

Agenda

Planning and regulatory committee

Date: **Wednesday 12 July 2017**

Time: **10.00 am**

Place: **The Council Chamber - The Shire Hall, St. Peter's
Square, Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the meeting of the Planning and regulatory committee

Membership

| | |
|----------------------|-----------------------------------|
| Chairman | Councillor PGH Cutter |
| Vice-Chairman | Councillor J Hardwick |
| | Councillor BA Baker |
| | Councillor CR Butler |
| | Councillor PJ Edwards |
| | Councillor DW Greenow |
| | Councillor KS Guthrie |
| | Councillor EL Holton |
| | Councillor TM James |
| | Councillor FM Norman |
| | Councillor AJW Powers |
| | Councillor A Seldon |
| | Councillor WC Skelton |
| | Councillor EJ Swinglehurst |
| | Councillor LC Tawn |

Agenda

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| 1. | <p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p> | |
| 2. | <p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p> | |
| 3. | <p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> | |
| 4. | <p>MINUTES</p> <p>To approve and sign the Minutes of the meetings held on 14 June 2017.</p> | 7 - 28 |
| 5. | <p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p> | |
| 6. | <p>APPEALS</p> <p>To be noted.</p> | 29 - 34 |
| 7. | <p>164085 - BRIGHTWELLS AUCTION SITE, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NH</p> <p>Application to vary conditions 3 and 4 of planning permission 163117.</p> | 35 - 52 |
| 8. | <p>162753 - ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ</p> <p>Change of use of Rosemore Grange, from a residential dwelling with holiday accommodation, to holiday accommodation.</p> | 53 - 62 |
| 9. | <p>170409 - NEW INN, FOWNHOPE, HEREFORD, HR1 4PE</p> <p>Proposed accommodation block, remodelled car park and improvements to access.</p> | 63 - 72 |
| 10. | <p>170638 - UNIT 1A, HOLMER TRADING ESTATE, HEREFORD, HEREFORDSHIRE, HR1 1JS</p> <p>Proposed change of use from b2 (general industrial use) to boulder barn.</p> | 73 - 80 |
| 11. | <p>170940 - BARNs AT LOWER DERNDALE FARM, DERNDALE ROAD, WELLINGTON, HEREFORDSHIRE, HR4 8BG</p> <p>Conversion of and alterations to barns to create four residential dwellings.</p> | 81 - 100 |
| 12. | <p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 1 August 2017</p> <p>Date of next meeting – 2 August 2017</p> | |

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Minutes of the meeting of Planning and regulatory committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 14 June 2017 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, KS Guthrie, EL Holton, TM James, FM Norman, AJW Powers, D Summers, EJ Swinglehurst, LC Tawn and SD Williams

In attendance: Councillors EPJ Harvey, JLV Kenyon and NE Shaw

Fire at Grenfell Tower London

The Committee observed a minute's silence in memory of the victims of the Grenfell tower fire.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, A Seldon and WC Skelton.

2. NAMED SUBSTITUTES

Councillor D Summers substituted for Councillor A Seldon and Councillor SD Williams for WC Skelton.

3. DECLARATIONS OF INTEREST

Agenda item 7: 171040 – Wymm House, Sutton St Nicholas

Councillor BA Baker declared a non-pecuniary interest as a resident of the Parish.

Agenda item 8: 163673 – The Pavilion Tennis Club, Ledbury

Councillor EL Holton declared a non-pecuniary interest as a Council representative on the Malvern Hills AONB Joint Committee and because her mother lived in the vicinity.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 17 May 2017 be approved as a correct record and signed by the Chairman.

5. CHAIRMAN'S ANNOUNCEMENTS

There were none.

6. APPEALS

The Planning Committee noted the report.

7. 171040 - WYMM HOUSE, SUTTON ST NICHOLAS, HEREFORD, HR1 3BU

(Proposed erection of one dwelling.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

She highlighted that, for the reasons explained in the update, only the first two grounds for refusal set out in the recommendation in the report remained valid.

In accordance with the criteria for public speaking, Mrs C Snead, the applicant spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor KS Guthrie, spoke on the application.

She made the following principal comments:

- She outlined the family history and connection to the area and family circumstances. The proposal was for a single storey dwelling on land owned by the applicant to enable her to support her parents.
- It was a redevelopment of the existing site.
- The location was sustainable being 1.4 miles from Sutton St Nicholas Primary School, the village and public house, 1.5 miles from Marden village, public house and shops and 0.3 miles from the nearest public house with a bus stop five minutes walk away. The site was amongst a cluster of dwellings, on a bus route, close to both villages and not isolated.
- She referred to Marden Parish Council's support for the application as set out at paragraph 5.1 of the report.
- She noted that the policy was in conflict with the Marden Neighbourhood Development Plan. However, the report did acknowledge that in exceptional cases personal circumstances could be afforded some weight as a material planning consideration. She elaborated on the family circumstances stating that in her view this was an exceptional case and the application should be approved permitting the family to remain in their local community.

In the Committee's discussion of the application the following principal points were made:

- It was remarked that the Committee had recently received a number of such applications where it was asked to give weight to personal circumstances even though the application was contrary to policy. It was important that the Committee applied policy consistently and did not give weight to personal circumstances, which were not a material consideration, to avoid an increasing number of such applications.
- The Acting Development Manager clarified that the proposal was for a new dwelling, not a conversion of an existing dwelling, and did not therefore qualify as an exception under policy RA3 criterion 4.

- Although the Policy did not comply with the Neighbourhood Development Plan the Parish Council supported the proposal. There was also support in the local community.
- The legal adviser commented that planning applications related to the current and future use of land. The Committee was required to determine the application having regard to the Core Strategy, Neighbourhood Development Plan and any other material consideration including the public interest. Personal circumstances were very rarely a material consideration. Incorrectly giving weight to personal circumstances rendered a decision open to challenge.
- It was asked whether the application would be worthy of support if the design and materials used were more in keeping with the nearest dwellings.
- It was also asked if there was a way in which it could be secured that the dwelling was retained in perpetuity as an affordable dwelling.
- A sympathetic redesign of the existing property would be a more acceptable approach.

The Acting Development Manager commented that the council supported ancillary development to meet needs where it related to the host dwelling and environment. That was not the case with this application. He reiterated that ill health needs were not in themselves a material consideration. An applicant had to justify any such case. A proposal for an affordable dwelling retained in perpetuity as such would best be progressed via a specific application. He noted that no Member had indicated that the principle or design of the proposal was considered acceptable.

The local ward member was given the opportunity to close the debate. She reiterated her support for the application.

