

AGENDA

Planning Committee

Date: **Wednesday 9 October 2013**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AM Atkinson

Councillor AN Bridges

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor RI Matthews

Councillor FM Norman

Councillor AJW Powers

Councillor GR Swinford

Councillor PJ Watts

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMES SUBSTITUTES (IF ANY)</p> <p>To receive any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 18 September 2013.</p>	7 - 24
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	25 - 28
7.	<p>130997/F - LAND AT UFTON COURT FARM, UFTON COURT, HOLME LACY, HEREFORD</p> <p>Erection of four bed detached dwelling for farm manager.</p>	29 - 42
8.	<p>131732/F - THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG</p> <p>Change of use from public house on ground floor and residential unit on first floor to a single 6 bedroom detached dwelling.</p>	43 - 50
9.	<p>131885/F - SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</p> <p>Proposed erection of 30 no. new dwellings including 10 affordable units and associated works to provide a new access and road.</p>	51 - 66
10.	<p>S122304/F - WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE</p> <p>Change of use to accommodate six mobile homes (retrospective).</p>	67 - 72
11.	<p>S122305/F - WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE</p> <p>Four mobile homes units to provide housing accommodation for seasonal workers (retrospective).</p>	73 - 78
12.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection (if required) - 29 October 2013, 10.00am</p> <p>Date of next meeting - 30 October 2013, 10.00am</p>	

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 18 September 2013 at 10.00 am

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

Councillors: AM Atkinson, AN Bridges, PJ Edwards, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, JG Lester, RI Matthews, FM Norman, AJW Powers, P Rone, GR Swinford and PJ Watts

In attendance: Councillors JG Jarvis, PJ McCaull and GA Vaughan-Powell

49. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, DW Greenow and RC Hunt.

50. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Rone attended the meeting as a substitute member for Councillor RC Hunt.

51. DECLARATIONS OF INTEREST

Agenda item 7: 131391/F and 131390/O The Oval, Hereford

Councillor AN Bridges, non-pecuniary, member of The Oval Steering Group

Councillor PJ Edwards, non-pecuniary, Chairman of The Oval Steering Group

Councillor P Rone, non-disclosable pecuniary, Herefordshire Council representative on the Board of Herefordshire Housing Ltd.

Councillor GA Vaughn-Powell, non-pecuniary, member of The Oval Steering Group Sub-Groups.

Agenda item 9: 131631/F Land at Thorny Orchard, Coughton, Ross-on-Wye

Councillor PGH Cutter, non-pecuniary, Member of the Wye Valley AONB Joint Advisory Committee.

Councillor BA Durkin, non-pecuniary, Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, non-pecuniary, Member of the Wye Valley AONB Joint Advisory Committee.

52. MINUTES

RESOLVED: That the Minutes of the meeting held on 7 August 2013 be approved as a correct record and signed by the Chairman.

53. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

54. APPEALS

The Planning Committee noted the report.

55. 131391/F AND 131390/O THE OVAL, HEREFORD

(Councillor P Rone declared a non-disclosable pecuniary interest and withdrew from the meeting for the duration of this item)

The Principal Planning Officer gave a presentation on the two applications. She referred to an additional representation and a proposed amendment to the printed recommendation set out in the schedule of committee updates, as appended to these minutes.

In accordance with the criteria for public speaking, Mr Crowe, a resident, spoke in objection to the application. Dawn Killeen, of The Oval Support Group, then spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution the three local ward members spoke on the application.

Councillor GA Vaughan-Powell supported application 131391/F and commented on a number of issues, including:

- She highlighted the Transport Manager's general highways comments set out at paragraph 4.2 of the report and commented that she had requested traffic calming measures.
- The proposed relocation of the bus stop near The Oval required consideration. It was important any replacement was equally accessible.
- Better parking options would be favoured.
- She regretted the loss of public open space.
- She also regretted that reference to some letters of representation and a petition submitted to Property Services had not been included in the report.
- She declined to make specific comment on the community hub.

Councillor AN Bridges supported the applications and commented on a number of issues, including:

- There was an urgent need to regenerate the area and replace outdated property that was difficult to maintain with new energy efficient homes. The development would benefit the area and provide economic development opportunities offering jobs.
- A lot of work had been undertaken with the developer and Herefordshire Housing to try to ensure the scheme was right. The developer and Herefordshire Housing had communicated well with the community about the scheme and had agreed to work with the local community to reduce the impact of the works.
- There was a loss of public open space but the scheme provided secure private gardens.
- He welcomed the proposal to involve ward members in determining aspects of the detail of the final scheme.

Councillor PJ Edwards supported the applications and commented on a number of issues, including:

- The scheme had been under consideration for a long time and there had been wide consultation. The scheme had the community's support. The officer's report included only one letter of representation in objection to the scheme.
- The proposed development of houses with gardens was welcomed.
- He would like to see a one-way traffic system to benefit cyclists and pedestrians.
- He hoped consideration could be given to setting aside some further public open space at Argyle Rise.
- He welcomed a number of the specific conditions set out in the recommendations.
- The scheme as a whole would provide a welcoming approach to the City and be to the satisfaction of residents. It would also help with current housing problems in the area.

The debate opened and the following principal points were made:

- The involvement of local ward members in finalising aspects of the detailed design was welcomed.
- Whilst welcoming the scheme, a Member expressed a number of concerns about strategic aspects of the scheme where he considered there were failings. These included poor design of cycleways, insufficient effort to seek to develop the proposed biomass plant; and provision for car parking at every house but an absence of cycle parking provision. He was particularly concerned by the comments of West Mercia Police at paragraph 5.3 of the report which implied that opportunities to design out crime/and or the fear of crime and promote community safety were not being taken. He considered Herefordshire Housing had done a good job, in particular in its communication with the community, but could do better. It was important to ensure that the scheme stood the test of time.
- The Scheme needed to have good links with the rest of the City and consultation in relation to highways would be required.
- It was questioned whether the provision of one bedroom bungalows was appropriate given the Council's plans for the provision of social care.
- The scheme provided a great opportunity and every effort should be made to ensure the design was good.
- It was noted that the loss of public open space was unfortunate and that any potential for the regeneration of trees would be welcomed.
- It was suggested traffic calming would be needed at Goodrich Grove.

The local ward members were given the opportunity to close the debate. They reiterated their support for the schemes and requested that the applications be approved.

Application 131391/F

RESOLVED:

That subject to final clarification in relation to the acceptability of the proposed S106 Obligation terms, to enable phasing conditions to be framed and resolve technical highway and cycleway details in consultation with Ward Members, Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **B07 Section 106 Agreement**
4. **C01 Samples of external materials**
5. **K4 Nature Conservation - Implementation**
6. **G11 Landscaping scheme - implementation**
7. **G15 Landscape maintenance arrangements**
8. **G03 – Retention of existing trees (construction)**
9. **G04 – Protection of trees / Hedgerows**
10. **G09 – Details of Boundary Treatments**
11. **G18 – Provision of play area / amenity area**
12. **G19 – Details of play equipment**
13. **I55 Site Waste Management**
14. **I51 Details of slab levels**
15. **L01 Foul/surface water drainage**
16. **L02 No surface water to connect to public system**
17. **L03 No drainage run-off to public system**
18. **L04 Comprehensive & Integrated draining of site**
19. **I16 Restriction of hours during construction**
20. **H18 – On Site Roads – Submission of details**
21. **H13 – Access, turning and parking**
22. **H29 – Covered and secure cycle parking**
23. **H27 Parking for site operatives**
24. **H26 Access location**
25. **The development shall not begin until any scheme for protecting the proposed dwellings from noise and from the road including detailed construction methods for noise mitigation has been submitted to and approved by the local planning authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.**

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

26. Restrictions during demolition and construction

A detailed Construction Method Statement (CMS) shall be supplied and approved prior to the demolition and commencement of development to minimise noise and nuisance to neighbours:

The CMS shall contain the following:

The methods and materials to be used to ensure that the generation of noise is minimised;

- **Choice of plant and equipment to be used;**
- **The use of prefabricated materials wherever possible;**
- **Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and**
- **Good housekeeping and management, to include:**

a) Review of plant and activities to ensure noise minimisation measures are in place and operating;

- b) Public relations, e.g. provision of telephone numbers for complaints, pre-warning of noisy activities including activities that might generate perceptible vibration, sensitive working hours;
- c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
- d) Provision of noise monitoring during activities likely to affect sensitive receptors;

Reason: To protect the residential amenities of the future occupiers of the properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

27. I33 - External lighting

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. HN10 No drainage discharge to highway
3. HN08 Section 38 Agreement and Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private Apparatus within the highway
6. HN1 Mud on the highway
7. HN28 Highways design guide

Application 131390/O

RESOLVED:

That planning permission be granted subject to the following conditions:

1. A02 – Time limit for the submission of reserved matters
2. A03 – Time limit for commencement
3. C04 – Approval of Reserved Matters
4. C05 – Plans and Particulars of Reserved Matters
5. I16 – Restriction on hours during construction
6. L01 – Foul/ Surface water drainage
7. L02 - No Surface water to connect to the public system
8. L03 – No drainage run-off to public System
9. F06 – Restriction on use

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. **Please note that as the proposal includes the use of the premises for the production and/or sale of food and drink, in accordance with Article 6 EU Regulation 852:2004 on the Hygiene of Foodstuffs, the business will be required to be registered as a food business with the Commercial team in Environmental Health and Trading Standards**
3. **Please note that the development will require a licence for the sale of alcohol.**

56. 123317/O LAND AT SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application. He referred to additional representations and a proposed amendment to the printed recommendation set out in the schedule of committee updates, as appended to these minutes.

In accordance with the criteria for public speaking, Mr Verity, representing Leominster Civic Society, spoke in objection to the application. Mrs Thomas, of Thomas Panels, then spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution Councillor PJ McCaull, one of the local ward members, spoke on the application. He commented on a number of issues including:

- He expressed concern in relation to the time taken to bring the application forward and its relative association with the application by Dales.
- He understood that the applicants had only been informed of the reasons for recommending refusal one week ago and considered this had not given them any opportunity to seek to address the matters identified.
- He argued that the distance from the site to the town centre should be measured to Corn Square. The site was closer to the town centre than the measurement given in the report and was easily accessible by foot. If the distance from the Dales site to Corn Square were measured that site would be further away.
- The report was mistaken in focusing on cycle and pedestrian access to the site ignoring the reality that people shopping at supermarkets generally travelled by car.
- The proposed development would support a large number of residential areas within the City.
- He made a number of observations about the effect of the introduction of car parking charges in Leominster, the prospect that existing supermarkets would begin to charge for use of their car parks and the implications of that for the town centre. The proposed development offered an opportunity for park and ride to the town centre.
- It was unsurprising that competitors were objecting to the proposal.
- He considered that the application should be deferred to allow the applicant time to respond to the grounds for refusal set out in the report.

The debate opened and the following principal points were made:

- Concerns about the proposed development had been known for some time.

- The viability of the town centre was a particular concern. The report by Deloitte considered the town centre was vulnerable.
- The proposal involved the loss of employment and industrial land. Additional housing was planned for Leominster and employment opportunities needed to be available. There were clear grounds for refusing such a retail development on employment land.
- The Environment Agency's concerns about water contamination were significant.
- A Member questioned the validity of the second ground for refusal set out in the report considering it hypothetical.
- Another Member questioned the validity of the sixth ground for refusal set out in the report, noting the comment in the report that the transition of responsibilities for highway works had meant detailed costing for works has not been provided and therefore an agreed Heads of Terms was not available.
- The use of alternative transport, specifically bicycles, is not realistic for a supermarket development.
- Some members spoke in support of a deferral.

In response to points raised the Head of Neighbourhood Planning commented that the application had been under consideration for some time. The applicant had sought pre-application advice and officers had expressed reservations to the applicant. Morbaine Ltd had been aware that the application was to be submitted to the Committee and of the outstanding matters that required resolution. The application was ready to be determined.

The Committee's Legal Advisor commented that she had no concerns about the legality of the reasons for refusal and no reason to question the advice of the Head of Neighbourhood Planning that there had been sufficient consultation with the applicant.

The local ward member was given the opportunity to close the debate. He reiterated his request for a deferral.

RESOLVED: That consideration of the application be deferred for two months to allow the applicant to respond to the content of the report.

57. 131631/F LAND AT THORNY ORCHARD, COUGHTON, ROSS ON WYE, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application. He referred to an additional representation set out in the schedule of committee updates, as appended to these minutes. He added that two further letters of support had been received too late for inclusion in the papers.

In accordance with the criteria for public speaking, Mr Daniell spoke in objection to the application. Mr Gilbert then spoke in support of the application on behalf of the applicant.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Jarvis, the local ward member, commented on a number of issues including:

- The Parish Council's close vote against the proposal, as set out in the report, showed there were two main views of what should happen at the site. One view was that as a matter of principle the land should be returned to open countryside. However, the grant of planning permission in 2004 for development meant that this was not feasible. He could not therefore, on pragmatic grounds, support the Parish Council's view.
- The other view was that given that some form of development would take place on the site a judgment had to be reached as to whether a well designed sympathetic development of 3 houses, as proposed, was preferable to other development permitted by the extant planning permission. The entrance to the site was a concern. If the application were to be approved it would, however, be essential to ensure that stringent conditions were attached.
- He was also concerned at the possibility that an application by the owner to use the site as a garage and MOT test centre might succeed, the owner contending that this was permitted by the extant planning permission. Amongst other things, the road to the site could not cope with such traffic.
- He considered the issue relating to the reinstatement of the footpath at the site to be a separate issue.

The debate opened and the following principal points were made:

- That the Committee could insist on the requirement of the extant permission – erection of a building for the storage and repair of agricultural, horticultural and automotive plant and machinery. The application, which was contrary to numerous policies, should therefore be refused.
- One member queried why the option of a footpath diversion order had not been entertained.
- Concern was expressed that granting permission might lead to further residential development over time. In response the Principal Planning Officer commented that, whilst this could not be prohibited by a condition, it would be difficult to obtain permission for further development of the site since the remainder of the site formed part of the landscape restoration scheme.

The local ward member was given the opportunity to close the debate. He had nothing to add to his previous comments.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission) (12 months)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**

5. **Prior to the first occupation of any of the houses hereby approved, Public Footpath WA50 shall be reopened in accordance with a scheme to be submitted to and approved in writing by the local planning authority.**

Reason: To secure the re-opening of the footpath.

6. **H03 Visibility splays**
7. **H06 Vehicular access construction**
8. **H11 Parking - estate development (more than one house)**
9. **H13 Access, turning area and parking**
10. **H20 Road completion in 2 years**
11. **H21 Wheel washing**
12. **H27 Parking for site operatives**
13. **H29 Secure covered cycle parking provision**
14. **The recommendations set out in the ecologist's reports dated 03 April 2013 and 13 June 2013 should be followed. Prior to commencement of the development, a full working method statement and habitat protection scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. This should include details of external lighting and avoid light- spillage to woodland areas.**

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 and NC7 of the Herefordshire Unitary Development Plan.

15. **Prior to commencement of the development, a habitat enhancement and management scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**
Reason: To comply with Policies NC8 and NC9 of Herefordshire's 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.

