

PLANNING COMMITTEE

24 April 2013

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.

S123556/F - ERECTION OF 10 NO. AFFORDABLE HOMES WITH ASSOCIATED PARKING, ACCESS & LANDSCAPING AT LAND ADJ ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE

For: Two Rivers Housing Association per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT

ADDITIONAL REPRESENTATIONS

Following the comments from Members, Gorsley Goffs Primary School was contacted regarding attendance of pupils on the last day of term before the Easter holidays. The school confirmed that of 195 pupils on the roll, 9 were absent on 27th March.

The Council's Education department has provided figures illustrating where attending pupil's currently live. Ross on Wye is the most common home of pupils, with 37 children coming from there. 28 pupils from Gorsley attend the school. The overall data shows that a significant number of pupils travel considerable distances, often passing other existing schools to attend Gorsley Goffs Primary School.

Gorsley and Kilcot Parish Council made a representation of objection on 22 April 2013. The Parish Council objects to the application on a number of grounds. These are summarised as –

- The school is at capacity and cannot cope with the demand for places from local children as it is
- Ivy House Lane is used at peak school times by parents parking and is very congested. The proposal will make the situation worse
- The proposal will result in more vehicles driving through the village and B4221

Via the Councils Housing Development Officer, a local resident has provided details of a 2007 survey of the existing drainage infrastructure in the Ivy House estate. This suggests that part of the system in the vicinity of 12-14 Ivy House was deteriorating.

On 21 April 2013, the council received confirmation that the applicant had lodged an appeal against the non-determination of the application.

OFFICER COMMENTS

9 pupils being absent represents under 5% of the pupil roll. It is not considered these absences had a demonstrable impact upon the number of vehicles witnessed by officers accessing the school or parking in Ivy House Lane taking into account the number of free spaces available within the pub car park which is used by parents collecting children.

The data regarding where attending pupils come from shows that parents are making either specific or linked trips to use a school often some distance away and only accessible to them by the use of a private vehicle. This undermines wider objectives regarding sustainability. The proposed development therefore

would help redress this balance and help it contribute to sustainability objectives, including reducing the county's carbon footprint by helping reduce the need for people to travel to access services.

In response to the Parish Council's comments, the Area Engineer has made no objection and the proposal enhances road safety through improvements to the junction with the B Class road and also through additional pedestrian infrastructure. The additional traffic generated from the proposal is not considered to have a significant impact over the existing situation having regard to the improvements proposed, sustainable location of the site, and the status of the B Class road.

In response to the details of the 2007 drain survey, it remains the case that the statutory undertaker has raised no objection to the proposal and subject to a condition requiring details of the drainage system to serve the proposed development being agreed before construction starts and implemented before first occupation, this is not considered to be a sustainable reason for refusal.

The effect of the appeal against non-determination is that determination of the application now rests with the Planning Inspectorate and the council cannot now issue a decision. However to assist the preparation of the Council's case it would be appropriate for the Committee to debate this item and reach a resolution on the decision that it would have reached had the appeal not been lodged.

NO CHANGE TO RECOMMENDATION

SE100966/F - APPLICATION (PART RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX

For: NJ & IE Cockburn per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

ADDITIONAL REPRESENTATIONS

A letter has been received from Burges Salmon solicitors acting on behalf of the applicants. The letter sets out what are perceived as material deficiencies in the Report to Committee. These are as follows:

- 1) The Report fails to properly explain the circumstances as to why this application is being reconsidered. In particular, the Report fails to set out the basis on which the Council approved the application previously. This is a material consideration to this matter. The Report also fails to note that whilst the judicial challenge sought to challenge the lawfulness of the Council's assessment of the planning merits of the application that challenge was successfully resisted by the Council and rejected at the High Court. It is a material consideration to this matter that the Council's planning assessment of the application was upheld by the High Court, and it was simply the articulation of the reasons for approval rather than the basis on which the application was approved that was found to be deficient. The Report should set out clearly the grounds of challenge that were successfully resisted by the Council.
- 2) The Report refers to certain matters in the economic report provided by the applicant as "unresolved." As you will be well aware, officers have never asked the applicant to address these matters. Having never brought these matters to the attention of the applicant or expressed any concerns regarding their economic report, it is disingenuous for Officers to then describe the matters listed as "unresolved." In any event the applicants have been advised that the matters identified in the Report to Committee can be addressed.
- 3) The Report to Committee fails to note that the conclusions of the applicants' economic report are not challenged. It also fails to note that the economic benefits of the development were found to be valid grounds to approve this application previously. As noted above, that approach was

successfully defended by the Council in the High Court. That is a material consideration to this application.