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

- 1. The proposal is considered to represent an unsustainable form of development where residential development of this type is not supported unless it meets exceptional criteria. As such, the application is found to be contrary to Policies M1 and M2 of the Marden Neighbourhood Development Plan and Policies RA2 and RA3 of the Herefordshire Local Plan – Core Strategy.**
- 2. The design of the proposal does not reflect the local context of the dwellings within the vicinity and intrinsically has a detrimental impact on the open countryside. As such, the proposal does not accord with Policies SD1 or LD1 of the Herefordshire Local Plan – Core Strategy.**

8. 163673 - THE PAVILION TENNIS CLUB, LEDBURY, HEREFORDSHIRE, HR8 2JE

(Proposed erection of 15m monopole to support 2no. Antennas and 1no. Dish, floodlights, together with the installation of 5no. Equipment cabinets and erection of 1no, 10m floodlight structure with 2no. New floodlights.)

The Principal Planning Officer gave a presentation on the application. He clarified that the reason the application required planning permission was because the site was just within the Malvern Hills AONB.

In accordance with the criteria for public speaking, Mr R Hadley, a local resident, spoke in objection to the application. Mr R Morison, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor EL Holton, spoke on the application.

She made the following principal comments:

- The present and future technological needs of Ledbury needed to be met.
- Local residents had a number of legitimate concerns as reflected in the report..
- Ledbury Town Council had objected to the proposal.
- Paragraphs 42 and 46 of the National Planning Policy Framework supported the need for a high quality communications infrastructure.
- Conditions would govern the use of floodlighting.
- Radiation emissions were controlled by law.

In the Committee's discussion of the application the following principal points were made:

- It was surprising that the application was a combined one for floodlighting and a monopole.
- It appeared that the current conditions governing the floodlighting were being breached. Future enforcement of conditions would be important. It was asked if the relevant condition could be amended to require the floodlights to be turned off earlier than proposed. The Acting Development Manager replied that the Committee did not have the evidence to support such a change and the council had previously approved an extension to the shut off time of the existing lights to the time proposed in the report for the new lights.
- It was questioned whether any alternative sites for the monopole had been considered and if so on what grounds they had been discounted noting that the application site was within the AONB.
- It was important that the colouring of the mast was sympathetic.
- The proposals to protect trees at the site were important.

The Principal Planning Officer reported that the Planning Statement accompanying the application explained the consideration the applicant had given to alternative sites and outlined the sites that had been considered. He added that there would be no reduction to the crown of the existing trees. The importance of the colour of the monopole was recognised. He also confirmed the distance from the monopole to the nearest dwellings. The proposed floodlighting would be of good standard and light spillage would be controlled.

The Acting Development Manager commented that in accordance with NPPF guidance, Members were not entitled to take impacts on public health into account provided the relevant ICNIRP certification had been received. He also highlighted the comments of the AONB officer at paragraph 4.1 of the report that the visual effect of the development would not be major and the response of the Conservation Manager (Historic Buildings) set out at paragraph 4.5 of the report that the proposal would cause less than substantial harm to the setting of Underdown.

The local ward member was given the opportunity to close the debate. She had no additional comment.

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

1. A01- Time limit for commencement

2 B01- Development in accordance with the approved plans

3. The finish to the monopole shall be the subject of the prior written approval of the local planning authority. The finish shall be applied in accordance with the approved details and maintained thereafter as such.

Reason: To minimise the impact of the development in this part of the AONB and Conservation Area so as to accord with Policies LD1 and LD4 of the Herefordshire Local Plan-Core Strategy.

4. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plans: 'Seventy-Two' Arboricultural Development Report (Ref:SA107AIA) dated 11.02.2017, Response to tree officers comments (Ledbury LTC – SA107) dated 14.03.17 and 'Vodafone/Shared Access' Proposed Overall Site Plan (Ref:BPLTA00492) revised 21.03.17

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority so as to comply with Policies LD1 and LD2 of the Herefordshire Local Plan-Core Strategy

5. Prior to the commencement of the development hereby approved, a suitably qualified and competent arboricultural 'clerk of works' should be appointed. The clerk of works will ensure that all construction works in the proximity of trees, are carried out as per the approved documents and plans. The clerk of works shall monitor these works and inform the Local planning Authority following each relevant stage of the project.

Reason – Compliance with approved documents/plans and the continued good health of the retained trees ensuring that they are not adversely impacted by the construction works so as to comply with Policies LD1 and LD2 of the Herefordshire Local Plan-Core Strategy

6. The floodlights shall be turned off no later than 10.00 pm.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy SD1 of Herefordshire Local Plan-Core Strategy.

7. H27- Parking for site operatives

8. I16- Restriction of hours during construction

INFORMATIVES:

1. Positive and pro-active working

9. 162753 - ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ

(Change of use of Rosemore Grange, from a residential dwelling with holiday accommodation, to exclusive private hire for holiday accommodation, private celebrations and events.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr N Knight of Whitbourne Parish Council spoke in opposition to the Scheme. Dr N Brookes, a local resident, spoke in objection. Mr J Spreckley, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor NE Shaw, spoke on the application.

He made the following principal comments:

- Applications had to be determined having regard to planning policies. The key issues were residential amenity and privacy. Whitbourne Neighbourhood Development Plan Policy LU4 stated: housing or development proposals should seek to respect the amenity and privacy of any adjoining properties. Core Strategy policy RA6 also stated that planning applications which are submitted in order to diversify the rural economy will be permitted where they do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell. Policy SD1 stated that development proposals should safeguard residential amenity for existing and proposed residents.
- Rosemore Grange was in an isolated rural location in the open countryside. There were two listed properties nearby.
- In considering the impact of a development on amenity regard could be had to the context, so what might not be viewed as having an impact on amenity in a town might well be thought to have an impact on amenity in a hamlet in the open countryside.
- There had been protracted debate as to whether planning permission was required for the way in which Rosemore Grange was being used. This had led, finally, to the retrospective application being brought forward.
- Neighbours had suffered considerable nuisance from the use of Rosemore Grange. He was concerned that conditions to protect amenity would be difficult to enforce given the property's location. There were examples of legal action being taken to protect amenity and he drew attention to the provisions in the Human Rights Act 1998.

The Committee began to discuss the application but a Member suggested that the proposed recommendation and conditions did not appear to address appropriately all the aspects that the application requested and sought clarification. Officers agreed that there was an anomaly and suggested that a further report to the Committee would be the best way to proceed.

RESOLVED: That consideration of the application be deferred.

Appendix - Schedule of Updates

The meeting ended at 12.15 pm

Chairman

PLANNING COMMITTEE

Date: 14 June 2017

(Morning)

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

**171040 - PROPOSED ERECTION OF ONE DWELLING. AT
WYMM HOUSE, SUTTON ST NICHOLAS, HEREFORD, HR1
3BU**

**For: Mrs Snead per Mr Paul Smith, 1a Mill Street, Hereford,
Herefordshire, HR1 2NX**

ADDITIONAL REPRESENTATIONS

On receipt of an amended access plan, the Council's Area Engineer has no objections to the proposal and recommends standard conditions.