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. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**
3. **HN01 Mud on highway**
4. **HN05 Works within the highway**
5. **HN10 No drainage to discharge to highway**

58. 131519/CD THE COURTYARD THEATRE, 93 EDGAR STREET, HEREFORD

The Forward Planning Officer gave a presentation on the application.

A Member commented that whilst not in keeping with the design, the proposed development would be beneficial. He requested that cycle parking be provided at the entrance to the building in addition to that at the back.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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. **N19 Avoidance of doubt - Approved Plans.**

59. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 12.45 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 18 SEPTEMBER 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.

SCHEDULE OF COMMITTEE UPDATES

131391/F - PROPOSED DEMOLITION AND REGENERATION TO INCLUDE 259 NEW BUILD FLATS/HOUSES, EXTERNAL REFURBISHMENT WORKS TO THE EXISTING FLATS ABOVE THE OVAL SHOPS, LANDSCAPING AND ASSOCIATED WORKS AT THE OVAL, HEREFORD

131390/O – NEW COMMUNITY HUB AT THE OVAL, HEREFORD

For: Keepmoat Homes/Herefordshire Housing per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH

ADDITIONAL REPRESENTATIONS

The applicant has re-confirmed their commitment to reach Level 4 of the Code for Sustainable Homes but is at present reviewing this following the decision to omit the biomass units.

OFFICER COMMENTS

In addition to the request for delegated powers to resolve the terms of the S106 Agreement, Officers would request that this be extended to enable an additional condition(s) to be framed to enable details to be discharged on a phase by phase basis and to resolve technical highway / cycleway details in consultation with Ward Councillors.

This will provide the applicant with the required flexibility in their build program whilst maintaining appropriate control over the development as it proceeds.

CHANGE TO RECOMMENDATION

Amend recommendation to extend requested delegated powers to enable phasing condition to be framed and resolve technical highway and cycleway details in consultation with Ward Councillors.

N123317/O - CLASS A1 FOOD STORE, PETROL FILLING STATION AND ASSOCIATED PARKING AND SERVICING FACILITIES, RESIZING AND REFURBISHMENT OF TWO CLASS B UNITS AND ASSOCIATED HIGHWAY WORKS AT LAND AT SOUTHERN AVENUE, LEOMINSTER, HEREFORDSHIRE, HR6 0QF

For: Mr Liptrott, Morbaine Ltd, The Finlan Centre, Hale Road, Widnes, Cheshire, WA8 8PU

ADDITIONAL REPRESENTATIONS

Correspondence has been received from Peacock & Smith Planning Consultants who act on behalf of Morrisons. They object to the application on the following grounds:

- The proposal is contrary to Policy E5 of the Herefordshire Unitary Development Plan. There is no evidence to suggest that the site has been actively marketed for alternative employment use and the applicant cannot be certain that there is no interest in the site for such purposes. It is also noted that the site achieves a 'Good' mark score in the Herefordshire Employment Land Study 2012.
- It is clear that the application site is an out-of-centre location. At 1.3 kilometres from the main shopping area, the proposal is unlikely to encourage linked trips to and from the town centre, particularly on foot, given the convoluted pedestrian route into the town centre.
- The applicant has considered and dismissed a number of potentially sequentially preferable sites, one of which is Broad Street Car Park, which is located within the town centre and identified as a potential site in the Council's latest Town Centres Study Update 2012. The Council should be fully satisfied that it does not represent a sequentially preferable site which is suitable, available and viable for retail development. This is particularly important when considering the potential impact of the application on existing convenience retail facilities within the town centre and Morrisons in-centre store at Barons Cross Road.
- The Council's Town Centres Study Update identifies sufficient convenience expenditure capacity to support an additional 1,483m² net of convenience floor space in Leominster at 2012, rising to 1,670 m² in 2016 and 1,938m² in 2021. It is clear that even in the longer term (2021) there is insufficient capacity to support the level of convenience floor space proposed.
- Whilst it is acknowledged that there may be an opportunity for additional foodstore development in Leominster, it is considered that this requirement should be provided in an in-centre location.
- The proposal is likely to have a significant adverse impact on existing retail convenience facilities in Leominster, including the vitality and viability of the town centre as a whole and the Barons Cross Local Centre.

Further correspondence has been received from Barton Willmore Consultants who are acting on behalf of Frank H Dale Ltd. They have endorsed the recommendation to refuse the application and consider that their client's site on Mill Street is sequentially preferable; highlighting that it is closer to the town centre and has better links.

They also draw attention to the fact that it is the subject of a 'live' application for a mixed use of retail, residential and commercial development, with Sainsburys contracted and committed to the site, and that this is a vital part of their client's plans to relocate. They note that the application to be considered does not have a specific end user and is speculative.

Further correspondence has also been received from the Environment Agency. Their comments are summarised as follows:

As submitted we are unable to remove our objection to the proposed development as there is insufficient detail in the letter (dated 19 February 2013 ref SEJ.E12353/2-L1) to allay our outstanding concerns in relation to the specific impact of the petrol filling station on the Groundwater Source Protection Zone 2 upon which part of the site is located. The proximity of the watercourses in this area also gives us some cause for concern as the shallow groundwater table in the underlying aquifers are in hydraulic continuity with the watercourses which increases the risk to such water features from any pollution incidents or accidental spills from a PFS for example or from any onsite drainage.

We adopt a precautionary approach to the protection of groundwater where the storage of potential pollutants is concerned. The proposed PFS is considered to represent a future potential source of contamination due to the sensitive water environment in this location and represents one of the main areas of concern for this application from a future pollution prevent point of view for the water environment.

Based on the further information provided in the letter, we understand that it is proposed that suitable pollution prevention measures shall be installed at the site and we agree with this approach. The installation should be robust and designed to highest of modern water protection measures specification and engineering standards in order to protect the precious groundwater resource in the underlying aquifer(s) and the nearby watercourses.

We understand from the letter that these measures will include the following for the application PFS: Double skinned tanks and associated pipe work; Encasement of the tanks in concrete surround; A suitably installed leak detection system; A staff training manual that explains the site-specific environmental risks associated with the PFS to future operators, together with actions to be taken in the event of a pollution incident. Whatever measures are chosen will need to be robust, have substantial mitigating factors and be appropriate to the development in question including any risks to the hydrogeological setting of the site.

Further to our previous letter (SV/2013/106725/01-L03 dated 28 January 2013), we requested for underground storage of pollutants in principal and secondary aquifers to be accompanied by a *risk assessment* appropriate to the volume and type of pollutants being stored and the hydrogeological situation. We cannot find this risk assessment provided specifically for the proposed new land-use of the PFS. This document should include an assessment of the site now and the risks associated with the PFS in the future. Mitigation can then be proposed for the level of risk assigned.

We would also query the depth to groundwater table as the proposed underground storage tanks could be being installed directly into the water table. Sub water table storage of hazardous substances is more problematic as any leak would potentially contravene legislation. The applicant should provide clarification of this as part of their PFS specific risk assessment.

Flood Risk: This site is primarily located in Flood Zone 2, which is the medium to low risk zone and is defined for mapping purposes by the Agency's Flood Zone Maps. This is land where the indicative annual probability of flooding is between 1 in 100 and 1 in 1000 years from river sources (i.e. between 1% and 0.1% chance in any given year).

It should be noted that the original Flood Map was provided to the consultant in May 2012 which showed that the whole site was located within the 1 in 100 year floodplain (Flood Zone 3) of the River Lugg. However, in November 2012, the Flood Map was updated with a more detailed digital terrain map which now indicates that the site lies just outside Flood Zone 3 but primarily within Flood Zone 2.

Following our initial response in January 2013, a detailed hydraulic model for the River Lugg through Leominster was completed. Detailed flood outlines and levels are now available from the EA for the site. The FRA for this application should therefore be updated with this new information and the development proposals reviewed accordingly. The applicant is advised to request the 1 in 20 year, 1 in 100 year, 1 in 100 year 20% (climate change) and the 1 in 1000 year flood outlines and levels for the River Lugg.

We note the comments from the Lugg IDB regarding the maintenance access strip alongside the Leominster Compensation Ditch (LCD). However, the flood risk from this watercourse has still not been assessed. We previously recommended that a minor assessment of the flood risk from this source be undertaken. We advised that the applicant obtain any information regarding localised flooding from this watercourse from Lugg IDB and the Drainage Engineer of the Local Authority (Martin Jackson) and incorporate it into any revised FRA. In the absence of any information regarding the flood risk from this watercourse, we recommend that a hydraulic model of the LCD be undertaken. The flood risk to the site and development proposals from the LCD on its own and in combination with the River Lugg should be fully assessed.

One further email has been received raising an objection to the application on the basis that it will negatively impact upon existing businesses.

OFFICER COMMENTS

The correspondence received from Peacock & Smith Planning Consultants reiterates matters that have been raised by others, particularly the consultants acting on behalf of Aldi and The Co-Operative, and these are dealt with in the main report to Planning Committee and do not require any further commentary or a change to the Officer's recommendation. However, their comments do refer to the Morrisons store as being 'in centre', and this needs some clarification. The site is referred to by Policy TCR13 as a 'local and neighbourhood shopping centre' and consequently is afforded specific designation by the UDP, and it is in this context that Morrisons is referred to as being 'in centre'.

The correspondence from Barton Willmore makes specific comparison between this application proposal and their client's scheme at Mill Street. Your Officers would reiterate the comments made in paragraph 6.9 of the main report that the two applications must be treated on their own merits. Whilst it has been made clear that the site at Mill Street is considered to be sequentially preferable in simple geographic and locational terms, there are a number of other matters that are material to the outcome of that application. It must not be assumed that the outcome of this application will determine that of the application on the site at Mill Street.

The comments from the Environment Agency maintain a technical objection to the scheme. In the absence of the additional risk assessment requested officers are unable to conclude that the proposed petrol filling station will not have an impact upon the Groundwater Source Protection Zone 2 and therefore the proposal does not accord with Policies DR4 or TCR18 of the Herefordshire Unitary Development Plan.

CHANGE TO RECOMMENDATION

In light of the comments from the Environment Agency a further reason for refusal is recommended as follows:

The petrol filling station is considered to represent a future potential source of contamination due to the sensitive water environment in this location, particularly the groundwater Source Protection Zone 2 for the Welsh Water drinking water supply at Midsummer Meadows. The application contains insufficient information for the local planning authority to determine the impacts of the proposed petrol filling station on groundwater Source Protection Zone 2 and is therefore contrary to Policies DR4 and TCR18 of the Herefordshire Unitary Development Plan.

131631/F - ERECTION OF 3 RESIDENTIAL DWELLINGS AND ASSOCIATED LANDSCAPING AND ACCESS WORKS INCLUDING A SCHEME OF LANDSCAPE ENHANCEMENT AND THE REINSTATEMENT OF A PUBLIC FOOTPATH AT LAND AT THORNY ORCHARD, COUGHTON, ROSS ON WYE, HEREFORDSHIRE

For: GB Garages per Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ

ADDITIONAL REPRESENTATIONS

An objection has been received from the Wye Valley AONB Office. The AONB question whether the work undertaken to date is in accordance with the original permission and whether that permission is extant. It is considered that the proposal is not appropriate within the context and that the land should revert to agricultural usage alongside restoration of the footpath.

Two letters of support have been received from local residents. Both express the view that the proposal will improve the appearance of the site and allow for reinstatement of the footpath. One of the letters considers that these dwellings will also help sustain village amenities.

OFFICER COMMENTS

Response to the AONB Office comments: The local planning authority has confirmed in writing that the 2004 permission is extant. The application site is no longer in agricultural use, but can be considered previously developed land.

NO CHANGE TO RECOMMENDATION



MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide.

Purpose

To note the progress in respect of the following appeals.

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 130874/F

- The appeal was received on 16 September 2013.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission.
- The appeal is brought by Mr E Overall.
- The site is located at Ashley Moor Farm, Ashley Moor, Orleton, Ludlow, Herefordshire, SY8 4JJ.
- The development proposed is Single storey extension to holiday let to form second bedroom with en-suite.
- The appeal is to be heard by Written Representations.

Case Officer: Mr A Banks on 01432 383085

Application 130182/F

- The appeal was received on 16 September 2013.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission.
- The appeal is brought by Mr Anthony Tribe.
- The site is located at Site adj to Evendine Corner, Colwall, Malvern, Worcestershire, WR13 6DX.
- The development proposed is Construction of a single storey 3 bed dwelling.
- The appeal is to be heard by Written Representations.

Case Officer: Mr N Banning on 01432 383093

Application 123592/O

- The appeal was received on 17 September 2013.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission.
- The appeal is brought by Mr Wakeley.
- The site is located at Land off Breinton Lee, Kings Acre Road, Hereford.
- Proposed Outline permission for a residential development of 15 no. dwellings with associated infrastructure including alterations on A438 + drainage and landscaping with all matters reserved except for access.
- The appeal is to be heard by Written Representations.

Case Officer: Ms K Gibbons on 01432 261781

Application 131252/FH

- The appeal was received on 17 September 2013.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission.
- The appeal is brought by Mr Geoffrey Jordan.
- The site is located at Field Barn, Trebandy, Marstow, Ross-On-Wye, Herefordshire, HR9 6HD.
- The development proposed is extension to dwelling.
- The appeal is to be heard by Written Representations.

Case Officer: Mr R Close on 01432 261803

Applications 131206/F & 131207/L

- The appeals were received on 17 September 2013.
- The appeals are made under Section 78 of the Town and Country Planning Act 1990 against Non determination.
- The appeals are brought by Mr J Vidler.
- The site is located at Land rear of The Kings Head, High Street, Ross-on-Wye, Herefordshire.
- The development proposed is Alterations, extension and conversion of existing building to provide 9 apartments with ancillary uses and works.
- The appeals are to be heard by Written Representations.

Case Officer: Ms R Jenman on 01432 261961

Application 130516/F

- The appeal was received on 25 September 2013.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission.
- The appeal is brought by Firlands Developments Ltd.
- The site is located at Land adj Dragon Wyck, Bosbury Road, Cradley, Malvern, WR13 5LT.
- The development proposed is Replacement of existing bungalow and erection of 7 new dwellings (2 of which to be affordable).
- The appeal is to be heard by Hearing.

Case Officer: Mr N Banning on 01432 383093

Application 131003/F

- The appeal was received on 27 September 2013.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission.
- The appeal is brought by Miss Karen Harris.
- The site is located at Losito Stud Harris Lodge, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6EG.
- The development proposed is Retain existing log cabin as a permanent dwelling on a brown field.
- The appeal is to be heard by Hearing.

Case Officer: Ms R Jenman on 01432 261961

APPEALS DETERMINED**Application 121611/F**

- The appeal was received on 14 March 2013.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission.
- The appeal was brought by Mr C Bulmer.
- The site is located at Mill Farm Building, Mill Lane, Credenhill, Hereford, HR4 7EJ.
- The development proposed was Change of use from agricultural to B2 general industrial - re-use of existing building with extension to form workshop for kit car assembly.
- The main issue was whether the appeal site is an appropriate location for the proposed development with regard to the nature of surrounding land uses.

