

AGENDA

Planning Committee

Date: **Wednesday 14 May 2014**

Time: **10.00 am**

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

Notes: Please note the **time, date** and **venue** of the meeting, road works on Hafod Road and car parking advice.

For any further information please contact:

Tim Brown, Democratic Services Officer

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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 AN Bridges

Councillor EMK Chave

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 J Norris

Councillor GR Swinford

Councillor DB Wilcox

1 Vacancy

AGENDA

VISITING BROCKINGTON - ROAD WORKS AND POLICE REQUEST - CAR PARKING

ROAD WORKS

Please note that road works are to commence in Hafod Road. This could have an effect on your journey time.

PARKING

There is a pay and display car park at Brockington.

However, please note that if this is full the police have requested that anyone seeking to park in the vicinity of Brockington parks with consideration for the local residents and does not obstruct a driveway, the footpath or the highway.

Please avoid parking on Hafod Road itself.

1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

2. NAMED SUBSTITUTES (IF ANY)

To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

4. MINUTES

To approve and sign the Minutes of the meeting held on 23 April 2014.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman.

6. APPEALS

To be noted.

7. 131529/F LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9AR

New sustainable live/work dwelling with ancillary outbuilding.

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

Erection of 6 no. broiler rearing units with associated control room, feed bins and hardstandings and the erection of a storage/boiler building.

Pages

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| 9. | 140290/O LAND ADJACENT TO BARBERRY HOUSE, THE ROW, WELLINGTON, HEREFORDSHIRE | 49 - 64 |
| | Proposed erection of 2 no. 4-bedroom houses and 1 no. 2-bedroom bungalow with associated landscape works. | |
| 10. | 140904/CD JEWSON BUILDERS MERCHANT, CANAL WHARF, CANAL ROAD, HEREFORD, HR1 2EB | 65 - 70 |
| | Provision of a pedestrian and cycle link between the southern end of Station Approach and the northern end of Canal Road. Requiring demolition of existing store building in builders merchant. Proposal includes street lighting and associated landscaping. | |
| 11. | DATE OF NEXT MEETING | |
| | Date of next site inspection – 3 June 2014 | |
| | Date of next meeting – 4 June 2014 | |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 23 April 2014 at 10.00 am

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

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, RI Matthews, J Norris and GR Swinford

In attendance: Councillors CNH Attwood, AW Johnson and PD Price

172. APOLOGIES FOR ABSENCE

Apologies were received from Councillors KS Guthrie, RC Hunt, JG Lester, FM Norman, PJ Watts and DB Wilcox.

173. NAMED SUBSTITUTES

There were no substitute members present at the meeting.

174. DECLARATIONS OF INTEREST

Agenda Item 10: P133440/F & P133445/L Staunton-on-Wye Endowed Primary School, Staunton-on-Wye, Hereford, HR4 7LT

Councillor JW Hope MBE declared a pecuniary interest as a Trustee on the Jarvis Educational Foundation and left the meeting for the duration of this item.

175. MINUTES

RESOLVED: That the Minutes of the meeting held on 2 April 2014 be approved as a correct record and signed by the Chairman.

176. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

177. APPEALS

The Planning Committee noted the report.

178. P132734/F LAND AT FORMER BOTTLING PLANT, WALWYN ROAD, COLWALL, MALVERN, WR13 6RN

The Principal Planning Officer gave a presentation on the application. He commented that officers agreed with the principle of the proposed development. However, the harm caused by the proposed loss of the locally important original 'H' shaped bottling plant building was of great concern and so significant with regard to the balancing exercise required by the National Planning Policy Framework that the application should be refused.

In accordance with the criteria for public speaking, Mr E Nash, the Applicant's architect spoke in support of the Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors AW Johnson and CHN Attwood, the local ward members, spoke on the application.

Councillor Johnson commented on a number of issues including:

- The Parish Council had raised objections to aspects of the particular scheme but was not opposed to the use of the site for housing.
- There had been only two letters of objection, mainly on design grounds.
- There were benefits associated with the Scheme including: new houses with a proportion being affordable housing, the prospect of increased trade for the village shop helping to sustain it, and a nursing home.
- The applicants had made a number of changes to the Scheme to meet the Parish Council's requirements
- The principal objection in the report seemed to be the proposal not to retain the former bottling plant building. However, whilst the bottling plant building was a heritage asset he was not aware of any local public wish to retain it.
- He considered that the local community was in support of the development and the fact that few objections had been received supported this assessment.

Councillor Attwood supported Councillor Johnson's comments. He reiterated that the Parish Council had had no objection in principle. However, there were a number of concerns about the detail of the design and the street scene in this important approach to the village, including the plan that the back gardens of 4 properties faced the street which was considered potentially unappealing.

The debate opened and the following principal points were made:

- The local community supported the much needed residential development that the Scheme would provide.
- Colwall had developed in the period in which the bottling plant was built and the building had local significance. The report listed a number of bodies who supported the retention of the bottling plant building. The building had merit and could be retained and converted for other uses. Consideration also needed to be given to the setting of the Tank House which had been listed by English Heritage. A use for the Tank House building should also be identified.
- The bottling plant had been a magnificent industrial building but it did not lend itself to conversion. It had been compromised by unsympathetic development and it now fronted an industrial estate.
- It was asked if features of the building could be preserved in a museum or other setting. The Principal Planning Officer commented that if features were considered worthy of preservation the building should be retained. It was only in the case of major national schemes that he was aware of buildings being preserved in the manner being suggested.

- The site was classified as being for general industrial use and the proposed loss of employment land was questioned.

The local ward members were given the opportunity to close the debate. Councillor Johnson reiterated the local support for the Scheme.

A motion that the application should be refused in accordance with the Case Officer's recommendation was lost.

RESOLVED: That planning permission be granted for the following principal reasons and officers named in the scheme of delegation be authorised to determine conditions together with the Section 106 agreement: the benefits of the scheme including the provision of sustainable housing in accordance with the National Planning Policy Framework, and a nursing home, to meet local need, outweighed the harm caused by the loss of a heritage asset which has been compromised by unsympathetic development, and the loss of employment land.

INFORMATIVE

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.

(The meeting adjourned between 11.25 am and 11.32 am.)

179. P140531/O QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORDSHIRE, HR1 4AA

The Principal Planning Officer gave a presentation on the application, which was a resubmission of an application refused by the Committee on 13 November 2013. Updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He commented that the site was considered sustainable in terms of its location and, although not previously developed, the principle of development could be accepted in the context of the housing land supply deficit. There were no identified significant and demonstrable adverse impacts outweighing the benefits associated with the scheme.

In accordance with the criteria for public speaking, Mr G Davies, Vice-Chairman of Bartestree and Lugwardine Parish Council spoke in opposition to the Scheme. Ms K Rolfe, a resident, spoke in objection. Mr J Spreckley, the Applicant's agent, spoke in support.

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

He commented that the proposed pedestrian access arrangements had been slightly amended. However, he considered that the new proposals would place pedestrians in an even more vulnerable position. The Traffic Manager stated at page 75 of the report that the proposed footway widths would fall short of the Council's desirable standards.

The other grounds the Committee had advanced for refusing the application, concerns over the vehicle access and the impact on historic buildings and their surroundings remained valid.

The debate opened and the following principal points were made:

- The Traffic Manager's concluding comment in the report was, "The pedestrian connectivity and its impact on travel by sustainable modes remains a concern." In the update issued to the Committee he stated that the applicant's latest proposal for footway improvements "may give pedestrians a false sense of security". Several Members stated that they considered the pedestrian access to be of particular concern and did not want the potential for an accident to be on their conscience.
- Little had changed in the resubmitted application and the grounds for refusal previously advanced and set out in the decision notice appended to the report, unsatisfactory pedestrian access, unsatisfactory vehicular access and the impact on historic buildings and their surroundings remained valid. It was noted that the ground for refusal previously advanced that the land was potentially contaminated was proposed to be addressed through a condition.
- The developers had offered little in relation to the design of the Scheme to encourage the Committee to support the development.

The Principal Planning Officer commented that it should be noted that the Traffic Manager had suggested that the applicant investigated the feasibility of the pedestrian access now being proposed, although as reported in the update the Traffic Manager was concerned about the proposal that had come forward. He acknowledged Members' concerns about the pedestrian access. However, he commented that those pedestrian routes were currently in existence and the Committee had to consider whether there was evidence to support a view that the risk posed by the creation of 30 dwellings outweighed the benefits of the Scheme. In terms of the vehicular access this met the relevant standards.

The Development Manager commented that he supported the Principal Planning Officer's analysis. The developers had not done all that they could to advance their cause. However, in his view it would be very difficult to defend an appeal against refusal of planning permission and it was possible that costs could be awarded against the Council.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the Scheme and that in his view the Council needed to be proactive in seeking to ensure the safety of access to developments.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation be authorised to finalise the reasons for refusal in accordance with the following grounds as set out in the decision notice for the previous application 131964/0 appended to the report, namely in summary:

- **unsatisfactory vehicular access**
- **unsatisfactory pedestrian access**
- **significant and demonstrable harm contrary to 'saved' Herefordshire Unitary Development Plan Policies DR1, H13, HBA4, HBA9, LA2 and LA3.**

INFORMATIVE

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

180. P140221/L LEADON COURT, FROMES HILL, LEDBURY HR8 1HT

The Senior Planning Officer gave a presentation on the application.

It was observed that no comments had been received from the Conservation Manager (Historic Buildings). The Senior Planning Officer commented that the planning application was of minor significance and removed no features of historical or architectural merit.

RESOLVED: That listed building consent be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. B02 Development in accordance with approved plans and materials**

181. P133440/F & P133445/L STAUNTON-ON-WYE ENDOWED PRIMARY SCHOOL, STAUNTON-ON-WYE, HEREFORD, HR4 7LT

(Councillor JW Hope MBE declared an interest and left the meeting for the duration of this item.)

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr E Pearson-Gregory of Staunton on Wye Parish Council spoke in opposition to the Scheme. Ms A Andrews and Mr A Adamson, residents, spoke in objection. Mr S Silk, the Applicant's agent, spoke in support.

It was noted that the local ward member had had a conflict of interest along with many Parish Councillors as a Trustee of the Jarvis Educational Foundation. Councillor PD Price as an adjoining ward member had dealt with representations about the application in the absence of the local ward member. The Chairman invited Councillor Price to speak on the application as an adjoining ward member.

He commented on a number of issues including:

- He had attended a public meeting on the proposed Scheme and he estimated two thirds of those present were opposed to it. The objectors' views were summarised in the report.

- The Scheme could give this listed landmark building a future. It was, however, important for the applicant to demonstrate that the business plan was sustainable.
- The Scheme would have a significant impact on the community. There may be some benefits in terms of jobs. However, staff may well have to travel from outside the area creating additional traffic on a rural road network.
- There was concern about the additional demand that would be placed on the local GP surgery with no additional funding available to the surgery.
- There was doubt over the ability of the utilities to service the site.
- There would be an impact on individual homes and concerns had been expressed that the height of the new building would result in a loss of light for some neighbouring properties. However, the closest property was 22.5 metres from the development.
- The case had not been made for the demolition of part of the listed building.
- The new building was considerably larger than the existing building.

The debate opened and the following principal points were made:

- A good use had been found for the listed building which would preserve and enhance it. The scheme represented sustainable development in accordance with the National Planning Policy Framework.
- There were no objections from English Heritage.
- The objections advanced were not sufficient to outweigh the benefit of the development.

Councillor Price was given the opportunity to close the debate but had no additional comment.

RESOLVED:

(A) In respect of P133440/F:

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. H13 Access, turning area and parking**
- 4. The recommendations set out in Section 7.1 and 7.2 of the Phase I report and Sections 4.1, 4.2, 4.3 and 4.4 of the Phase II report he ecologist's reports dated 2011 and December 2013 respectively should be followed in relation to the identified protected species. Prior to commencement of the development, a full working method statement incorporating all mitigation proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies

NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan, the relevant aims and objectives of the National Planning Policy Framework and the NERC Act 2006.

- 5. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To comply with Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire's Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework in relation to Nature Conservation and Biodiversity and to meet the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and the NERC Act 2006.

- 6. In addition, the recommendations for habitat enhancement for reptiles and amphibians should be incorporated into a habitat enhancement plan for the site which should include the elements of the construction method statement relating to ecology and vegetation on the site.**

Reasons: To comply with Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire's Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework in relation to Nature Conservation and Biodiversity and to meet the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and the NERC Act 2006.

- 7. The recommendations set out in Section 4.3 and 4.4 the Phase II Nicholas Pearson ecologist's report dated December 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To comply with Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire's Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework in relation to Nature Conservation and Biodiversity and to meet the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and the NERC Act 2006.

- 8. No net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with Herefordshire Unitary Development Plan policy CF1.

- 9. The development of the site with the Welsh Water Dwr Cymru water main located as shown on the attached plan in Annex 1 to this Decision notice, shall be carried out in strict accordance with the**

following requirements and conditions:-

1. No structure is to be sited within a minimum distance of 4 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.

2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.

3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.

4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.

5. The existing ground cover on the water main should not be increased or decreased.

6. All chambers, covers, marker posts etc. are to be preserved in their present position.

7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.

8. No work is to be carried out before this Company has approved the final plans and sections. Confirmation of this approval shall be sent to the Local Planning Authority by the developer upon receipt.

These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with Welsh Water Dwr Cymru's quotation and other associated documentation relating to this development.

