

**SUPPLEMENT TO THE AGENDA FOR**

# **Planning Committee**

**Wednesday 10 December 2014**

**2.00 pm**

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

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# **PLANNING COMMITTEE**

**Date: 10 December 2014**

## **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**

**P141917/F - PROPOSED CONSTRUCTION OF 27 DWELLINGS TO INCLUDE 9 AFFORDABLE, NEW ACCESS, SUSTAINABLE DRAINAGE AND LANDSCAPE WORKS AT LAND WEST OF PATRICK ORCHARD, CANON PYON, HEREFORDSHIRE, HR4 8NY**

**For: Mr Pryce per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Pontrilas, Hereford, Herefordshire HR2 0EL**

### **ADDITIONAL REPRESENTATIONS**

One additional letter of representation has been received from Chris Nugent Canon Court. This letter has been circulated to Members and has been published to the website. The letter provides a response to comments from the Emergency Planning Officer and further comments on sites that may be sequentially preferable for development in Canon Pyon as identified in the emerging Neighbourhood Plan.

Three additional letters of support have also been received that confirm that whilst there is surface water that runs from Nupton Lane past the Nags Head the run-off is not so deep or run so fast that it has been impossible to drive or walk through. They also confirm that the site will be in an ideal location in the middle of the village.

### **OFFICER COMMENTS**

The additional queries in respect of the sequential testing have been further considered through reference to the 2012 Strategic Housing Land Availability Assessment that clearly identified that the site with Planning Permission to the south and the application site were the two sequentially preferred sites in the village for residential developments.

### **NO CHANGE TO RECOMMENDATION**

**P141022/F - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 29 DWELLINGS WITH ASSOCIATED PRIVATE DRIVE, LANDSCAPING AND EXTERNAL WORKS AT LAND AT PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NN**

**For: Mr Tomkins per Mr T J Ford, 30 Grove Road, Hereford, Herefordshire, HR1 2QP**

### **ADDITIONAL REPRESENTATIONS**

Correspondence has been received from the Environment Agency. Based on the detail contained within the Flood Risk Assessment submitted they are minded to object to the proposal and request additional information in order to make an informed decision on the flood risk associated with this site.

They note that the site lies within Flood Zones 2 and 3 and therefore expect confirmation that the Sequential Test has been considered and that there are no alternative sites in an area of lower risk.

They also advise that The FRA must confirm that the development will be safe over its lifetime and will not act to increase flood risk elsewhere.

They conclude that the FRA does not currently demonstrate that the development is safe when climate change impacts are considered or that flood risk elsewhere will not be increased as there is insufficient detail on the flooding of the site during a 1 in 100 year plus climate change events.

One further letter of representation has been received expressing concern that there has been no archaeological investigation of the site. It also reiterates concerns raised about the density of the scheme.

The Council's Archaeologist has commented on the application in light of the additional representation received and raises no objection to the proposal subject to the imposition of a condition to require archaeological investigation prior to the commencement of development.

## **OFFICER COMMENTS**

The comments made by the Environment Agency have not taken into account additional information submitted by the applicant's agent following an initial consultation response from the council's Land Drainage Engineer. The further information addressed similar concerns raised by the Land Drainage Engineer to those latterly raised by the Environment Agency. The Environment Agency have indicated in a separate email that their concerns relate solely to fluvial flood risk and it is not envisaged that the objection made is insurmountable.

The matter of sequential testing has also been raised. The site is predominantly located within Flood Zone 2 and the NPPF requires that consideration be given to sites in less vulnerable locations in the first instance.

There will be sequentially better sites to develop in Leominster in terms of flood risk – the proposed site for the urban expansion being one. However, there are other material planning considerations to be taken into account and these are as follows:

- The fact that this is previously developed land
- The fact that planning permission has previously been granted for residential development on the site.
- The fact that two separate developments have been granted immediately adjacent that also lie within a Flood Zone 2 area
- The fact that the Council does not have a five year housing land supply.