Decision:

- The application was Refused at Planning Committee, against Officer Recommendation, on 19 September 2012
- The appeal was Dismissed on 11 September 2013

Case Officer: Ms K Gibbons on 01432 261781

If Members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	130997/F - ERECTION OF FOUR BED DETACHED DWELLING FOR FARM MANAGER AT LAND AT UFTON COURT FARM, UFTON COURT, HOLME LACY, HEREFORD For: Mr & Mrs Goodwin per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire, HR9 6PG
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=130997&NoSearch=True

Date Received: 11 April 2013

Ward: Hollington

Grid Ref: 354153,235194

Expiry Date: 24 June 2013

Local Member: Councillor P Sinclair-Knipe

1. Site Description and Proposal

- 1.1 The application site is located in open countryside on the northwestern side of an unclassified road (UC72006) between Holme Lacy, located some 1.3 kilometres to the east and Little Dewchurch, approximately 3 kilometres to the south. The locality is predominantly agricultural with scattered woodland and sporadic small clusters of properties.
- 1.2 The site is set back from the highway and accessed via a long farm track (approximately 600 metres). Widows Wood lies to the south of the site and public footpaths run along the southeastern boundary and to the east of the site.
- 1.3 Planning permission was granted in 2005 for a new complex of agricultural buildings including a livestock building, machinery store and storage building and a combined grain/cold and general store, set within a new raised earth bund around the yard area. The approved scheme originally comprised three separate buildings, the largest being the combined grain/cold and general storage building measuring some 58 metres by 30 metres, which was sited on the lefthand side of the access driveway and concrete apron enabling access to the irrigation pond beyond to the northwest. To the righthand side as originally approved there were two buildings, one to be used for cattle, measuring 9.1 metres by 27.4 metres and the other to be used for cattle and a machinery store, which would be 24.3 metres by 27.4 metres. In 2012 permission was sought to resite the detached cattle building so that it would be attached to the other cattle building and machinery store and the plans were annotated stating that it would be used as a storage building, thus reducing the number of buildings to be used for cattle. To date these buildings have not been completed, and the bund has not been provided in its entirety. At the time of the site visit the metal framework and roofs had been provided for two of the buildings on the right hand side.

Further information on the subject of this report is available from Mrs C Atkins on 01432 260536

- 1.4 An agricultural manager's dwelling is proposed, to enable the relocation of the applicants farmstead from the existing site in Watery Lane, Lower Bullingham. The dwelling would be sited in the southern corner of the site, demarked by the approved bund. This siting would occupy the area of land previously approved for the cold store and approximately half of the grain store section of the largest agricultural building approved for the site in 2005. The submitted site plan indicates three farm buildings that would be sited on the righthand side of the site with none of the approved buildings on the lefthand side of the site to be built. The farm buildings indicated on the site plan do not tally with either the size or siting of the approved plans. A separate drive, accessed via a gate, would serve the proposed dwelling at the point of access into the bunded area, with the approved bund realigned along an east to west line between the farm buildings and yard and the proposed dwelling. No details of the height of the realigned bund or the landscaping proposed along its line have been provided. The previously approved bund is approximately 3.5 metres in height above the slab level of the yard.
- 1.5 The dwelling would be timber framed, part rendered and part timber clad. It would have a footprint of some 204 metres, with accommodation over two floors. This would be provided in both a full two storey building and a one and a half storey section that would include dormer windows. The accommodation provided would comprise a double garage, plant room, boot/decontamination room, shower room, lobby, utility room, office, farmhouse kitchen/dining area, hall, porch and sitting room at ground floor and four bedrooms, one with an ensuite bathroom, a study area, family bathroom and store at first floor. The elevations indicate a rooflight to serve an attic store within the roof void. Externally the elevations would have a brick plinth and a combination of timber framing and render and timber boarding, timber fenestration and with roofing materials unspecified at this stage. A gravelled parking area is proposed to the north of the proposed dwelling with a driveway through a gap in the proposed realigned earth bund. New native species tree planting is indicated to the south of the proposed dwelling.

2. Policies

2.1 National Planning Policy Framework

Achieving Sustainable Development

- | | | |
|------------|---|--|
| Chapter 1 | - | Building a Strong Competitive Economy |
| Chapter 3 | - | Supporting a Prosperous Rural Economy |
| Chapter 7 | - | Requiring Good Design |
| Chapter 11 | - | Conserving and Enhancing the Natural Environment |

2.2 Herefordshire Unitary Development Plan

- | | | |
|-----|---|--|
| S1 | - | Sustainable Development |
| S2 | - | Development Requirements |
| DR1 | - | Design |
| DR2 | - | Land Use and Activity |
| DR3 | - | Movement |
| DR4 | - | Environment |
| DR5 | - | Planning Obligations |
| H7 | - | Housing in the Countryside Outside Settlements |
| H8 | - | Agricultural and Forestry Dwellings and Dwellings Associated with Rural Business |
| H16 | - | Car Parking |
| LA2 | - | Landscape Character and Areas Least Resilient to Change |
| LA5 | - | Protection of Trees, Woodlands and Hedgerows |
| LA6 | - | Landscaping Schemes |
| NC1 | - | Nature Conservation – Biodiversity and Development |

Further information on the subject of this report is available from Mrs C Atkins on 01432 260536

2.3 Supplementary Planning Document: Planning Obligations.

2.4 Herefordshire Local Plan Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS6	-	Environmental Quality and Local Distinctiveness
ID1	-	Infrastructure Delivery
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
RA3	-	Herefordshire Countryside
RA4	-	Agricultural, Forestry and Rural Enterprise Dwellings
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspx>

3. Planning History

3.1 CE2004/4218/F - New agricultural buildings and irrigation pond. New access and drive. Approved 1.6.2005

3.2 S121480/F - Variation of condition 2 of planning permission DCCE2004/4218/F. Approved 17.7.2012

4. Consultation Summary

4.1 Traffic Manager: No objection to the grant of permission.

4.2 Conservation Manager (Landscape): Object.

Landscape character

The landscape character type is principal settled farmlands. The proposal is for a new dwelling in open countryside, introducing a residential use that will completely change the existing landscape character. The application does not provide any landscape assessment; this is contrary to UDP Policy LA2. The site is close to several public footpaths, but no visual or amenity impact assessment has been provided. It is noted that the site is already levelled, with permission for agricultural buildings. There is no overall site masterplan showing how this development would all work together as a co-ordinated new farmstead. The building is not orientated to correspond to any existing landscape features or the proposed buildings (as per recent planning approval 121480/F). No information is provided in consideration of alternative sites, as from a landscape point of view it would be more appropriate for any new dwelling to be located adjacent to the main road, in keeping with the existing pattern of residential development in the area.

Landscape scheme

The application does not include a landscape scheme, as required by UDP Policy LA6. It is noted that new hedgerow planting has already been undertaken along the access track, however this does not take account of creating a residential setting. The outline information provided on the site plan does not create a scheme that would integrate the building with its surroundings. In particular additional information would be required on boundary treatments,

Further information on the subject of this report is available from Mrs C Atkins on 01432 260536

existing and proposed levels, hard and soft landscape proposals. It is not clear why the bund is needed to separate the house from the farm, as if a dwelling is required at this location then the site should be integrated to work together as a single new farmstead.

Conclusion

The application does not demonstrate that landscape character has influenced the design, scale, nature or site selection, contrary to UDP Policy LA2. The proposal will affect the visual amenity and character of the location and therefore a landscape scheme is required to ensure the development integrates appropriately into its surroundings - without this the application is contrary to UDP Policy LA6.

4.3 Conservation Manager (Ecology):

My main concern is the proximity of the site to the adjacent Ancient Woodland (Widow's Wood) and the potential for disturbance at the woodland edge, particularly from light at night. It will be important to ensure that there are no exterior lights on the southern elevations of the proposed new dwellinghouse. An application of this nature in the open countryside should include measures to enhance biodiversity at the site. Additional planting to provide a buffer along the woodland edge would be appropriate as well as the installation of boxes or other features to provide roosting sites for bats and birds. I note that there are records for dormice and barn owl in the area and provision of measures to enhance the site for these species would be particularly appropriate. If this application is to be approved, I recommend the inclusion of a non-standard condition regarding a habitat protection and enhancement scheme and details of exterior lighting.

4.4 Public Rights of Way Manager:

Originally submitted site plan: The applicant's plans do not show public footpath HL14. It appears that the boundary of the property will be on top of the footpath, and so PROW objects to the development. If plans can be submitted showing the correct location of the footpath, and that it will be protected during and after development works, we will remove this objection.

Amended site plan: Having looked at the amended plans showing public footpath HL14, and photographs showing that the path will be separated from the development by a hedge, I can confirm that PROW removes their objection. It will remain the landowner's responsibility to maintain the hedge so that it does not encroach on the footpath as it matures. If building works/construction traffic were perceived to be a threat to path users, then a temporary closure order should be applied for.

4.5 County Land Agent: Initial comments: The present farm buildings are not suitable for their present use for any length of time due to the proposed development of the area. Also it is not tenable to have a farm house so far away from new farm buildings, particularly in view of the problems with arson that Messrs Goodwin have had with arson in the past, and the problems of obtaining insurance.

Land Owned: 1,000.09ac

Enterprises:	Arable cropping	826.09 ac
	Cider fruit	109.49 ac
	Pasture land	64.51 ac

Cropping	Arable	250 ac Winter Wheat
		250 ac Winter Oats
		250 ac Oil Seed Rape
		80 ac Potatoes

Cider fruit	109.49 ac
Pasture (grazing)	64.09 ac

Farm entitlements are not included in the accounts as a separate item, there is no mention of the areas involved in conservation schemes.

Farm house and cottages: The farmhouse is in the area zoned for housing and will be some miles away from the proposed new farm buildings/new farmstead.

There are 3 cottages, all are occupied by Partners of Goodwin Farming.

Farm buildings: The main set of farm buildings at present are at Watery Lane, which is in the area proposed for development and in due course they will be demolished. The proposed new farm buildings will be sited at Ufton on the site that already has planning permission for the required buildings including livestock buildings. The proposed buildings will be adequate for all the present farm's requirements, and the access is already in place.

Labour: The requirements are met by 3 full time persons, Mr J Goodwin, Mr T Goodwin and Mr K Nicholls plus contract workers as and when required.

Family enterprises: The farming of the 1,000 acres, no others are mentioned in the report.

Future proposals: The site at Ufton will be the farmstead and centre of operations for Goodwin Farming:

1. In the past the farm was a mixed farm but due to the arson problems at Watery lane and insurance no longer being available even at a premium price for fodder and straw storage stock farming had to cease, however it is proposed that the two buildings that have planning permission for stock will be used primarily for cattle, it is also anticipated that there will be a sheep flock. This will enable the majority of the farm to be on a grass/arable rotation.

2. Labour requirements

The present requirements exceed the number required to justify an agriculturally tied dwelling and the requirement is for more than 4 full time persons, therefore the Labour test requirements are passed.

3. Financial test

The accounts show a very varying profit from a loss to a very substantial profit. The enterprise is very well backed with assets well exceeding liabilities. The business is sound and sufficiently profitable to justify a substantial farm house.

In our opinion the value of £780 per sq m is very low when one off detached house is estimated to be £1,275 per sq m bringing the total cost to £405,450.

In my opinion the financial test is passed.

4. Budget and plans for the future

The plans for the future involve running the farm as a stock/arable enterprise which will result in sustainable farming with all the stock muck going back onto the land to keep the soil in a good and fertile condition.

5. Summary

The farm is of an economic size and with the amount of traffic generated by business the quantity is only likely to increase and at all times of the day and night. The moving of the farm buildings to a more suitable site, which already has P P for agricultural buildings, including stock buildings, and has good access to the majority of the land and is, in my opinion, both logical for the farm business and of benefit to the locality in that the enterprise is taken away from a residential area to one that will not be a nuisance in terms of heavy traffic, noise, smell etc.

Concerning the proposal for a new house in my opinion is justified due in part to the problems that the business has had at Watery Lane and the vulnerability of this site, due to its remoteness and being well hidden from other properties, making it vulnerable to any similar incidents and from the animal welfare position due to the proposal to return to carrying stock and the necessity of complying with animal welfare regulations.

Revised comments: Security alone is not a reason for a new agriculturally tied dwelling and in this case the land at present being arable, in spite of the arson and other problems it would be against policy to grant an agriculturally tied dwelling on security alone. Concerning the stock enterprise this had to be given up for the reasons given previously and therefore can be described as a new enterprise, which would be the main justification for the proposed new agriculturally tied dwelling and therefore would require a temporary dwelling for the first 3 years to allow for the new enterprise to develop and as part of the whole enterprise the required profitability will need to be demonstrated. The cattle enterprise needs to be breeding stock to justify a dwelling under the policy. A sheep enterprise, unless lambing is to continue through the majority of the year, which is highly unlikely, does not give rise to the need for an agriculturally tied building under the present policy because lambing is not normally for more than 3 months, 4 at the most, and therefore temporary accommodation will suffice.

5. Representations

- 5.1 Holme Lacy Parish Council: Do not see any objection. Site is not easily visible. Will it be subject of an agricultural restriction?
- 5.2 Open Spaces Society: Originally submitted site plan: The proposals may have an effect on registered public footpaths. These public rights of way should be annotated on the plans, as required by the validation criteria for proposals.
- 5.3 24 letters of support and 3 letters of objection have been received. The content of these are summarised as follows:

Support:

- Support relocation from Watery Lane which is engulfed by expansion of the city and housing.
- Should be continued support for farming in a county renowned for its agricultural heritage.
- Farming need for a dwelling in terms of management, safety, logistics and security.
- Imperative for and a natural progression of the business.
- Dwelling would allow reintroduction of livestock.
- Proposal would enhance local community.
- Applicants' family are forward thinking and have farmed for many generations, next generation should be supported.
- Planning permission for farm buildings so logical to allow dwelling.

- Site is ideally suited to mixed farming - grassland, livestock and arable crops. If dwelling is not permitted the land is likely to be used for continuous arable rotation, which is less sustainable than mixed farming.
- Temporary dwelling, part time accommodation and CCTV are all inadequate.
- Applicants farm in an exemplary manner, if denied permission for a dwelling they could halt commitment to their investment in farming, sending out the worst message to others wishing to invest.
- Modern family home, of 'Border Oak' design would blend into the surroundings.
- Dwelling would be less obvious than the approved barns.
- Site is not elevated so no impact upon skyline.
- Care should be taken to ensure proposal and landscaping would not adversely affect the use of the PROWs or the views from them of the surrounding countryside.
- Granting permission for a dwelling at Ufton Court Farm would allow the applicants to farm it as their main farm and would reduce the nature and number of insurance claims and continue the excellent progress they have made in the industry.

Object:

- No need for a dwelling, land not used for livestock, enterprise is arable.
- Applicants own lots of arable land and no dwellings there, so why is there a need at Ufton Farm?
- There are other properties for sale locally that could be used - Ufton Court and Bargates.
- Trees have been removed from the site.