- 10. C01 Samples of external materials**
- 11. D04 Details of window sections, eaves, verges and barge boards**
- 12. D05 Details of external joinery finishes**
- 13. D08 Repairs to external brickwork**
- 14. D10 Specification of guttering and downpipes**
- 15. D11 Repairs to match existing**
- 16. D14 Salvage recording**
- 17. D24 Recording**
- 18. F02 Restriction on hours of delivery**

19. **F06 Restriction on Use**
20. **F16 No new windows in specified elevation**
21. **G02 Retention of trees and hedgerows**
22. **G04 Protection of trees/hedgerows that are to be retained**
23. **G09 Details of Boundary treatments**
24. **G10 Landscaping scheme**
25. **G11 Landscaping scheme - implementation**
26. **G16 Landscape monitoring**
27. **H21 Wheel washing**
28. **H26 Access location**
29. **H27 Parking for site operatives**
30. **H29 Secure covered cycle parking provision**
31. **H30 Travel plans**
32. **I16 Restriction of hours during construction**
33. **I20 Scheme of surface water drainage**
34. **I27 Interception of surface water run off**
35. **I33 External lighting**
36. **M02 Limit rate of surface water discharge**
37. **M15 Car park drainage**
38. **During the construction phase a nominated person shall be appointed as a liaison officer through whom any problems encountered by the local community can be expressed and resolved. The appointed persons name and contact details shall be displayed on the site entrances during this time period.**

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. **The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan in Annex 1 to**

this Decision Notice. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

- 3. HN07 Section 278 Agreement**
- 4. HN05 Works within the highway**
- 5. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 6. N11C General**

(B) In respect of P133445/L:

That Listed Building Consent be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. D02 Approval of details**
- 3. D04 Details of window sections, eaves, verges and barge boards**
- 4. D05 Details of external joinery finishes**
- 5. D08 Repairs to external brickwork**

182. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 12.58 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 23 April 2014

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

P140531/O - RESIDENTIAL DEVELOPMENT COMPRISING 20 OPEN MARKET HOMES AND 10 AFFORDABLE HOMES. AT QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORDSHIRE, HR1 4AA

For: Mrs Seymour per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS

ADDITIONAL REPRESENTATIONS

Conservation Manager (Historic Buildings): The comments in the published report are those taken from the original consultation response to the first planning application S131964/O. Below are updated comments provided in response to this application, taking into account the submission of a Heritage Impact Assessment. An objection is maintained:

“As stated in my previous comments the application site is to the west of the historic centre of Lugwardine which is covered by a conservation area designation. Though the site is significantly outside the conservation area there are a number of nationally listed buildings and buildings of local interest along the A438 which form an historic western entrance to the village. Add to these built environment heritage assets the locally important landscapes of Lugwardine Court and New Court and this entry to the village becomes visually rooted in the history of the area.

The revised housing scheme would mimic the previous scheme in placing a significant number of new houses behind the current buildings lining the village road. It would have a single entry point to the development located half way up a hill on the A438. This entry appears to be a wider version of an existing access route between Croft Cottage and Green Croft. The existing appearance of the access, devoid of any greenery and with hardstanding abutting Croft Cottage and the close boarded fence of Green Croft, does not enhance the village character and gives a feel of the proposed character of this entrance once developed. As the revised proposal does not appear to have improved the previous scheme in this respect my comments still stand, that the form it is not considered acceptable in design terms as it is cramped and constricted and therefore does not enable any appropriate soft landscaping to help assimilate the scheme into the village character.

The housing development would adjoin the west boundary of Rose Cottage, The Malt House and also The High House, all grade II listed buildings fronting onto the main road. The development would be within the setting of these listed buildings and it is considered that the proposed housing scheme would be visible as a backdrop to the listed buildings. It would therefore have a visual impact, though this does not seem to have been assessed in the Heritage Assessment or the Landscape Visual Impact Assessment. The topographic survey indicates that the housing would be roughly on a level with the listed buildings but is likely to be visually of larger scale which could adversely affect the setting. This would be contrary to Policy HBA4. An outline application is not considered sufficient detail to properly assess the impact of a development on a listed building.

I still question the overall housing layout which still does not utilise the entire field and therefore reiterate the previous comments. The remaining area of field not used by the development would have an awkward and contorted boundary with the housing, stemming

from the cul de sac bubble formation of the development. It would be more appropriate to establish a sensible boundary to the development which respected the surrounding landscape and historic character and then to develop a suitable housing layout from there. It is not considered that the cul de sac layout is appropriate for a development of this size in a village location.

The current layout shows that there would be a sea of concrete pavements throughout most of the development frontage which does not reflect the village character or appearance.”

Footway Improvements

Subsequent to the report being published the agent has submitted a significant amount of information relating to potential footway widening along the A438 and the proposed pedestrian/cycleway link onto Cotts Lane to the immediate north of the site. This information has been reviewed by the Traffic Manager, but given the lateness of the submission it has not been possible to arrange for wider re-consultation with interested third parties.

Along the A438 the proposals envisage widening the footway to the widest extent and either renewing or repairing the existing retaining wall. Pedestrian guardrails are proposed.

The Traffic Manager is not satisfied that the full extent of the envisaged improvements is capable of delivery and confirms that the information submitted hitherto would not be sufficient to obtain 'Approval in Principle' from the highway authority. The submitted drawings indicate that the proposed railings will intersect with the visibility splay at an oblique angle and the impact on achievable visibility has not been fully ascertained. At certain points it is not clear that the improved footway widths shown could actually be achieved within existing constraints.

The Transport Assessment now indicates that to address the lack of footway along Cotts Lane, it is proposed to demarcate with white lining a suggested pedestrian route over a short length of the lane. This is shown on the drawing as being along the narrowest section of Cotts Lane, where the road is currently only 4m in width and no width of route has been indicated and no explanation has been submitted in the document to support these proposals. The initial view is that the proposal may give pedestrians a false sense of protection on this length of road, and is out of place with no footway to the east to link to at the end of the demarcation.

OFFICER COMMENTS IN RELATION TO FOOTWAY IMPROVEMENTS

The provision of additional information notwithstanding, it has not been demonstrated that the full extent of the footway widths could be delivered within existing constraints and given the lateness of submission and intervening holiday period third party consultation on the proposals has not been possible. Whilst it may be possible to achieve a degree of improvement, officers are not confident that the improvements can be delivered to the extent shown and Members are advised to consider the application on the basis of the published report.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	14 MAY 2014
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not an executive decision.

Recommendation

That the report be noted

APPEALS RECEIVED

Application 132945/FH

- The appeal was received on 28 April 2014
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr R Kingaby
- The site is located at 5 Larkrise, Knapp Lane, Ledbury, Herefordshire, HR8 1AN
- The development proposed is Retain existing 1.8m high fence and garden shed. (Retrospective)
- The appeal is to be heard by Householder Procedure

Case Officer: Mr C Brace on 01432 261947

APPEALS DETERMINED

Application 113607/O

- The appeal was received on 11 October 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 Henry May
- The site is located at Tidnor Wood Orchards, Tidnor Lane, Lugwardine, Hereford, HR1 4DF
- The development proposed was proposed three bedroom detached agricultural dwelling.

The main issue was: The main issue is whether the proposal would be an acceptable form of development in the open countryside, having particular regard to the sustainability of its location, its effect on the character and appearance of the surrounding countryside, its effect on the biodiversity of the area and the need for a dwelling in the countryside.

Further information on the subject of this report is available from the relevant case officer

Decision:

- The application was Refused at Planning Committee on 20 February 2013
- The appeal was Dismissed on 11 April 2014

Case Officer: Mr S Withers on 01432 260612

Application 133011/FH

- The appeal was received on 18 February 2014
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr Gary Johns
- The site is located at 1a Trenchard Avenue, Credenhill, Hereford, Herefordshire, HR4 7DX
- The development proposed was two storey extension to side of existing building.

The main issue was: the effect of the proposed development on the character and appearance of the surrounding area.

Decision:

- The application was Refused under Delegated Powers on 20 December 2013
- The appeal was Dismissed on 14 April 2014

Case Officer: Ms K Gibbons on 01432 261781

Enforcement Notice 132396/ENF

- The appeal was received on 29 August 2013
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Yellow Wood Forestry Ltd
- The site is located at Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The breach of planning control alleged in this notice is: Without Planning Permission, occupation of a building for residential purposes. Specifically, unauthorised use of a building known as "The Cabin" that is situated on the land.
- The requirements of the notice are: Cease occupation of the building for residential purposes

Decision:

- The enforcement appeal fails. The enforcement notice is Upheld on 17 April 2014

Case Officer: Mr M Tansley on 01432 261815

Application 131206/F

- The appeal was received on 17 September 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was 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 was Alterations, extension and conversion of existing building to provide nine apartments with ancillary uses and works.

The main issue was: whether a financial contribution to the provision of educational and transport infrastructure is necessary to make the development acceptable.

Decision:

- The appeal against Non-determination was Allowed on 24 April 2014

Case Officer: Mr K Bishop on 01432 260756

Application 131207/L

- The appeal was received on 17 September 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal was 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 was Alterations, extension and conversion of existing building to provide nine apartments with ancillary uses and works.

Decision:

- The appeal against Non-determination was Allowed on 24 April 2014

Case Officer: Mr K Bishop on 01432 260756

Application 130874/F

- The appeal was received on 16 September 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 E Everall
- The site is located at Ashley Moor Farm, Ashley Moor, Orleton, Ludlow, Herefordshire, SY8 4JJ
- The development proposed was Single storey extension to holiday let to form second bedroom with en-suite
- The main issue was: the effect of the proposal on the character and appearance of the host building and on the setting of Ashley Moor Farmhouse, a Grade II listed building.

Decision:

- The application was Refused under Delegated Powers on 17 June 2013
- The appeal was Dismissed on 17 March 2014
- The application for an award of Costs by the Appellant was Refused on 28/4/2014

Case Officer: Mr A Banks on 01432 383085

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



MEETING:	PLANNING COMMITTEE
DATE:	14 MAY 2014
TITLE OF REPORT:	131529/F - NEW SUSTAINABLE LIVE/WORK DWELLING WITH ANCILLARY OUTBUILDING AT LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HR6 9AR For: Mr & Mrs Albright, Black Fox House, Suckley Lane, Pembridge, Leominster, HR6 9DW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131529

Date Received: 5 June 2013

**Ward: Golden Cross Grid Ref: 341772,258146
with Weobley**

Expiry Date: 21 August 2013

Local Member: Councillor MJ K Cooper

1. Site Description and Proposal

- 1.1 The application site lies just to the south of Eardisland and comprises a currently un-cultivated parcel of agricultural land. The C1035 bounds the site to the south and east and runs through the centre of the village. A mature hedgerow forms the roadside boundary with an existing field access on the inside bend of the road. A second field access also exists to the west of a roadside property known as Tadpole Cottage and a footpath runs from the village, alongside the site to this dwelling. Other properties, on the fringe of the village, lie to the north east, the closest being Orchard Cottages and The Bramleys.
- 1.2 Eardisland is a conservation area and approximately half of the site falls within its boundary. It is also identified as a main village by Policy H4 of the Herefordshire Unitary Development Plan (HUDP) and the settlement boundary runs along the shared boundary between the site, Orchard Cottages and The Bramleys.
- 1.3 The site is largely flat and the majority of it falls within flood zones 2 and 3 as identified by the Environment Agency. A small rise towards the rear of the site does however fall outside of this and is identified as the low risk Flood Zone 1.
- 1.4 This is a detailed application and is described by the applicant as being for the erection of a single three bedroom live/work dwelling with office and studio, associated outbuilding and new drive and access. The intention is that the property would serve as a demonstration home in conjunction with the applicants' business – Border Oak Construction. The applicants advise in their supporting documentation that the proposed house will be used to show potential clients and interested parties Border Oak's craftsmanship, design skills and innovative construction systems in a typical family home environment. The applicants both work for Border Oak and in the event that permission is granted, the accommodation would enable them to work from home.

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

- 1.5 The building is of timber frame construction and is arranged in a U shape. The main residential element is two storey, whilst the studio and meeting room are single storey. A detached garage and storage building opposes the dwelling to create a central courtyard, into which the access drive leads. It runs due south of the proposed dwelling with a new access to be formed at the location of the existing field gate. The plans also indicate an intention to plant a new orchard and a native hedgerow through the middle of the site.
- 1.6 The submission is accompanied by a detailed Design and Access Statement, a landscape plan, a commercial statement and a Flood Risk Assessment. The latter of these documents has been amended since its original submission to take account of comments received from local residents and the Environment Agency. The application does not include a Draft Heads of Terms Agreement as the applicants have indicated that they would commence development within 12 months if planning permission were to be forthcoming.

2. Policies

2.1 National Planning Policy Framework (NPPF)

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 10	–	Meeting the challenge of climate change, flooding and coastal change
Section 11	–	Conserving and enhancing the natural environment

Technical Guidance to the National Planning Policy Framework (March 2012) in relation to Flood Risk is also relevant.

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR8	-	Culverting
H4	-	Main Villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
NC1	-	Biodiversity and Development
HBA6	-	New Development Within Conservation Areas

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

H3	–	Ensuring an appropriate range and mix of housing
MT1	–	Traffic management, highway safety and promoting active travel
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 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

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency – It should be noted that we make the following comments having taken into account all evidence of local flooding which has been discussed with us or submitted for our consideration. Specifically we have also reviewed a document recently submitted by residents in response to the abovementioned Hydrologic Flood Risk Assessment.

Whilst the proposed development is located on land within Flood Zone 1, the low risk Zone, the access route lies within Flood Zone 3 and is therefore considered to be at risk of flooding during a high risk or 1 in 100 year event. A flood risk assessment (FRA) is therefore required to demonstrate that safe access and egress is available for the site during a high risk (1 in 100 year) event including the impacts of climate change (a 20% increase in peak flows as advised in Table 5 of the National Planning Policy Framework Technical Guidance).

During the pre-planning process local residents raised concerns with us that flood risk to the site is not accurately represented on the Environment Agency's Flood Map. We also have historic records of flooding within Eardisland but no record to indicate that the site of the proposed dwelling has flooded in the past.

We have met a number of local residents to understand and discuss their concerns. They supplied us with information, including photographs and video footage, of previous flood events as well as their knowledge of historic flood levels, property flooding and the flood regime within the area. To date, however, no specific evidence has been forthcoming to demonstrate that the area of land where the new dwelling is proposed has flooded historically.

We have carefully considered all the evidence provided to us and have also carried out our own topographical survey at specific locations identified within the provided photographs where historic levels could be measured and related this back to the proposed site. Our review of the information given, and this survey, provides us with no evidence to indicate that the proposed development site has flooded (aside from the access). The flood levels from the photographs were lower than the ground level of the land where the proposed dwelling is to be located.