All of these matters weigh heavily in favour of the development and it is not consider that it would be reasonable to refuse the application on grounds that there are sequentially preferable sites.

## **CHANGE TO RECOMMENDATION**

The imposition of an additional condition to require archaeological investigation of the site prior to the commencement of development.

In light of the comments outstanding from the Environment Agency it is recommended that the application is delegated to officers to approve in consultation with the Chairman and local members, subject to the objections raised being addressed.

**P140903/F - PROPOSED ERECTION OF TWO DWELLINGS  
AT LAND ADJACENT TO HIGHTOWN COTTAGE,  
PETERSTOW, HEREFORDSHIRE,**

**For: Mrs Roberts per Mr Colin Goldsworthy, 85 St Owen  
Street, Hereford, Herefordshire, HR1 2JW**

#### **CHANGE TO RECOMMENDATION**

**Amend condition 1 to read:-**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**

**Reason: - Required to be imposed by Section 91 of the Town and Country Planning Act 1990;**

**P141408/F - PROPOSED RESIDENTIAL DEVELOPMENT  
COMPRISING 16 OPEN MARKET HOUSES AND 9  
AFFORDABLE HOMES AT BARLEY CLOSE, WOODSEAVES  
ROAD, EARDISLEY, HEREFORDSHIRE,**

**For: R S Preece & Son per Mr James Spreckley, Brinsop  
House, Brinsop, Hereford, Herefordshire HR4 7AS**

#### **OFFICER COMMENTS**

The Section 106 agreement Draft Heads of Terms attached to the Committee report in Section 3 refers to a total contribution towards off-site play area as being £65,121 This should read as £29135 and therefore the total Section 106 is £160090.

#### **OFFICER COMMENTS**

Paragraph 1.7 of the Committee report refers to the site being subject to the SHLAA as a site with low/minor constraints. This refers to the south east part of the site subject to the SHLAA report, the site forms part of a larger area subject to the SHLAA report, to which it is considered the site as a whole does have significant constraints. However although considered appropriate for development, it is acknowledged that the south east corner is

prominent at one of the main road junctions in the village and is located within the Conservation Area.

### **ADDITIONAL REPRESENTATIONS**

The Emergency Planning Officer has responded to the application indicating:

The EA complex surface water mapping indicates that the proposed access & egress point could be flooded to a 'Significant' hazard level, dangerous for most people for a 1 in 100 event (1% AEP). On the EA Risk of Flooding from Surface Water map this same point is designated with a High risk zone. As safe access at the proposed access & egress point may not be able to be maintained during a flood event the FRA proposes alternative pedestrian access via a route leading out east of the development. The site map indicates that this route will direct residents around or near to an attenuation pond, an open body of water which, during a flood event, could become flooded in excess of 0.39m (the permanent pond level is not clearly marked). As this pond is potentially an additional hazard some thought should be given to having appropriate control measures in place. This could be in the form of landscaping, signage or buoyancy aids; these control measures will have to be maintained and reviewed.

As the site is not for use by vulnerable persons, and is clearly above any expected flood levels, there should be minimal impact on resourcing arrangements in regards to evacuation of the site. One concern could be the rescue of residents vehicles if they choose to enter deep flood waters and so this risk should be communicated to them, especially to those unfamiliar with the area.

If the application is successful I would recommend that a flood risk management plan is put in place to ensure that residents are fully aware that vehicular access & egress to this site could be denied; the potential that due to climate change the frequency of the denial may increase in the future; and that the proposed alternative pedestrian access can be managed and maintained in an appropriate and safe way.

### **OFFICER COMMENTS**

The comments as made by the Emergency Planning Officer are noted and it is recommended that an additional condition is attached to any approval notice with regards to the requirement for details of a flood risk management plan.