5.4 Planning Statement (March 2013) - prepared by the agent. The main points raised are:

- Identifies that the NPPF and UDP provide the relevant policy framework for assessment of the proposal.
- Existing farmstead consists of a 6 bedroomed farmhouse, plus three bedroomed annexe with associated farm buildings at Watery Lane Farm, Lower Bullingham.
- Farm has been engulfed by residential and commercial development, which has led to some conflict with residential amenity, and has been dissected by the relief road.
- Farm buildings and machinery have been the subject of arson, vandalism and theft. Dwelling required at new site to provide security.
- NFU who insure the business are no longer able to provide cover for straw or crop damage from fires.
- In the region of 130 acres of farmland is under option for residential development and would be lost to the farm. The Core Strategy identifies this land for future growth.
- Rotherwas Industrial Estate has been granted Enterprise Zone status, which has been identified as an area for future growth. Thus the agricultural buildings will no longer be available for use by Goodwin Farming.
- To offset the loss of 130 acres of farmland the business has purchased an additional 370 acres of arable land at Ufton Court, increasing the total farming operation to 1,000 acres.
- A central hub of both farmhouse and agricultural buildings is needed.
- It is proposed to relocate the farming operation in its entirety to Ufton Court, where there is permission for a number of new agricultural buildings, irrigation pool, lake and drive.
- Applicant proposes to construct several of the agricultural buildings previously approved to create a grain store and machinery store to meet the needs of the farm. It is hope to reuse the Watery Lane buildings to reduce costs.
- Business is successful and has prospect of remaining so.

- Build cost of the new dwelling estimated at £780 per square metre, with an anticipated build cost of £248,000.
- Functional requirement of the farm is for an agricultural manager not a farm worker, so the size of the dwelling is commensurate with the farm.
- Applicant is married with 3 young children, size of dwelling is required for their needs.
- Proposal fully accords with policy H8 of the UDP, the agricultural appraisal and accounts confirms both the functional and financial tests are satisfied and there is an essential need.
- Supporting letter from NFU demonstrates a functional need.
- Continuous monitoring of both heat and moisture in crops means it is essential for someone to be on site within a 24 hour period to make checks.
- Security contributes to the need to be on site, due to the isolated location it would be difficult to secure the crops and machinery.

5.5 Agricultural Appraisal Report – Sunderlands and Thompsons. The main points are:

- Total area of land farmed now extends to 1,000.09 acres or thereabouts, comprising 109.49 acres of cider fruit, 64.51 acres of pasture land and 826.09 acres of arable cropping, which includes oil seed rape, winter wheat, winter barley and potatoes.
- Labour requirement of 9,602 man hours per annum, equates to 4.36 labour units.
- Dwelling necessitated by:
- value of the enterprise, the equipment used, the value of the stored crops and on going storage before sale
- health and safety supervision, predominantly at farm base throughout the year at unsociable hours at harvest time
- security, desirable due to levels of rural crime. Applicants have experienced considerable problems at the Watery Lane site
- other properties in the area - Bargates and Ufton Court Farmhouse are not suitable, due to their distance from the approved farm buildings and purchase cost.

5.6 The applicants have provided information in support of their application. This is summarised as:

- Our appraisal did not make clear that we intend to have livestock on the farm.
- Planning permission has already been granted on the site for large livestock buildings and hard standing.
- It is hoped that livestock (cattle and sheep) will be incorporated into the farm upon relocation to Ufton.
- No livestock on the farm currently for very valid reasons, such as a restrictive planning condition when permission was granted for the nearby housing, arson, theft, insurance and husbandry issues.
- Numerous issues experienced by neighbours: noise of machinery, hours of machinery operation, deliveries etc.
- Ufton would become the centre of the farm business - there will be nowhere else.
- Planning permission for a large barn on the proposed site, changing that for a residential house will have less visual impact upon the area.
- The safety of Mr Goodwin whilst he is working long hours with dangerous equipment/chemicals on his own necessitates a dwelling on site.
- Costs involved in living away from the farm base in constant commuting at unsocial hours due to the nature of the business- approx 4 miles each way. Mr Goodwin would be required to travel this at least 4 times a day with large equipment. This is clearly not sustainable.
- High value of our assets justify having someone on site to protect - CCTV would only see what had happened after the event unless applicants just happened to be

monitoring the footage at a time when something was happening. Not reasonable or viable suggestion

- House on site would be a deterrent for thieves and kids messing.
- The loss of any of the crop or equipment could see the business fail. Business operates on very tight margins and with high borrowing therefore any loss of profit or equipment would be catastrophic to the business.
- Grain lorries arrive at all hours of the day and night as do chemical deliveries - Mr Goodwin would have to travel for each of these if not on site which would be costly and impractical.
- Large stores of dangerous chemicals and fertiliser on an isolated site would be a great target to thieves.

5.7 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The main issues are the principle of residential development in this location and the impact of such a dwelling on the landscape and Public Rights of Way. Firstly it must be noted that this application is for a new dwelling and is not for the relocation of the farming business from Watery Lane Farm to Ufton Court Farm. There is an extant permission at the site for agricultural buildings and use of these by the applicants for their agricultural business does not require any further permission.

6.2 With regard to the principle of residential development, as the site lies in open countryside, policy H7 of the UDP applies. This sets out the well established principle restricting new residential development in the open countryside and providing for certain, specified exceptions. Of these exceptions the applicants assert that H7(1) is relevant, because the dwelling is required in connection with agriculture. This exception also necessitates compliance with policy H8, which states that proposals will only be permitted where it can be demonstrated that a long term genuine need exists, as an essential part of a financially viable business and cannot be met by existing accommodation. Four criteria are laid out stating that the dwelling should preferably comprise the re-use of existing buildings; it should be carefully sited within the unit or in relation to other dwellings; it should be of a scale and design which is appropriate for its surroundings and would be of a size commensurate with the established functional need of the business. The policy also states that, amongst other things, where the enterprise has not been established planning permission for temporary accommodation may be granted for a maximum of three years.

6.3 The NPPF sets out national planning guidance and with reference to this proposal, paragraph 55 is of particular relevance. This states that isolated new homes should be avoided, with a stated exception being the essential need for a rural worker to live at or near the site. This establishes a presumption against new residential development and provides an exception where there is an essential need. It is considered that the UDP policy stance is entirely compliant with the NPPF in this respect and as provided for in section 215 of the NPPF, great weight can be afforded to the UDP policies where there is such a degree of consistency. Chapter 3 of the NPPF seeks to support economic growth in rural areas and take a positive approach to sustainable development. There are three dimensions to sustainable development, which are economic, social and environmental roles.

- 6.4 Policies RA3 (Herefordshire's countryside) and RA4 (Agricultural, forestry and rural enterprise dwellings) of the draft Core Strategy are relevant to the proposal. However, as the Core Strategy is at draft stage, has not been examined independently and given that policy RA4 (Agricultural, forestry and rural enterprise dwellings) has been contested, it is considered that no weight can be afforded to this policy at this juncture. However, the thrust of the policies remains as per the UDP and NPPF, with regards the requirement for a sustained functional need for a dwelling, to overcome the general presumption preventing residential development in the open countryside.
- 6.5 The requirement to demonstrate an essential need to live on site is a common thread that runs through the UDP, NPPF and draft Core Strategy. The asserted functional need requires careful scrutiny, as it is an exception, to a well established principle against residential development. An essential need should be judged on an objective basis, and it is considered reasonable to apply the methodology set out in the now superseded Annex A to PPS7 Sustainable Development in Rural Areas. Whilst it no longer forms part of ministerial policy as such, nevertheless it is an appropriate way in which this issue should be approached. The tests are well-established and well understood and Inspectors have continued to apply this approach. Furthermore, the applicants' Agricultural Appraisal utilises this established approach for evaluating whether there is an essential need. This guidance stated that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing:
- (i) there is a clearly established existing functional need;
 - (ii) the need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement;
 - (iii) the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
 - (iv) other planning requirements, e.g. in relation to access, or impact on the countryside, are satisfied.

The functional need, i.e. whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times, might arise, for example, if workers are needed to be on hand day and night:

- (i) in case animals or agricultural processes require essential care at short notice;
 - (ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.
- 6.6 On the collective basis of the Planning Statement, Agricultural Appraisal and applicants' supporting information, the asserted essential need for a dwelling is founded on the need to relocate the hub of the business from the existing Watery Lane site to Ufton Farm and the requirements of monitoring crop drying, security of stored crops, machinery and chemicals, taking deliveries and their intention to farm livestock (cattle and sheep).
- 6.7 These needs can be divided into two distinct categories, an existing need, albeit relocated from elsewhere within the agricultural holding, and a proposed need. In respect of the existing need, it is considered that the monitoring of crop drying, does not require a 24 hour/7 days a week presence on site throughout the year. Modern driers have safety trips etc, but should they fail the system will alarm. In addition, the proposed siting of the dwelling would inhibit the erection of the approved cold store and approximately half of the grain store. As proposed the approved grain and cold store and canopy building of some 1,797.97 square metres would not be built, leaving only a permission for a cattle building, machinery store and storage area of

916.22 square metres. The submitted site plan indicates farm buildings with a joint footprint of 2,664 square metres, however these do not benefit from planning permission. Therefore as a result of the siting of the proposed dwelling the area that could be used for crop storage would be substantially reduced, thus reducing the likely value of the crop to be safeguarded. This factor together with the ability to manage crop drying with automated warning systems, which would be viable as the applicants live approximately 6.5 kilometres from the site, so could respond within adequate time, do not demonstrate an essential need. Whilst deliveries and call outs may be made at unsociable hours, they do not equate to an essential need to be close and continually at the site. As an alternative a dwelling nearby, for example within Holme Lacy village, which is approximately 1.6 kilometres away, would be sufficiently local to provide timely access to the site if the automated warning systems were to be triggered or deliveries taken. Security alone has long been established as insufficient reason to justify a dwelling, but it can be taken together with other functional requirements to provide an essential need. In this case, security is asserted to be needed for stored crop, machinery and chemicals etc. Evidence of previous security problems at the existing farmstead has been provided. It is considered that security of the site can be satisfactorily provided through security fencing, appropriately secured buildings and CCTV cameras. Furthermore, any security that the proposed dwelling could provide, is considered to be seriously undermined by the proposed orientation of the dwelling and inclusion of an earth bund between it and the agricultural buildings. An indicative plan shows an earthbund of 2 metres in height and soft landscaping. It is highly probable that they would restrict views towards the agricultural buildings and farmyard from ground floor windows and consequently would significantly compromise the degree of natural surveillance that it is asserted that the proposed dwelling would provide. Views of the agricultural buildings and farmyard would be likely to be limited to first floor rooms.

- 6.8 Notwithstanding that it is considered that an essential need has not been demonstrated, it is maintained that in any event such a requirement could be met by other existing accommodation in the area. The applicants have discounted two properties due to their distance from the site and cost. However currently there are two four bedroomed dwellings for sale in Holme Lacy, one of which is for sale at an asking price of £269,950, which is similar to the estimated build cost for the proposed dwelling. This property is approximately 2 kilometres from the application site.
- 6.9 Turning to the financial position of the enterprise, in respect of an application for a permanent dwelling it is required, amongst other things, that the unit and agricultural activity has been established for at least three years and profitable for at least one and is currently financially sound with a clear prospect of remaining so. The submitted accounts show a varying profit from a loss to very substantial profits. The existing enterprise has been profitable for two of the three years of accounts that have been submitted (2010-2012). Therefore, the existing arable farming business is considered to be sound with the prospect of remaining so. However, financial soundness by itself is insufficient to justify a dwelling.
- 6.10 Turning to the proposed essential need to live on site for livestock, a substantiated case with clear evidence of an intention and ability to develop the proposed enterprise has not been provided. Rather the applicants have stated that they intend to farm livestock, but there has been no investment in new farm buildings with the permitted agricultural buildings for the site incomplete. Moreover, as set out in paragraph 6.7, the proposed dwelling would in fact prevent the erection of all of the approved buildings. In the absence of confirmation of the exact nature of the livestock farming proposed it clearly has not been demonstrated that there would be an essential need to live on site. Depending upon the nature and type of livestock, temporary living accommodation could be appropriate. Notwithstanding this, in any event policy H8 of the UDP is unequivocal that where an enterprise has not been established, as is the case here in respect of livestock farming, that a temporary permission should be considered for a maximum of a three year period. If after the given period the need is clarified

through the commencement of the business and its financial viability proven a permanent permission for a dwelling may be granted.

- 6.11 The proposed dwelling would be substantial in size. It would provide approximately 225 square metres internal floor area excluding the double garage, office, decontamination room and plant room. Policy H8 of the UDP requires the size of the dwelling to be commensurate with the established functional requirement and the emerging Core Strategy states that dwellings should aim to be of a size no greater than a net internal floor area of 100 square metres, utilising an additional 20% allowance where the nature and needs of the enterprise can be justified. Without a demonstrated essential need it is considered that a dwelling of the size proposed is contrary to policy requirements.
- 6.12 In respect of the principle of a dwelling on site it is concluded that an essential need has not been demonstrated, either solely on the essential care of crops, dealing with emergencies that may result in the serious loss of crops, taking deliveries and farm management, or cumulatively with site security. Livestock farming is not part of the existing enterprise to be relocated and as such cannot provide justification for a permanent dwelling.
- 6.13 In the absence of justification, a dwelling in the open countryside would be harmful to the landscape in principle. Furthermore, by reason of its siting and orientation it would not relate well to the existing site features or buildings or take reference from historical references in respect of farmstead morphology. The site is highly visible from the nearby Public Rights of Way. The Landscape Officer has objected to the application on the grounds that it would not integrate well into the landscape and would not result in a co-ordinated new farmstead. Given that the submitted site plan indicates farm buildings of a size and siting that do not correspond with the agricultural buildings which have been granted planning permission, it is considered that their landscape impact should also be assessed alongside the proposal for a dwelling. In this respect a comprehensive application, indicating either the approved buildings or proposed buildings would be required, should an essential need be demonstrated in the future.
- 6.14 An amended plan has been submitted which indicates the legal line of the Public Rights of Way that cross the site. This plan confirms that the proposed development would not impinge upon their legal line. The Public Rights of Way Manager has no objections.
- 6.15 In conclusion, an existing essential need has not been demonstrated, as required by national and local planning policies. The existing farming enterprise, which it is proposed to relocate to the site, could function with the provision of automated systems, the employment of appropriate security measures and on site office/facilities whilst living in the local vicinity.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. On the basis of the submitted information the Local Planning Authority is not satisfied that an essential functional need for a dwelling in this location has been demonstrated to warrant a departure from national and local planning policies that strictly control residential development in the open countryside. As such, the need for an agricultural worker's/manager's dwelling has not been established as required by policies H7 and H8 of the Herefordshire Unitary Development Plan and section 55 of the National Planning Policy Framework.**
- 2. Notwithstanding Reason 1, the proposed dwelling would detract from the visual amenity and character of the countryside, by virtue of its siting, orientation and size and a landscape scheme has not been submitted. As such, the proposal is considered to be contrary to policies LA2 and LA6 of the Herefordshire Unitary Development Plan and the general principles and requirements of Chapter 12 of the National Planning Policy Framework.**