Comments have been received from the Council's Tree Officer for additional detail. These could be conditioned on any approval and the relocation of the access is also found to be beneficial.

OFFICER COMMENTS

Paragraph 6.27 of the officer report comments upon the increase in size between the existing building and proposed dwelling. For ease of reference a comparison is set out below.

Existing building

Approximately 15.2m in length when viewing from the west and 16.9m when viewing from the south with a height of 2m to the eaves and 4.4m to the ridge.

Proposed dwelling

Approximately 21.6m in length when viewing from the west and 17.8m when viewing from the south with a height of 2.5m to the eaves and 6.5m to the ridge.

CHANGE TO RECOMMENDATION

Given the amended plan that has been received, refusal reason 3 – relating to tree issues - is now deleted. Officers are content that a planning condition is capable of mitigating any impacts on trees.

Reasons for Refusal 1 and 2 stand.

162753 - CHANGE OF USE OF ROSEMORE GRANGE, FROM A RESIDENTIAL DWELLING WITH HOLIDAY ACCOMMODATION, TO EXCLUSIVE PRIVATE HIRE FOR HOLIDAY ACCOMMODATION, PRIVATE CELEBRATIONS AND EVENTS AT ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ

ADDITIONAL REPRESENTATIONS

The Council's Environmental Health & Trading Standards Officer has responded as follows:

This is a retrospective application for a change of use from residential with holiday accommodation to exclusive private hire for holiday accommodation, private celebrations and events. Representations have been made by local residents regarding periodic noise and other behaviours from the site although it is acknowledged that many groups hiring the premises do not pose a problem. Our department has received one complaint regarding noise nuisance.

To protect the amenity of neighbouring residents we recommend a condition which prohibits the playing of amplified music outside.

We also recommend consideration that the site be granted temporary planning permission so that in the event of complaints this summer, this can be reviewed. Our department has an out of hours noise service at weekends in the months of July and August. Fundamentally we are also able to investigate and address complaints of Statutory Nuisance under the Environmental Protection Act 1990 should circumstances warrant this

OFFICER COMMENTS

The condition recommended prohibiting amplified music outside of the buildings has already been attached in the recommendation

The second recommendation is for a temporary permission. Section 72 of the Town Country Planning Act 1990 confers the ability to grant planning permission for a temporary period. However, Government guidance confirms that a condition limiting use to a temporary period only where the development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity.

It is considered that a temporary approval for a use that has been carried out for a number years and which will be conditioned, if supported by Committee, cannot reasonably be substantiated.

NO CHANGE TO RECOMMENDATION

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 14 June 2017 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, KS Guthrie, EL Holton, TM James, FM Norman, AJW Powers, D Summers, EJ Swinglehurst, LC Tawn and SD Williams

In attendance: Councillor H Bramer

11. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, A Seldon and WC Skelton.

12. NAMED SUBSTITUTES

Councillor D Summers substituted for Councillor A Seldon and Councillor SD Williams for Councillor WC Skelton.

13. DECLARATIONS OF INTEREST

Agenda item 4: 160852 – Caldicott Farm, Broad Oak, Hereford

Councillor EJ Swinglehurst declared a non-pecuniary interest because she knew the applicant.

Agenda item 6: 170677 – Land at Castle End, Lea, Ross-on-Wye

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

14. 160852 - CALDICOTT FARM, BROAD OAK, HEREFORD, HR2 8QZ

(Retrospective engineering works to provide extension to slurry lagoon.)

The Senior Planning Officer gave a presentation on the application,

He provided additional information on the proximity and status of adjacent listed buildings, and the legislative framework and statutory obligations and case law relating to considering whether to grant planning permission for development which affected a listed building or its setting. Officers had concluded by the nature of the proposal, a hole in the ground, and its location, away from and separated from the listed buildings by existing modern agricultural development, that this context and lack of any interrelationship resulted in there being no material harm or impact on the setting of these listed buildings.

He also reported that there were no recorded boreholes within close proximity of the site. There was a borehole over 800m to the west of the site. He added that the lagoon would not have an artificial liner. Test results including soil analysis carried out on behalf of the applicants identified that the site was capable of construction without the need for one. The Environment Agency had been consulted as part of the process and had advised that they were satisfied with the test results.

In accordance with the criteria for public speaking, Mrs K Greenow, Clerk to Garway Parish Council spoke in opposition to the Scheme. Mr H Cripwell, a local resident, spoke in objection. Mr E Partridge, the applicant, spoke in support.

The Chairman read out a statement on behalf of the local ward member, Councillor DG Harlow, who had been unable to attend the meeting.

The principal points in the statement were as follows:

- The application had raised strong feelings locally. At a recent meeting of Garway parish council many of the Broad Oak community had attended and expressed their opposition. Balancing this, the applicants must be allowed to run their business as they had successfully been doing for many years.
- On a site visit he had found no evidence of the slurry lagoons having overflowed. The farm seemed to be well managed and the slurry lagoons were a fair distance from the road.
- He had the following concerns:
- The retrospective nature of the application. The Council needed to consider how it could dissuade such behaviour.
- If permission was granted, landscaping must be of the highest standard to mitigate the concerns of the local residents.
- The issue of whether the lagoon was to be covered needed addressing
- The long journey by road from the dairy farm in Buckholt to the lagoon in Broad Oak.
- The Parish Council had made some sound observations and highlighted the concern that water quality may be affected in the immediate area. He noted that the applicants themselves obtained their own drinking water from a borehole on site. He was advised that officers not identified any concerns on this point.
- The report addressed his concerns about landscaping and he was satisfied that this should negate many of the local concerns once fully grown out.
- Recommendation 10 in the report if adhered to in its entirety should ensure that overflow would not be an issue.
- He questioned the Transportation Manager's comment at paragraph 4.3 of the report that "the site 'gains the benefit of accessing the land from the farm, therefore reducing the needs to access the highways network". The Buckholt site was at least 3 or 4 miles from Broad Oak and the transportation involved moving the slurry along country roads.
- In summary the core strategy seemed quite clear about favouring economic development on such farms. The council must however ensure mitigation for residents, that there were appropriate conditions to protect residents and that these were enforced.