- 4) The criticisms of the ZVI are misconceived. No attempt has been made by Officers to seek clarification from the applicants on any of the issues belatedly raised.
- 5) The Council's assessment of landscape and visual impacts is predicated upon the application site and surrounding area being located within a part of the AONB with a higher value and sensitivity than the rest of the AONB. The Report provides no justification for this approach beyond the development being located within the Wye Valley and no policy support is cited. The assessment of impacts is fundamentally undermined by this erroneous approach.
- 6) The assessment of impacts fails to set out clearly the baseline position. It also fails to properly set out and consider the benefits that the proposal will provide by restricting the use of polytunnels and cloches in other areas. This is a material consideration to this matter.
- 7) The analysis of Policy LA1 is flawed. The example of a 50-storey building is irrelevant to a temporary and transient development as proposed. The Report fails to properly articulate the applicants' position on Policy LA1.

The applicants request that the application be withdrawn from the agenda for the meeting of 24 April.

A separate letter has been received from Antony Aspbury Associates, the applicants' planning consultant. The letter restates the benefits of using polytunnels, revisits the original Planning Committee resolution to approve and also reaffirms that because of the controls that can be imposed via conditions, the applicants are only seeking an increase in covered polytunnels of 15 hectares. Reference is also made to the well established nature of the enterprise and the ability to secure, via a legal agreement, a restriction on the use of other forms of plastic crop protection that are considered to fall outside planning control e.g. cloches. It is stated that this additional control, together with landscape enhancements will only be possible upon the grant of planning permission. Comparison is also drawn to other polytunnel sites within the AONB. The letter also restates the applicants' position regarding Policy LA1 and the economic benefits that the soft fruit enterprise generates. These issues are covered at length in the Committee Report.

OFFICER COMMENTS

The planning permission was quashed by Consent Order. The Order was based on the Council's failure to provide adequate reasons for the decision to grant planning permission; specifically the failure to articulate how the proposal complied with Unitary Development Plan Policy LA1. Against the background of an earlier resolution to approve, Members are not obliged to disregard their previous opinions or the decision to grant planning permission but should look at the proposal on the basis of the evidence before them and consider any material change in circumstances that have occurred since that time. The application as it stands now is the one to be considered.

Reference to unresolved issues is at 6.21 of the report, where the Council's commissioned response to the applicants' 2013 Economic Impact Appraisal is summarised. The methodology employed by the applicants' is not challenged and the Report to Committee recognises at 6.22 that the economic benefits to the local economy must be afforded considerable weight and that the economic benefit is not 'inconsiderable'. It is the conclusion of officers, however, that having regard to Policy LA1, NPPF guidance and the SPD, this benefit should not override protection of the AONB.

Although the letter does not specify, perceived criticism of the Zone of Visual Influence (ZVI) is taken to refer to paragraphs 4.4.3, 4.4.4 and 4.4.5 of the Report on page 37 of the printed agenda. Paragraph 4.4.3 refers to the usefulness of the ZVI images in demonstrating the potential visibility of the polytunnels based on the underlying landform of the area. Analysis of the application of the ZVI to the development (4.4.5) explains the limitations of the ZVI given that people's experience of the polytunnels will not be influenced by the fact that the overall ZVI is small or that the whole development cannot be seen from a single vantage point.

Officers disagree with the criticism that the Report seeks to elevate the sensitivity of the local landscape above other parts of the AONB. The Landscape Manager's assessment at 4.4.4 reflects the fact that large parts of the application site are found within the river valley, and therefore in the part of the landscape with the highest value and sensitivity in the context of the whole AONB.

The baseline position, if taken as the 9.86ha of lawful polytunnels, is reported at 1.2.2.

The applicants' position in relation to Policy LA1 is reported at length in the summary of the updated Supplementary Planning Statement (paragraph 1.4.2.).

One further letter of support and one of objection have been received. No new issues are raised.