### **ADDITIONAL REPRESENTATIONS**

A letter has been from a member of the Eardisley Steering Group for the Eardisley group neighbourhood plan raising concerns about the applicants community engagement with the public prior to submission of the application for planning consideration and how this has been commented upon in the report to Committee.

### **OFFICER COMMENTS**

Information as indicated in the report to Committee is based on information submitted by the applicant in support of the application with regards to community consultation. It is clear that the applicants did engage with the Community prior to submission of the application as advised in the National Planning Policy Framework on consultation with local communities.

### **ADDITIONAL REPRESENTATIONS**

A further letter of objection from a member of the public has been received issues raised can be summarised as follows:

Concerns about changes to the 'attenuation pond' and its impacts on the site. Comment is also made about drainage and ditch design and who will be responsible for their upkeep. Concerns about a suggested footpath along the A4111 and adjoining hedgerow and proposed new planting of trees which is not considered desirable for the outlook from the Grade II\* listed Upper House and its setting. Issues are also raised about internal footpaths and plantings to the north, outside of the application site and loss of on site amenity space. Concerns are also raised about the principle of development on site in relationship to the Eardisley Neighbourhood Plan.

## OFFICER COMMENTS

The amended plan does refer to changes to the on site attenuation pond, however the changes are considered minor and the applicant proposes a pond with biodiversity interest, this is welcomed on ecological grounds and amenity space can still be included in the overall layout of the site. The Draft Heads of Terms attached to the Committee report indicates a payment to off-site play area facilities/improvements. The Management company will be responsible for its management/maintenance.

Concerns have also been raised about the impact of the development on the setting of the nearby Grade II\* listed house known as Upper House Farm.

Impacts on the setting of this listed building as well as the other listed buildings in the vicinity and Conservation Area are a material consideration in the determination of this application.

Paragraph 132 of the NPPF indicates in relationship to the historic environment:

*'when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'*

Paragraph 134 of the NPPF states:

*'where a development proposal will lead to less than substantial harm to the significance of a designated asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.*

It is acknowledged that the Grade II\* Upper House faces into the site and that views into the site do form part of its setting. However the dwelling forms part of the village built environment and no longer forms part of a farmstead that it once did. Barns to the north of the house have been converted to residential use and beyond these are new build dwellings. It is not a principal elevation of the dwelling that faces towards the site.

The site is separated from the dwelling by the A4111 public highway and the site plan indicates the attenuation pond and landscaping planting on opposite side of this roadway to the dwelling. It is considered that this will integrate the development into the setting of the dwelling as well as be of benefit to the wider Conservation Area and setting of other listed buildings.

It is noted that English Heritage raises no objections and the response from the Conservation Manager, has indicated that the listed buildings to the south-east of the development site form a tight knit cluster and that the significance of these dwellings and the other listed buildings on the southern side does not rely on their association with the surrounding countryside and therefore it is considered that the alteration in setting does not constitute harm. In relationship to the grade II\* listed dwelling and its associated listed barns, the Conservation Manager has concluded that the development will not be severely detrimental to their setting. This complex is located on the edge of the village and has a



setting that incorporates both village and countryside and the proposal will not have a detrimental effect on the setting of the barns or farmhouse.

In conclusion it is therefore considered that the scheme will not be detrimental to the settings of the various listed buildings in the vicinity of the site or Conservation Area although it is acknowledged that there will be change. The scheme is considered to comply with Policies HBA4 and HBA6 of the UDP and advice as set out in the NPPF.

Also of material consideration is the requirement for more houses and the situation the Council presently faces with a lack of a demonstrated five year land supply. The village of Eardisley is mostly surrounded by land that is designated as prone to flooding in accordance with the EA flood risk data maps. The site of this development is not within the flood plain other than a small section on its frontage alongside the access into the site from the adjacent public highway. The applicant has demonstrated a safe means of pedestrian access in the event of a flood in a northerly direction from the site, with a condition attached to any approval notice issued as recommended by the Emergency Planning Officer this is considered acceptable. Therefore the development is also considered to be in accordance with advice as set out in paragraph 134 of the NPPF.

