

**Minutes of the meeting of Planning and regulatory committee
held at Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX on Wednesday 27 June 2018 at 10.00 am**

Present: Councillor PGH Cutter (Chairperson)
Councillor J Hardwick (Vice-Chairperson)

Councillors: BA Baker, PJ Edwards, DW Greenow, KS Guthrie, JA Hyde,
TM James, MD Lloyd-Hayes, FM Norman, AJW Powers, A Seldon, WC Skelton
and SD Williams

In attendance: Councillors WLS Bowen, H Bramer, BA Durkin and D Summers

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors CR Butler and EL Holton.

2. NAMED SUBSTITUTES

Councillor JA Hyde substituted for Councillor CR Butler.

3. DECLARATIONS OF INTEREST

Agenda item 8: 173699 – Land at Woonton, Almeley

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

Agenda item 9: 181353 – The Old Chapel , Tillington

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

4. MINUTES

RESOLVED: That the minutes of the meetings held on 11 April 2018 and 15 May 2018 be approved as a correct record and signed by the Chairman.

5. CHAIRPERSON'S ANNOUNCEMENTS

None.

**6. 180603 - LAND WEST OF ST JOHN THE BAPTISTS CHURCH AND WEST AND
SOUTH OF CHURCH HOUSE, ASTON INGHAM, ROSS-ON-WYE.**

*(Full planning application for a pair of semi-detached two storey three bed dwellings,
associated infrastructure and landscaping.)*

The Development Manager (DM) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He drew the Committee's attention to the submission of two videos, in addition to the written submission included in the update, showing the brook by the application site in flood with standing water on parts of the site. He added that the comments of the drainage consultant had been omitted from the report but were summarised in the update. The consultant had no objections subject to conditions. The site was not in a flood risk zone. Policy LD4 had been omitted from the list of policies at paragraph 2.1 of the report but the policy implications were fully considered within the appraisal. A correction was required to paragraph 6.49 of the report in that the restrictive policies in footnote 9 of paragraph 14 of the National Planning Policy Framework were applicable given the setting of the listed asset. This meant that the tilted balance in favour of development did not strictly apply. It was within the Committee's remit to give weight to the harm caused by the proposal balancing that against any public benefits of the application.

In accordance with the criteria for public speaking there was provision for Aston Ingham Parish Council to speak on the proposal. As no member of the Parish Council was able to attend the meeting, a statement, which had previously been circulated to members of the Committee, was read out on their behalf by the local ward member. The Parish Council opposed the scheme. Mr P Tufnell, a consultant acting on behalf of a number of local residents spoke in objection to the application. Miss J Wormald, the applicant's agent, spoke in support.

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

He commented that Aston Ingham was a beautiful village. The application should be refused because the application site was adjacent to the church and detrimental to this heritage asset. In addition the site was situated in a crook between a pond and a stream. Video evidence had been supplied of the site being flooded.

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

- It was noted that Historic England had no objection to the proposal but the Conservation Manager (Historic Buildings Officer) (CMHBO) did object.
The DM commented that there was a difference of opinion as to the significance of the harm the development would cause. He reiterated that in conducting the planning balance the Committee needed to weigh the harm against the scheme's benefits.
- Several members expressed the view that the development would be detrimental to the village. The CMHBO had provided a thorough assessment of the proposal in his response. Their conclusion was that the harm to heritage assets did outweigh any benefits of the scheme and the application should be refused.
- A contrary view was that Heritage England had no objection and the site would provide much needed housing.
- Concerns were expressed about the risk of flooding, and disposal of foul sewage through package treatment plants, including a request for clarity about their maintenance.

The DM commented that the drainage consultant had no objection subject to the conditions which included reference to agreeing a maintenance regime. In terms of the application of a sequential test, the site was in flood zone 1 and at the lowest risk

of flooding according to the Environment Agency's assessment. He therefore cautioned against giving weight to this aspect.

- The undeveloped site had a natural beauty that should be preserved.
- It was suggested that the progress being made in achieving the indicative minimum housing growth target in the parish itself was reasonable. The failure to achieve a five year housing land supply for the county as a whole was attributable to the lack of progress in developing the strategic housing sites. This overall shortfall should not mean that unsuitable development in smaller areas of the county such as Aston Ingham should be permitted.
- The DM clarified that without a cross-section it was difficult to assess the slab levels but on the evidence available there would be a differential of between 340-820 mm in the height of the floor level above existing ground levels.
- The Lead Development Manager added that the Committee had to weigh their concern about the impact on the heritage asset against the shortage of housing. An Inspector would base their assessment of an appeal on the fact that the council did not have a five year housing land supply. The council had previously sought to advance the argument that housing provision in a particular area was on track to meet the need identified in the Core Strategy for 2031 but legal advice was that sub-division of the county in calculating the housing land supply was not permissible.

