

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 May 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, JA Hyde, Brig P Jones CBE, RI Matthews, FM Norman, J Norris, AJW Powers, GR Swinford and DB Wilcox

In attendance: Councillors AJM Blackshaw, MJK Cooper and SJ Robertson

Councillor RC Hunt and PJ Watts

The Chairman paid tribute to Councillor RC Hunt and PJ Watts who had both recently died and offered condolences on behalf of the Committee to their families. The Committee observed a silence in their memory.

183. APOLOGIES FOR ABSENCE

Apologies were received from Councillor DW Greenow, MAF Hubbard and JG Lester.

184. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JA Hyde attended the meeting as a substitute member for Councillor JG Lester and Councillor AJW Powers substituted for Councillor MAF Hubbard.

185. DECLARATIONS OF INTEREST

Agenda item 7: 131529/F Land adjacent to Tadpole Cottage, Eardisland, Leominster, Herefordshire

Councillor FM Norman commented that she knew the applicant and some objectors and declared a non-pecuniary interest as one of the Council's appointments to the Lugg Internal Drainage Board.

Councillor JW Hope MBE declared a non-pecuniary interest as one of the Council's appointments to the Lugg Internal Drainage Board.

Councillor J Hardwick declared a non-pecuniary interest as one of the Council's appointments to the Lugg Internal Drainage Board.

Agenda item 9: 140290/0 Land adjacent to Barberrry House, The Row, Wellington, Herefordshire

Councillor KS Guthrie commented that she was a work colleague of the applicant and declared a non-pecuniary interest as a resident of Wellington, although she emphasised that she did not live near the application site.

Mr M Willimont (Head of Development and Environmental Health) declared a non-pecuniary interest as a resident of Wellington and left the meeting for the duration of the item.

186. MINUTES

RESOLVED: That the Minutes of the meeting held on 23 April 2014 be approved as a correct record and signed by the Chairman.

187. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

188. APPEALS

The Planning Committee noted the report.

189. 131529/F LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9AR

The Principal 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. The update included an additional proposed condition. The Principal Planning Officer added that if the Committee was minded to approve the application it was also proposed that permitted development rights be removed.

In accordance with the criteria for public speaking, Mr A Sheffield of Eardisland Parish Council spoke in broad support of the Scheme. Mrs C Aldred, a resident, spoke in objection. Mrs M Albright, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor MJK Cooper, the local ward member, spoke on the application.

He commented on a number of issues including:

- He noted that the Parish Council supported the application subject to conditions being met. However, a number of local residents were concerned about the proposal. The principal concern was that the development would exacerbate flooding problems experienced in the area. There was evidence that the site had flooded and the Environment Agency had not taken account of this. The numerous drafts of the report indicated a level of uncertainty about the scheme and the published report was inconclusive and did not provide categorical assurances to discount the potential flood risk. In his view the flood risk assessment should be discounted. Whilst the proposed building might itself be above flood waters, the technical assessments could not prove that water would not be displaced to the detriment of neighbouring properties
- He suggested that if the Committee was not minded to refuse the application a deferral should be considered to allow further consideration of the technical aspects of the scheme. If the Committee was minded to approve the application stronger conditions were required.

The debate opened and the following principal points were made:

- In response to questions the Principal Planning Officer commented that the site was not classified as an isolated dwelling because it was immediately adjacent to the village and the settlement boundary. Paragraph 55 of the National Planning Policy

Framework (NPPF) did not therefore apply. He considered that the proposal would help to sustain and grow an existing local business in accordance with paragraph 28 of the NPPF.