In the Committee's discussion of the application the following principal points were made:

- It was requested that it be ensured that the lagoon would go no nearer to residential properties.
- In reply to a question about the landscaping proposals the Acting Development Manager highlighted paragraph 6.28 of the report and conditions 4,5,6,7 and 8 in the recommendation.
- Having regard to criteria in policy RA6 it was observed that there was local concern about the adverse impact to the amenity of nearby residents but the report concluded this could be mitigated, farm vehicles already used the highway network and the Environment Agency was the responsible authority for water quality and had no objection to the application.
- A concern was expressed that the lagoon would not be lined and that this created a risk of seepage. Whilst noting the conditions in the recommendation some members had reservations about the Environment Agency's ability to discharge its responsibilities in this matter.
- It was questioned why waste had to be transported from the Buckholt farm site rather than being contained at that site.
- There was some disappointment at the retrospective nature of the application.
- It was proposed that there should be an additional condition to regulate the noise of any pumping equipment.

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

1. **C01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C95 Details of Boundary treatments**
4. **C96 Landscaping scheme**
5. **C97 Landscaping scheme – implementation**
6. **CA1 Landscape management plan**
7. **CA2 Landscape maintenance arrangements**
8. **CA3 Landscape monitoring**
9. **On an annual basis for the first three years from the date of this Decision Notice, a Monitoring of seepage report shall be submitted to the Local Planning Authority. The report shall include methodology and results regarding water quality and in the event of issues being identified how they are to be resolved.**
Reason: To protect adjoining land uses, the local and downstream groundwater and surface water and in the interests of human safety and the environment and to comply with Herefordshire Core Strategy policies SS1, SD3 and SD4.
10. **Written demonstrable evidence of the appropriate management of surface water during extreme events that could overwhelm the surface water drainage system and/or occur as a result of blockage shall be provided to the Local Planning Authority for written approval within 3 month from date of this Decision Notice. The measures shall thereafter be maintained and used as such.**
Reason: To protect adjoining land uses, the local and downstream groundwater and surface water and in the interests of human safety and the environment and to comply with Herefordshire Core Strategy policies SS1, SD3 and SD4.

11. **Written demonstrable evidence that appropriate pollution control measures are in place for discharge from the development hereby permitted shall be provided to the Local Planning Authority for written approval within 3 month from date of this Decision Notice. The pollution control measures shall thereafter be maintained and used as such.**

Reason: To protect local and downstream groundwater and surface water and in the interests of human safety and the environment and to comply with Herefordshire Core Strategy policies SS1, SD3 and SD4.

- 12 **Prior to installation, full written details and appropriate scaled plans of any pumping equipment required to service the development hereby permitted shall be submitted to the Local Planning Authority for written approval. The details should include details of any necessary noise attenuation measures, which shall be implemented as approved prior to first use of the pumping equipment. The pumping equipment shall thereafter be used and maintained in strict accordance with the approved details.**

Reasons: To protect the residential amenity of adjoining properties and to comply with Herefordshire Core Strategy policies SS1, SS6 and RA6.

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. **Reference to requirement to follow submitted manure plan listed under Condition 2**

3. **Further guidance on ‘Slurry reception pits and in-situ or above-ground slurry stores or tanks’ (amended February 2011) is available at:**

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290135/LIT_7783_9e2698.pdf

4. **Further advice is contained within the DEFRA Code of Good Agricultural Practice (CoGAP) for farmers, growers and land managers.**

<http://www.defra.gov.uk/publications/files/pb13558-cogap-090202.pdf>

15. 163879 - LAND ADJACENT BROADFIELDS, ASTON INGHAM, ROSS-ON-WYE

(Demolition of existing outbuildings and erection of new dwelling within landscaped setting.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Ms L Tucker, the applicant, spoke in support of her application.

In accordance with the Council’s Constitution, the local ward member, Councillor H Bramer, spoke on the application. He noted that although the proposal was a departure from policy the Parish Council had no objection to the application. He considered that the proposal would represent betterment to the site and should be approved.

The applicant had outlined her personal circumstances in her speech to the Committee and Members reflected on a number of recent applications they had considered where it had been asserted that weight should be given to personal circumstances. It was noted,

however, that in this instance the report made no reference to the applicant's personal circumstances.

The quality of design of the proposal and the example it set was stressed. It was considered that the proposal would enhance the area.

The Acting Development Manager emphasised that the application was not founded on the applicant's personal circumstances. The application had environmental benefits and paragraph 6.19 of the report summarised the reasons why officers supported approval of the application as a departure from policy.

The local ward member was given the opportunity to close the debate. He reiterated his view that the proposal would represent a betterment of the site.

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

1. **C01 – Time limit for commencement (full permission)**
2. **C07 – Development in accordance with approved plan and details**
3. **CAD – Access Gates, 5m**
4. **CAE – Vehicular access construction**
5. **CAH – Driveway gradient**
6. **CAK – Parking and turning**
7. **CE6 – Water efficiency**
8. **The recommendations (mitigation, protection and working methods) as identified in the ecological report by Clarke Webb Ecology dated June 2016 shall be fully implemented as stated, unless otherwise required to obtain a European Protected Species Mitigation Licence, and agreed in writing by the planning authority.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. NERC Act 2006.

9. **Prior to commencement of the development, and based on the ecological report by Clarke Webb Ecology dated June 2016 and the outline landscape plan ref 15/768.27, a detailed habitat enhancement scheme integrated with a detailed landscape scheme and accompanied by a 10 year establishment and maintenance plan should be submitted to and be approved in writing by the local planning authority. The scheme shall be implemented as approved.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

10. Prior to the commencement of the development hereby permitted, the following details shall be submitted to the Local Planning Authority for written approval –
- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
 - A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event and allowing for the potential effects of climate change;
 - Details of proposed outfall structures. Any discharge of surface water or foul water to an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.
 - Results of infiltration testing undertaken in accordance with BRE365;
 - Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
 - A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
 - Demonstration of the management of surface water during extreme events that overwhelm the surface water drainage system and/or occur as a result of blockage

The development shall thereafter be carried out in accordance with the approved details and thereafter be maintained as such.

Reason: To protect water quality hereabouts, in the interests of the environment and public safety, minimise the impact of development on water quality and surface water flooding and to comply with Herefordshire Core Strategy policies SS1, LD2, SD3 and SD4.

11. C65 – Removal of Permitted Development Rights
12. C95 – Landscaping details
13. C96 – Landscaping and planting implementation
14. CA1 – Landscape Management Plan
15. CC2 – External lighting details
16. C13 – External materials and details

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 enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. At a minimum we would be looking for proposals to enhance bat roosting, bird nesting and invertebrate/pollinator homes to be incorporated in to the new building as well as consideration for amphibian/reptile refugia; and hedgehog houses within the landscaping/boundary features. No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative. The detailed landscaping scheme should include full details of planting and protection methods as well as a 5 year establishment & replacement scheme and a subsequent 5 year management plan.
3. I11 - Mud on highway
4. I09 - Private apparatus within highway
5. I45 - Works within the highway
6. I05 - No drainage to discharge to highway
7. I47 - Drainage other than via highway system
8. I35 - Highways Design Guide and Specification

16. 170677 - LAND AT CASTLE END, LEA, ROSS-ON-WYE

(Application for up to 10 new residential properties, vehicle turning, manoeuvring and landscaping.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He clarified that it had been decided on 12 June that an appeal against non-determination was valid and would be heard by written representations. The Committee could not determine the application but was being asked to express a view that would inform the Council's approach at that appeal.