It is our opinion that the FRA, as referenced above, has demonstrated that the site is suitable for the proposed use in terms of flood risk and is in line with national and local planning policy. It has also indicated that safe access will be available during a 1 in 100 year event including climate change without raising ground levels within the floodplain. The FRA recommends as

part of the development a number of measures which include re-opening an existing culverted ditch and providing a storage area adjacent to the brook. This has been proposed to offer flood risk betterment post development in line with the policy aims of the NPPF. We support this additional work to provide further flood betterment although it should be noted that without this additional work the proposed development is still safe and will not impact on third parties.

4.2 In light of further representations from local residents, the FRA prepared by the applicants hydrologist, and the advice given by the Environment Agency has been independently reviewed. The report produced by JBA confirms that the updated River Arrow modelling work, produced by the Environment Agency, is suitable for use to inform the FRA and, although our flood model could be improved and does have limitations as it not designed for site specific FRA purposes, further work is unlikely to have significant impacts on the modelled results. Therefore the impact of this latest model does not introduce new flood risk issues with regard to the proposed development.

4.3 Welsh Water – No objection.

Internal Council Consultations

4.4 Transportation Manager – No objection subject to condition.

4.5 Conservation Manager (Landscape) - The landscape report and detailed landscape scheme are welcome. This demonstrates that landscape impact has been considered, as required by HUDP Policy LA2. The proposed landscape scheme will help to limit the landscape impact. The scheme includes a range of new features, including hedgerow, orchard, pasture and tree planting, which are integral to ensuring that the development can enhance the landscape and be suitably integrated at this location.

4.6 Land Drainage Engineer - There are no objections in principle on flooding or drainage grounds assuming the implementation of the proposed flood management measures as set out with the FRA and subject to the provision of detailed drainage drawings and use of appropriate SuDS for the proposed works. We recommend that surface water drainage should be designed in accordance with the River Lugg IDB requirements, but allowing for a 30% increase in rainfall intensity.

4.7 Economic Development Manager - We understand that this is an unusual application with a very specific business requirement in a sensitive location, and that there is a geographic divorce between the site and the applicant's business location. However the business case behind the application does have merit and the live/work element of the scheme will help reduce costs to the applicant business and support their business model.

Locations for this type of development are generally difficult to identify and, if approved, we would not be expecting to support any future similar application from the applicant business, but a positive decision would help a successful local company expand its workforce by up to 25%, whilst safeguarding current employment and having a positive knock on effect to numerous other businesses within the local supply chain. As such, on balance, and from a purely economic development perspective, we would look to support this application.

5. Representations

5.1 Eardisland Parish Council - The Parish Council support this application provided that it meets Environment Agency criteria that the development does not displace flood water and exacerbate flooding within the village and that no further development takes place on the field.

5.2 River Lugg Internal Drainage Board – It is noted from the flood risk assessment that the developer proposes to utilise sustainable drainage techniques such as rainwater harvesting,

permeable surfaces and soakaways as a means of controlling surface water run-off. The developer must establish that ground conditions are suitable for the use of soakaways.

It is also noted that existing field ditches will be cleared and reinstated and the proposed access route to the site will cross the Southall Brook which is controlled by the Board. While the Board are in favour of these techniques and see the proposals as an opportunity for betterment of the current situation, and are aware that the proposed access is an existing access crossing, the developer should be made aware that any culverting or alterations of the existing watercourses/ditches and their crossing must not be undertaken without a written Land Drainage Consent from the Board.

5.3 Objections have been received from thirty two local residents, including a group under the title of the Eardisland Flood Group. In summary the points raised are as follows:

- There is no justification for a dwelling in this location
- The site is outside the village settlement boundary and the proposal is contrary to Policy H4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework
- A large complex of buildings within the conservation area would fail to preserve or enhance its character, contrary to Policy HBA6
- There are better sites available for a development of this nature
- Development would set a precedent for other dwellings to be built in this location
- There is no need for further housing in the village
- The site is located within a flood plain
- Development of the site will exacerbate flooding elsewhere within the village
- The Flood Risk Assessment prepared by the applicant is inaccurate, particularly with regard to recorded peak flood levels and the pattern and flow of flooding across the application site and village
- Increased traffic movements associated with the proposal will be detrimental to highway safety

5.4 Letters of support have been received from eighteen local residents and businesses with links with Border Oak. In summary the points raised are as follows:

- The area upon which the dwelling is to be located does not flood
- The scheme may actually alleviate flooding, particularly as it includes the re-establishment of open ditches
- The site is currently an eyesore and its development will be an improvement
- The design of the dwelling and the landscaping scheme are in keeping and may actually improve the village
- Imaginative and innovative design
- Lack of development in the past has resulted in the loss of a number of local services including the village primary school and post office
- Young families should be encouraged into the village to allow them to contribute to the area
- Development that enables Border Oak to expand will be of benefit to other local construction firms

5.5 One letter with mixed views about the proposal has also been received. Its author considers that the proposal has many beneficial elements but the local planning authority should be wholly satisfied that it will not exacerbate flood risk to existing properties in the village.

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 The Council's lack of a five year housing land supply has been well documented and this application relies on the presumption that sustainable development will be permitted in accordance with the NPPF unless there are significant material planning considerations that dictate otherwise.
- 6.2 The site lies beyond the settlement boundary for Eardisland as identified by the adopted Herefordshire Unitary Development Plan (HUDP), but is immediately adjacent to it. The village is one that is considered to be sustainable and continues to be identified as one that should accommodate proportionate growth in the emerging Core Strategy.
- 6.3 The site would be well served by existing facilities, being approximately 400 metres from the village centre, and these would be accessible on foot with a footpath bounding the roadside frontage. The proposal is therefore considered to represent sustainable development in accordance with Paragraph 14 of the NPPF.
- 6.4 The application has attracted a significant number of objections from local residents and these are principally based on matters relating to flooding and perceived inaccuracies contained within the Flood Risk Assessment (FRA) that supports the application. These relate to the pattern and flow of flooding across the application site and through the village, the accuracy of site levels and the projected impact that the development would have on flood capacity and the consequence that this might exacerbate flooding to existing properties. Representations received also include photographs of part of the site in flood as recently as February 2014.
- 6.5 Paragraphs 100 to 103 of the NPPF relate specifically to flood risk. It advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. However, where development is considered to be necessary, it should be ensured that it is safe and does not increase flood risk elsewhere. In considering the requirements of the NPPF, it must be born in mind that the actual site upon which the dwelling is located lies within Flood Zone 1 and as such according to all the available evidence is not at risk of flooding. Furthermore the applicant has demonstrated to the satisfaction of the Environment Agency that there is a safe flood-free means of access to and from the proposed dwelling that meets the 1 in 100 year event plus climate change test. Notwithstanding the positive endorsement from the Environment Agency, the applicant has also taken into account the NPPF's required Sequential Testing of sites in order that it can be demonstrated that there are no other suitable sites available for the development proposed, with an aim to steer new development to areas with the lowest probability of flooding. The NPPF goes on to advise that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 6.6 If, following application of the Sequential Test, it is not possible for the development to be located on a site with a lower probability of flooding, the local planning authority should then apply an Exception Test to determine whether a specific development is acceptable. In order to satisfy this the application must demonstrate that:
 - the development provides wider sustainability benefits to the community that outweigh flood risk; and

- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The NPPF is clear in stating that both of these tests must be passed if a development is to be permitted.

- 6.7 The applicant has provided information to the local planning authority outlining a number of other sites that they have investigated over several years within a five mile radius of their current work and children's educational needs, looking at sites within the villages of Eardisland, Kingsland and Pembridge, and some outlying areas including land immediately adjacent to Border Oak's headquarters. These have been discounted for various reasons that include a reluctance of existing landowners to sell land, a lack of success in bidding for sites, insurmountable planning constraints and that planning permission has been refused and advice has been given that proposals similar to this would not be supported. Your officers are content that the applicants have investigated a number of other sites and that, in this case, the Sequential Test so far as it is material to the higher risk Flood Zones is met.
- 6.8 In accordance with the NPPF the local planning authority must, in these circumstances, also consider whether there are sufficient benefits in permitting the development that would outweigh the concerns raised about flooding. As has been highlighted earlier in this appraisal, the site is considered to be sustainable in simple locational terms, being immediately adjacent to the village and having good access to the services that it provides. The applicant has also highlighted the commercial benefits to their business of having a 'show home'. The commercial statement that accompanies the application advises that the proposed dwelling is required to test and showcase a new eco panel system and construction details devised by Border Oak in order that they can continue to comply with industry targets and regulations. It will also be used by the applicants as their office base and will provide a studio for the promotion and marketing of the business; something which it currently lacks.
- 6.9 Comments from the Council's Economic Development Manager are supportive of the applicant's business model and consider that the proposal would help the business to expand, with a positive 'knock-on' effect to other associated businesses. It is therefore considered that the proposal would help to sustain and grow an existing local business in accordance with paragraph 28 of the NPPF and is another indication of the sustainability credentials of the proposal.
- 6.10 The FRA has been scrutinised at length by the Environment Agency and, following continued concern raised by some local residents, they have also taken the unusual step of seeking an independent review of it and the advice that they have provided to your officers. This has led to further revisions to the FRA, but the advice from the Environment Agency has consistently been that the proposal is acceptable to them in principle, primarily because the proposed dwelling is to be sited on an island of land that is plotted on the Environment Agency's maps as Flood Zone 1. Although the areas surrounding are in Flood Zones 2 and 3, they are content that the proposed dwelling would be afforded a safe means of escape in the event of a flood.
- 6.11 They also express the view that the FRA accompanying the application identifies measures for flood risk betterment which include re-opening an existing culverted ditch and providing a storage area adjacent to the brook. The Environment Agency clearly state in their consultation response that they are supportive of work that will provide further flood betterment as this accords with paragraph 102 of the NPPF. They are also quite clear that without this additional work the proposed development is still safe and will not impact on third parties. The application also demonstrates that a safe means of access is available in the event of a flood.

- 6.12 Some letters of objection refer to the siting of the proposal within the conservation area and consider that the scheme will not preserve or enhance its character. At the time that the application was submitted the land was under-utilised and had the appearance of rough scrub land. More recently it has been re-sown with grass and appears as pasture land. The plans propose a significant landscaping scheme and it is noted that the Landscape Officer has expressed the view that these proposals will serve to enhance the landscape in accordance with Policy LA2 of the HUDP. It is your officer's opinion that it is logical to conclude that, with this being the case, the scheme will also serve to enhance the setting of the conservation area in accordance with Policy HBA6.
- 6.13 The proposal is set well back from the road behind an area of new orchard planting and would be afforded a degree of screening by existing roadside vegetation when approaching the village from the south west. The plans do show a substantial dwelling, but this is not entirely out of keeping with the village. It contains a number of similarly sized properties, set within large grounds and with a number of outbuildings.
- 6.14 No objections have been received from the Council's Transportation Manager, subject to the imposition of a condition to secure the provision of appropriate visibility splays. This is achievable and would ensure that highway safety is secured. Concerns relating to increased traffic movements associated with the applicants conducting their business from the premises are not shared by the Transportation Manager and it is considered that the C class road and surrounding network that immediately serve the development have sufficient capacity to ensure that highway safety would not be compromised. The proposal accords with Policies S2, DR3 and T8 of the HUDP.
- 6.15 In conclusion, your officers are of the view that the proposal has benefits in terms of its sustainable credentials. It will make a modest contribution towards the Council's current housing land supply deficit and will assist in supporting a highly successful local company that employs many local people. The genuine concerns of local residents regarding flood risk are duly noted, but notwithstanding the clear evidence provided that significant parts of the application site and the village are prone to flood events, your officers have received advice from both statutory and other relevant consultees that the proposal is acceptable in principle in respect of flood risk. It is therefore considered that a recommendation to refuse the proposal on grounds relating to flooding could not be substantiated and therefore the scheme is considered to accord with Policies DR4 and DR7 of the HUDP and Paragraphs 100 to 103 of the NPPF. It represents a sustainable form of development in accordance with Policy S1 of the UDP and with paragraph 14 of the NPPF which presumes in favour of sustainable development. The application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. B01 – Development in accordance with approved plans**
- 3. C01 – Sample of external materials**

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

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

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

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

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

- 11. **I55 – Site waste management plan**
- 12. **M03 – Compensatory flood storage works**
- 13. **M05 – No storage of materials in 1% floodplain plus climate change**

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **HN04 – Private apparatus within the highway**
- 3. **HN28 – Highway design guide and specification**
- 4. **HN05 – Works with the highway**

Decision:

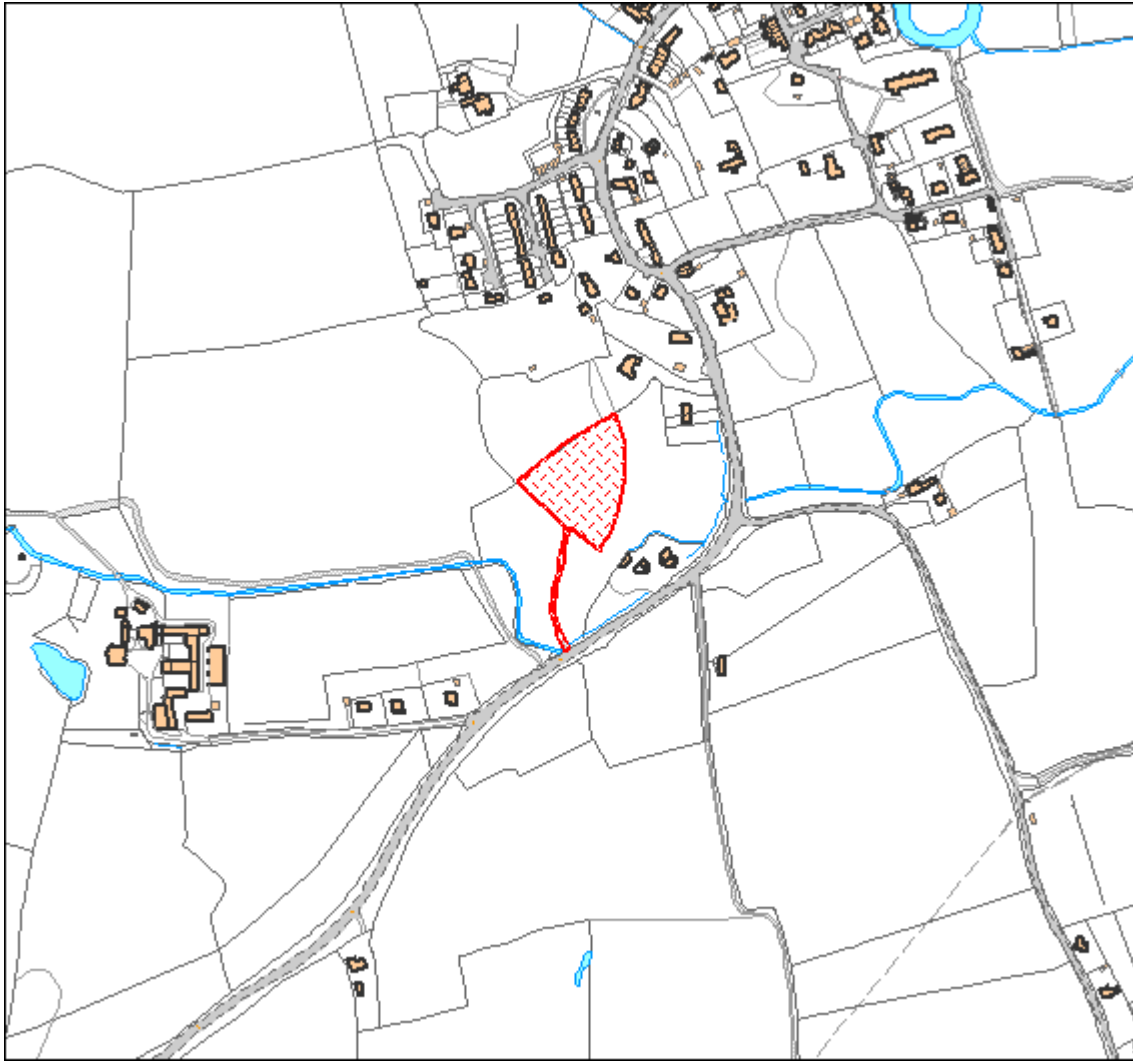
Notes:

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

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131529/F

SITE ADDRESS : LAND ADJACENT TO TADPOLE COTTAGE, EARDISLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9AR

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



MEETING:	PLANNING COMMITTEE
DATE:	14 MAY 2014
TITLE OF REPORT:	<p>P133504/F - ERECTION OF 6 NO. BROILER REARING UNITS WITH ASSOCIATED CONTROL ROOMS, FEED BINS AND HARDSTANDINGS AND THE ERECTION OF A STORAGE/BOILER BUILDING AT LAND WEST OF A4110, KNAPTON GREEN, HEREFORDSHIRE, HR4 8EP</p> <p>For: Mr Verdin per Ian Pick Associates, Llewellyn House, Middle Street, Kilham, Driffield, East Yorkshire YO25 4RL</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=133504

Date Received: 20 December 2013 Ward: Wormsley Ridge Grid Ref: 344584,252266

Expiry Date: 30 April 2014

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The site is located in open countryside, is relatively flat and forms part of an arable field. To the east of the site is a small woodland copse which shields part of the site from the nearby A4110 at Knapton Green. Otherwise the site is surrounded by native field hedgerows and small woodland copses. There are no dwellings immediately adjoining the site, however, there are various dwellings dotted around in the surrounding landscape, and in particular on Westhope Hill alongside the nearby A4110 which look toward the site.
- 1.2 The application proposes six broiler units, each measuring 97.581 metres long by 20.116 metres wide with an eaves height of 2.8 metres and a ridge height of 5.5 metres for the housing of up to 240,000 broiler chicks. The application also proposes associated infrastructure such as feed bins, hard standing, storage room, two attenuation ponds, an access road and the upgrading of an existing agricultural access from the A4110.
- 1.3 The application is accompanied by an Environmental Statement as the proposed development is Environmental Impact Assessment (EIA) development in accordance with Schedule 1 of the EIA Regulations 2011. The application is also accompanied by a set of proposed elevations and floor plans. A Flood Risk Assessment was later submitted and therefore also forms part of the application.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Introduction	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 7	-	Requiring Good Design
Section 11	-	Conserving and Enhancing the Natural Environment
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Environment
S10	-	Waste
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
DR9	-	Air quality
DR13	-	Noise
DR14	-	Lighting
E13	-	Agricultural and Forestry Development
E15	-	Protection of Greenfield Land
E16	-	Intensive Livestock Units
T8	-	Road Hierarchy
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
LA2	-	Landscpe Character and Areas Least Resilient to Change
LA5	-	Protection of trees woodlands and hedgerows
LA6	-	Landscaping Schemes
CF4	-	Renewable Energy
HBA4	-	Setting of listed buildings.

2.3 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Addressing Climate Change
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Local Distinctiveness
LD3	-	Biodiversity and Geodiversity
LD5	-	Historic Environment and Heritage Assests
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Wastewater Treatment and River Water Quality
ID1	-	Infrastructure Delivery

2.4 Other material considerations

Landscape Character Assessment

- 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 None identified.

4. Consultation Summary

Statutory consultees.

- 4.1 Natural England raises no objections.

- 4.2 The Environment Agency raises no objections indicating that the development will be subject to an Environmental Permit which will control day to day general management of the site including operations, maintenance and pollution incidents and that the permit procedure also addresses issues such as emissions from the site, monitoring of water, air and land as well as noise and odour issues.

Internal Council Advice

- 4.3 The Public Rights of Way Manager raises no objections.

- 4.4 The Conservation Manager (Ecology) has responded to the application indicating:

I have read the ecologist's report and concur with its findings. There is uncertainty of the status of great crested newts in the vicinity but I believe this can be conditioned. The presence of the newts and subsequent mitigation details should not compromise the construction and operation of the unit given that the ponds are not on the site although potential habitat exists adjacent. I am therefore happy to request a survey as a condition of the application with the proviso that a full method statement will be submitted should this be necessary. There will also be a need to consult Natural England should great crested newts be found on the site.

The National Planning Policy Framework 2012 states that "The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible". It goes on to state that "when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity" and "opportunities to incorporate biodiversity in and around developments should be encouraged".

The response recommends that conditions with regards to following the methods as set out in the ecology report and further survey work in respect of potential impacts on Great Crested Newt habitat adjacent to the site are carried out prior to any development on site, the response also requests the attachment of a condition in relationship to habitat enhancement and protection.

- 4.5 The Land Drainage Manager on receipt of a flood risk assessment raises no objections, indicating the proposed development in relationship to potential flooding and drainage issues is considered satisfactory and that the development will not exacerbate any of these issues and in particular in relationship to the adjacent Honeywell Brook.

- 4.6 The Council's Land Agent raises no objections commenting from an agricultural view point that the proposal appears sound and a sensible diversification for the business.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 4.7 The Transportation Manager initially responded to the application with concerns about visibility in a southerly direction which had potential implications for the felling of an existing mature Oak tree that is located alongside the grass verge of the A4110.

A subsequent response states:

'On further reflection and consideration after on site discussions between the Applicant's Agent and other consultees, I suggested that adequate visibility would be achieved if a 'give way' line and sign were placed at least 5m back from the carriageway edge. This would avoid having to fell the tree, whilst ensuring visibility requirements are met.'

- 4.8 The Environmental Health Manager has commented on the application indicating that the site appears to be separated from all protected dwellings by at least 400m and therefore it is unlikely to give rise to problems of nuisance to neighbours. The response states that the applicant has given consideration to:-

- Odour, by providing an odour dispersion model which concludes that odours from the premises will fall within an acceptable level.
- Noise by undertaking a noise assessment which concludes that noise from ventilation fans etc. should not give rise to complaints.
- Dust, with the Environmental Statement, which advises that at this separation distance should not be a problem.

The response states that due to the separation distance, construction noise should not give rise to neighbour nuisance, however should this occur the Local Authority, (Environmental Health), has specific powers available to it to ensure that such noise is kept at a reasonable level. Again due to the separation distance noise from harvesting activities etc. should not be a problem to neighbours.

Insect and rodent infestations can be effectively managed by the implementation of proper control measures.

The response concludes that the proposed development comes within the regulatory framework of a permitted process controlled by the Environment Agency. The permit will address issues associated with the development's impact on the environment, including matters in relation to noise, odours, dust and fumes and as such it might be appropriate to seek their views.

- 4.9 The Conservation Manager, (Landscape) indicates that the development can be supported in landscape terms as it is not considered to adversely affect landscape character and overall considered compliant with Policy LA2 of the UDP. The response recommends conditions with regards to protection of existing trees and hedgerows and a landscape implementation and management scheme to be attached to any approval notice issued.

5. Representations

- 5.1 Pyons Group Parish Council has responded to the application indicating it 'has no objection to the planning application provided due care is taken to ensure the village of Knapton, which is in close proximity, is not adversely affected by foul water and odour, and that suitable screening is placed to the southern side of the site.'

- 5.2 Birley and Upper Hill Parish Council have responded to the application stating:

'The Parish Council considered that this planning application will have an adverse affect on the surrounding area for the following reasons.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

1. An increase in flooding to the nearby houses and road in Knapton Green. The land at present has standing water, in times of heavy rain, which eventually soaks into the ground. If this and other water from the site is channelled into Honeylake Brook it will no doubt exacerbate the flooding problem on the A4110 and for some of the houses in Knapton Green. The brook, in its present state, cannot take the existing water comfortably neither can the culvert under the A4110. The Parish Council were not convinced that the attenuation ponds proposed will resolve the potential problems. Should the application be successful the Parish Council requests that the applicant be required to carry out works to Honeylake Brook along its length to the A4110 and Knapton Green to help alleviate existing flooding and the increased flooding to the road and local houses the buildings will generate.
2. The number of large vehicles plus tractors and trailers required to use the site on a regular basis (as detailed in the Design & Access Statement) was also of concern. The entrance is near to a particularly dangerous section of the A4110 re its width and bends. Also recent surveys have proved that the majority of vehicles travelling in either direction on this section of the A4110 (approximately a mile in each direction) exceed the speed limit.
3. Noise was also regarded as an issue. The site will generate its own noise from fans etc. and also from the many HGV's etc. accessing the site especially if in late evening, during the night or early morning. Re vehicle movement the Parish Council suggests that it would be reasonable to limit vehicles usage to between 7am and 7pm.
4. The final major concern was from odour emissions in general including that of ammonia. It is requested that reassurance would be required that at no time would local residents have to suffer from any strong or unpleasant smell.
5. Attention is drawn to an existing footpath (KP29) which will be affected by the new access road to the proposed development.'

5.3 Burghill Parish Council has responded to the application, with the following comments:

'Burghill Parish Council strongly objects to the above application on the grounds that the A4110 through the parish of Burghill is most unsuitable for the size and frequency of vehicles the application will cause.

There are several areas along the route of the A4110 from Knapton Green to Hereford where the road narrows considerably and residences are merely feet from the carriage way, in Portway two articulated HGV's would have difficulty passing each other and were they to encounter a cyclist or pedestrian then a serious if not fatal incident is exceedingly likely. The Design and Access Statement states that every 45 days 68 articulated HGV movements will be required for 'bird collection' most likely taking place in a single day. This represents a serious risk to residents living on the A4110, pedestrians and cyclists, in addition to other motorists etc.

The condition of the A4110 will also be detrimentally affected by the proposed volume of HGV movements, being at least 156 movements each 45 day period. For the past 6 years(at least) the A4110 at both upper and lower Portway have regularly flooded often covering the whole road, and the combination of this flooding (which Herefordshire Council and its partners have been unable to resolve) and the increased heavy traffic this proposal will generate would be exceedingly detrimental to the road surface and safety.

Residents of the parish have already been finding traffic having to use private driveways as passing places when encountering large vehicles, further endangering motorists and local families, again increased numbers of HGVs will exacerbate this problem.

One property in Bewdley Bank/Upper Portway has on several occasions had a roadside boundary wall damaged by vehicles unable to successfully pass at a very tight pinch point.

The PC and ward Councillor have worked hard to try to reduce road safety issues and a serious speeding problem in the area of Bewdley Bank and Portway, increasing the precept to purchase speed indication equipment and carrying out speed monitoring exercises, if this application is successful it is likely to result in an increase in incidents of dangerous and high speed overtaking along stretches of the A4110 where drivers will attempt to get past HGVs.

Residents living on or close to the A4110 will also have increased noise and air pollution issues if the proposed volume of traffic generated by this application is permitted.

The PC also considers that any perceived financial benefit resulting from this type of application would actually be reduced due to the increased traffic congestion deterring visitors to Hereford city and surrounding villages, causing local retail and tourism businesses to suffer'.

- 5.4 Dilwyn Parish Council have responded to the application indicating that they have attended a site meeting with Mr J Verdin and can put forward no objection at this time to the application. However, this is based on there being suitable screening from the south side and that special care is taken to deal with foul water waste and in particular all care is taken to protect the village in close proximity to the units from the smell associated with these kinds of units.
- 5.5 The Ramblers Association comments that a public footpath runs close to the site for the proposed development, and that this footpath must not be damaged or obstructed.
- 5.6 At the time of writing this report 50 letters of objection have been received from members of the public. (Some have written more than one letter of objection).

Issues raised can be summarised as follows:

- Issues in relationship vehicular access.
- Public footpath impact.
- Lack of on site facilities for employees.
- Impacts on surrounding residential amenity, noise and odour impacts.
- Flooding issues and impacts on an adjacent brook.
- Light pollution issues.
- Insufficient landscaping.
- Height of the proposed development.
- Landscape Impact
- De-valuation of surrounding residential properties.