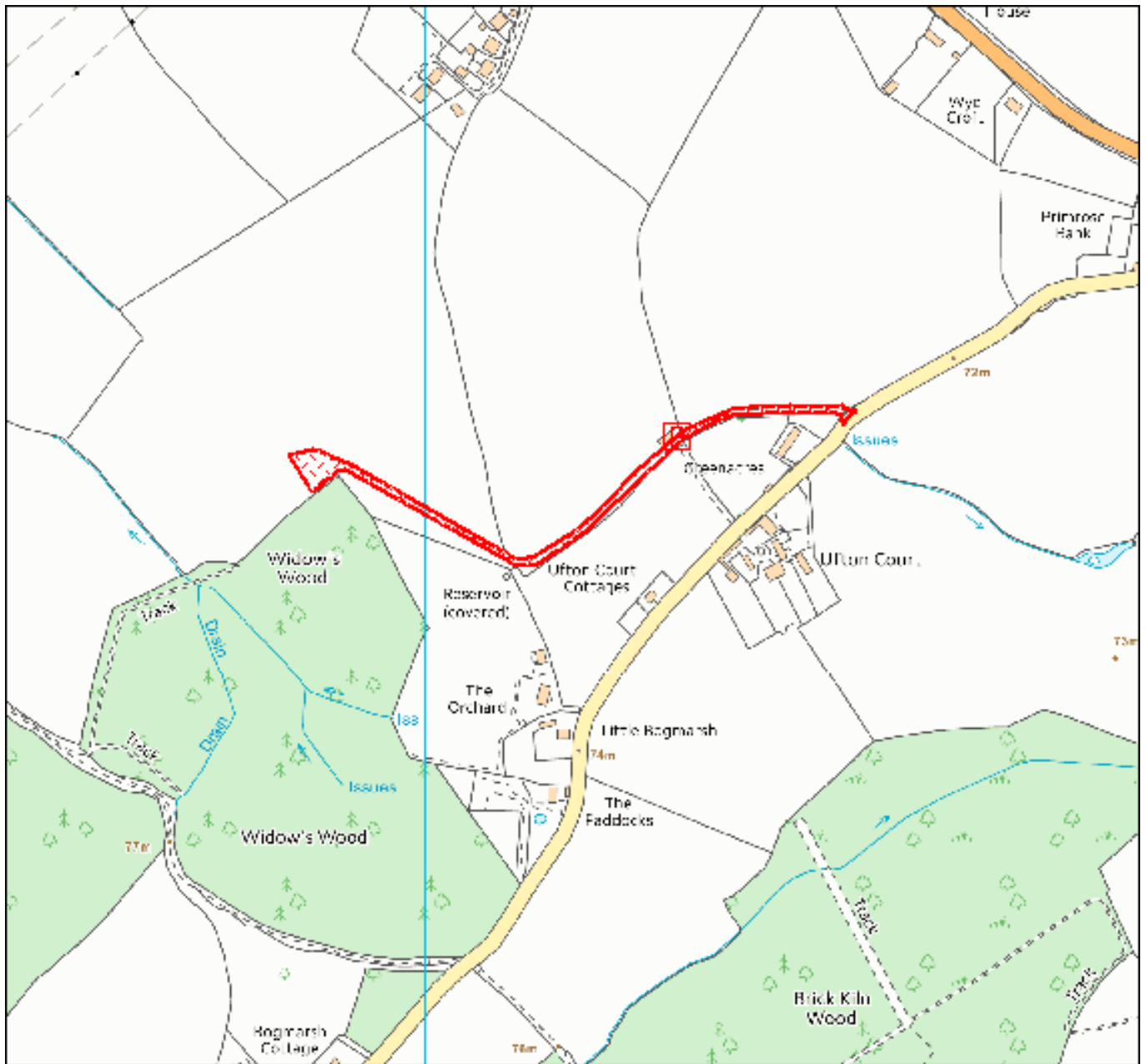
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 130997/F

SITE ADDRESS : LAND AT UFTON COURT FARM, UPTON COURT, HOLME LACY, HEREFORD

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Further information on the subject of this report is available from Mrs C Atkins on 01432 260536



MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	<p>131732/F - CHANGE OF USE FROM PUBLIC HOUSE ON GROUND FLOOR AND RESIDENTIAL UNIT ON FIRST FLOOR TO A SINGLE 6 BEDROOM DETACHED DWELLING AT THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG</p> <p>For: Mr Thomas per Mr Russell Ranford, 22 Thatcham Avenue, Kingsway, Gloucester, GL2 2BJ</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131732&NoSearch=True

Date Received: 21 June 2013

Ward: Old Gore

Grid Ref: 365096,233266

Expiry Date: 19 August 2013

Local Member: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 This application relates to the Slip Tavern Public House which is located on the west side of Watery Lane within the Parish of Much Marcle. Much Marcle is a "smaller settlement" as defined in the Herefordshire Unitary Plan 2007. The Slip Tavern is located some 600 metres west of the settlement.
- 1.2 Within the settlement of Much Marcle is a public house known as the 'Walwyn Arms' whilst some 1km to the north-east is another public house known as 'The Royal Oak Inn'.
- 1.3 The existing accommodation within the Slip Tavern comprises a bar, dining areas (including conservatory), kitchen, utility areas, cellar and store on the ground floor. There is also a garage. The first floor accommodation comprises a lounge / kitchen dining area, four bedrooms and two bathrooms.
- 1.4 The existing public house has a generous and attractive garden area and generous parking provision.
- 1.5 The proposal is to change the use of the premises to six bedroomed dwelling. There would be no new building works.

2. Policies

2.1 National Planning Policy Framework

Paras. 28 & 70

Further information on the subject of this report is available from Mr R Close on 01432 261803

2.2 Herefordshire Unitary Development Plan 2007

S11	-	Community Facilities and Services
CF6	-	Retention of existing facilities
TCR14	-	Village Commercial facilities

2.3 Herefordshire Local Plan – Core Strategy 2011-2031

SC1	-	Social and community facilities
RA6	-	Rural Economy

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. **Planning History**

3.1 None relevant to consideration of this application.

4. **Consultation Summary**

Internal Consultees

4.1 Transportation - No objection.

External Consultees

4.2 None.

5. **Representations**

5.1 Much Marcle Parish Council object to the proposed development on the following grounds:

They object to this application for the following reasons.

That the applicants have not met all the criteria for the marketing of the business, very low key and not marketed through a specialist agent or in the business journals.

Have rejected a market value offer for the business.

The Slip Tavern is a viable sustainable business and a important facility for the community. The community wish to keep the Slip as it is the Locals preferred public house and a social meeting place for the community.

The application does not consider Section 3.28 or 70 of the

National Planning Policy Framework

3.28 Supporting a prosperous rural economy

Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public

houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

or 7.6.2-4 of the UDP.

This Public House is very important to the community and should be retained.

5.2 Thirty-six letters / e-mails of objection have been received on the following summarised grounds:-

- A realistic offer of £275,000 has been made for the public house that has been rejected;
- The public house has been poorly managed - turnover figures show a near consistent fall year after year;;
- The Slip Tavern could be a genuine village public house of a different nature to the 'Walwyn Arms' and the 'Royal Oak Inn';
- Loss of a valuable local amenity;
- The Slip Tavern is well located being within 30 minutes of Gloucester, Hereford and Worcester and being within 15 minutes of Ledbury and Ross-On-Wye;
- The site is well located to tourist attractions such as Westons Cider, 'Hellens' and 'Homme House';
- National Marketing has been limited;
- The current marketing price is unrealistic especially in the light of the trading figures;
- The public house has not been marketed via national trade magazines;
- The Slip Tavern is particularly valuable to those who live on the west side of the A449;
- There are many successful public houses in supposedly "disadvantageous locations";
- The Slip Tavern is a community asset;
- The public house has not been supported by good food and great service.

5.3 One person has sent e-mails/letters of support expressing the view that Mr Thomas is an excellent chef and did everything possible to make the public house viable but unfortunately not enough people visited the public house frequently enough to make it viable. It is stated that many people enjoyed the Slip Tavern under the management of Mr & Mrs Thomas.

5.4 A petition with 150 signatures has been received objecting to the loss of the Slip Tavern which they regard as a community asset.

5.5 CAMRA object to the proposal on the following summarised grounds:-

- Social and economic impact
 - a successful public house brings investment and employment into local communities;
 - the Slip Tavern is regarded as the "village inn" of the local community; and
 - has the potential to be attractive to tourists;
- Commercial non-viability not proven - the catchment population beyond the village itself is large with approximately 450,000 people living in towns and cities within a twenty mile radius. The free-of-tie freehouse and any owner are free to buy drinks and food from any

supplier at competitive prices. There are many freehold pubs in Herefordshire that are making a healthy profit. Evidence in objector's letters suggests poor management.

- Inadequate marketing of the premises - the premises has not been marketed for 12 months. There has been no advertising in the industry media. The asking price is not a true reflection of the market value. In this respect CAMRA provide evidence of the price of other public houses in Herefordshire sold over the last two years (i.e. Bell Inn, Bosbury, Boughton Arms, Peterschurch, Maesllwch Arms Hotel, Glasbury on Wye). In this respect they specifically state that their analysis of market value is based upon sold prices rather than marketing prices.

5.6 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 Central Government advice within the National Planning Policy Framework (NPPF) promotes the retention of community facilities in rural areas, including public houses.

6.2 This approach is reflected in policies contained within the Development Plan for the area (i.e. the Herefordshire Unitary Development Plan 2007), namely policies TCR14, S11 and CF6. Minimal weight is afforded to the relevant policies of the Core Strategy at present (i.e. policies SC1 and RA6).

6.3 Firstly, it is recognised that the settlement / village of Much Marcle has an existing public house at its centre known as the 'Walwyn Arms'. It is also recognised that there is another public house in close proximity known as the 'Royal Oak Inn' some 1km to the north-east of the village. However, that in itself does not mean that the 'Slip Tavern' is no longer a community facility that should be retained.

6.4 It is evident from the level of objection received to this application that the 'Slip Tavern' is a facility valued by the local community.

6.5 Having inspected the floor plans of the existing building and the exterior of the site, it is not considered that the Public House building itself has any real physical constraints associated with it. In fact, it is considered that the site does not have any physical constraints that would prevent its further extension or even further development within its grounds, say for the provision of tourism accommodation.

Period of Marketing

6.6 Turning to the issue of marketing, the first point to make is that the Local Planning Authority normally requires an appropriate marketing time to be 12 months. In this case the premises has not been marketed for twelve months, it has only been marketed since January of this year.

"The Offer" & Value

- 6.7 The premises have been marketed for a price of £350,000. There is clear evidence that the applicant received an offer of £275,000 and rejected that offer. It is understood that it was a “cash offer” from persons who “...are well established licensed trade operators and who currently own other public houses”. It is understood that that offer still stands. The marketing agent for the applicant considered that offer to be too low. He also readily accepts that “his brief is to sell at the best possible price in an attempt to recoup a proportion of the cost of the property to the present vendors”. It is understood that they purchased the property in December 2003 for £345,000.
- 6.8 However, all property prices rise and fall over time according to the economic climate and specific market at that time. In addition, when purchasing a business such as a public house the price would be influenced by the success or otherwise of the existing enterprise. It is accepted that the turnover relating to the ‘Slip Tavern’ has been particularly poor since 2012. It is considered that the most appropriate way of determining what is an appropriate value for the Slip Tavern is to analyse the price secured for similar public houses that have been sold in the recent past. This is materially different to comparing the marketing price of public houses.
- 6.9 CAMRA have usefully provided evidence of similar properties that have been sold. The Bell Inn at Bosbury was marketed for £245,000 but sold for £225,000 in 2011, the Boughton Arms at Peterschurch was marketed at £230,000 but sold at £210,000 in 2012 and the Maesllwch Arms Hotel at Glasbury-On-Wye was marketed at £270,000 but sold at £265,000 in 2012. In my view, it is the sold prices that accurately reflect the true market value rather than the asking / marketing_prices. Both CAMRA and the agent for the applicant have provided a variety of evidence of similar sized premises that are on the market and their asking prices. However, it is considered that these provide little in terms of the genuine market values as it is the sold prices that are of more relevance.
- 6.10 It is therefore considered that the offer of £275,000 was a reasonable offer.

Marketing Regime/Strategy

- 6.11 As is apparent from the above, it is considered that the premises is probably overvalued. As the marketing agent readily admits “his brief is to sell at the best possible price in an attempt to recoup a proportion of the cost of the property to the present vendors”. During the marketing period the asking price has not been reduced.
- 6.12 The marketing agent is a very well respected agent. He concedes that his firm does not specialise in public houses but he makes the valid point that his firm has a specialist commercial department that deals with a wide range of businesses. However, the one area where it is considered that the marketing strategy appears to have been lacking is that there is no evidence that marketing has taken place through the national industry media / trade journal, such as the Morning Advertiser or Dalton’s Weekly - as is normal for licensed premises.

Viability

- 6.13 The trading figures set out in the Viability Statement accompanying the application summarise the annual turnover for the last 5 years:-

2008 - £155,527
2009 - £144,563
2010 - £124,809
2011 - £135,663
2012 - £71,061
2013 - £4,499 (quarter 1 only - closed March 2013)

- 6.14 These turnover figures show a severe drop in turnover between 2011 and 2012 by almost 50%. It is acknowledged that the industry has been in decline for several years, but it has certainly not halved in just 12 months. Turnover was healthy before the Walwyn closed for refurbishment (from around February/March 2011 to May 2011) but when the Walwyn re-opened after refurbishment the Slip's turnover dropped by 50%. The agent for the applicant appears to attribute this to the re-opening of the Walwyn Arms. However, it is considered that it is unlikely that this was the reason for the lack of trade because the locals who frequented the Slip over many years would not have just moved to another pub. A more credible explanation may be poor management.
- 6.15 Whilst appreciating the applicants' situation, it is difficult to ignore the numerous letters / e-mails of objectors which suggest that poor management has been the major factor contributing to the drop in turnover. The objection / letters e-mails received have not been of a "standard format" and give some detailed evidence of what they regard as evidence of poor management.
- 6.16 Whilst it is appreciated that there is already another public house in Much Marcle (i.e. Walwyn Arms) and another in close proximity (Royal Oak Inn), there is no reason why the 'Slip Tavern' could not attract significant numbers of visitors from beyond the village itself. There are some significant population centres within say 25 miles. In addition, Much Marcle is well located in terms of being an attractive location for tourists.

Other Matters

- 6.17 It has been suggested that CAMRA as an interest group will seek to preserve as many public houses as possible. It is considered that having looked at their previous representations and lack of responses upon other cases they do not object to all planning applications that involve the loss of a public house. It is considered that they are indeed quite even handed and are thorough at analysing the evidence. So there are examples of cases involving a loss of a public house where they have not objected (e.g. Swan Inn at Letton, Black Horse at Leominster and Prancing Pony at Cradley).