The local ward member was given the opportunity to close the debate. He commented that the Parish had not been resistant to housing development. There were other sites in the village where development would be preferable. The current proposal would cause harm.

Councillor Greenow proposed and Councillor Guthrie's seconded a motion that the application be refused on the grounds that it would cause significant harm to a heritage asset and fundamentally change the character of an area and was therefore contrary to policies LD1, LD4 and SS6 of the Core Strategy. The motion was carried with 12 votes in favour, 1 against and no abstentions.

RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies LD1, LD4, and SS6 and officers named in the Scheme of Delegation to Officers be authorised to detail these reasons.

7. 180256 - PLAYFORD, MUCH MARCLE, LEDBURY, HR8 2NN

(Proposed camp site and temporary dwelling. An amended application, a resubmission of application 172848 refused under delegated powers 6 October 2017.)

The Development Manager (DM) 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, Mrs R Rennick the applicant spoke in support of the application.

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

He made the following principal comments:

- There was considerable local support for the application.

- The proposal was to create an eco-focused sustainable tourism site. It was not a simple camping site. It was consistent with the three dimensions to sustainable development in the National Planning Policy Framework: economic, social and environmental.
- An independent assessment provided with the application confirmed that the proposal was financially sustainable and the report indicated at paragraph 6.12 that officers accepted this point.
- It was consistent with policies RA6 and E4.
- It was in keeping with provisions with paragraphs 84 and 85 of the consultation draft for a revised National Policy Planning Framework. Whilst carrying no planning weight at the moment this was indicative of government thinking.
- The Neighbourhood Development Plan (NDP) supported rural enterprise. The report suggested the development was contrary to policy SD1 of the NDP. However, the introduction to the NDP was supportive of sustainable development in the countryside.
- Those residing on the site would face a road safety environment, for example in relation to crossing the A449, no different to that with which current residents had to cope.
- People using such sites would not be unwilling to walk or cycle less than a mile that would bring them to the centre of the village.
- The provision of overnight stays would boost economic development in the locality and further afield.

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

- The environmental impact had to be balanced against the economic impact. The scheme had the potential to be economically sustainable and of value to the county.
- The proposal had the support of the majority of the local community.
- The proposal represented sustainable development supporting the rural economy and tourism and the environment.
- It was unsurprising that a development of this nature was outside the settlement boundary.
- Moving the proposed access meant that there would be a minimal effect on the listed building in the vicinity.
- The strength of the parish council's opposition was questioned.
- The proposal would have an adverse impact on a grade 2 listed cottage, abutting its hedgerow.
- A considerable length of hedgerow would have to be removed to create a safe access.
- The principle of the scheme was sound but it was in the wrong place.
- The Lead Development Manager commented that consideration needed to be given to the impact on the listed building, the access (noting that part of the visibility splay was outside the applicant's control), and the location, which would entail limited car use. If approval were granted conditions should be attached in relation to the occupancy of the temporary dwelling.
- The DM confirmed that a limited bus service ran to Much Marcle. It was noted that the bus stop was half a mile from the site.

- Clarification was sought on the nature of the proposed three-bedroomed temporary dwelling and whether this was necessary and appropriate.

The DM clarified that the proposed dwelling would not be mobile and/or meet the definition of a caravan. It would be a highly insulated log cabin type of dwelling. There was a question mark over applying a temporary condition to such a dwelling.

In the light of uncertainty about the temporary dwelling and the access in particular, it was proposed that consideration of the application should be deferred for further consideration.

The local ward member was given the opportunity to close the debate. He commented that he did not consider that the proposal would have an adverse effect on a much loved view out from Much Marcle. The Parish Council had originally supported a proposal that had involved caravans but were now opposed. The topography would hide some of the buildings. Rural enterprise was to be encouraged in line with government intentions. The site also had educational benefits.

Councillor Seldon proposed and Councillor Lloyd-Hayes seconded a motion that the application be deferred pending receipt of further information. The motion was carried with 13 votes in favour, none against and no abstentions.

RESOLVED: That consideration of the application be deferred pending receipt of further information.