- 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 key issues of concern in relationship to this application are:
- Landscape/ecology impact
 - Access and highway safety
 - Drainage and flooding issues

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- Residential amenity

Landscape/ecology impact

- 6.2 The landscape in which the site is located is classed as 'Principal Settled Farmlands' in accordance with the Council's landscape character assessment, which is a landscape with a notably domestic character defined chiefly by the scale of its field pattern and its land uses, being a landscape of primary hedgerows used as field boundaries with a mixed farming land use. The site is not subject to any specific landscape designations and there are no listed buildings within close proximity to the site.
- 6.3. As part of pre-application discussions a sequential site selection test did take place in conjunction with the Council's Landscape Officer and it was concluded that the proposed site as put forward by the applicant, was the most suitable when assessed in relation to the Council's landscape character assessment and in relation to potential highway safety and access issues.
- 6.4 The Environmental Statement accompanying the application includes a section on landscape assessment and this includes a photomontage of the predicted impact of the development in relation to the surrounding landscape, as well as a 3D model of the site demonstrating the layout of the proposed development.
- 6.5 Whilst it is acknowledged that the proposed development is of a large scale that will have an impact on the surrounding landscape character, the plans clearly indicate that the retention and use of the existing surrounding native vegetation, will help mitigate the visual impact of the development in the landscape and with further landscape mitigation, the findings of the landscape assessment are acceptable, and it is considered that the development complies with the criteria of Policies LA2, LA5 and LA6 of the HUDP on landscape issues with appropriately worded conditions attached to any approval securing detailed landscaping proposals and future maintenance arrangements.
- 6.6 Ecological issues are considered to have been addressed satisfactory, with the development considered to be in accordance with relevant HUDP policies subject to the attachment of conditions as recommended by the Conservation Manager (Ecology). In particular it has been advised that in respect of great crested newts, that subject to a survey of adjacent land, any required mitigation details would not compromise the construction and operation of the unit given that the ponds are not on the site although potential newt habitat exists adjacent to the site.

Access and Highway Safety

- 6.7 Access into and out of the site is proposed from an existing field entrance directly onto the A4110.
- 6.8 The application proposes a new access road from the public highway to the poultry unit, alongside an existing hedgerow for a distance of approximately 370 metres. Whilst this is regrettable due to the associated visual impact, on balance its construction is considered acceptable with landscape mitigation that can be achieved by conditions.
- 6.9 It is noted that the Transportation Manager in his latest reponse to the application raises no objections subject to the provision of a 'Give Way' line and sign being placed at least 5 metres back from the carriageway edge. This revision was due to a mature tree that is located within the grass verge of the adjoining public highway to the south of the proposed entrance. Retention of this tree is welcomed and it is recommended that an appropriately worded condition is attached to any approval to secure this. Subject to such a condition, the

development is considered acceptable when assessed against Policy DR3 and other relevant HUDP policies as well as the guidance provided by the NPPF.

- 6.10 Access from the site is directly onto the A4110. Accordingly having regard to the comments from the Transportation Manager and with due respect to the objections received from members of the public and Burghill Parish Council, as well as the comments from Birley and Upper Hill Parish Council about additional vehicle movements on the highway, it is not considered that this could not be sustained as a reason for refusal in this instance.

Drainage and Flooding Issues

- 6.11 Many letters of objections as well as responses from Parish Councils raise concerns about potential flooding as a result of development, whilst indicating that the 'Honeylake Brook' which flows adjacent to the northern boundary of the site and through a culvert under the A4110 regularly floods.
- 6.12 The application site exceeds 1 hectare in area, and is located in Flood Zone 1 (low probability), in accordance with the Environment Agency flood risk maps and therefore in accordance with advice as set out in the NPPF on meeting the challenge of climate change, flooding and coastal change, the applicant submitted a Flood Risk Assessment, as well as a separate drainage and management report.
- 6.13 The Environment Agency (EA) raises no objections noting that the applicant proposes an attenuation pond which is designed to contain a 1 in 100 year event with a 20% allowance for climate change. This is considered acceptable by the EA and as such is not considered to represent any grounds for the refusal of planning permission.
- 6.14 The Land Drainage Manager has responded indicating that the application proposes a robust drainage strategy for the management of surface water and the Flood Risk Assessment is considered acceptable in respect of the potential flooding in the wider area resulting from the proposed development.
- 6.15 Whilst it is acknowledged that there are surface water flooding issues in relation to the A4110, these are not directly attributable to the development that is being proposed since its impact would be satisfactorily addressed by the submitted attenuation pond. The Land Drainage Manager indicates that the applicant proposes a robust drainage strategy for the management of surface water runoff that will reduce the risk of increase flooding up to the 1 in 100 year event and allowing for the potential effects of climate change. The Land Drainage Manager also comments that the applicant has also adequately demonstrated that the site is unlikely to be at risk of fluvial flooding and that the location of the development is unlikely to increase flood risk elsewhere through the loss of flood plain storage.
- 6.16. Therefore it is considered that the development complies with Policies DR4 and DR7 and other relevant policies of the HUDP on drainage and flooding as well as the guidance provided by the NPPF.

Residential Amenity

- 6.17 Letters of objection also raise concerns about impact of the proposed development on residential amenity. The site is located on low lying ground onto which there are far reaching views from the surrounding countryside and in particular from the direction of Westhope, Upper Hill and the area on the side of Westhope Hill on which there are several dwellings. The nearest residential dwellings to the site are in excess of 350 metres from the site, being located mainly alongside the A4110.

- 6.18 Issues raised with regard to residential amenity refer to noise, (fans operating on site, feed deliveries, machinery operations etc), dust, external lighting, odour and pest (flies). As part of the application the Environmental Statement (ES) includes reports on noise and odour issues, and the ES also makes reference to dust and pest control. Neither the Environmental Health Manager or the EA raise any objections on these issues.
- 6.19 It must also be noted that in order for this site to operate the applicant will need an Environmental Permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations (ERP) 2010. The permit will regulate and control day to day general management, including operations, maintenance and pollution incidents. The permit will also monitor and control relevant emissions to water, air and land.
- 6.20 The ES indicates that the applicant intends using the manure generated on site as a fertiliser on his arable land and that no manure on clean out of the buildings at the end of each cycle will be stored on site. This is considered a sustainable use, however odour in relation to intensive poultry units is generally during the clean out and disposal operations and therefore it is recommended that conditions with regards to transportation off site and a manure management plan are attached to any approval.
- 6.21 With consideration to the above-mentioned controls, it is considered that the development is acceptable and complies with Policies DR2, E16 and other relevant HUDP policies as well as the guidance provided by the NPPF.

Other Matters

- 6.22 Other matters raised such as lack of on-site facilities for employees, impacts on public footpaths and scale of development on site are considered to be addressed satisfactorily. Members will be aware that the potential devaluation of surrounding properties is not a material planning consideration.

Conclusions

- 6.23 The application proposes a significant development that will have an impact on the landscape. However it is considered to be of a scale that can be successfully integrated into the surrounding landscape character with consideration to existing native vegetation adjacent to the site and further landscape mitigation as proposed.
- 6.24 Vehicular access into and out of the site is directly onto the A4110 and whilst it is acknowledged that several letters of objection raise concerns about highway safety in respect of additional vehicle movements, there is no evidence to substantiate this and the Transportation Manager raises no objections in relationship to highway safety and/or capacity.
- 6.25 Whilst it is acknowledged that the mature oak tree, situated alongside the A4110, to the south of the site is not ideally situated in terms of visibility, it is not considered to be a sufficient obstruction so as to warrant a recommendation for refusal. Moreover the pragmatic approach now put forward will ensure its welcome retention.
- 6.26 The site is not located in a high risk flood area and the applicants submitted a Flood Risk Assessment which is accepted by the EA and the Land Drainage Manager. Whilst it is acknowledged that there are localised flooding issues, it is considered that this development will not exacerbate flooding and drainage issues in the locality.
- 6.27 Residential amenity and potential odour issues are considered to be addressed satisfactorily. Conditions on odour issues in order to ensure protection of the surrounding environment are recommended to be attached to any approval. Furthermore the site will require an

Environmental Permit from the EA in order to operate and this permit controls issues in relationship to amenity, odour and pollution issues.

- 6.28 With consideration to the above the development is considered acceptable and in accordance with the HUDP as well as the NPPF.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C09 Details of cladding (agricultural and industrial buildings)**
- 4. I32 Details of floodlighting/external lighting**
- 5. G02 Retention of trees and hedgerows**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. G14 Landscape management plan**
- 9. I55 Site Waste Management**
- 10. All manure moved off site will be so in covered and sealed trailers.**

Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 11. The recommendations set out in Section 7.6.7 of the Wold Ecology ecologist's report dated November 2013 must be followed in relation to the identified protected species. Prior to commencement of the development, an ecological assessment for great crested newt will be carried out. If great crested newts (or any other protected species) are identified a full working method statement must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7 NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 12. Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species

Regulations 2010 and Policies NC1, NC6 NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 13. Prior to any development on site full details of the required "Give Way" markings/signage to be located at least 5 metres back from the back edge of the adjoining carriageway, together with a timescale for its installation shall be submitted to and approved in writing by the Local Planning Authority. The approved markings/signage shall be provided prior to the first use of the development hereby approved and shall be maintained in perpetuity.

Reason: In consideration of the location for the proposed development, and a nearby roadside verge mature tree and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

- 14. L04 Comprehensive & Integrated drainage of site
- 15. I55 Site Waste Management

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

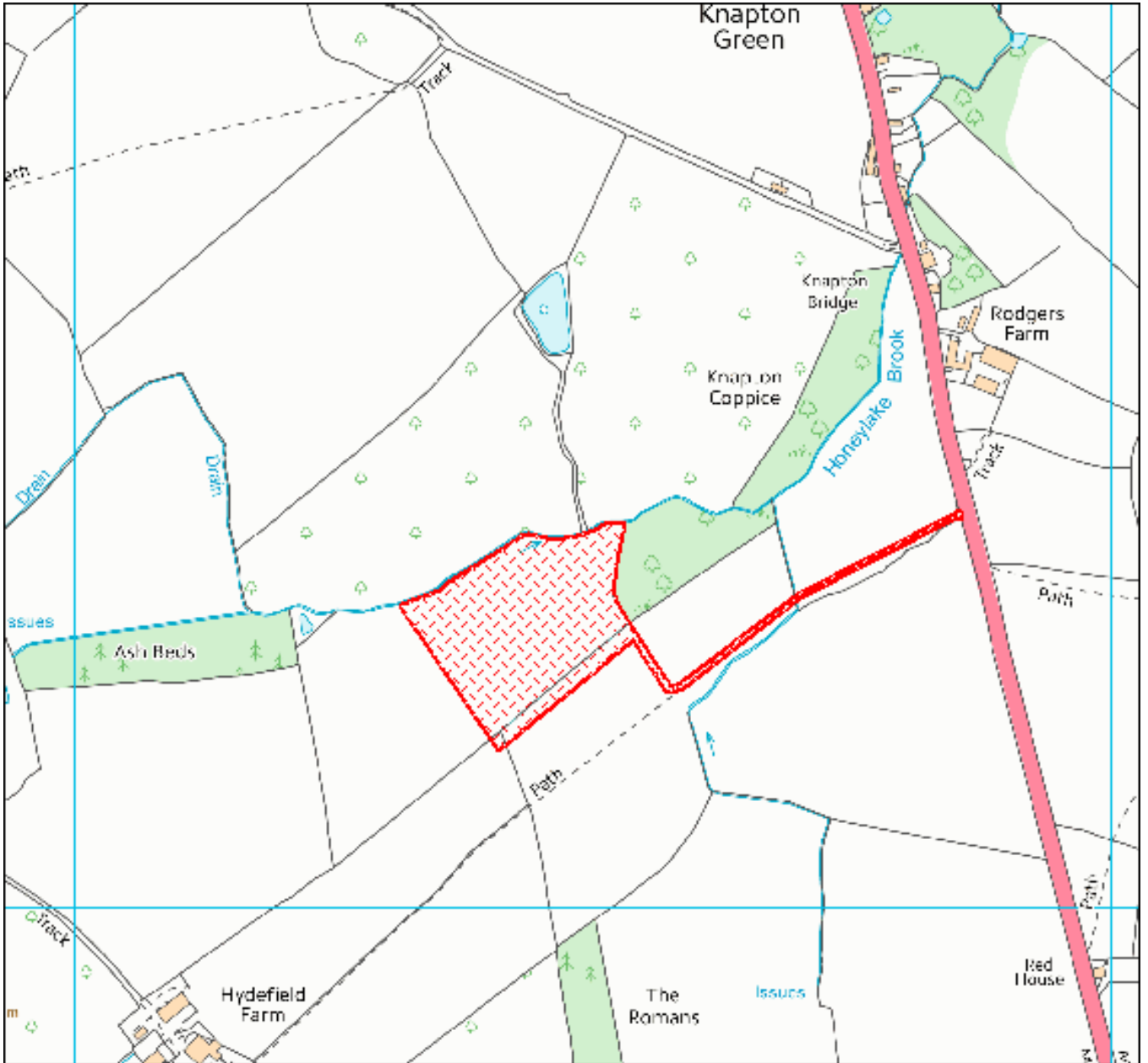
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 133504/F

SITE ADDRESS : LAND WEST OF A4110, KNAPTON GREEN, HEREFORDSHIRE, HR4 8EP

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MEETING:	PLANNING COMMITTEE
DATE:	14 MAY 2014
TITLE OF REPORT:	P140290/O - PROPOSED ERECTION OF 2 NO. FOUR BEDROOM HOUSES AND 1 NO. TWO BEDROOM BUNGALOW WITH ASSOCIATED LANDSCAPE WORKS AT LAND ADJACENT TO BARBERRY HOUSE, THE ROW, WELLINGTON, HEREFORDSHIRE, HR4 8AP For: Mr Millar per RRA Architects Ltd, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140290

Date Received: 28 January 2014 **Ward: Wormsley Ridge** **Grid Ref: 349024,247812**
Expiry Date: 2 April 2014
 Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 The application site is a parcel of land that is located on the southern edge of the village of Wellington. The site is a former orchard that has retained some of its trees and is associated with the dwelling known as Barberry that lies to the west of the C1109 ('The Row'). The site lies in an elevated position with a mature hedge and embankment forming the boundary to the roadside. The site is in an elevated position, that rises westwards away from the highway towards the remaining orchard trees. The most westerly point of the site is nearly 5 metres higher than the existing highway at the centre of the proposed access.
- 1.2 The area is characterised by detached properties that are primarily located within substantial residential curtilages. There is a mix of architectural styles and ages of dwellings including bungalows, two storey cottages and modern dwellings. Immediately opposite the site and fronting the highway lies the two storey cottage known as Jabrin House, and to its south the recently constructed dwelling Hill Lodge. To the south of the site, on the same side of the road as the highway and in an elevated position is Gelerts Brow.
- 1.3 The application is in outline with all matters reserved and is for the erection of 2 no. 4 bedroom houses and 1 two bed bungalow. The application has been supported by a Design and Access Statement, Ecological Report, Transport Statement (and update) along with indicative masterplan and sections that consider the site levels, potential excavations (cut and fill) and access position.
- 1.4 The masterplan details two dwellings fronting the highway, positioned approximately 10m back from the edge of the carriageway but in a position approximately 2m above the height of the carriageway. Some cut and fill will be necessary to take into account the rise in the land at this position. The third dwelling, a bungalow, would be sited further west on the site at the top of the slope.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- 1.5 Indicative plans have also been received that detail the position of the access into the site in a relatively central position. These plans seek to demonstrate that access can be achieved to the site with the required visibility splays using a retaining wall, battered bank and land grading. In order to achieve these visibility splays the application includes a small triangle of land that is in the ownership of Gelerts Brow to the south. Details of the excavation required to undertake this have also been supplied.