Conclusions

- 6.18 In conclusion, whilst understanding the applicants situation the planning policy position is clear and in this instance it is considered that:-
- The length of the marketing period has been inadequate;
 - The marketing strategy has not been targeted at trade publications or national industry media;
 - The price does not reflect the true market value of the premises that reflects its recent turnover. In this regard it is considered that the true market value is best ascertained by comparing the sold prices of similar public houses not the asking prices;
 - There is no reason to suggest that the 'Slip Tavern' does not have the potential to be viable given its location and physical characteristics; and
 - A reasonable offer for the 'Slip Tavern' has been rejected.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The Central Government advice contained within paragraphs 28 and 70 of the National Planning Policy Framework, policies S11, CF6 and TCR14 of the Herefordshire Unitary Development Plan 2007 and policies SC1 and RA6 of the Core Strategy effectively seek to retain public houses as their value to rural communities unless it can be demonstrated that they are no longer viable. In this instance it is considered that:-**

Further information on the subject of this report is available from Mr R Close on 01432 261803

- the length of the marketing period has been inadequate;
- the marketing strategy has been somewhat lacking due to the failure to market through the national industry media / trade journals;
- the marketing price of £350,000 does not reflect the true market value of the premises taking account of its recent turnover. In this regard it is considered that the true market value is best ascertained by comparing the sold prices of similar public houses not the asking prices;
- there is no reason to suggest that the ‘Slip Tavern’ does not have the potential to be viable given its location and physical characteristics; and
- a reasonable offer for the ‘Slip Tavern’ has been rejected.

As such, the proposal is considered to be contrary to the Central Government advice contained within paragraphs 28 and 70 of the National Planning Policy Framework, policies S11, CF6 and TCR14 of the Herefordshire Unitary Development Plan 2007 and Policies SC1 and RA6 of the Core Strategy.

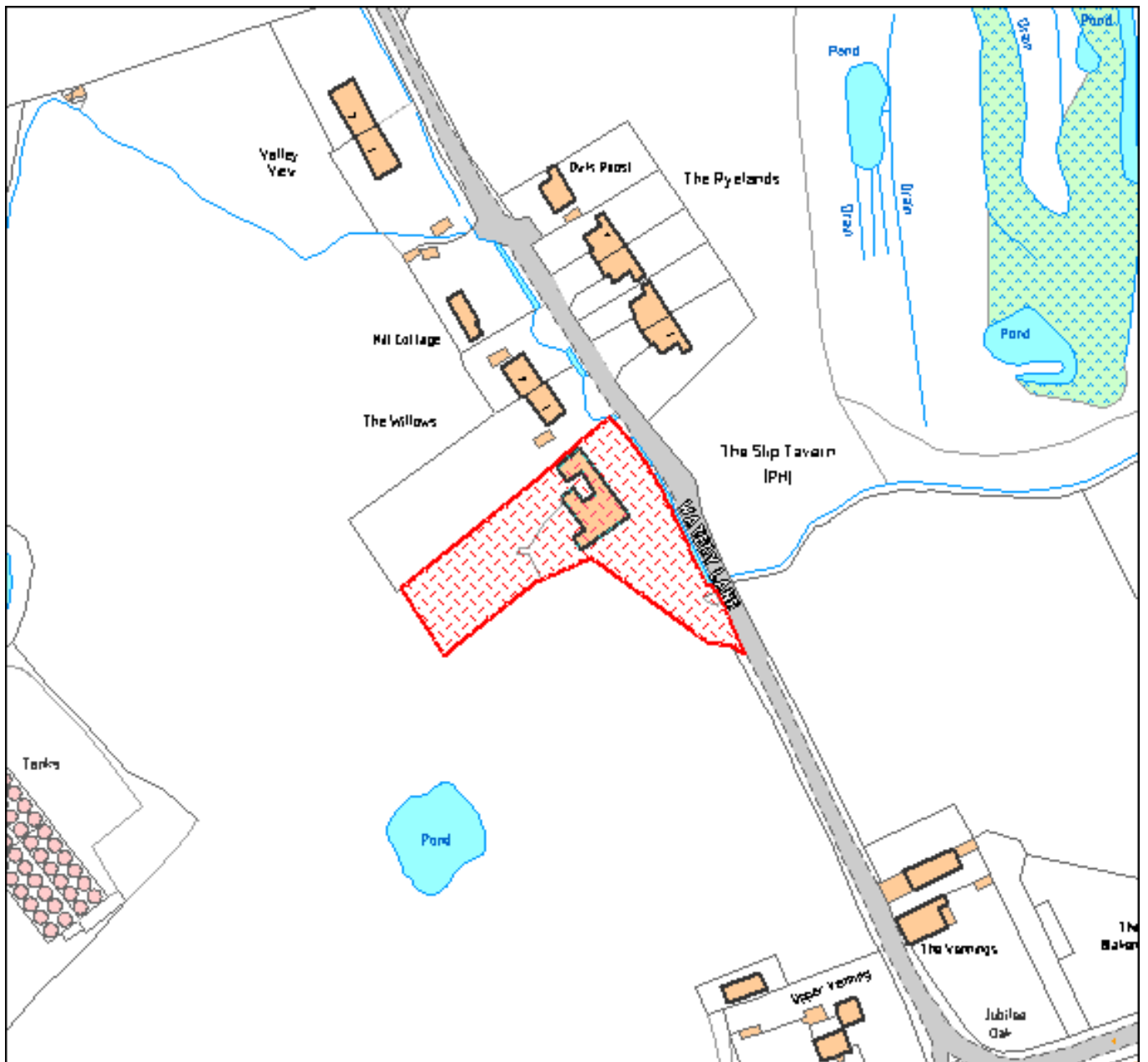
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131732/F

SITE ADDRESS : THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NG

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MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	<p>131885/F - PROPOSED ERECTION OF 30 NO. NEW DWELLINGS INCLUDING 10 AFFORDABLE UNITS AND ASSOCIATED WORKS TO PROVIDE A NEW ACCESS AND ROAD AT SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</p> <p>For: G P Thomas & Son per Mr David F Baume, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131885&NoSearch=True

Date Received: 9 July 2013

Ward: Wormsley Ridge

Grid Ref: 346348,248579

Expiry Date: 8 October 2013

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application relates to an area of 0.89 hectares of grazing land, and is a field located towards the southern end of Canon Pyon. The land is flat and falls between two areas of residential development - the main village core to the north and a post-war residential estate, Meadow Drive, slightly divorced from the rest of the village, to the south. The site is bounded immediately to the east by a post and rail fence with a footpath and then hedgerow forming the roadside boundary. A mature hedge bounds to the west with open countryside beyond.
- 1.2 The village is very linear and older properties are arranged along the road frontage with outlooks across the countryside to the east and west. Meadow Drive is a cul-de-sac development, and a similarly sized development has also taken place at the northern end of the village and is known as Brookside.
- 1.3 Canon Pyon is identified as a main settlement by Policy H4 of the Unitary Development Plan. The settlement boundary excludes the application site, bounding it immediately to the north. The village facilities include a shop and post office, primary school, public house, playing fields and village hall.
- 1.4 The application is made in full and is for the erection of thirty dwellings and is a revision to that previously refused by Planning Committee on 15 May 2013 in that it seeks to address the concerns raised about surface water drainage issues through the completion of a Surface Water Management Plan. The main substance of the application is otherwise the same as previously considered. The dwellings are a mix of 20 open market properties - 10 two bed, 8 three bed and 2 four bed - and 10 affordable dwellings - 6 two bed, 3 three bed and 1 four bed. The houses are predominantly semi-detached, with only the two four bed open market properties in the south western corner of the plot being detached. Each dwelling has its own

Further information on the subject of this report is available from Mr A Banks on 01432 383085

parking provision and half of the open market properties also include garages. The dwellings are all of brick construction, with some having rendered elements, and tiled roofs.

- 1.5 Vehicular access into the site is directly from the A4110. The plans show the construction of a minor road with a turning head within the site, the access from the A4110 being positioned approximately centrally on the road frontage. The requirement to provide appropriate visibility splays necessitates the removal of the roadside hedgerow. The plans propose to reinstate a new hedgerow behind the visibility splays with a new 2 metre wide footpath behind the hedge and thus separated from the road, to recreate the existing situation.
- 1.6 The development is arranged with frontage development facing onto the A4110, with further development arranged around the new access road behind. Each of the properties has gardens to front and rear with the precise details of boundary treatments to be agreed should planning permission be forthcoming. The mature hedgerow that forms the western boundary of the site is to be retained.
- 1.7 The application relies on the ecological survey previously undertaken for the earlier proposal determined by committee in 2012. This concluded that there were no significant ecological issues which would be adversely affected by the development of the site. The application also includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. A copy is attached as an appendix to this report.

2. Policies

2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	-	Achieving sustainable development
Section 6	-	Delivering a wide choice of high quality homes
Section 7	-	Requiring good design
Section 8	-	Promoting healthy communities
Section 11	-	Conserving and enhancing the natural environment

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: settlement boundaries
H7	-	Housing in the countryside outside settlements
H10	-	Rural exception housing
H13	-	Sustainable residential design
H15	-	Density
H19	-	Open space requirements
T8	-	Road hierarchy
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity

2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS3	-	Releasing land for residential development
SS4	-	Movement and transportation
SS6	-	Addressing climate change
RA1	-	Rural housing strategy
RA2	-	Herefordshire's villages
H1	-	Affordable housing – thresholds and targets
H3	-	Ensuring an appropriate range and mix of housing
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Local distinctiveness
LD2	-	Landscape and townscape
LD3	-	Biodiversity and geodiversity
SD1	-	Sustainable design and energy efficiency
SD3	-	Sustainable water management and water resources
ID1	-	Infrastructure delivery

2.4 Neighbourhood Planning

Pyons Group Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 26 July. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. **Planning History**

3.1 130166/F - Proposed erection of 30 no. new dwellings including 10 affordable units and associated works to provide a new access and road - Refused 15 May 2013 for the following reasons:

1. The site is within the countryside outside of the settlement boundary for Canon Pyon as defined in the Herefordshire Unitary Development Plan. The development does not satisfy any of the exception criteria within Policy H7 and therefore the development is contrary to this policy. The development is also considered to adversely impact upon the visual character of the area and therefore, notwithstanding the current deficiency in the supply of housing land, the adverse landscape impact is considered to outweigh the benefits of the development. Consequently, the development is contrary to Policies DR1, H4, H7 and DR13 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.
2. The proposal fails to reinforce the distinctive character or appearance of the locality due to its layout and density, creating a suburban road frontage in a rural village, contrary to Policies DR1, H13 and H15 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.

3. The site is prone to waterlogging and surface water flooding and the applicant has failed to demonstrate how adequate provision can be made for the disposal of surface water contrary to Policies DR1 and DR4 of the Herefordshire Unitary Development Plan.
4. The scheme fails to make adequate provision of outdoor play space and is contrary to Policy H19 of the Herefordshire Unitary Development Plan.
5. The application is not accompanied by a completed Section 106 Agreement considered necessary to make the development acceptable and is therefore contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's Supplementary Planning Document on Planning Obligations.

3.2 N111770/F - Erection of 14 no. affordable homes on greenfield site including required access and services – Refused 1 February 2012.

3.3 77/0627 - Erection of one bungalow - Refused.

3.4 75/0605 - Erection of one bungalow - Refused.

3.5 Two separate applications were also submitted and refused in 1966 for nine and five dwellings respectively. Both applications went to appeal and were both dismissed.

3.6 In the case of all of the applications referred to above the issues were the same:

- That the application site was beyond the recognised settlement and that there were no circumstances to justify an exception to policy; and,
- The site was within an Area of Special Landscape and development would detract from this.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water - No objection subject to the imposition of conditions.

Internal Council Consultations

4.2 Head of Strategic Planning & Regeneration - As Council cannot demonstrate a five year housing supply, an interim policy position was adopted by Council in July 2012 and allows some exemption to Policy H7 to enable housing development on suitable strategic and sustainable sites which have been assessed in the SHLAA as having none or minor constraints.

The subject site was assessed as part of a larger site in the Strategic Housing Land Availability Assessment (O/cp/001) and was assessed as having 'Minor Constraints.' The assessment detailed that the site was suitable, available and achievable for development during the plan period, and that although the site would result in linear development, this is not detrimental as a development would connect the satellite housing development further south. Taking this into account, the subject site is of suitable size and of a sustainable location to enable this site to be considered under the interim policy position.

The draft Core Strategy is currently at pre-submission stage, having been approved by Full Council on the 19 July 2013 as representing the preferred strategic planning document of Herefordshire for the next 20 years ending 2031. Although the Core Strategy has not proceeded to the final 'soundness stage' before examination, policies within the Core Strategy

can begin to be accorded weight dependent on contestation of the policies in the determination of planning applications. It should be noted that the Core Strategy continues to recognise Canon Pyon as a sustainable settlement which is capable of taking further residential growth.

- 4.3 Transportation Manager - No objection subject to the imposition of conditions.
- 4.4 Land Drainage Officer - It is proposed that SuDS is used for surface water drainage and there are no objections raised on the principle of flooding or drainage grounds, subject to the approval of the SuDS before development commences.
- 4.5 Parks & Countryside Manager - No objection to the proposal subject to the provision of financial contributions for the improvement of existing children's play facilities and sports provision within the village as specified in the accompanying Draft Heads of Terms Agreement.

5. Representations

5.1 Pyons Group Parish Council comment as follows:

- The site has been rejected for development twice recently, and on repeated occasions in previous years. It fails to fit in with the objectives of the Group Parish Council in developing the village from the centre near all the facilities.
- This scheme is identical in all its main elements to that refused in May 2013. However, we are pleased that the developers have now accepted there is indeed a serious problem with flooding, contrary to the position they have previously maintained. The Group Council remains concerned, and fears that the new system may produce no benefit, since the water is retained on a proven impermeable site. We would ask for, and expect an independent analysis of this new system to be conducted.
- The development is against Draft Core Strategy policy RA2.1 "reflecting the size of the village."
- The scheme is site led, and not in response to housing need, contrary to the Draft Core Strategy (page 144).
- It is a form of unacceptable ribbon development, when the Group Council is working to develop from the hub outwards. This application would compromise all the work done, and its future planning.
- The design with a street frontage of 16 houses is urban and cramped and does not reflect the rural setting, and is against Draft Core Strategy policy RA2.3 "Character of the village" and policy H2.3 "Respecting characteristics of the surroundings".
- It fails to meet Draft Core Strategy policy H3.3 "Elderly housing"; housing surveys and frequent contacts with the Parish Council show a continuing demand for bungalows.
- The Parish Plan has been analysed by Herefordshire Council and Pyons Group Parish Council is in the process of producing a Neighbourhood Plan. It has a clear view of the future for the village, embracing localism and frequent consultations, neither of which have featured at any stage with the proposed scheme.
- This is the third time we have placed the same argument before the Planning Committee and twice the application has been rejected. Nothing has changed; this new proposal scarcely differs from those turned down. An approval at this stage would therefore undermine the democratic process and the endeavours of the Group Parish Council to represent all of its residents

- 5.2 CPRE - Except for the addition of a Hydrologist's report, the present application appears to be identical to the previous one refused by Planning Committee on 15th May. Attention is drawn to the fact that the report confirms that the ground conditions are not conducive to the use of

traditional soakaway systems. Their correspondence then suggests that the suggested product solution should be independently evaluated if it is to be considered.