(The meeting adjourned between 11.58 and 12.22)

8. 173699 - LAND AT WOONTON, ALMELEY.

(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.)

(Councillor WC Skelton had left the meeting and was not present during consideration of this application. Councillor Norman also left the meeting.)

The 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 B Hall of Almeley Parish Council spoke in opposition to the Scheme. Sue Powell, a local resident, spoke in objection. Mr G Jones, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, there was the provision for the local ward member to speak on the application. Councillor Skelton had had to leave the meeting. Councillor Baker read a statement that he had been intending to deliver.

The statement contained the following principal comments:

- Woonton was a small hamlet in the Almeley parish with 15 built residencies and 14 permissions recently granted. Whilst noting the absence of a five year housing land supply it was questioned what would represent proportionate growth.
- There was strong local feeling against the application which had been developed without any reference to the neighbourhood development plan (NDP) working group

or consultation with the community. This was contrary to the National Planning Policy Framework (NPPF).

- The report stated that the Almeley NDP did not carry any weight for the purpose of decision making. The NDP began regulation 16 consultation on June 27 2018. Following local consultation the NDP had identified the proposed development sites in Almeley Parish and the application site was not one of them. In a matter of a few months the application would be refused as contrary to policy.
- The view that no weight could be given to the NDP had been challenged. There were also some concerns about the drainage issues. A deferral was requested to permit these matters to be reviewed.
- If the Committee was not minded to defer the matter the application could be refused on the grounds that it was contrary to a number of policies in the core strategy: HA2 and LD1.

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

- The Lead Development Manager (LDM) clarified that the NDP commenced its Regulation 16 consultation on 27 June 2018. It was a material consideration but had no weight in the planning balance.

With reference to housing approvals already granted in Woonton and what constituted proportionate growth, he also confirmed that the core strategy's indicative minimum requirement for homes was calculated in relation to Almeley Parish as a whole.

- In response to a question of the five year housing land supply the LDM confirmed that the calculation was produced annually and the supply as at April 2017 had been 4.54 years. Information was being collated to produce the April 2018 calculation.

A request was made that the presentation of this information in reports to the Committee should be clarified and made consistent.

- The location was appropriate for development and in keeping with the locality. Five dwellings would not have a significant impact and would represent proportionate growth. The scheme was in the right position, of low density and of good design.
- The Drainage Manager had no objection and it should be feasible to accommodate 5 additional properties.
- In response to a request for further assurance on the disposal of waste water the Planning Officer (PO) commented that tests had been undertaken and the Drainage Manager was content that foul and surface water could be disposed of adequately. In terms of groundwater quality Natural England had no objection to the proposal. The Conservation Manager (ecology) also had no objection.
- It was asked if steps to be taken to ensure that the entrance and turning head could be designed to prevent further development. The PO commented that the access had been designed to support the five dwellings. The constraints of the site and the character of the landscape militated against further development.
- The loss of grade 2 agricultural land was to be regretted and the NPPF referred to safeguarding such land.
- Several members indicated that they could not identify grounds for refusal.

The LDM commented that the scheme was low density, of good design and used appropriate materials. Whilst not of weight at its current stage once approved the Almeley NDP would be of benefit in determining any further applications for development.

Councillor Greenow proposed and Councillor Lloyd-Hayes seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 10 votes in favour, none against and 2 abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the Scheme of Delegation to Officers.

1. C01 - Time limit for commencement (full permission)
2. C08 - Development in accordance with approved plans (as amended)
3. C13 - Samples of external materials (to include full details of doors and windows)
4. C65 - Removal of permitted development rights
5. C96 - Landscaping Scheme
6. C97 - Landscaping scheme implementation
7. C99 – Tree Planting
8. CA1 – Landscape Management Plan
9. CAP - Off site works (footway provision within highways land)
10. CAB - Visibility Splays – 2.4m (X distance) x 33m (Y distance)
11. CAC - Visibility over frontage (2 metres)
12. CAE - Vehicular access construction
13. CAH - Driveway gradient
14. CAL – Access, turning area and parking
15. CAZ – Parking for site operatives
16. Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Churton Ecology dated September 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

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

17. Nature Conservation – Enhancement

Prior to commencement of the development, a detailed habitat enhancement 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 and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