2. Policies

2.1 National Planning Policy Framework (NPPF)

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 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
H4	-	Main villages: Settlement Boundaries
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
T11	-	Parking Provision
LA2	-	Landscape Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement

2.3 Herefordshire Local Plan – Draft 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
H3	-	Ensuring an Appropriate Range and Mix of Housing
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geo-diversity

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources

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

<https://www.herefordshire.gov.uk/local-plan>

3. Planning History

- 3.1 S131969/O - Erection of 2no.4 bedroom houses and 1no. 2 bedroom bungalow with associated landscape works – Withdrawn.
- 3.2 SH971332/O – Two detached bungalows with garages – Refused 7 January 1998.

4. Consultation Summary

Statutory Consultee

- 4.1 Welsh Water – Recommend Conditions be attached to any planning permission

Internal Consultation responses

- 4.2 Conservation Manager (Ecology)

Following on from my previous comments regarding application number 131969/O, I was expecting further information from the applicant concerning a management plan for the orchard prior to me devising conditions for the application. My last email exchanged with the Ecologist regarding this stated the following:

"I'm of the mind that a condition might be applied whereby the orchard area might be renovated and, provided agreement is reached on a plan such as you suggest, I would agree to a condition regarding this."

The policy constraint on priority habitats still applies but there are advantages to the environmental enhancement of the site and the continued maintenance of its orchard status through condition.

Although we have an 'in principle' acceptance for a condition regarding the enhancement of site ecology, no agreement has been reached for renovation of the orchard. The site's environmental management proposals should have been informed by additional survey information on the trees which should have taken the form of an arboricultural impact assessment (in accordance with BS5837:2012) as requested at the pre-application stage. This ought to have been supplemented by any additional ecological information required upon which to base a management plan for the site. For the current application, I can see no information over and above that originally submitted for the last application.

In previous emails the Ecologist discussed a range of possible enhancements and management but none of these ideas appears to have been commissioned by the applicant and submitted in a consolidated for consideration as part of the current application.

I'm afraid if the information is not forthcoming upon which to agree a management plan, I cannot see how a method statement to implement such a plan can be conditioned and I would recommend refusal.

For information, the comments previously raised as part of application 131696 are as follows:

In the pre-application advice I note that the previous ecologist requested a detailed habitat survey. The ecological survey which has been commissioned is “an ecological walkover survey and 'Initial Protected Species Appraisal'.” This is not a detailed survey to the standard of an extended Phase 1 as defined by the JNCC which should accompany planning applications and which would have been expected.

In addition, the report concludes that such a small site does not warrant a local biological records search. This is not the case; any site for which development is proposed should be accompanied by such a search to flag up potential protected species both on the site and within its environs which may be affected by the site's development. Such a search would have confirmed the site to be identified as a traditional orchard site and of national importance as UK Biodiversity Action Plan (UKBAP) habitat. Such orchard sites are of prime importance locally and are consequently included as habitat worthy of conservation within the Herefordshire Biodiversity Action Plan. With regard to protected species, a biological records search would also have revealed the presence of barn owl, brown long-eared bat and peregrine falcon within 500 metres of the site. Even with relatively poor grassland within this orchard, there is foraging potential for barn owl and for long-eared bat. In addition, old orchard trees are known to be important habitat for the declining lesser spotted woodpecker and noble chafer. Old orchards possessing even a few decaying trees are known to support both breeding and foraging habitat which sustains these, now rare, species. These are material considerations. There is a national and local imperative to conserve these species and to maintain old orchards by replanting. Pre-application advice was given on the importance of this site as a priority habitat and that “Policy NC6 of the UDP and the NPPF support the protection of priority habitats. The orchard is also an important feature in the wider landscape and should be protected under UDP Policy LA2.”

Unfortunately the ecological report as commissioned does not provide the detail required to fully evaluate the site and concludes the site and its grassland and hedgerows as of low ecological value. This may be inferred from the scant information provided but the information from a detailed survey which was requested may well have shown otherwise.

In consideration of the importance of this habitat, the pre-application advice called for a tree and hedgerow appraisal “in accordance with BS5837:2012.” This has not been done. The photographs indicate that there are more than just a few trees on site. No British Standard criteria have been applied to the survey of these trees as per BS5837.2012. Consequently the potential of these trees to support important invertebrates, birds or even bat roost potential has not been identified or ruled out.

Replanting of a proposed loss of 30 metres of hedge is indicated but the pre-application advice recommends retention and protection of hedgerows and trees. This is not proposed. Finally, the advice also sought a Landscape and Ecological Management plan; this has not been provided and the short Section 5 Precautionary Mitigation and Recommendations of the ecologist's report is not an adequate substitute for this.

I cannot support this application in any way, shape or form and would recommend that the application is refused on the grounds of loss of ecologically important habitat which planning policy and the Local Biodiversity Plan for Herefordshire seek to protect.

4.3 The Transportation Manager has made the following comments:

The applicants transport consultant is claiming the acceptability of measurement of visibility to centre line of road on the earlier determination of an application for a single property

opposite, for which the Decision Notice (DCC072314F) conditions visibility distances to centreline.

In my comments on that application, I stipulated visibility to centre line to the left and edge of road to the right, and whilst indicated correctly on the approved plan, this was unfortunately incorrectly described in the Decision Notice.

The use of centre line to the left was in response to the planning officer's desire to reduce the amount of bank and hedge removal and as approaching vehicles would still be visible at the requisite stopping sight distance, and any cyclist likely to be on the far side or at worst middle of the road, was considered acceptable. I would add that the permission was for a single property. It is also worthy of note that achievable visibility to the right for that property is significantly in excess of the conditioned figure.

Manual for Streets Paragraph 7.7.5 allows measurement of visibility to centre line where there is no likelihood of vehicles being on the offside. However, this is in reference to two lane roads (as it mentions segregation of opposing flows and crossing of the centre line) and does not, in my view, refer to single track roads.

I would firstly comment that the information in the Mayer Brown Statement dated 23rd October 2013 appears conflicting between the information in Table 1 and the data sheets for the ATC for 85thile speeds, in that the directions are reversed. The visibility "Y" distances proposed are already at Minimum Stopping Sight Distance under Manual for Streets 2 for the measured speeds, and which document suggests that measurements are taken to edge of road. Drivers approaching the access from the south, due to their position, would however be able to see an emerging vehicle for in excess of the required stopping sight distance as they would occupy nearly the whole road width and in view of the low vehicle flows on the road an inspector may well consider that is an acceptable situation. Of possible concern may be a cyclist/motorcyclist approaching from the south on the downhill section close to the nearside and of whom an emerging driver may not have sight at the requisite distance, and who have would have slightly inadequate visibility of the emerging vehicles, but again this comes down to likelihood. This is also relevant to the 2.0m setback which would require a vehicle to project into the road to enable the driver to gain visibility, and whilst forming an obstruction, will also render it more visible to those approaching.

To the north, a measurement to centre line will allow an approaching vehicle to be seen at the requisite stopping sight distance.

Ultimately it comes down to assessment of the particular circumstances and the reasons why visibility to edge of road cannot be achieved. In this case, the requirement to the edge of road to the south could be achieved but would result in further bank removal and greater impact and to the north again could be achieved by a greater amount of bank removal, and which may increase vehicle speeds along the road by increasing forward visibility. It is noted that in order to achieve visibility to centreline the proposal involves the visibility splay lines passing very close to the proposed retained bank leaving very little margin for vegetation growth, which is of concern. Our normal requirement is for the splay to be 600mm above the ground level.

I consider that visibility splays should be provided to edge of road and I am unconvinced that, for the reasons previously stated, the decision for the property opposite creates a precedent for measurement to centreline as the consultants claim.

The application is submitted in outline with all matters reserved and therefore the details of access and bank retention are submitted to establish the principle that a safe and satisfactory access can be achieved to serve the development and within the control of the applicant.

I am satisfied that the submitted access details could be amended by altering the access location/changing bank details) to achieve the required visibility to edge of road in both directions, within the ownership of the applicant and the adjacent landowner (whose agreement I understand has been confirmed) and therefore I would recommend that delivery of visibility splays to edge of carriageway is secured by way of condition on any consent granted. On the basis of the anomaly in directions identified above but similar visibility figures, I would suggest conditioning of the larger value in both directions.

I do not consider that the submitted retaining structure proposals are acceptable. However I consider that a technically satisfactory scheme could be produced for the bank retaining structure within the site and adjoining ownership, and that such details could be dealt with at reserved matters/full application stage and will require 'Approval in Principle' prior to determination at that stage, the cost of design and checking of which would be borne by the applicant.

On that basis my recommendation is for approval subject to the following conditions.

CAB (2.0mx33m measured to edge of carriageway CAE CAH CAL CAZ and informatives I01 I05 I45 and I51 (or wording "The proposed development involves retaining walls/structures within or affecting the public highway and this planning permission does not convey any right to do such works. Approval of the works by the local planning authority and a licence under Sections 167 and 177 of the Highways Act 1980 must be obtained prior to commencement of any works on site. The development shall not be occupied until the development scheme has been constructed in accordance with the approved details. The applicant should contact the Structures/Bridges Manager at Balfour Beatty Living Places".)

5. Representations

5.1 Wellington Parish Council makes the following comments:

Wellington Parish Council strongly opposes the outline planning application.

Background

- The Parish Council is not opposed to development within the Parish per se, but wants to see development targeted at identified NEED.

- There are currently some 420 properties in the Parish. Planning permission has already been granted (including developments underway) for 35-40 new properties, predominantly 'executive' style homes plus a small number of rental properties via Housing Associations – an almost 10% increase in total.

Issues

The proposed development is on a steeply sloping site accessed from a very narrow lane close to the brow of a hill and on a curve in the road. There are no footpaths. We consider the achievable visibility splay to be wholly inadequate if not dangerous, falling well below the requirements quoted as in the notes accompanying the application (table 1, page 3).

- this is an outline application and as such there is no guarantee that what is in this application, is what will be built, especially as there is sufficient space on the land in question for a greater number of properties. It is our opinion that this could result in gross over development if the principle of development is agreed.

- the claim that the two detached houses will be “multi-generational” cannot be supported without sight of a detailed application.
- the bungalow is at the furthest point from the road, at the highest point of the slope. It is also somewhat remote from the main village and so will have limited appeal to older, less able residents at whom this development is claimed to be 'pitched'.
- there is no 106 benefit to the community.
- the two detached homes will dominate the landscape at the location proposed; whilst there are two storey homes on the opposite side of the lane, apart from Barberry House (itself a conversion from an old property) the remaining properties on that side of the lane are bungalows.

UDP and Parish Planning

This site is outside Wellington’s current settlement boundary.

Councillors from Wellington have attended numerous seminars and training sessions concerning parish planning and neighbourhood development plans most of which attended by Herefordshire Council, with speakers from same. At every discussion, assurance has been given that the UDP remains in force until such time that the Core Strategy/LDF reaches its final approved position. We are told, in regard to this development, that this is no longer so and that NPPF allows the settlement boundary to be ignored.

Given the expectation that the LDF is still some number of months away, Wellington has a Parish Plan which is almost at the questionnaire stage (Planning for real having been undertaken in July) and is moving towards a Neighbourhood Development Plan, using the questionnaire as the first stage of this.

National Government has stressed that the Localism Act 2011 will put local decision making in the hands of local people. In view of this we ask the Council to honour their assurances that our current settlement boundary will be retained until such time that the wishes of our residents in regard to future development can be taken into account via our current Community Led Plan activity.

5.2 Letters of objection have been received from:

Mr Robertshaw and Mrs Robertshaw, Bankside, The Row, Wellington
 Mr and Mrs Hughes, Jabrin House, The Row, Wellington
 Mrs Lyke, Hill Lodge, The Row, Wellington
 Ms J Powell, Montrose, Wellington
 Mr Andrew Lucas, Gelerts Brow, The Row, Wellington
 Kay Holt, Munns Cottage, The Row, Wellington

These letters raise the following concerns:

Highway Issues

- The road towards Auberrow Cross roads is very narrow and vehicles often have to encroach on driveways to pass. The road is a blind summit to the east of Barberry House and a sharp bend in front of the property.
- The road has no footways and traffic often consists of trailers, large lorries etc that conflict with other road users and pedestrians
- Concern about achievable gradient.
- Concern about visibilities to be achieved and detail contained within the Transport Statement and report.
- The circumstances at Hill Lodge differ from those at the application site and the same standards cannot be applied.