CPRE submit that it is impossible to argue that development on this site is necessary. Therefore it should not be allowed because of the known and demonstrable risk of flooding and an objection is maintained.

5.3 Letters of objection have been received from ten local residents. In addition a petition objecting to the application with 83 signatures has also been received. In summary the points raised are as follows:

- Canon Pyon is a traditional rural village. The addition of 30 houses on the proposed site is too much for such a small village to absorb without compromising the integrity of the village.
- The site layout and density may be appropriate for urban areas but is not in keeping with a rural village such as Canon Pyon. This is further exacerbated by the poor quality of design.
- The current proposal does not reflect the rural nature of the surroundings.
- The site is not within the village boundary.
- There are no prospects of employment within the village
- The public transport network will not support the additional residents for getting to and from work. Residents will be dependent upon private modes of transport, therefore increasing the traffic volumes through the village.
- Removal of the existing footpath and hedge to make way for the development would severely impede villagers from the south end of the village in walking to the shop.
- The site is distant from the existing play area in the village and the failure to make an on site provision is contrary to Policy H19 of the Herefordshire Unitary Development Plan.
- The mix of affordable housing does not reflect the need identified by the Housing Needs Survey.
- The land is prone to flooding during periods of heavy rainfall and its development will exacerbate existing surface water runoff issues.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 Many of the points raised in objection to this application are matters that were previously considered by Planning Committee when it refused application reference 130166/F. That application is now the subject of an appeal by informal hearing and is due to be heard on 20 November 2013. This report concentrates on the five reasons for refusal and considers whether they have either been addressed, or if there are other material considerations that are likely to lead to a different outcome.

6.2 The previous report to Planning Committee detailed the shortfall in the Council's five year housing land supply. Although the Core Strategy continues to move forward, the position remains that a five year supply is lacking. Recent appeal decisions across the country make the Government's position clear on this matter that greater weight will be given to Paragraph 49 of the NPPF which stipulates that relevant policies concerning the supply of housing land

should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. This has also been confirmed by the recent appeal decision for 35 dwellings at Kingstone where the Inspector made clear that there need be no objection to the principle of development outside the defined development boundary.

- 6.3 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP policy H7 is not a reason for refusal of the application that could be sustained and therefore the substantive part of the first reason for refusal under application reference 130166/F fails.
- 6.4 The application is largely the same as that previously refused with the layout, housing types and numbers all unchanged. The main difference is that the applicant has commissioned a report to investigate the issues raised about surface water flooding. Three test pits were dug at regular intervals across the site and were surveyed in accordance with an accepted methodology produced by the Building Research Establishment. The report concludes that the rate of water infiltration is too slow for the use of a traditional soakaway. It acknowledges that the existence of a high water table could limit the efficiency of such a system in periods of heavy rainfall. However, the report identifies a technical solution to address the issue; a series of box conduit soakaways which retain large volumes of water during periods of heavy rainfall, releasing it over a prolonged period. The report concludes that the product can be fitted at shallow depths, close to dwellings and immediately beneath patios and other areas of hard standing. They are also capable of being installed at relatively shallow depths, above the water table in more permeable ground layers. It also recognises that the majority of hard surfaces across the development are to be formed with permeable materials and considers that, if the recommendations of the report are followed, then surface water runoff from the site will not be increased, and potentially reduced.
- 6.5 The contents of the report have been considered by the Council's Land Drainage Engineer who has concluded that, subject to the implementation of a sustainable drainage system such as that identified in the report, the proposal is acceptable. These findings offer the independent assessment of the report that the parish council and others request, and it is concluded that, subject to the submission of a detailed scheme, this technical matter identified in the third reason for refusal can be satisfactorily be addressed in accordance with policy DR4 of the UDP.
- 6.6 The Council's Parks and Countryside Officer has confirmed that a financial contribution towards the upgrading and improvement of the existing play equipment within the village is their preferred option, rather than to seek the provision of on-site facilities. The continued improvement of a single facility for the whole of the village allows for more effective management, provides a more meaningful play area for all ages and is more accessible to the community as a whole, rather than making a series of smaller on-site provisions for infants and small children. The applicant has confirmed their acceptance of the contribution in the Heads of Terms Agreement. In light of the advice from the Parks and Countryside Officer it is not considered that the fourth reason for refusal can be sustained and, subject to the contribution outlined in the Heads of Terms Agreement, the proposal is compliant with policy H19 of the UDP.
- 6.7 The application includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. Contributions will be spent locally in consultation with the parish council. As part of the appeal process the applicant is required to submit a draft Section 106 Agreement prior to the hearing. If planning permission were to be forthcoming

through this permission it is recommended that the Section 106 Agreement is completed, thus satisfying the fifth reason for refusal.

- 6.8 It is therefore your officer's view that the only outstanding issue relates to the design and layout of the proposal and its impact upon the character and appearance of the village as outlined in the second reason for refusal.
- 6.9 Canon Pyon is an established village that has experienced steady growth over the past 50 years, with Meadow Drive and Valentine Court to either side being clear examples of this. Whilst the site is an area of open pasture land, it is well related to the present developed area of the village, falling between the two developments referred to above and it is therefore considered that the proposed development would not be unduly conspicuous or obtrusive in the landscape.
- 6.10 Some of the objectors have expressed the view that a development of 30 houses would be disproportionate and too big a scheme seen in the context of surrounding development. The housing policies of the UDP do not seek to control the scale of new development against an historic rate of development averaged out over time; what is more relevant is what is seen to be the present character of the site and its surroundings.
- 6.11 The village does not have a strong architectural identity other than its linear form. The site has a long road frontage and limited depth. In order to make the best use of the land available it is logical for any development to be influenced by these characteristics. The proposed development is not of a high density with 30 dwellings on 0.9 hectares, equating to 33 dwellings per hectare. Each property has its own parking provision and good sized gardens, the majority having a length of at least 10 metres. All of the facilities required can be provided and, moreover, the retention of hedgerow along the western boundary with open countryside beyond, will serve to give a sense of space and enclosure. The proposal is compliant with Policy H15 of the UDP.
- 6.12 It remains your officer's view that in order for any development to be properly integrated with the village it should address the main road and contribute to the street scene rather than creating a cul-de-sac that is inward looking. The concerns that the proposal will have a suburban appearance will be mitigated by the retention of a hedgerow immediately behind the visibility splay, and variations in the appearance of the dwellings could be extended further through a variation in brick types and could be agreed through the imposition of an appropriately worded condition.
- 6.13 Although the detailed design of the proposal has not been amended since the previous refusal, your officer's remain of the view that they originally expressed that the proposal is appropriate in respect of the character and appearance of its surroundings, and thus is compliant with policies DR1 and H13 of the UDP, and Chapter 7 of the NPPF in requiring good design.
- 6.14 No objections have been raised by the Council's Highway Engineer. The A4110 is perfectly straight at this location and visibility is potentially very good, subject to the removal of the hedgerow. The plans now proposed have taken account of the concerns of local residents and the hedge is to be re-planted between the road and a new 2 metre wide footpath. The footpath will be positioned further away from the road as a consequence and its widening is considered to be of significant benefit as it is currently rather narrow. The proposal is considered to accord with Policies DR3 and T8 of the UDP.
- 6.15 In conclusion, the proposal is considered to be acceptable. It has been demonstrated that the previous reasons for refusal relating to drainage, on site play provision and lack of a Section 106 Agreement have been addressed. Appeal decisions elsewhere have confirmed the view that has been consistently held that policy H7 of the UDP is out of date and that the lack of a

five year housing land supply means that there can be no objection to the proposal as a matter of principle. Canon Pyon is a sustainable settlement and has a good range of local services and access to public transport facilities. The scheme is considered to accord with policies S1, DR1 and H13 of the UDP and the guiding principles of the NPPF in this regard. The proposal demonstrates that a safe means of access with appropriate visibility splays in either direction can be provided and is compliant with policies DR3 and T8 of the UDP.

- 6.16 Your officer's remain of the opinion that the design has been influenced by the characteristics of the site and that the strong road frontage development is reflective of and complementary to the character and appearance of the village. The proposal accords with policies DR1 and H13 in this regard and consequently the application is recommended for approval.

RECOMMENDATION

That officers named in the scheme of delegation be authorised to issue planning permission subject to:

- 1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report.**
- 2. The conditions set out in this report and any varied or additional conditions considered necessary by officers:**
 - 1. A01 Time limit for commencement (full permission)**
 - 2. B01 Amended plans**
 - 3. C01 Samples of external materials**
 - 4. F16 No new windows in specified elevation**
 - 5. G04 Protection of trees/hedgerows that are to be retained**
 - 6. G10 Landscaping scheme**
 - 7. G11 Landscaping scheme - implementation**
 - 8. H03 Visibility splays**
 - 9. H09 Driveway gradient**
 - 10. H11 Parking - estate development (more than one house)**
 - 11. H13 Sustainable Residential Design**
 - 12. H18 On site roads - submission of details**
 - 13. H21 Wheel washing**
 - 14. H27 Parking for site operatives**
 - 15. I16 Restriction of hours during construction**
- 16. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works in accordance with the Surface Water Management Report dated June 2013 has been submitted to and approved in writing by**

Further information on the subject of this report is available from Mr A Banks on 01432 383085

the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and other material considerations, including 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. I05
3. I07
4. I09
5. I11
6. I45

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131885/F

SITE ADDRESS : SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Ref – N123135/CE

Erection of 30 dwellings, including 10 affordable units and associated works to provide a new access and road.

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £27,208 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality / accessibility of existing facilities in Canon Pyon. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,658 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities in consultation with the local community. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £106,110 to provide education improvements to Conningsby Early Years, Canon Pyon Primary School, Weobley High School, Herefordshire Youth Service and Special Educational Needs. This sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £51,116 to provide sustainable transport measures in Canon Pyon. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Canon Pyon.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
5. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3,110 for the provision of library services. The sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,400 towards the provision of new or the enhancement of existing waste and recycling facilities in Canon Pyon (if appropriate provision/facilities are not provided on site).
7. The developer covenants with Herefordshire Council that ten of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire

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Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

8. The Affordable Housing units shall be as follows with their tenure to be as follows:
 - 3 x 2 bedroom - Intermediate tenure
 - 2 x 3 bedroom – Intermediate tenure
 - 3 x 2 bedroom – Social rented
 - 2 x 3 bedroom Social rented
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
 - registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - satisfy the requirements of paragraphs 11 & 12 of this schedule
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - a) a local connection with the parish of Canon Pyon; or
 - b) In the event of there being no person having a local connection to the parish of Wellington a person with a local connection to the adjacent parishes
 - c) In the event of there being no person with a local connection to any of the parishes referred to in 11(a) and 11(b) above any other person ordinarily resident within the administrative area of the Council who is eligible
12. For the purposes of sub-paragraph 11(a) of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
 - a) is or in the past was normally resident there; or
 - b) is employed there; or
 - c) has a family association there; or
 - d) a proven need to give support to or receive support from family members; or
 - e) because of special circumstances;
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
14. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for

New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

15. The developer covenants with Herefordshire Council to pay Herefordshire Council a 2% surcharge fee for the monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
16. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6 and 15 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
17. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 15 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

ANDREW BANKS
PRINCIPAL PLANNING OFFICER

4TH December 2012

Working in partnership for the people of Herefordshire

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PCN



MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	S122304/F - CHANGE OF USE TO ACCOMMODATE SIX MOBILE HOMES (RETROSPECTIVE) AT WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE For: Mr Rogers per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122304&NoSearch=True

Date Received: 13 August 2012

Ward: Backbury

Grid Ref: 355577,238127

Expiry Date: 15 October 2012

Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 The application site lies to the rear of a group of large agricultural style buildings, some of which are now in use for commercial purposes, on the north side of the unclassified 72203 road that loops through Hampton Bishop. The site lies within the Hampton Bishop Conservation Area. It is largely screened from the dwellings to the north by an earth bund.
- 1.2 This is a retrospective application for the retention of 6 mobile homes (static caravans) for unrestricted residential use.
- 1.3 The following report, (ref 122305) relates to an adjacent site and should be read in conjunction with this report.

2. Policies

2.1 National Planning Policy Framework

Chapter 1. Delivering sustainable development
 Chapter 6. Delivering a wide choice of high quality homes
 Chapter 12 Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan (HUDP)

S1 - Sustainable development
 S2 - Development requirements
 DR1 - Design
 H4 - Main villages:settlement boundaries
 H7 - Housing in the countryside outside settlements
 H8 - Agricultural and forestry dwellings and dwellings associated with rural business

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- HBA6 - New development in conservation areas
- E12 - Farm diversification

2.3 Herefordshire Local Plan Draft Core Strategy

- S1 - Presumption in favour of sustainable development
- RA2 - Herefordshire's villages
- LD4 - Historic environment and heritage assets

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 S121411/U certificate of existing lawful development for two mobile homes- withdrawn 13/7/12

4. Consultation Summary

4.1 Transportation Manager - no objection.

4.2 Natural England - no objection.

5. Representations

5.1 Hampton Bishop Parish Council: No comment received.

5.2 Two local residents have written in support of the application.

5.2 In support of the application the agent advises

The six units have gradually appeared on site over a number of years and they house persons who have been employed on the farm to assist with the seasonal work. When their work had finished they carried on living in the homes because other low cost living accommodation was very difficult to find and they later found other work. When KDR Farms needed seasonal workers at a later date the accommodation was not available and new mobile homes were installed. Clearly this was a situation that could not be allowed to continue ad infinitum and the business has capped it, at a total of ten units. Four for seasonal workers and six for the permanent residents. There has been a benefit to the business in that the occupation of the six units has provided additional income and is considered as farm diversification as encouraged in appendix c of PPS7.

In all the years that these units have existed there has only ever been one complaint reported to the council. This was in November 2010. This is testimony to the fact that the existence of the mobile homes causes no real concerns to the community. They are well sited being screened and serviced in such a way that few people are aware of their existence.

This application is being submitted in tandem with another application covering the four units for seasonal workers that exist at the same farm.