In accordance with the criteria for public speaking, Mrs A Banner, of Lea Parish Council spoke in opposition to the Scheme. Mr S Banner, Chairman of Lea Action Group, spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor H Bramer, spoke on the application.

He made the following principal comments:

- An appeal against the Committee's refusal of an application for 14 dwellings had been dismissed by the Inspector on the basis of a lack of a unilateral undertaking or

Section 106 agreement. The current proposal for 10 homes required no S106 agreement.

- There were no letters in support of the application.
- Lea had already exceeded by far the minimum number of homes required to be built under the Core Strategy.
- The site was on the fringe of the settlement and on the opposite side of the A40 to the primary school. He considered it to be the most dangerous site in his ward.
- It had been suggested that the applicant had not sent out the required certificate B notifications to adjoining landowners. He questioned whether the application was therefore invalid.
- Welsh Water had indicated that the site could not be brought into use before 31 March 2020. There was therefore no urgency to consider the application.
- Paragraph 6.14 of the report referred to the Council's duty of care to assess the highway safety impact. He had himself been afraid when alongside the road during a site visit. It was on the opposite side of the road from the Primary School and he was concerned at the risk of a child running home unaccompanied crossing the road.

In the Committee's discussion of the application points were made that the proposal represented over-development of Lea, that an appeal in 2013 for a single dwelling had been dismissed because of the effect the development would have on the character and appearance of the locality, and that there was a potential conflict with policy RA2 in that the proposal was not driven by housing need.

However, the principal concern related to highway safety. It was noted that paragraph 6.13 of the report stated that in considering the earlier appeal the Inspector had concluded that the proposed development would not create unacceptable risk of harm to highway safety on the A40.

Members disputed the Inspector's opinion and commented that since that decision a substantial number of homes had been approved in the area. It was questioned what weight could therefore be given to the Inspector's conclusion relating to highway safety. A Member expressed the view that it would be irresponsible not to refuse the application.

The Senior Planning Officer commented that the appeal for 14 dwellings in 2015 had been dismissed solely on the ground that there had been no S106 agreement. The Inspector had found in favour of the applicant in relation to all the other grounds advanced for refusal by the Council at appeal including highway safety. He referred to two recent appeals in one of which, at Gorsley, the Inspector had found in the Council's favour that the development was unsustainable even given the absence of a five year housing land supply, and another in which, at Lea, the Inspector had found in the Council's favour that the development would have an adverse impact on the setting of Lea.

The legal adviser reminded the Committee that it needed to have evidence to support any reasons for refusal that it wished to advance and that the council was at the risk of costs if had not got adequate evidence to support any such reasons.

The Acting Development Manager re-emphasised that the appeal for 14 dwellings in 2015 had been dismissed on what amounted to a technicality. The Inspector had found in favour of the applicant in relation to all the other grounds advanced for refusal by the Council at appeal including highway safety and the setting of Castle End. He was concerned as to whether there was sufficient evidence to support a view that the application should be refused. He also advised Members as to the risk of exposure to

costs on the basis that the Council would not be able to substantiate its position in defending the appeal.

The local ward member emphasised the cumulative effect of development that had both taken place and had been approved.

The legal adviser advised that the Committee needed to consider the matter in the light of the absence of a five year housing land supply. If the application was sustainable then there had to be significant and demonstrable harm before it could refuse the application.

The Area Engineer Development Control commented that using the recorded speeds associated with the road the location of a crossing could be achieved providing safe pedestrian access to the school. Concerns about the impact of approved background housing growth on the A40 had been considered but the assessment at the time of the appeal had not taken account of the granting of permission for the strategic housing site at Hildersley on which no decision on planning permission had been made at that time.

RESOLVED: That in the event that there had been no appeal against non-determination the Committee would have been minded to refuse planning permission on account of the impact on the safety of the highway network from the proposed scheme and the background growth from other schemes in the locality.

17. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 4.25 pm

Chairman

PLANNING COMMITTEE

Date: 14 June 2017

Afternoon

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

170677 - APPLICATION FOR UP TO 10 NEW RESIDENTIAL PROPERTIES, VEHICLE TURNING, MANOEUVRING AND LANDSCAPING AT LAND AT CASTLE END, LEA, ROSS-ON-WYE

For: Mr Grindon per Mr John Kendrick, Procuero, St Owens Cross, Hereford, Herefordshire HR2 8LG

ADDITIONAL REPRESENTATIONS

A further letter of objection has been received from Steve Bolton of Long Orchard House, Lea.

This raises the following matters:

- Query concerning whether new expiry date following the re-consultation on the application will affect the applicants right of appeal
- The objection in respect of the highway safety implications of the development is maintained citing concern that the position of the pedestrian crossing has not been formalised despite its critical importance
- The personal injury accident reported in November 2015 should be taken as a warning as to the dangerous nature of this stretch of road
- Concern that extent of third party land incorporated into the site is fully understood and this should be clarified before permission granted
- Concern that landscaping drawings referred to in appraisal not available and that the proximity of dwellings to the hedgerow, particularly that along the A40, will mean that long-term retention is questionable

The letter concludes that the application could be refused on this basis.

NO CHANGE TO RECOMMENDATION



| | |
|-------------------------|--|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 12 JULY 2017 |
| 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 164008

- The appeal was received on 7 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr & Mrs Graham & Jo Atkins Hughes
- The site is located at Buttercups Palmers Flat, Dancing Green, Ross-On-Wye, Herefordshire, HR9 5TE
- The development proposed is Demolish and replace an existing summer house.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 162474

- The appeal was received on 12 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by W J Powell & Son
- The site is located at Land adjacent to The Claytons, Bridstow, Herefordshire
- The development proposed is Outline planning application for the erection of 4 x 2 bed 3 x 3 bed and 2 x 4 bed dwellings. Access, landscaping, layout and scale.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

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

Application 170677

- The appeal was received on 12 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Mr Clive Grindon
- The site is located at Land at Castle End, Lea, Ross-on-Wye, Herefordshire
- The development proposed is Application for up to 10 new residential properties, vehicle turning, manoeuvring and landscaping
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 161482

- The appeal was received on 14 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Greg Mifflin
- The site is located at Land East of The Rosie Public House, Coldwells Road, Munstone, Hereford
- The development proposed is Construction of a detached self-build dwelling with integral one bedroom dependent relative annexe to replace the existing static caravan and new children's play area for the pub.
- The appeal is to be heard by Hearing