- He added that the technical advice from the Environment Agency was clear. The Agency did not object to the proposal, did not consider that the scheme would cause further flooding and in fact concluded that the scheme would provide flood betterment. The Agency had also taken the unusual step of having its advice independently reviewed.
- Technical advice was that the proposed biodisc system was acceptable. Its resilience if there were to be flooding was questioned.
- The risk of flooding and the displacement of floodwater was a concern. There appeared to be some contradiction in the report with the suggestion that the site would not flood sitting alongside a requirement for a flood evacuation plan. Paragraph 6.15 of the report stated that significant parts of the application site and the village were prone to flood events. It was noted in reply that the evacuation plan was proposed to address a circumstance where the development was cut off by floodwater; it was not being suggested that the dwelling itself would flood. The precise location of the property itself was outside the flood zone. The flooding was mainly fluvial and the property would not form a barrier to the dispersal of floodwater.
- It was noted that the proposed condition 10 required the access road to be constructed in accordance with existing ground levels.
- The attributes of the scheme were noted.
- It was considered that deferring a decision would be of little benefit as officers considered all avenues had been adequately explored.
- The Development Manager reminded the Committee of the outcome of a recent appeal for an application at land off Breinton Lee, Kings Acre Road, Hereford where the inspector had given weight to the advice of the statutory consultees on drainage issues and awarded costs against the Council

The local ward member was given the opportunity to close the debate. He reiterated his concerns about flooding.

A number of grounds for refusal were put forward by Members, including concerns about the effectiveness of the flood plan and the biodisc system, development in the open countryside contrary to policy H7, and paragraph 100 of the NPPF relating to controlling inappropriate development in an area at risk of flooding.

The Development Manager commented that if the Committee wished to refuse the application, policy DR7 (flood risk) should be advanced as a ground for refusal and not the equivalent policy in the emerging Core Strategy. However, Members appeared to be basing a proposal for refusal solely on a technical ground. It had not been suggested in the debate that there was anything inherently unsustainable about the design of the scheme or its locational impact. He expressed concern about the Authority's ability to defend an appeal on flood grounds.

A motion that the application be refused was lost after the Chairman exercised his casting vote, stating that in doing so he was taking particular account of the Development Manager's advice.

A proposal was made that authority should be delegated to officers to approve the application, but that there should be consultation with the Chairman and the local ward member over flood risk assumptions and the operation of biodisc systems in flood events and amended conditions attached as necessary.

RESOLVED: That authority be delegated to officers named in the scheme of delegation to officers after consultation with the Chairman and local ward member to approve the application, subject to further clarification in respect of flood risk assumptions and the operation of biodisc systems in flood events and attach amended conditions to those listed below as may be necessary.

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less

2. B01 – Development in accordance with approved plans
3. C01 – Sample of external materials
4. G10 – Landscaping scheme
5. G11 – Landscaping scheme - implementation
6. G14 – Landscape management plan
7. H03 – Visibility splays
8. H05 – Access gates
9. Floor levels shall be set at a level of at least 85.50m AOD as outlined in the FRA produced by Hydrologic (Report Ref: K0394/1_Rev 0, Sept 2013).

Reason: To protect the development from flooding and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and Paragraphs 100 to 103 of the National Planning Policy Framework.

10. The access road hereby permitted shall be constructed in accordance with existing ground levels and shall remain at this level in perpetuity.

Reason: To ensure that there will be no increased risk of flooding to land or property due to impedance of flood flows and/or reduction of flood storage capacity and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and Paragraphs 100 to 103 of the National Planning Policy Framework.

11. I55 – Site waste management plan
12. M03 – Compensatory flood storage works
13. M05 – No storage of materials in 1% floodplain plus climate change
14. Prior to the occupation of the development, an Evacuation Management

Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority's Emergency Planning Officer. The plan shall include a map of both primary and secondary access routes along with guidelines for the maintenance of markers that should be visible under all flooding conditions. It shall also include details of the permanent retention of the plan at the property and a timetable for its revision. The approved measures shall be retained in perpetuity.

Reason: To minimise flood related danger to people in the flood risk area and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

15 Permitted Development Rights shall be removed.

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. HN04 – Private apparatus within the highway**
- 3. HN28 – Highway design guide and specification**
- 4. HN05 – Works with the highway**

(The meeting adjourned between 11.25 am and 11.35 am)

190. 133504/F LAND WEST OF A4110, KNAPTON GREEN, HEREFORDSHIRE, HR4 8EP

The Senior 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, Ms H Philpotts, Clerk to Burghill Parish Council spoke in opposition to the Scheme. Mr T Bromley, a resident, spoke in objection. Mr J Verdin, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AJM Blackshaw, the local ward member, spoke on the application.