5.3 In addition information regarding drainage details have been submitted to address phosphate issues in the rivers.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 This application follows an enforcement investigation that commenced in 2010. The delay in bringing the application to Committee is a result of the need to satisfy the requirements of the Habitat Regulations in respect of the potential impact on water quality associated with increased phosphate levels in the rivers Wye and Lugg. The additional information recently submitted has addressed those concerns.
- 6.2 It appears that this use of land originated when additional temporary farm labour was required, but when that need ceased residents stayed on and found employment elsewhere. The continued need for such workers is addressed in the following report (122305).
- 6.3 Hampton Bishop is not identified as a main village within policy H4. Since the mobile homes do not claim to meet an agricultural need policy H8 is not applicable either. Accordingly policy H7 applies. Since the proposal does not meet any of the exceptions set out therein, the proposal is contrary to that policy.
- 6.4 The site lies within the Hampton Bishop Conservation Area, where there is a duty to preserve or enhance the character of such areas. The siting of 6 static caravans clearly fails such a test and is consequently contrary to policy HBA6.
- 6.5 There is no guidance in the National Planning Policy Framework, nor the Draft Core Strategy to suggest that there are other policies or material considerations to outweigh these policies and as such the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. **The proposal is contrary to policy H7 of the Herefordshire Unitary Development Plan in that it fails to meet any of the exception tests which would support residential development in the open countryside. Furthermore in the absence of an identified need, it is considered that the proposal constitutes an unsustainable form of development contrary to Policy S1 of that Plan and the guidance provided by the National Planning Policy Framework.**
- 2. **The appearance of the development fails to either preserve or enhance the character or appearance of the Hampton Bishop Conservation Area and is consequently contrary to Policy HBA6 of the Herefordshire Unitary Development Plan and the guidance provided by the National Planning Policy Framework.**

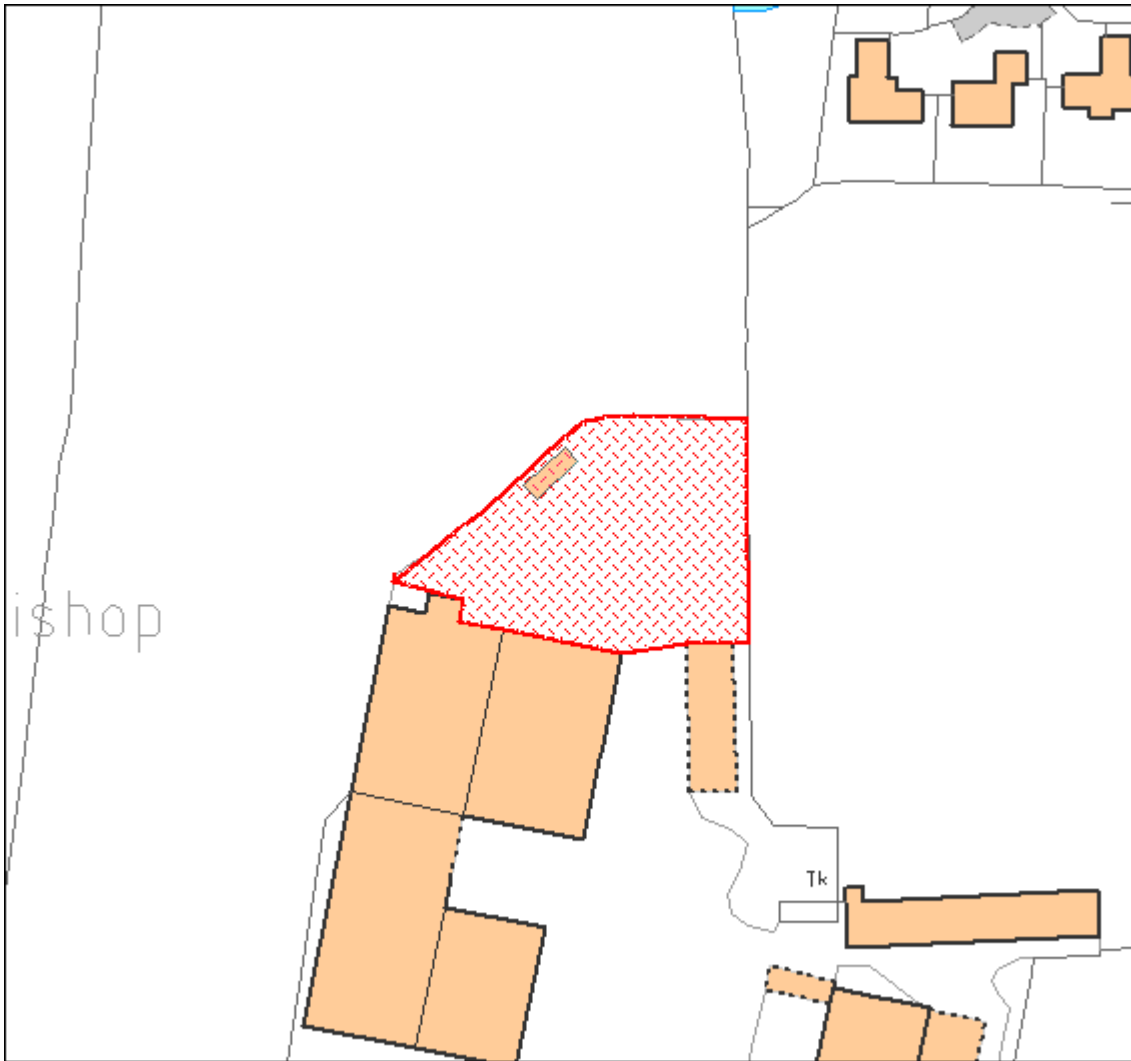
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 122304/F

SITE ADDRESS : WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE

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MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	S122305/F - FOUR MOBILE HOMES UNITS TO PROVIDE HOUSING ACCOMMODATION FOR SEASONAL WORKERS (RETROSPECTIVE) AT WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE For: Mr Rogers per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122305&NoSearch=True

Date Received: 13 August 2012

Ward: Backbury

Grid Ref: 355604,238128

Expiry Date: 15 October 2012

Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 The application site lies to the rear of a group of large agricultural style buildings, some of which are now in use for commercial purposes, on the north side of the unclassified 72203 road that loops through Hampton Bishop. The site lies within the Hampton Bishop Conservation Area. It is largely screened from the dwellings to the north by an earth bund.
- 1.2 This is a retrospective application for the retention of 4 mobile homes (static caravans) for agricultural occupation.
- 1.3 The previous report, (ref 122304) relates to an adjacent site and should be read in conjunction with this report.

2. Policies

2.1 National Planning Policy Framework

- Chapter 1. Delivering sustainable development
- Chapter 3. Supporting a prosperous rural economy
- Chapter 6. Delivering a wide choice of high quality homes (particularly para 55).
- Chapter 12. Conserving and enhancing the historic environment

2.2 Herefordshire Unitary Development Plan (HUDP)

- S1 - Sustainable development
- S2 - Development requirements
- DR1 - Design
- DR4 - Environment

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- H4 - Main villages: settlement boundaries
- H7 - Housing in the countryside outside settlements
- H8 - Agricultural and forestry dwellings and dwellings associated with rural business
- HBA6 - New development in conservation areas
- E12 - Farm diversification

2.3 Herefordshire Local Plan Draft Core Strategy

- S1 - Presumption in favour of sustainable development
- RA2 - Herefordshire's villages
- RA4 - Agricultural, forestry and rural enterprise dwellings
- LD4 - Historic environment and heritage assets

2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 S121411 certificate of existing lawful use - withdrawn 13/7/12

4. Consultation Summary

4.1 Transportation Manager: No objection.

4.2 Natural England: No objection.

5. Representations

5.1 Hampton Bishop Parish Council: No comment received.

5.2 Letters of support have been received from two local residents

5.3 In support of this proposal the agent advises:

For very many years two of the mobile homes have existed on site serving the needs of the farm for over 18 years. The reason that these homes are on site is because it allows unskilled labour to be employed. Much of the short term rental accommodation is too expensive and this would mean that employment of the available work force becomes very difficult. It is very important to be able to offer this accommodation.

Public transport to the site is available but does not run on a very frequent basis. Creating yet another difficulty for the employed labour.

During the time that these homes have existed they have not been a nuisance to the local community. Refer to enclosed letter of support. (this is one of the two referred to in 5.1). This is evidenced by the fact that there has been no complaint or reference to them until very recently and this maybe because of the additional units that have appeared, these are being applied for retrospectively and under a separate application.

The four units serve a 350 acre holding which is used for intensive horticulture crops and has many enterprises that involve employees on the minimum wage (unskilled labour) throughout the year.

The siting of the units is set well back from the road and there is an earth bund and some fencing that effectively screens them from the nearest dwellings located to the north.

The collection of the asparagus involves a period of very intensive work.

In PPS7 appendix B paragraph B4 (v) caravans could be located on the farm under permitted development rights but there is an implication that when not in use they should be removed from site. For reasons stated elsewhere in this letter the applicant is leaving them on site and for this reason permitted development rights do not appear to apply.

The requirement for these homes is best judged under paragraph 15 of PPS7 annex A.

The units are to house seasonal workers and therefore the functional test is not directly relevant as written.

Paragraph 3 relates to permanent dwellings and these are not, they are OTHER OCCUPATIONAL DWELLINGS. The comments below are listed more or less chronologically in line with paragraph 3.

The farm has existed for well over the three year period mentioned, it is profitable, it is financially sound and has a very clear prospect of remaining so.

The functional need cannot be met in any other way. For reasons mentioned above there is little opportunity for suitable existing accommodation.

The vehicular access is very good and uses the existing entrance into the farm. The impact into the landscape is minimal. There is, as mentioned above, screening and also a backcloth of very large steel framed buildings.

Reference to the abuse is not applicable because the homes are all portable and should there be no further use for them they can be easily removed.

The statement regarding food processing relates to permanence and not temporary mobile units.

The scale and the nature of the need to house workers can be justified historically and figures can be provided as required.

The mobile homes are of a scale to suit the enterprise and the need that has to be satisfied. Because the homes are portable they do not require to be enlarged. The homes are set alongside the farm buildings.

Finally the reason for not removing the homes when not being used by seasonal workers is because it would be uneconomical to remove them to another site where they would be less intrusive than on the farm where the siting, screening and impact has been dealt with.

- 5.3 Drainage information has also been submitted to deal with the Habitat Regulations.
- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 The agent's comments above refer in part to annex A of PPS7 which has been cancelled. The consideration of agricultural need is now set out in policy H7 of the UDP and RA4 of the draft Core Strategy. The comment about permitted development rights however remains valid.
- 6.2 It is not questioned that seasonal workers are required, but whether the caravans are required all year round. The case submitted by the agent does not claim this but sets out why it would be impractical to remove the caravans when not being occupied under permitted development rights.
- 6.3 It is accepted that even moving as few as 4 static caravans to another site, off season, of potentially greater impact, can cause problems. In accepting this it then requires consideration of the conservation area test, i.e. does the proposal preserve or enhance the Hampton Bishop Conservation Area. As with the previous report they do not, however, in this instance the caravans may remain under permitted development rights whilst required for seasonal workers. The nature of agricultural work is such that there can be over lapping 'seasons', depending upon the crop involved. It is therefore not unreasonable to expect there to be a seasonal need for in excess of half of the year.
- 6.4 On this basis the additional harm to Hampton Bishop Conservation Area, over and above the permitted use, is not considered to outweigh the benefit of not having to remove the caravans annually. There are sites on farms throughout the county where permission to allow seasonal caravans to stay on the farm, beyond the permitted seasonal period, has been granted. It is considered that such a pragmatic approach is also acceptable here, and the application is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The occupation of the mobile homes hereby approved shall be limited to a person or persons, including resident dependants, working in agriculture at Whitehall farm, Hampton Bishop.**

Reason: It would be contrary to policy H7 and H8 of the Herefordshire Unitary Development Plan to grant permission for mobile homes in this location, but for the agricultural need of this particular farm.

- 2. The applicant shall, on written request of the Local Planning Authority, provide details of residents of the mobile homes and the work they are engaged in on the farm, within 10 days of any such request.**

Reason: To ensure compliance with policy H8 of the Herefordshire Unitary Development Plan.

- 3. Within 3 months of the date of this permission foul drainage shall have been provided in accordance with details to be provided to and agreed in writing by the Local Planning Authority.**

Reason: In order to comply with the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan.

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.**

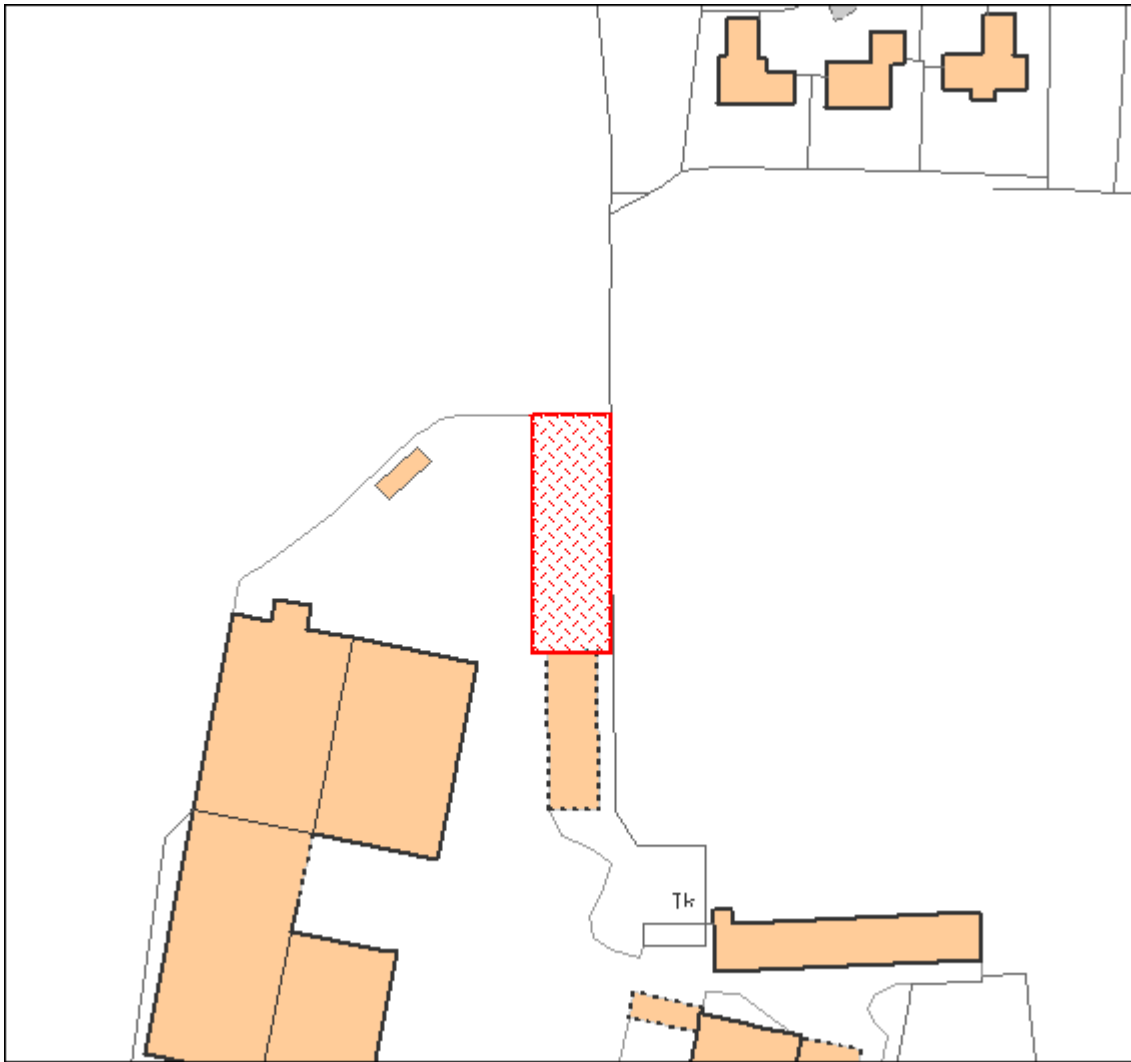
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 122305/F

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