th</sup> June 2018. In accordance with the principles set out by Paragraph 216 of the NPPF and a number of legal judgements (notably the Hurstpierpoint case), an emerging NDP can only be considered to hold material weight when it has concluded its Regulation 16 consultation period and any responses received have been considered. The Almeley NDP is therefore still considered to hold no material weight at this stage and as such there would be no changes to the recommendation.

The additional comments received from local objectors are noted. The matters raised with regards to proportionate growth and the potential for impact upon heritage assets, landscape and townscape character, visual amenity, biodiversity and green infrastructure however are considered to have already been addressed in detail in the Officer's Report. The additional comments received do not change the outcome of the appraisal.

In relation to the additional comments concerning drainage, this matter is considered in section 6.42 of the Officers Report. For the avoidance of doubt however, infiltration tests have been undertaken at the site and soakaway design calculations have been provided in support of the application. The Council's Land Drainage Team have reviewed these and confirm they have No Objection in principle to the proposed means of foul and surface water management subject to the following details being addressed through condition;

- *Demonstration of the location of the surface water soakaways and which dwellings they are serving;*
- *Confirmation of the proposed adoption and maintenance agreements for the surface water soakaways;*
- *A revised foul water drainage strategy which includes individual package treatment plants serving each dwelling. The land on which the package treatment plants and drainage fields are located should be located on land owned by the respective homeowners. The spreaders should be connected to prevent build-up of debris.*
- *The Applicant should clarify how the proposed road will be drained*

Paragraph 1.3 of the Officer's report should read;

*Two listed buildings are identified within the setting of the site. The closest of these is Woonton Farmhouse (Grade II), which is found approximately 20m to the west of the site on the opposite side of Logaston Road. Poole House (Grade II) is found approximately 30m to the north west on the opposite side of the C1079, and fronts onto the open area of common land known as Poole Common. It is currently laid to mown grassland.*

Paragraph 6.16 of the Officer's Report should read;

*In this case the designated heritage assets potentially affected by the proposal are Woonton*

Schedule of Committee Updates

*Farmhouse and Poole House, both of which are listed at Grade II. Woonton Farmhouse is found approximately 20m to the west of the site on the opposite side of Logaston Road.*

**NO CHANGE TO RECOMMENDATION**