Concerns raised about the application in relationship to the Eardisley Neighbourhood Plan are covered in the report.

#### **CHANGE TO RECOMMENDATION**

Add condition regarding the need for a flood risk management plan.

**P141687/F - CHANGE OF USE OF LAND FROM AGRICULTURE TO A ONE FAMILY TRAVELLER SITE, WITH STATIONING OF ONE MOBILE HOME, ONE TOURING CARAVAN, PARKING AND TURNING AREA, RE-DESIGNED ACCESS AND SEPTIC TANK AT MID SUMMER ORCHARD, (LAND AT OAKLEY COTTAGE), RIDGE HILL, HEREFORDSHIRE, HR2 8AG**

**For: Miss Janes, Hillrise Bungalow, Upper Raice, Pontypool, NP4 5XE**

#### **ADDITIONAL REPRESENTATIONS**

A further letter has been received from Jill and John Moulton of Kingscote, Ridgehill.

#### **OFFICER COMMENTS**

The letter raises no additional issues.

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



# PLANNING COMMITTEE - 10 December 2014

## PUBLIC SPEAKERS

### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
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#### MORNING

Mr Russell Pryce	Proposed construction of 27 dwellings to include 9 affordable, new access, sustainable drainage and landscape works at <b>Land West of Patrick Orchard, Canon Pyon, Hereford, HR4 8NY</b>	P141917/F
<b>PARISH COUNCIL</b>	<b>MR G VAUGHAN (Chairman Canon Pyon Group Parish Council)</b>	
<b>OBJECTOR</b>	<b>MR C NUGENT (Resident)</b>	
<b>SUPPORTER</b>	<b>MR R PRYCE (Applicant)</b>	
Mr Webster Per Arup	Hybrid planning application for the development of employment uses including B1 (16,500 sq.m GFA), B2 (8,900 sq.m GFA) and B8 (4,000 sq.m) including full details of the access, internal road infrastructure and circulation routes, and landscaping within a landscape buffer zone providing surface water attenuation and planting at <b>Model Farm, Hildersley, Ross-on-Wye, HR9 7NN</b>	P133411/CD
Mr Tomkins Per Mr T J Ford	Proposed demolition of existing building and erection of 29 dwellings with associated private drive, landscaping and external works at <b>Land at Pinsley Road, Leominster, Herefordshire, HR6 8NN</b>	P141022/F
<b>PARISH COUNCIL</b>	<b>MR P ELLIS (Leominster Town Council)</b>	
<b>SUPPORTER</b>	<b>MR M TOMKINS (Applicant)</b>	

Mrs Roberts  
Per  
Mr Colin Goldsworthy

Proposed erection of two dwellings at **Land Adjacent to Hightown Cottage, Peterstow, Herefordshire**

P140903/F

**SUPPORTER**

**MR C GOLDSWORTHY (Applicant's agent)**

## AFTERNOON

R S Preece & Son  
Per  
Mr James Spreckley

Proposed residential development comprising 16 open market houses and 9 affordable homes at **Barley Close, Woodseaves Road, Eardisley, Herefordshire**

P141408/F

**PARISH COUNCIL  
OBJECTOR  
SUPPORTER**

**MR C SKELTON (Eardisley Parish Council)  
MS N JAMES (Resident)  
MR J SPRECKLEY (Applicant's agent)**

Miss Janes

Change of use of land from agriculture to a one family traveller site, with stationing of one mobile home, one touring caravan, parking and turning area, re-designed access and septic tank at **Mid Summer Orchard, (Land at Oakley Cottage), Ridge Hill, Herefordshire, HR2 8AG**

P141687/F

**PARISH COUNCIL  
OBJECTOR  
SUPPORTER**

**MRS K GREENOW (Clerk to Lower Bullingham Parish Council)  
MRS S GLOVER (Resident)  
(TBC)**