He commented on a number of issues including:

- Agriculture was important to the County but farmers had to work with neighbours.
- The scheme was sustainable providing produce for Cargill based in the County, reducing food miles and ensuring food traceability..

- He highlighted the representations and the internal council advice set out in the report.
- He noted that a sequential site selection test had concluded that the proposed site was the most suitable as referred to at paragraph 6.3 of the report.
- Mitigation measures were set out at paragraph 6.5 of the report and the applicant had indicated he would invest further in these if required.
- The access was considered acceptable.
- The report stated at paragraph 6.21 that the development complied with relevant policies. He supported the recommendation for approval.

The Chairman also permitted Councillor SJ Robertson, an adjoining ward member, to speak. She outlined concerns about road safety on the A4110. She also commented on the smell and noise that would be associated with the development and noted that there were fifty letters of objection.

The debate opened and the following principal points were made:

- Some concern was expressed about the nature of the development and its impact. However, it was also noted that whilst the development would have an impact the applicant had taken all possible steps to seek to mitigate it.
- The site was separated from dwellings by at least 400m.
- Paragraph 6.3 of the report stated that the sequential site selection test had concluded that the proposed site was the most suitable.
- It was requested that mature trees be used in any relevant landscaping work.
- Concerns were raised about the cumulative impact of HGV movements and the apparent lack of information on this within the supporting documents and the report.
- A view was expressed that road safety problems were not necessarily related to HGVs but also to car users.
- In response to a question, the Development Manager advised that the decision to move away from potato production and into poultry whilst clearly impacting upon HGV movements was a commercial decision and not one that could be controlled by means of a condition.

The local ward member was given the opportunity to close the debate. He reiterated his earlier comments.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C09 Details of cladding (agricultural and industrial buildings)**
4. **I32 Details of floodlighting/external lighting**
5. **G02 Retention of trees and hedgerows**
6. **G10 Landscaping scheme**

7. **G11 Landscaping scheme - implementation**
8. **G14 Landscape management plan**
9. **I55 Site Waste Management**
10. **All manure moved off site will be so in covered and sealed trailers.
Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**
11. **The recommendations set out in Section 7.6.7 of the Wold Ecology ecologist's report dated November 2013 must be followed in relation to the identified protected species. Prior to commencement of the development, an ecological assessment for great crested newt will be carried out. If great crested newts (or any other protected species) are identified a full working method statement must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7 NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**
12. **Prior to commencement of the development, a habitat protection and enhancement scheme must 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 having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.**
13. **Prior to any development on site full details of the required "Give Way" markings/signage to be located at least 5 metres back from the back edge of the adjoining carriageway, together with a timescale for its installation shall be submitted to and approved in writing by the Local Planning Authority. The approved markings/signage shall be provided prior to the first use of the development hereby approved and shall be maintained in perpetuity.
Reason: In consideration of the location for the proposed development, and a nearby roadside verge mature tree and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.**

14. L04 Comprehensive & Integrated drainage of site

15. I55 Site Waste Management

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. 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.**

(Councillor PA Andrews requested that her abstention be recorded.)

(The meeting adjourned between 12.35 am and 12.40 am)

191. 140290/O LAND ADJACENT TO BARBERRY HOUSE, THE ROW, WELLINGTON, HEREFORDSHIRE

(Mr M Willimont declared a non-pecuniary interest and left the room for the duration of this item.)

The Principal 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, Mrs J Gowan, Chair of Wellington Parish Council, spoke in opposition to the Scheme. Mr A Hughes, a resident, spoke in objection. Mr G Thomas, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AJM Blackshaw, the local ward member, spoke on the application.

He commented on a number of issues, highlighting the response of Wellington Parish Council published in the agenda papers. He questioned the feasibility of the technical solution to the access which relied on a neighbour making land available. He praised the work of the Parish Council in developing a Neighbourhood Development Plan.

The debate opened. The Council's lack of a 5year housing land supply was noted. However, the consensus was that, having regard to paragraph 14 of the National Planning Policy Framework, the adverse impact of the development would outweigh the benefits that the limited amount of housing development would provide.