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 163115

- The appeal was received on 27 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by C/O Agent
- The site is located at Land East of Pine Lodge, Dinmore, Herefordshire, HR1 3JR
- The development proposed is A new house and detached garage to replace the collection of previously inhabited structures
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 163400

- The appeal was received on 27 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by The Owner and/or Occupier
- The site is located at Land at Church Field, (opposite The Firs), Brimfield, Ludlow, Herefordshire
- The development proposed is Site for proposed housing development.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 170619

- The appeal was received on 27 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Steve Rendle
- The site is located at Site adjacent 102 Old Road, Bromyard, Herefordshire
- The development proposed is Erection of 4 houses with 8 car parking spaces.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 163693

- The appeal was received on 27 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Reserved Matters
- The appeal is brought by Harper Group Construction Ltd
- The site is located at Field adjoining A4112 and Chestnut Avenue, Kimbolton, Leominster, Herefordshire
- The development proposed is Application for approval of reserved matters following outline approval. (P151145/O)
- The appeal is to be heard by Written Representations

Case Officer: Mr A Banks on 01432 383085

Application 164102

- The appeal was received on 27 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr D Brown
- The site is located at Land adjacent to Moorend Wychend Road, Much Cowarne, Herefordshire
- The development proposed is Site for residential development of 3 no. detached dwellings with associated garages and private gardens.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932

Application 170036

- The appeal was received on 27 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Non determination
- The appeal is brought by Mr Elwyn Brooke
- The site is located at The Rectory Field as known as Land at The Green, Kings Caple, Herefordshire
- The development proposed is Erection of two pairs of semi detached houses together with a single dwelling, scale layout, access, parking and manoeuvring. Landscaping and Materials (Full Application)
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

Application 164113

- The appeal was received on 27 June 2017
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Nirmal Suman
- The site is located at Withington Post Office and Stores, 6 Springfield Road, Withington, Hereford, Herefordshire, HR1 3RU
- The development proposed is Proposed extension and alterations to existing Post Office, stores and dwelling to form new (A5) hot food takeaway.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

APPEALS DETERMINED

Application 161869

- The appeal was received on 20 April 2017
- 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 Mrs Hinton-Powell c/o Agent
- The site is located at Land to the rear of The Lindens, North Road, Kingsland, Herefordshire, HR6 9RU
- Proposed erection of 30 dwellings with highway access onto North Road; associated infrastructure and landscaping/open space provision.

Decision:

- The appeal was Withdrawn on 7 June 2017

Case Officer: Mr A Banks on 01432 383085

Application 161690

- The appeal was received on 6 October 2016
- 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 Peter Styles
- The site is located at The Wheatsheaf Inn, Whitbourne, Herefordshire, WR6 5SF
- The development proposed was Change of use and residential development at The Wheatsheaf Inn to convert Wheatsheaf Inn into 2 dwellings and erection of further three dwellings.
- The main issues were:
 - i. whether the locations of the sites are appropriate having regard to local and national planning policies aimed at directing development to the most sustainable areas;
 - ii. the impact of the developments on highway safety.

Decision:

- The application was Refused under Delegated Powers on 24 August 2016
- The appeal was Dismissed on 9 June 2017
- An application for the award of Costs, made by the Appellant against the Council, was allowed in part.

Case Officer: Mr Andrew Prior on 01432 261932

Application 161691

- The appeal was received on 6 October 2016
- 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 Peter Styles
- The site is located at Land opposite The Wheatsheaf Inn, Whitbourne, Herefordshire
- The development proposed residential development of three dwellings.
- The main issues were:
 - iii. whether the locations of the sites are appropriate having regard to local and national planning policies aimed at directing development to the most sustainable areas;
 - iv. the impact of the developments on highway safety.

Decision:

- The application was Refused under Delegated Powers on 24 August 2016
- The appeal was Dismissed on 9 June 2017
- An application for the award of Costs, made by the Appellant against the Council, was allowed in part

Case Officer: Mr Andrew Prior on 01432 261932

Application 163231

- The appeal was received on 4 April 2017
- 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 & Mrs Colin Mason
- The site is located at Land at Comberton adjacent to Orchard Farm, Comberton, Orleton, Leominster, Herefordshire
- The development proposed was Proposed 2 bedroom dwelling and garage, workshop/implement store. Form new access and close existing.
- The main issues were:
 - (i) the effect of the proposed development on the rural character of the area;
 - (ii) the effect of the proposed development on highway safety; and
 - (iii) the effect of the proposal on ecology.

Decision:

- The application was refused under Delegated Powers on 30 November 2016.
- The appeal was dismissed on 21 June 2017.
- An application for the award of costs, made by the appellant against the council, was allowed in part.

Case Officer: Mr M Tansley on 01432 261815

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



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|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 12 July 2017 |
| TITLE OF REPORT: | 164085 - APPLICATION TO VARY CONDITIONS 3 AND 4 OF PLANNING PERMISSION 163117 AT BRIGHTWELLS AUCTION SITE, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NH For: Mr Gorst per Mr M Roberts, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164085&search=164085 |
| Reason Application submitted to Committee – Re-direction | |

Date Received: 21 December 2016 Ward: Stoney Street Grid Ref: 341893,237325

Expiry Date: 20 April 2017

Local Member: Councillor SD Williams

1. Site Description and Proposal

- 1.1 The application site is located on the eastern side of the unclassified road (U73209) known as Stoney Street that runs to the south-west from The Comet Inn on the B4352 (Clehonger Road) towards Kingstone. It is approximately mid-way between the entrance to the Madley Earth Satellite Station and the industrial estate. The site lies adjacent to the existing poultry units.
- 1.2 Planning permission was obtained in 2011 for the change of use of the site to provide an auction venue for agricultural & land based plant, machinery & equipment, including vehicular access, demountable ancillary office and amenity building, landscaping & boundary treatments & associated works. The auctions currently take place on the second Friday of every month. Members may find it useful to have a look at the applicant's website to see the type of machinery and equipment that is sold from the Madley site: <https://www.brightwells.com/plant-machinery-hgv/>
- 1.3 In 2016, the Planning Committee resolved to grant planning permission for the variation on the conditions imposed on the original permission (102843) to increase the number of sales days per month to two, and to allow the sale of commercial vehicles. In December 2016 the permission was subject of a further application (163117) for the variation of conditions to allow the retention of the modular buildings for a two year period.
- 1.4 Parking is accommodated within the site along with a modular buildings and amenity buildings that are sited in a position to the centre of the auction areas and that accommodate the office and administrative staff. As required by the original planning permission, a new access has been formed onto Stoney Street (south west of the site) with security gates. The visibility splays are 2.4m by 215m in each direction.