Further information on the subject of this report is available from Ms K Gibbons on 01432 261781

Landscape / Character / Amenity Impacts

- Proposals will sit like a blot on the skyline / will dominate the skyline and does not enhance the approach to the village.
- The site is fronted by a substantial embankment and thick hedge along the lane side which form a very important visual component of this lane. The ecology report confirms this.
- The site lies between two distinct landscape characters 'Principal Settled Farmland' and 'Wooded estate land' and whilst very different both identify hedges as an important landscape feature along with small winding lanes nestling within a matrix of hedged fields.
- The proposal would not comply with policies LA2 or LA5 of the Unitary Development Plan.
- The loss of the traditional orchard on the edge of the village would cause significant harm to the rural setting of Wellington contrary to policy LA3 of the UDP.
- Up to 2000 the orchard was very productive and in good heart and was productive.
- The proposed dwellings would appear highly obtrusive / visually intrusive due to elevated position and have a highly urbanising effect. Boundary fences to allow for privacy may also have serious visual impact.
- Imposition of two storey properties on the high ground above the land is inappropriate when compared with the existing development on that side of lane. Existing properties on the west side are either 2 storey, where at verge level, or bungalows where away from the lane. The height of the dwellings would be significantly higher than Barberrry and Gelerts Brow.
- Significant ground excavation would be needed to create the access and retaining walls. This would alter the current natural land side and assume a heavily engineered appearance.
- There will be an increase in light and noise pollution
- The proposals detailed on the indicative plans would be 16m from Jabrin House and 2m above the level of ground level of the dwelling. This would lead to the windows of the proposed dwellings looking down to the bedroom windows. There would be a serious loss / impact upon living conditions.

Other matters

- No guarantee that only three properties will be built.
- The site lies outside of the defined settlement boundary and development outside of these areas is contrary to policy H4 of the UDP. There are no exceptional circumstances to allow this. There would be no public benefit arising from the grant of planning permission.
- The Council's own land assessment in 2012 identifies the site as being 'land with no potential during the plan period'. Little sense producing an assessment then so quickly ignoring it.
- There is a target of 65 houses to be built in the plan period and those with planning permission or land with low constraints would attain this.
- Planning permission was refused for a proposal of two bungalows and widening of the road in 1998 and similar issues still stand.
- The information requested by planning officers to assist in determining has not been provided.
- The images of 'precedent' are not of two storey dwellings and are misleading.
- The application fails to details: protection of hedgerow, consideration of alternative layouts, sustainable urban drainage, renewable energy, and integration into the built environment.

5.3 Letters of support have been received from:

Mrs N Probert, Yew Trees, The Row, Wellington.
Mr Prince, 10 Millway, Wellington.

These letters can be summarised as follows:

- Small developments such as this are an essential part of evolutionary growth.
- The application has been modified to address concerns.
- Recognise the need to sustain a community with housing growth through estates and smaller individual developments where opportunity exists.
- Parish Plan cites need for two and three bedroom properties.
- Properties such as bungalows are in short supply and there is a need to be met for elderly persons.
- Already a mix of dwellings in the area and any new would be able to be designed to fit in with the character of the area.

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 application seeks outline planning permission for the erection of 3 dwellings on land outside but immediately adjacent the settlement boundary for Wellington (Policy H4 of the HUDP). The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).

6.2 In response to the acknowledged deficit of housing land the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the HUDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).

6.3 The position as regards the scale of the housing land supply deficit is evolving. Following the Home Farm decision it remains the case, however, that for the purposes of housing delivery the relevant policies of the HUDP can be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

- 6.4 In the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.5 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole.
- 6.6 The site was considered in the Council's most recent Strategic Housing Land Availability Assessment (SHLAA). The site was rejected through the SHLAA review, and was not considered to have development potential, for the following reasons:

This site is elevated (potentially costly to develop) and access via the C1109 towards the south would be unacceptable owing to lack of width. Widening does not appear possible. The site is also remote from village amenities.

Whilst it is possible to consider sites that have been rejected through the SHLAA, applications should seek to address and overcome the concerns raised so as to allow the assessment of the proposal in light of HUDP policies and the NPPF and to consider the benefits and potential harm of the development.

- 6.7 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved HUDP policies and guidance laid down in the NPPF. Firstly there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development'.
- 6.8 In this case the site is considered broadly to represent a sustainable location given its immediate proximity to the settlement boundary of the village of Wellington that offers a range of goods and services necessary to sustain a typical household. However, it is necessary to consider the distances to these services and their connectivity in terms of 'sustainability' and reducing the need to travel. Walking, by means of the public highway, to school is a distance of 1.3km and whilst the shop is relocating to a position closer to this site, it would still be over 600m away along narrow, unlit highway with no footways. There are a number of Public Rights Of Way that serve the village that may be shorter distances but these are unlikely to be used for everyday trips in winter months and as such it is suggested that many of the trips made from this location will be by private motor car rather than by alternatives such as bike or foot. It is however recognised that Wellington has good public transport links to the County's main centre of population (Hereford) and the goods, services and employment opportunities located there.
- 6.9 The three roles of sustainability that are reflected throughout the NPPF and through the HUDP policies also need to be considered and I am of the view that the proposal for residential development on this site would fail to comply with current HUDP policies and the NPPF for a number of reasons as discussed below.

Access and highway safety

- 6.10 As described above, the site does occupy an elevated position, with a bend to the north and rising hill to the south. The lane is narrow in character with an embankment and mature hedge to the west and dwellings immediately fronting it to the east. Therefore there are some significant constraints to creating an access in this location. As such the application submission included a transport assessment and update, and following discussions with the agent, an updated plan that indicates the position of the access, position of the wall and the achievable visibility splays. The Transportation Manager's comments conclude that there is

a technical solution to providing an access to the site, but that further information would be required to properly identify how this would be achieved. This may involve further land excavation or re-siting of the access. These comments are however based on the inclusion of the land that belongs to the adjoining neighbour at Gelerts Brow to allow the creation of a retaining wall and provide the required visibility to the south. Confirmation has now been received from the third party landowner (dated Nov 2013) stating that they are agreeable to the sale / use of the land for the creation of this access. It is possible to impose a Grampian condition requiring that the access is undertaken before any other works when there is a degree of certainty that the land can be acquired or used. This letter has achieved this but it is also common practice to secure this through a Section 106 agreement.

- 6.11 Having regard to the details and application submitted, it is technically possible to provide access to the site with the required visibility splays in accordance with the requirements of policy DR3 of the HUDP subject to conditions being imposed as above. The implications of the access in terms of impact upon the character of the area, landscape and biodiversity are discussed in more detail below.

Landscape Impact and impact upon the character of the area

- 6.12 The site slopes from the roadside on the east boundary, up to the west. It is part of the lower slopes of Adzor Bank, an area of high ground that is a local landscape feature. There is a well established mixed native hedgerow and bank along the road boundary. There are many old orchard trees present on the site. There is hedgerow along the other three site boundaries. These are shown on the existing site survey provided, together with the contours showing the shape of the land.
- 6.13 The trees have a high public amenity value, in accordance with the assessment criteria for TPOs. They are easily visible from the adjacent public highway (C1109) and public footpath (WG26). As an orchard group they are considered to be an important local landmark and characteristic of the area. The average tree size is approximately 3 to 5m. The trees have historical significance as orchards forming part of the Herefordshire landscape and biodiversity habitat and their retention should be considered having regard to policy LA5. The orchard and application site is also an important feature in the wider landscape and should be protected under HUDP Policy LA2. The site's location on the approach to the village is also a consideration having regard to policy LA3 of the HUDP.
- 6.14 There are a number of negative landscape impacts identified in respect of this development that have been considered and explored in some detail. Firstly, the loss of hedgerow and orchard that are both characteristic features of the area is a key concern. The hedgerow may not be classified as Important under the Hedgerow Regulations, however it is certainly an important linear landscape feature and wildlife corridor. Its removal would be required to create the access and visibility splays, therefore widening and opening out the narrow country lane, Due to the change in levels and necessity to maintain visibility splays the proposal would require the use of retaining walls, battered banks and some planting above (as detailed in the submission). This would result in an open verge and an engineered appearance completely altering the existing character of this rural lane that forms part of the approach to the village.
- 6.15 The application submission provides some additional information within the Design and Access Statement referring to the bungalows to the north that also utilise retaining walls and sit in elevated positions. Whilst these are noted, the site levels and character of this part of the lane varies considerably from this site. The buildings at Barberry form a natural stop to the ribbon development along this lane, with the rise of the lane, rise of the land to the west and the existence of the roadside hedge and bank being representative of the change in character.

- 6.16 The requirements of policies LA2 and LA3 are explicit in that proposals that adversely affect either the overall character of the landscape, landscape setting of the settlement will not be permitted. The access in itself would have a significant adverse impact. The introduction of the dwellings, access, parking, turning areas, boundary treatments and other residential paraphilia in this location would not only lead to the loss of the orchard but would fundamentally alter and harm the landscape. The dwellings would be intrusive and overbearing in this quiet rural street scene. It is also notable that the proposed layout does not follow the existing ribbon development along this country lane approaching Wellington village, particularly the third dwelling to the rear. As such officers conclude that the proposed development would significantly and adversely impact upon the character of the area contrary to policies LA2 and LA3 of the Unitary Development Plan and guidance contained within the NPPF that seeks to ensure that developments respect the character and quality of the area.
- 6.17 Policy LA5 is more difficult to consider. This policy seeks to resist proposals that would cause loss or damage to trees, hedgerows and mature orchards but acknowledges that loss can sometimes be mitigated through the submission of landscaping plans. Whilst there is an “in principle objection” to the loss as they are fundamental to the character of the area, if this application was to be approved, then conditions could be imposed to ensure that mitigation is secured. This application has not sought to address this through the submission of any tree surveys or plans and this matter is considered in tandem with the biodiversity issues discussed below.
- 6.18 The site is identified as a traditional orchard site and of national importance as UK Biodiversity Action Plan (UKBAP) habitat. Such orchard sites are of prime importance locally and are consequently included as habitats worthy of conservation within the Herefordshire Biodiversity Action Plan. Biological records reveal the presence of barn owls, brown long-eared bat and peregrine falcon within 500 metres of the site. Even with relatively poor grassland within this orchard, there is foraging potential for barn owl and for long-eared bat. In addition, old orchard trees are known to be important habitat for the declining lesser spotted woodpecker and noble chafer. Old orchards possessing even a few decaying trees are known to support both breeding and foraging habitat which sustains these, now rare, species. These are material considerations. There is a national and local imperative to conserve these species and to maintain old orchards by replanting.
- 6.19 HUDP policies NC1 and NC6 require that development proposals demonstrate that proposals would have no adverse effects on any adjacent biodiversity and features or damage protected or priority habitats or protected species. Policy NC8 offers the opportunity to provide enhancement of sites and landscapes and this is supported by the National Planning Policy Framework. As part of the ongoing discussions in respect of this development, the concerns about the ecological impact of the development through the loss of the priority habit have been raised and it was concluded that in the event that this proposal was granted planning permission then the most ‘pragmatic’ way to address these issues would be through the use of appropriately worded condition, requiring a detailed 5-year Orchard Enhancement and Management Plan to be drawn up and agreed prior to development works starting. As such I would acknowledge that the enhancement of the remainder of the site (within the Blue Line) would balance the ecological impact (loss of part of the orchard habitat) in favour of an overall biodiversity benefit (from enhancing the larger un-developed parts of the orchard, which are currently in poor condition). With this mitigation secured through appropriately worded conditions, the requirements of policy NC6 would be met. It was also suggested by the applicants’ ecologist that the arboricultural appraisal and tree protection plan could be secured by condition but these details were, it appears, requested by the Councils ecologist to form part of the application. They have not been supplied and the comments received from the Conservation Manager above reflect this request.

- 6.20 Given the sensitivity of the site, its importance in both landscape and biodiversity interest of the site, it is officers opinion that there is insufficient information provided with this application to be able to confidently agree that the loss of trees and impact upon habitat protected by policies LA5 and NC6 of the HUDP can be adequately mitigated through the imposition of conditions. As such, on the basis of the information provided as part of this application submission it is concluded that the proposal fails to comply with these policies and policy NC8. NPPF guidance is consistent with these policies in that it seeks to protect and enhance valued landscapes and minimise the impacts upon biodiversity and provide net gains in biodiversity where possible.
- 6.21 It is therefore officers opinion that the proposal fails to represent sustainable development when having regard to the Environmental Roles of Sustainable development identified within the National Planning Policy Framework.

Impacts upon residential amenity

- 6.22 It is noted that this is an outline application, with all matters reserved but nonetheless, given the indicative information provided the impact that the proposed development would have on the amenities enjoyed by local residents is a material consideration. One of the issues raised relates to the impact upon the amenities of nearby residents and officers have particular concern about the impact on Jabrin House and the properties to the east of this lane. The prime concern is in respect of the elevated site, and the siting of the two, two storey dwellings and the potential for these to be overbearing in their impact. There is also concern that the properties will directly overlook and impinge upon the privacy of the occupiers of these dwellings. As such it would be contrary to policies DR2 and H13 of the HUDP and to design guidance within the NPPF that seeks to ensure a high quality design and good standard of amenity for all existing and future occupants of land and buildings.
- 6.23 It is also inevitable that a considerable amounts of earth work will be required to create the access and any terraces for building and parking areas. Details of these have been provided that show an element of 'cut and fill' for the dwellings. There would be a necessity to remove approximately 136 cubic metres of soil from the site to create the access. Whilst this is not an exact science, without the benefit of land make up or conditions, this would mean approximately 50 lorry loads (16 tonne, 6 wheeler) of material would need to be removed. Whilst construction management can be addressed this is still a material consideration given the constraints of the highway network and proximity of other dwellings, one that is of cause for significant concern in itself, albeit a short term activity.
- 6.24 It is also drawn to the attention of Members that the refusal of planning permission for two bungalows on this site (SH971332/O) addressed similar concerns as outlined above and was refused for the following reason:
- 'The proposed siting of two bungalows in this relatively elevated countryside location, no matter how well designed, coupled with the inevitable excavation of the land on the road frontage to create a satisfactory and safe new access, would be environmentally and aesthetically unacceptable and as such would be contrary to the policies...'*
- 6.25 For the reasons given above in relation to the impact of the significant engineering works required, the removal of the roadside bank and hedgerow, the partial loss of a priority habitat, poor layout of the scheme in relation to its locality, and potential impact upon the amenities of local residents, development of this site would be contrary to the policies of the Unitary Development Plan and guidance contained within the National Planning Policy Framework when considered as a whole.
- 6.26 I would conclude that the significant harm of the development would significantly and demonstrably outweigh the benefits that this small scale development would provide. The proposed development falls to be considered having regard to the requirements of

paragraph 14 of the NPPF that means that Local Planning Authorities should approve sustainable development proposals that accord with the development plan and as the Council has a deficit of five year housing land supply, grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework when taken as a whole.