The local ward member was given the opportunity to close the debate. He acknowledged the grounds for refusal set out in paragraph 3 of the recommendation.

RESOLVED: That planning permission be refused for the following reasons:

- 1. The development of this application site, by virtue of the site's location and topography, would result in a form of development that would adversely impact upon the character of the area that also has significant landscape and biodiversity value and interest and that forms part of the setting of the settlement of Wellington contrary to Policies LA2, LA3 and H13 of the**

Herefordshire Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

- 2. The application would lead to the loss or partial loss of important trees that form part of a UK priority habitat contrary to the requirements of Policies LA5, NC1 and NC6 of the Herefordshire Unitary Development Plan. The application does not provide sufficient information in order to demonstrate that an enhancement and benefit could be secured and as such does not comply with the requirements of Policy NC8 of the Herefordshire Unitary Development Plan.**
- 3. The proposed development, by virtue of the site's location, topography and relationship with neighbouring properties, would represent an overbearing and intrusive form of the development that would potentially impact upon privacy and amenities currently enjoyed contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework.**

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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.**

192. 140904/CD JEWSON BUILDERS MERCHANT, CANAL WHARF, CANAL ROAD, HEREFORD, HR1 2EB

The Development Manager gave a presentation on the application.

Some Members questioned the value and purpose of the application but it was also recognised that the application had to be considered on its individual merits. The Development Manager confirmed that the application was a small element of a larger plan.

RESOLVED: That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans (Drawing numbers 1DMCXN018-P-001 and 002)**

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, 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. **N11A Wildlife and Countryside Act 1981 (as amended) – Birds**
3. **N11C General**

193. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 1.20 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 14 May 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

131529/F - NEW SUSTAINABLE LIVE/WORK DWELLING WITH ANCILLARY OUTBUILDING AT LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HR6 9AR

For: Mr & Mrs Albright per Mr & Mrs B Albright, Black Fox House, Suckley Lane, Pembridge, Leominster, HR6 9DW

ADDITIONAL REPRESENTATIONS

Comments have been received from the Council's Emergency Planning Officer following the receipt of the amended Flood Risk Assessment (FRA) and the addendum to it. He has commented that under the new modelled level for a 1:100 year + Climate Change (CC) event, safe access along the (primary) access route may not be able to be maintained in the future and would be considered a Class 1 flood hazard 'Danger to some'. The recommended alternative access route, mentioned on pg.21 of the FRA, will still provide safe accessing in the event of a 1:100year+CC event and this should be established before the property is occupied.

It is recommended that before the property is occupied, a flood management plan should be created detailing the risk to the property from flooding including the risk to access due to CC. A map of both the primary and alternative access routes along with guidelines for the maintenance of 'markers', which would be visible above floodwaters under all flooding conditions' (FRA, p.21) is suggested. This document should be kept with the property and passed on to future occupants.

A further response has also been received from the Environment Agency. They have reiterated the advice given previously. In summary, they express the view that the revised FRA has demonstrated that there is no impact on third parties post development. Floor levels are 600mm above the 1 in 100 plus climate change level. Compensatory storage has been offered to offset the portion of the site within Flood Zone 3 and the Council's Emergency Planners have confirmed they are satisfied with regards to safe access/egress from the site and will comment further on a Flood Management Plan.

One further piece of correspondence has been received from objectors to the proposal and included photographs and a DVD of a recent flood event. These have been returned at the request of the objector but some of the photos submitted are included in the presentation to Planning Committee.

In summary the correspondence highlights that the photos show part of the site previously identified for flood compensation to be in flood. The photos also show a 'dry island' but comments that the flood event in 2014 was not as severe as that in 2007. It also comments that the secondary access was in flood during the 2014 flood event.

OFFICER COMMENTS

The updated FRA and addendum have altered the emphasis of the flood compensation measures proposed, and the reference in paragraph 6.11 to the opening of a previously culverted ditch is superseded. The proposal now includes compensation measures that require ground levels of an area of land within the application site and currently above the flood level to be reduced by 0.15m across an area of 228 square metres, the FRA calculating that this is the area required to accommodate flood water that would be displaced by the development.