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

1.5 This planning application is again made under section 73 of the Town and Country Planning Act 1990 (as amended). This relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

1.6 The application should still be considered in accordance with the development plan and material considerations as they stand at the moment. If the Council grants the application with new conditions the outcome will be a new planning permission.

1.7 This application seeks to vary Conditions 3 and 4 of planning permission 163117 (that being the most recent planning permission following the previous applications to vary conditions). This application has been submitted as it has been identified that the Council consider Brightwells to be operating in breach of Conditions 3 and 4. Whilst Brightwells do not agree that they are in breach of the Conditions, in the interests of collaboration they have applied to vary these conditions.

1.8 Condition 3 states:

The hours during which working may take place shall be restricted to 08.30am to 5.30pm Mondays to Fridays with the exception of office based uses. There shall be no such working on Saturdays, Sundays, Bank or Public Holidays

Reasons: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 of the Herefordshire local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

1.9 The variation sought is to allow extended hours of working (with the exception of office based uses) as follows:

- Monday to Friday: 8am to 5.30pm
- Monday to Friday (Sale days): 7.30am to 5.30pm
- Saturdays following Sale days: 8am to 2pm
- Sundays, Bank or Public Holidays: No working.

1.10 It is proposed that the varied Condition 3 would state:

The hours during which working may take place shall be restricted to 08.00am to 5.30pm Mondays to Fridays (7.30am - 5.30pm on sale days) and on the Saturday following a sale between 8.00am and 2.00pm with the exception of office based uses. There shall be no such working on Sundays, Bank or Public Holidays.

Reasons: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 of the Herefordshire local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

1.11 Condition 4 states:

The delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 9am and 5pm Monday to Friday nor at any time on Saturdays, Sundays or Bank Holidays.

Reason: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

1.12 The variation seeks to clarify the terms of the condition by inserting the word collection and extending the hours in line with those detailed above.

1.13 It is proposed that the varied condition 4 would state:

The collection and delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 8.00am and 5.30pm Monday to Friday (7.30am on Sale days) and 8.00am and 2.00pm on the Saturday following a sale day nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

1.14 The information supporting the application (letter dated 17th Feb 2017) outlines that the variation of the conditions is considered essential to allow Brightwells to operate their business effectively from the site whilst reducing impact on residential amenities and the local highway network.

The letter states:

“By way of background, haulage / delivery companies tend to travel near to their destination during the evening to avoid peak traffic periods. In addition, it is the expectation by customers that standard opening hours of plant yards, quarries and industrial businesses as well as building sites are 8am and earlier. This is a characteristic of this sector beyond my client's control and beyond the control of the planning system.

In the vicinity of the application site, the Industrial Estate and businesses / nursery on Stoney Street all have access at 8am with some unrestricted operations including local farms

In terms of the collection and delivery of goods to the application site, Brightwells cannot control when third party vehicles arrive at the entrance gate, with vehicles often arriving by 8.30am. Some delivery vehicles however arrive before 8.30am with the intent to be loaded and deliver to their destination during the day-time with arrival before peak school time and also the ability to catch ferries overnight in Dover, Portsmouth, Felixstowe, Harwich or Immingham which are circa 4-5 hours away.

If Brightwells are not able to open the entrance gate before 8.30am, vehicles will be left idling in the site entrance or on Stoney Street. It is considered that this would have more of a negative effect on local residents than allowing vehicles to enter the site from 8am which is not materially different to other established operations in the area.

The operators are very strict about vehicles that arrive during the period that the site is closed and make sure that they are parked off road or sent to a lorry park.

On sale days it is essential to stop a queue forming on Stoney Street prior to the site operating. By unloading from 7.30am it eases the pressure on local roads during the school

run and the Peak commuting time. Again, it is considered that such an arrangement is not uncharacteristic of the wider area given the nature of operations which trade at similar hours.

In relation to Saturday working and the collection and delivery of goods, the proposed variation will not increase vehicle movements but will help to disperse such vehicle movements through more of the week, again reducing the impacts on residential amenity.

Collections during the proposed period are generally small collections by domestic customers from the local area who have jobs and can't attend on weekdays. Such an arrangement avoids an early morning weekday queue. On the basis that farm dispersal sales are almost exclusively all on Saturdays, we consider there to be no legitimate reason to withhold such an amendment on a day which is an established trading day and would not unacceptably impact the amenity or highway safety standards of the locality.”

- 1.15 The application has also been supported by a Transport Note that includes the Automated Traffic Count data (speeds, traffic counts) and an assessment of these.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

| | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS4 | - | Movement and Transportation |
| SS5 | - | Employment Provision |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| E1 | - | Employment Provision |
| RA6 | - | Rural Economy |
| SD1 | - | Sustainable Design and Energy Efficiency |

The Herefordshire Local Plan 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/downloads/download/123/adopted_core_strategy

2.2 National Planning Policy Framework

- Introduction
- Achieving Sustainable Development
- Building a Strong, Competitive Economy
- Supporting a Prosperous Rural Economy
- Promoting Sustainable Development

2.3 National Planning Practice Guidance

2.4 Neighbourhood Development Plan

Madley Parish Council applied to designate a Neighbourhood area on 9 March 2015 and was designated on the 14 April 2015. The Neighbourhood Development Plan is at the drafting stage and therefore whilst a material consideration presently has no weight in the determination process.

<https://myaccount.herefordshire.gov.uk/madley>

3. Planning History

- 3.1 102843 – Change of use of site to provide an auction [venue] for agricultural & land based plant, machinery & equipment, including vehicular access, demountable ancillary office and amenity building, landscaping & boundary treatments & associated works – Approved with Conditions - 30 March 2011
- 3.2 131913 – Variation of Condition 15 of permission S102843/F to allow 2 no. sales per month (fortnightly): Approved with Conditions 15th November 2016.
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=131913&search=131913
- 3.3 131916 - Variation of Condition 4 of permission S102843F to allow sales of commercial vehicles. Approved with Conditions on the 15th November 2016.
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=131916&search=131916
- 3.4 142276/F - Proposed demountable office unit – Approved with conditions on the 30 October 2014
<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=142276&search=142276>
- 3.5 163117 - Variation of condition 8 (102843/F - as amended by 131913 and 131916) to extend the permission of the modular building by 2 years. Approved with conditions on 15th December 2016.
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163117&search=163117
- 3.6 163119 - Variation of condition 3 (P142276/F) extend the permission of the modular building by 2 years – Approved with Conditions on the 15th December 2016.
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163119&search=163119

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

- 4.2 Transportation Manager has made the following comments;

Whilst it is noted the concerns regarding the changes in the vehicle movements time, the proposals look to spread the vehicle movements over a number of days and away from the peak times.

With regard to the site in general, confirmation should be provided that the site currently operates to meet the existing visibility splay condition and traffic management plan. Information should also be provided in regards to the provision of advance directional signage to the site on auction day.