NO CHANGE TO RECOMMENDATION

130461/F - CHANGE OF USE OF FARM BUILDINGS TO CREATE 3 LETTING HOLIDAY COTTAGES, 1 B&B LETTING ROOM & AN EVENTS VENUE FACILITY. ERECTION OF 5 DEMOUNTABLE GEO DOMES FOR HOLIDAY/EVENTS LETTING USE, WITH WC/SHOWER FACILITIES IN A NEW BUILDING & COMMUNAL FACILITIES IN ONE FARM BUILDINGS AT LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG

For: Mr & Mrs Smolas per Mr David F Baume, 41 Widemarsh Street, Hereford, HR4 9EA

ADDITIONAL REPRESENTATIONS

Dorstone Parish Council reiterates its objection to the application.

Natural England has no objection to the application. Natural England confirms that with respect to our previous consultation response regarding the withdrawn application S122992/F, their opinion has not changed, and do not object to the application on the grounds of any impacts to the River Wye Special Area of Conservation (SAC), or the River Wye Site of Special Scientific Interest (SSSI).

Three further objections have been received as of 23 April 2013. These are from people who have already objected and includes a letter signed on behalf of 21 people and one family. No new issues are raised, however the following points are made –

- The letter to neighbours referred to by the applicant's was not received by many local people
- There was only 11 working days from the withdrawal of the previous application to the submission of this application
- There is no desire to keep new comers to the area out and the community is made up of recent new residents from outside the area
- Contrary to the diversification report there are numerous properties within 1 mile of the application site
- Existing Wedding venues within a 25 mile radius have vacancies and capacity for bookings so there is adequate existing supply
- No business case has been presented demonstrating the proposal will generate employment. The previous larger application stated no jobs would be created, however this reduced application states jobs will be created

OFFICER COMMENTS

The updated comments made by Dorstone Parish Council are noted and have been considered and are covered within the Committee Report. This also applies to the further representation received from the local residents. The above points are referenced for Members benefit.

The comments from Natural England do not conflict with or contradict the ecological assessment and findings of the Council. Natural England note that they expect the Local Planning Authority to assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species. This assessment has been carried out and is within the Committee Report.

NO CHANGE TO RECOMMENDATION

130426/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 34 NO HOUSES AND GARAGES TOGETHER WITH ROADS, SEWERS AND ASSOCIATED EXTERNAL WORKS AT FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ

For: Lioncourt Homes Ltd per Mr Paul Harris, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT

ADDITIONAL REPRESENTATIONS

Holmer and Shelwick Parish Council's objection to the application to build 34 houses at the above site remains unchanged from previous applications, the objection is based on the following points:

1. contamination - the fact remains that the soil at the site is contaminated and there is no proposal to remove that contamination simply cover over with topsoil, now to a level of 600mm. Planting of fruit trees and digging to install ponds in gardens would take you down further than 600mm. The site is not suitable for residential development.

2. The site was identified in the Parish Plan for retention as employment land or for community use, such as a doctors surgery or community hall. In view of the contaminated nature of the soil this is the most suitable use of the site. The Core Strategy although not adopted does intend to create more employment sites north of the city, it does not seem sensible to turn an existing brownfield site into a residential development and create new industrial/commercial sites on greenfield sites. The parishioners of Holmer and Shelwick have confirmed through the Parish Plan that they would like this site to retain its availability to provide employment in the parish.

OFFICER COMMENTS

In response to the above comments received from the Parish Council, Officers would refer to the committee report, details about the additional testing and the remediation strategy that was circulated to members.

CHANGE TO RECOMMENDATION

Following on from discussion with the applicants, it has been agreed that the application proceed with the Heads of Terms attached to this report. As such, the recommendation should now read as follows:

That planning permission be granted subject to the following conditions: (see report)

130534/FH - PROPOSED FIRST FLOOR EXTENSION AT 45 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DZ

For: Mr Williams, 45 Walkers Green, Marden, Hereford, Herefordshire HR1 3DZ

ADDITIONAL REPRESENTATIONS

Marden Parish Council support the application but raise concerns about the lack of a proposed ground floor plan.

OFFICER COMMENTS

In response to the concern raised by the Parish Council, the proposal does not involve any changes to the existing ground floor

CHANGE TO RECOMMENDATION

Since the publication of the report the consultation period has expired and so the recommendation is now one of approval subject to conditions.