CHANGE TO RECOMMENDATION

The requirements for further details of flood compensation measures are covered by condition 12 of the Officer's recommendation to Planning Committee. On the basis of the comments of the Council's Emergency Planning Officer the following additional condition is proposed:

Prior to the occupation of the development, an Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority's Emergency Planning Officer. The plan shall include a map of both primary and secondary access routes along with guidelines for the maintenance of markers that should be visible under all flooding conditions. It shall also include details of the permanent retention of the plan at the property and a timetable for its revision. The approved measures shall be retained in perpetuity.

Reason: To minimise flood related danger to people in the flood risk area and to comply with Policy DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

P133504/F - ERECTION OF 6 NO. BROILER REARING UNITS WITH ASSOCIATED CONTROL ROOMS, FEED BINS AND HARDSTANDINGS AND THE ERECTION OF A STORAGE/BOILER BUILDING AT LAND WEST OF A4110, KNAPTON GREEN, HEREFORDSHIRE, HR4 8EP

For: Mr Verdin per Ian Pick Associates, Llewellyn House, Middle Street, Kilham, Driffield, East Yorkshire YO25 4RL

ADDITIONAL REPRESENTATIONS

Two further letters of objection/comment received from Mr. T. Bromley, outlining concerns about the existing culvert under the A4110 and its capacity to take water and comments that should the application be successful he would expect extensive tree planting as part of a landscaping plan which will also help contain run-off. A further letter has also been received with regards to selected view points and impacts associated with the development of the site.

A letter outlining the merits of the application has been received from the applicant Mr. Verdin. It is understood that a copy of this letter has been sent to all the members of the Planning Committee.

OFFICER COMMENTS

The issues raised by Mr. Bromley are referred to in the report and conditions with regards to landscaping and an integrated drainage scheme for the site are recommended.

NO CHANGE TO RECOMMENDATION

P140290/O - PROPOSED ERECTION OF 2 NO. FOUR BEDROOM HOUSES AND 1 NO. TWO BEDROOM BUNGALOW WITH ASSOCIATED LANDSCAPE WORKS AT LAND ADJACENT TO BARBERRY HOUSE, THE ROW, WELLINGTON, HEREFORDSHIRE, HR4 8AP

For: Mr Millar per RRA Architects Ltd, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

1. ADDITIONAL REPRESENTATIONS

- 1.1 In response to the committee report the applicant's agent has submitted two rebuttal statements seeking to clarify matters in respect of highways and ecology.
- 1.2 Firstly, a statement has been provided from James Johnston Ecology that provides the full email chain between officers and repeats the suggested conditions enclosed with the application that could be imposed should the application be approved. This concludes:

There are consequently no outstanding ecology issues or objections from the Council's Ecologist, and the issues that are raised by Ms K Gibbons at para 1 and 2 of Section 4.2 of the Report to committee have already been resolved through the Conditions suggested by the Council's Ecologist.

It has been agreed with the Council that the requested further information on trees can be provided via an arboricultural assessment, through the suggested Planning Condition, and that this info will be combined by the ecology survey to inform the future orchard protection and enhancement management plan.

The Report to Committee (14/05/14) also mentions on page 4 'for information' a list of the earliest ecology comments upon the planning application, that were made by RW, which were reported to the applicant by letter from the Council on 07/10/13. Those suggested issues were all successfully resolved through the discussions between JJ and RW during October and early November 2013, and via the rebuttal email from JJ dated 22/10/13. That rebuttal email is reproduced here as Appendix 3 'for information'.

- 1.3 Secondly, the applicant's agent has responded to the report and comments are summarised as follows:
- The applicant has confirmed that the Mayers Brown Report that defines the direction of speed is correct.
 - That the report does not accurately assess or reflect the proposed access method and that the access character and technical detail is similar in landscape character and gradient to the adjoining properties, which are elevated along 'The Row' : Bankside, Meadow Bank, Riverdell, Hill Lodge and Maple.
 - The applicant is willing to enter into a suitable condition to sustain and enhance the orchard setting. This would increase the linear length of natural native hedgerow planting and amount of trees planted at the site.