18. CCK - Details of slab levels
19. CBK – Restriction of hours during construction
20. CBM – Scheme of foul drainage disposal
21. CBO – Scheme of surface water drainage disposal
22. No access gates/doors shall be installed on the shared access hereby approved without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. I05 - No drainage to discharge to highway
3. I08 – Section 278 agreement
4. I09 – Private apparatus within highway
5. I11 – Mud on highway
6. The habitat enhancement plan, based on the Ecological Report by Churton Ecology dated September 2017 should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new buildings as well as consideration for hedgehog houses and hedgehog movement within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.
7. The landscaping plan should include full details of all proposed tree, shrub and hedge planting plus any new or reseeded grass areas. Locally typical, native species with stock of local provenance should be used

where practicable. Details supplied should include details of native species mix, stock specification, planting and protection methodology and a 5 year establishment and subsequent 5 year maintenance plan. Elder, Ivy and Dog Rose are not considered as appropriate 'woody' species to be included in the hedge. Hornbeam should normally be used instead of Beech. 'Exotic' species will only be considered where they are appropriate to existing established planting and landscape character (eg historic parkland or in an 'urban' environment). All orchard planting should utilise very vigorous 'standard' rootstocks and be of historic, locally characteristic varieties with relevant Traditional' Standard' Tree spacing, support and protection (Natural England's Technical Information Notes are helpful guidance). As detailed in the Council's Highway Design Guide for New Developments no thorny species should be planted immediately adjacent (allowing for normal growth) to a footway/public footpath/pavement or within 3m of a cycleway.

8. I33 – Wildlife General

9. I35 – Highways Design Guide and Specification

9. 181353 - THE OLD CHAPEL, TILLINGTON, HEREFORD, HR4 8LW

(Proposed link single storey extension to the dwelling and detached single storey garage and store.)

(Councillors Greenow, James, Norman and Powers and had left the meeting and were not present during consideration of this application.)

The Planning Officer gave a presentation on the application.

Councillor WLS Bowen fulfilled the role of local ward member and in accordance with the council's constitution, spoke on the application.

He outlined the proposal noting that there were no objections to the application and that it complied with policy.

Councillor Edwards proposed and Councillor Williams seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 9 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation:

1. A01 Time limit for commencement (full permission)
2. B02 Development in accordance with approved plans and materials

INFORMATIVE:

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.

10. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 1.22 pm

Chairman

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).

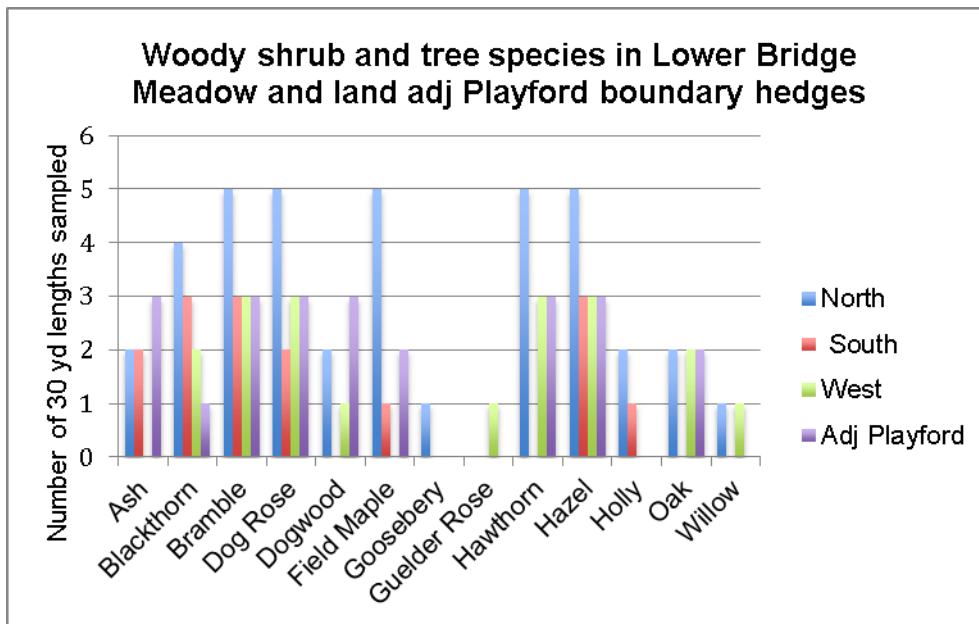
Proven need for this rural business proposal in this location? During the last 25 years there has been no event when the camping/caravan sites at Watery Lane, Rye Meadows and land adjacent to Walwyn Court not been able to meet demand (e.g. the Steam Rally and Model Aircraft Show). All of these sites 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 27th 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