- 6.27 Whilst the construction of three dwellings would have the acknowledged benefits in terms of the economic role of sustainable development, the benefits in terms of boosting housing land supply would be minimal. Likewise, there would be minimal social benefits from this proposed development other than to improve the range and type of dwellings available. The above report has carefully considered the proposal in respect of its environmental role in sustainable development including the benefits that may be secured through ecological enhancements and has concluded that the development, for the reasons given above would be contrary to HUDP Policies DR2, H13, LA2, LA3, LA5, NC1, NC6 and NC8 and that the adverse impacts of the development would significantly and demonstrably outweigh the benefits. As such, the proposal is recommended for refusal as detailed below.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The development of this application site, by virtue of the site's location and topography, would result in a form of development that would adversely impact upon the character of the area that also has significant landscape and biodiversity value and interest and that forms part of the setting of the settlement of Wellington contrary to Policies LA2, LA3 and H13 of the Herefordshire Unitary Development Plan and the guidance contained within the National Planning Policy Framework.**
- 2. The application would lead to the loss or partial loss of important trees that form part of a UK priority habitat contrary to the requirements of Policies LA5, NC1 and NC6 of the Herefordshire Unitary Development Plan. The application does not provide sufficient information in order to demonstrate that an enhancement and benefit could be secured and as such does not comply with the requirements of Policy NC8 of the Herefordshire Unitary Development Plan.**
- 3. The proposed development, by virtue of the site's location, topography and relationship with neighbouring properties, would represent an overbearing and intrusive form of the development that would potentially impact upon privacy and amenities currently enjoyed contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan and guidance contained within the National Planning Policy Framework.**

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reasons for the refusal, approval has not been possible.**

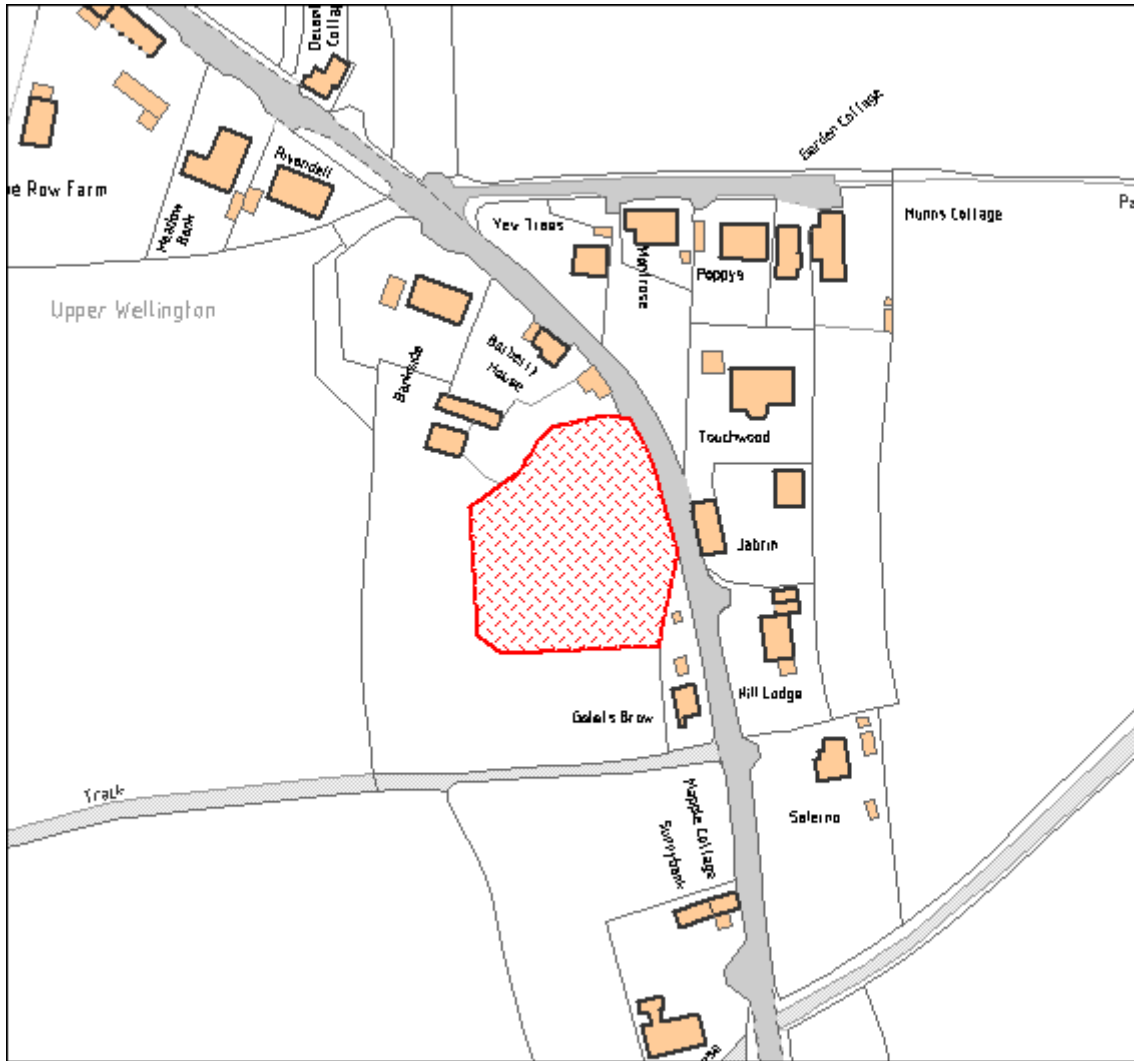
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140290/O

SITE ADDRESS : LAND ADJACENT TO BARBERRY HOUSE, THE ROW, WELLINGTON, HEREFORDSHIRE, HR4 8AP

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MEETING:	PLANNING COMMITTEE
DATE:	14 MAY 2014
TITLE OF REPORT:	<p>P140904/CD - PROVISION OF A PEDESTRIAN AND CYCLE LINK BETWEEN THE SOUTHERN END OF STATION APPROACH AND THE NORTHERN END OF CANAL ROAD. REQUIRING DEMOLITION OF EXISTING STORE BUILDING IN BUILDERS MERCHANT. PROPOSAL INCLUDES STREET LIGHTING AND ASSOCIATED LANDSCAPING AT JEWSON BUILDERS MERCHANT, CANAL WHARF, CANAL ROAD, HEREFORD, HR1 2EB</p> <p>For: Herefordshire Council per Balfour Beatty, Unit 3 Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140904

Date Received: 25 March 2014

Ward: Central

Grid Ref: 351384,240423

Expiry Date: 21 May 2014

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

- 1.1 The site is located between Morrison Supermarket and Jewson Builders Merchant on the western side of Station Approach, Hereford.
- 1.2 The proposal is to provide a pedestrian/cycleway link between Station Approach and Canal Road which would be facilitated by the demolition of an existing storage building.

2. Policies

2.1 National Planning Policy Framework (NPPF)

Introductory	-	Achieving Sustainable Development
Section 4	-	Promoting Sustainable Development
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment
Section 17	-	Core Planning Principles

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
S6	-	Transport

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

- DR2 - Land Use and Activity
- DR3 - Movement
- T6 - Walking
- T7 - Cycling
- NC1 - Biodiversity and Development

2.3 Herefordshire Local Plan – Draft Core Strategy

- LD3 - Biodiversity and geodiversity
- MT1 - Traffic Management, highway safety and promoting active travel

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 CE/092576/F Demolition of existing buildings and construction of new highway, cycleway, drainage, landscaping and associated works between the A49(T) Edgar Street and A465 Commercial Road, Hereford, along with a new road link to unclassified Road 80332 Blackfriars Street and the U80335 Canal Road, a new junction with Widemarsh Street and the associated highway improvement works including to the junction of the A49(T) Edgar Street and B4359 Newtown Road and the junction of the A465 Aylestone Hill AND c1127 Barrs Court Road, Hereford. Approved 30 March 2010.

4. **Consultation Summary**

4.1 Statutory Consultees

None

Internal Consultees

4.2 Transportation Manager: No Objection.

Conservation Manager (Ecology): No Objection, subject to consideration to any nesting birds. An inspection of the building revealed no evidence of bats.

5. **Representations**

5.1 Hereford City Council: No Objection.

Hereford Civic Society: Object for the following reasons:

- This piecemeal link for a cycle/pedestrian link from the station to the City Centre is seriously flawed.
- Every respectable city has a pedestrian route from its station to the City Centre. Here this is not a clear route but a contrived twisting route.
- Proceeding from the diagonal crossing of the Link Road junction, which essentially bumps into Morrisons boundary wall, it is necessary to twist and turn down no obvious route to the city centre and the Cathedral.
- Use of this very short stretch will require right angled turns instead of just one if the route continues along side the new spur road.

- Surely some sort of deal with Morrisons, which they might much like, cut through their car parking would be a much better route continuing into Commercial Road, possibly via the old cemetery and Venn's Arch.
- We object on the grounds of lack of sustainability, poor financial benefit and lack of an overall plan for the city.

5.2 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 proposal seeks to provide a pedestrian/cyclway link between Station Approach and Canal Road. Condition number 30 attached to the planning permission for the link road prevents the vehicular connection of the two roads to ensure it is not used as an alternative route to the proposed new link road. However the condition does not prevent connection by pedestrian/cycle link. A separate planning permission is required as the route proposed is outside of the application site area as submitted for the link road.
- 6.2 The proposal involves land presently in the ownership of Jewsons that forms part of the Compulsory Purchase Order for the link road. A dilapidated block and render store building will be demolished as part of this proposal.
- 6.3 The building has been inspected by the Council's Ecologist who confirms no evidence of bats, however, due to the substantial amount of ivy on the southern elevation, informative notes are recommended on any planning permission concerning bats and nesting birds.
- 6.4 This proposal is considered to be a positive intervention that will provide a more direct link to the city centre. The Civic Society's comments are noted however the route proposed is considered acceptable, sustainable and provides a safe link between the two roads in accordance with policies contained in the HUDP and NPPF as identified in the policy section of this report.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Informatives:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **N11A Wildlife and Countryside Act 1981 (as amended) – Birds**

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

3. N11C General

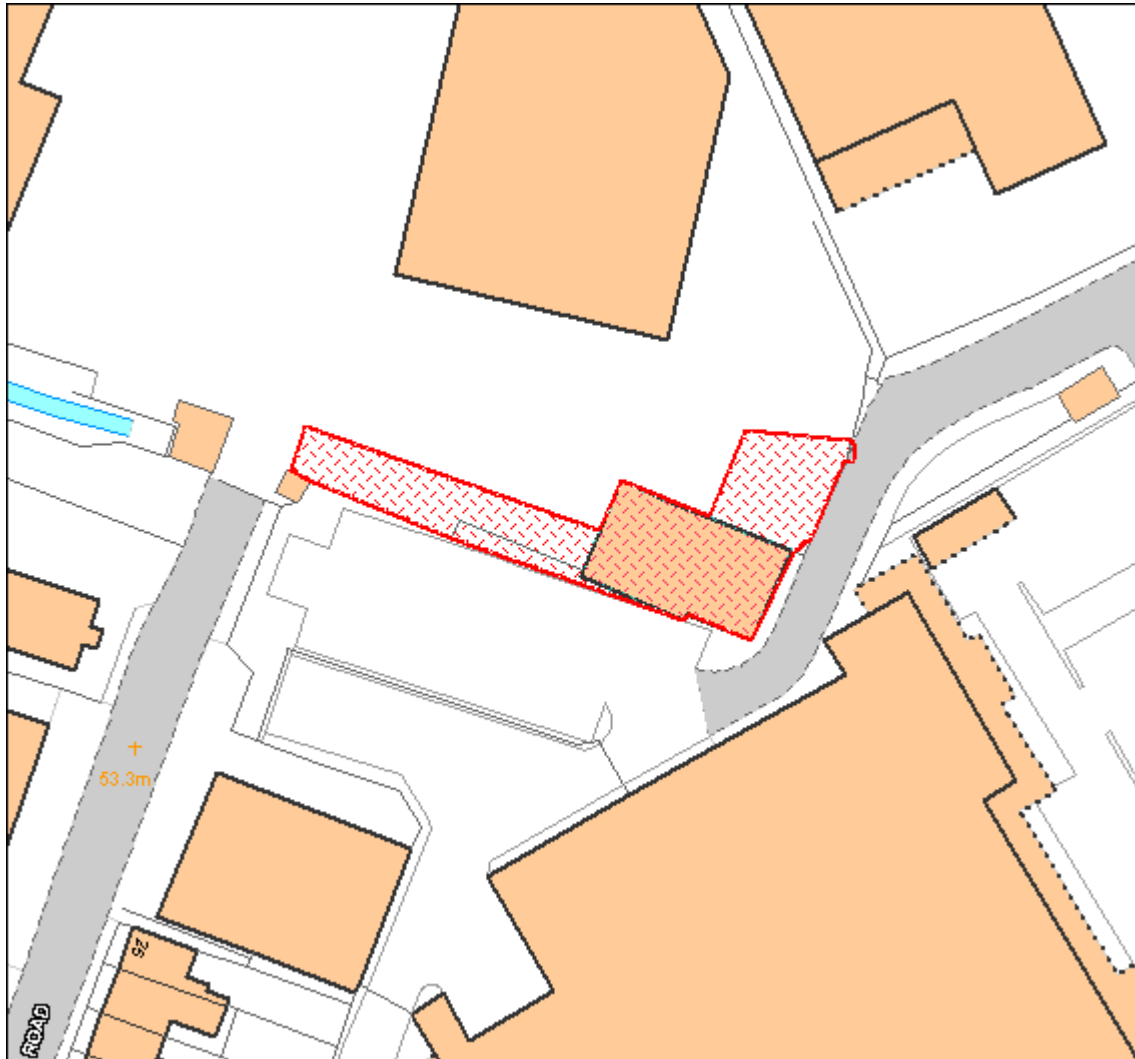
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140904/CD

SITE ADDRESS : JEWSON BUILDERS MERCHANT, CANAL WHARF, CANAL ROAD, HEREFORD, HR1 2EB

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