

**SUPPLEMENT TO THE AGENDA FOR**

# **Planning Committee**

**Wednesday 7 October 2015**

**10.00 am**

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,  
HR1 2HX**

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# **PLANNING COMMITTEE**

**Date: 7 October 2015**

## **MORNING**

### **Schedule of Committee Updates/Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

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

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

### OFFICER COMMENTS

#### Core Strategy

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

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

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

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

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

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

#### Off-site play contribution

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

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

#### **CHANGE TO RECOMMENDATION**

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

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

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

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

#### **OFFICER COMMENTS**

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

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

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- 2. Their locations make best and full use of suitable brownfield sites wherever possible;*
- 3. They result in the development of high quality, sustainable schemes which are appropriate to their context and make a positive contribution to the surrounding environment and its landscape setting; and*
- 4. They result in the delivery of schemes that generate the size, type, tenure and range of housing that is required in particular settlement, reflecting local demand.*

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

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

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

### **Section 106**

Off site play

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

Highways

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

### **CHANGE TO RECOMMENDATION**

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

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

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

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

Core Strategy

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

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

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

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

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

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

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

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

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

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

#### **OFFICER COMMENTS**

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

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

#### **NO CHANGE TO RECOMMENDATION**

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

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

#### **ADDITIONAL REPRESENTATIONS**

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

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

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

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

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

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

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

## 1. CORRECTIONS TO PLANNING REPORT

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

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

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

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

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

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



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

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

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

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

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

## 2.0 CONCLUSIONS

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

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

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

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

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

#### **OFFICER COMMENTS**

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

#### **NO CHANGE TO RECOMMENDATION**

# PLANNING COMMITTEE – 7 OCTOBER 2015

## PUBLIC SPEAKERS

### MORNING

#### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
7	Mr Price	Proposed residential development of up to 90 dwellings, with provision of a site for a community building and associated open public space at <b>Land adjacent to new house farm and Marden Primary School Marden.</b>	150989	47
PARISH COUNCIL SUPPORTER		MRS S GLADWIN (Marden Parish Council) MR A PRICE – Mr M BARRY (applicant's agent)		
8	Mr Edwards	Proposed residential development for 24 dwellings at <b>Land opposite playing fields, Pyefinch Burghill, Herefordshire</b>	151316	69
PARISH COUNCIL OBJECTOR SUPPORTER		MRS H PHILPOTTS (Clerk Birghill Parish Council) MRS J HELME (local resident) Mr M OWEN (applicants agent)		
9	David Wilson (Mercia) Ltd	Homes Proposed residential development of 69 dwellings of which 24 will be affordable, accompanied by associated infrastructure and public open spaces at <b>Land adjacent to Southbank, Withington, Herefordshire.</b>	151150	91
PARISH COUNCIL OBJECTOR SUPPORTER		Mr P BAINBRIDGE (Withington Group Parish Council) Ms C JONES (local resident) MS S GRIFFITHS (applicants agent)		

10	Mr & Mrs Gullis	Proposed earth sheltered dwelling to replace an existing stable and storage building on a previously developed site at Stable and yard north of Mews House, Mordiford, Herefordshire	143272	111
<b>SUPPORTER</b>		<b>Mr G Thomas (applicant's agent)</b>		