- ‘Sustainable’ housing locations has a degree of subjectivity. The client is of the view that it is more preferable for housing numbers to be achieved in small multiple sites dotted around the villages than the alternative which is considerable infrastructure resources needed to justify a single large volume housing site elsewhere. Consider this site to be sustainable.
- Much of the criticism of the proposal is based on a lack of understanding that the application is for ‘outline’ consent in principle. All matters are reserved and the planning department and planning committee will have ample opportunity to scrutinise the details of design, ecology mitigation, overlooking and materials during a subsequent planning application at a later date.

1.4 A copy of the rebuttal statement (ecology) and letter from the agent are available on the website

1.5 Wellington Parish Council have made the following comments in respect of the additional information provided:

It is the opinion of Wellington Parish Council that the new information provided, results in more questions than answers to previously raised issues from those objecting to the scheme. *YET AGAIN neither the applicants nor the agent was present at the meeting to enable answers to be sought directly.*

We comment as follows:-

004 Rev C proposed site section: we note that the gradients are annotated as ‘target’ only and question why accurate data cannot be provided especially as on site gradients and access levels were raised by Adrian Smith (Transportation) in his comments when this application was first made.

007 Rev – Proposed visibility splays: this drawing indicates increased visibility over those provided previously; however they appear to have been calculated from the centreline of the lane – whilst not expert in technical highways issues, the Parish Council’s understanding is that visibility splays should be calculated from the centreline of the property boundary (in this case the hedgerow) .

003 Rev G proposed masterplan and ‘street scene’: this masterplan is dependent on the acquisition of land from the adjoining property Gelert’s Brow – no evidence has been supplied that agreement to acquire this has been reached in and fact the occupier of that property Mr A Lucas has lodged an objection (29th April) to the application. Surely the application cannot therefore proceed?

We question the veracity of the ‘street scene’ provided and attach a photograph taken of the same ‘view’ – we question what has happened to the bend in the road on the ‘street scene’ which appears to indicate a straight road. We trust that, if the application is still to be considered in light of the underscored comment above, members of Committee will take notice of this!

We ask that these comments be read in conjunction with the Parish Council’s earlier objection to this application and objection to the original application, as many of the comments made remain unaddressed:

- location beyond brow of hill, on a bend in a narrow lane
- land already rejected as unsuitable for development by the SHLAA
- outline only – what and how many will actually be built?
- overbearing in the context of the landscape of the area

- road side facing gardens – surely an imposition on both the potential new residents and the properties opposite
- lack of adequate off-road parking
- Wellington's REAL housing needs as already documented
- outside the settlement boundary
- no overall community support evidenced by attendance at, and comments made at Parish Council meetings, and only two residents writing in support
- no on- or off-site affordable housing contribution or 106 benefit to the community

OFFICER COMMENTS

Officers have considered the additional information received and would take the opportunity to make the following comments:

1. The Council's Ecologist has considered the information provided and reviewed the rebuttal. We can confirm that officers are in agreement that there is potential to resolve the ecological issues but that the information required to form the basis of this has not been provided as part of this application submission.
2. The applicant's agent stresses that this is an outline application only, and that they are seeking to establish whether the principle of development is acceptable in this location. It is acknowledged that the information is indicative only. As the site lies outside of the settlement boundary and has a number of constraints, it is necessary to consider the site having regard to paragraphs 14 and 49 of the National Planning Policy Framework. Even though in outline form, it is necessary to make a judgement, based on the information provided as to whether the proposal is 'sustainable development' and what, if any, impact that development may have. For the reasons outlined in the report, officers are not satisfied that the development of this site could be achieved without a significant impact and that its development would not be compliant with the relevant policies of the Unitary Development Plan and guidance contained within the NPPF.

In the event that Members are minded to grant planning permission it is advised that this should only proceed in the event that officers are satisfied in respect of the provision of the necessary visibility splays and the details of the proposed ecological mitigation. It is considered that the most appropriate mechanism in this case would be to secure this through a Section 106 Agreement.

NO CHANGE TO RECOMMENDATION