- 4.3 Transportation Manager has made the following comment on the additional information:

As previously stated and with the submitted documentation, the changes in the conditions would look to spread the vehicles over a larger period of time and therefore would not be classed severe.

5. Representations

5.1 Madley Parish Council have made the following comments:

The Parish Council objects to this application as the reasons for attaching the conditions originally still apply: The interests of the amenities of the locality and in the interests of highway safety. Changing the conditions as proposed in this application will adversely affect the amenity of the locality and highway safety. Additional lighting required due to the extended hours would also have a negative impact on the locality. The parish council is aware that these planning conditions have regularly been breached and request that enforcement of these conditions be undertaken.

5.2 Kingstone and Thrupton Parish Council have made the following comments:

The blatant flouting of the original planning conditions and the obvious disregard for the wellbeing of local residents has already had a detrimental impact on those living nearby. The condition of the roads leading to this site has deteriorated significantly and the road network from the A465 through Thrupton and Kingstone to Madley is totally unsuitable, the B4348 is already used by far too many unsuitable HGVs and any further increase would exacerbate an already existing problem. Due to the impact on the local environment and local residents, Kingstone & Thrupton Group Parish Council object to any extension in the opening hours of this site and suggest that Brightwells are made aware that conditions apply to even them and should be adhered to.

5.3 27 letters of objection have been received. The comments can be summarised as follows:

5.4 Amenity

- Extension of hours will not improve the health, well being and quality of life of all residents.
- Exposure to noise and dust from roads will be increased in duration and will encroach substantially into the weekend – contrary to policy SD1
Increase in hours will cause more disruption
- Longer hours will cause more conflict with commuter traffic / school traffic noting single width roads to either end of Stoney Street
- Saturdays are on the only day one can get much needed relief from heavy good vehicles carrying incredibly heavy loads of agricultural machinery. The noise has to be heard to be believed – vibrate the house. Structural cracks directly linked to the trailers travelling to Brightwell's
- Littering witnessed from HGVs etc.
- Quality of life would be degraded for local residents
- Already vehicles up and down all day long, screech to halt in parts that are narrow, accelerate when widens. Cumulative effect is dangerously unhealthy mix of scattered dust, exhaust emissions, thunderous noise and clanging and banging. Exacerbated by tannoy system on sale days.
- Sound of 40 tonnes crashing its way down Stone Street
- vibration to my house caused by their heavy vehicles carrying machinery on trailers is very disturbing.
- Longer hours will mean collection, delivery, loading and unloading earlier in the day.
- Consideration must be had to the cumulative impact from this and other developments and uses.
- Additional movements would create increased noise levels with already far too many large lorries, cars and trailers rattling and banging going past, so close to home, cutting up verges and going at quite fast speeds.
- Brightwell's traffic is typically very heavy, very cumbersome, very noisy, and easily capable of causing unnecessary, inconvenient congestion;

- Air pollution already from chicken farms and crop spraying without diesel exhaust fumes as well.
- Longer Hours will mean extra lighting to enable loading and unloading resulting in light pollution.
- Machines needed for loading unloading – continual beeping and can be heard when trying to enjoy garden.
- The area is not characterised by industrial units and is a residential / agricultural area and the use is not compatible with these. The use is unique and highly disruptive. Noise from vehicles now waking residents at 7.30am.
- Longer hours will increase / contribute to high levels of carbon emissions and excessive level of noise pollution and to the gridlock that ensues as a result of their own traffic. Why is 6 days of pollution better than 5?
- Harmful to tourism – weekends are usual days for sightseeing.
- The reasons that Barton Willmore have given is pure conjecture.
- Noise surveys should be undertaken;
- Stoney Street is not Rotherwas Industrial estate in terms of scale or stature, nor is its anywhere near as industrial as Brightwell's describe
- Southern end of Stoney Street ugly commercial plots at sharp contrast with the surrounding countryside and residential character of the northern end – contrary to policies SD1, LD1 and MT1.
- Remember that they have permission for 2 sale days now.
- This is not 'sustainable development' as required by the NPPF.
- Local residents face a catastrophic imbalance in Stone Street – a second sale day coupled with Saturdays.

5.5 Highway Safety/Impacts

- Increase in the traffic jams that exist on Sundays. Already unbearable congestion.
- Bridge Sollers Lane used by HGVs frequently and they get stuck. Use at the weekend would conflict with the leisure users in the area.
- Substantial increase of traffic on the B4348 where road narrows in places that get stuck, do damage to properties, have to reverse and make manoeuvres.
- Northern end of Stoney Street narrows (a bottle neck) to a single lane with a couple of residential homes very close to this bottleneck. Sometimes results in vehicles braking hard
- Problems with lorries taking wrong turns, turning around block road and parking on the verge/across peoples driveways
- Vehicles are asked to wait on the highway if not open causing disruption / blockages on the public highway.
- Proposal will be contrary to policy MT1
- Contrary to policy RA6 – unacceptable adverse impacts to amenity and would generate traffic movements that cannot be safely accommodated on the local highway network.
- Object to increase in traffic through Clehonger – to increase this use through to the weekend is abhorrent.
- Sat/Sun and Bank holidays are only day the roads are not used as a rat run and are therefore relatively free from traffic (as shown in the traffic survey).
- Already high volumes of traffic and road badly damaged since the auction site opened.
- Additional movements at weekend could be dangerous for children cycling.
- Speeds and types of vehicles mean that vehicles may be unable to stop if child / something in the road.
- Damage to the roads that are in a state of poor repair.
- Width of vehicles / conflicts with the traffic will lead to damage to verges.
- Car Boot sales every Sunday already cause traffic jams and pollution.
- Query how £30K has been spent on the Bridge Sollers Road.
- Breach of condition has been occasional/periodic so weight should not be given to the traffic survey if they are suggesting that this is inclusive of their additional movement.

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

- To be certain of data planning department should be sure of how often they have breached their conditions.
- The traffic data shows that the only day of low level traffic is Saturday.
- Traffic survey does not identify what traffic is Brightwell's own;
- Not an independent traffic survey as commissioned by Brightwells
- 26 day survey is too short and cannot show a typical week. It does not show seasonal variations – busy periods for auction likely to be summer months.
- Position of ATC 1 (survey) at a bottle neck outside Stokes cottage can be problematic cease bottle neck can bring traffic to a standstill – lead to unreliable counts of the class of vehicles.
- Large proportion of the traffic using Stone Street are in fact heavy Good vehicles (as traffic counts show)
- Concern about how the classification of vehicles has been shown – not accurate enough to be given weight
- The traffic surveys are not accurate and cant be considered a credible source of evidence
- Request to open Saturdays are possibly the most contentious proposals and traffic surveys show that this is quietest day. Brightwells statement shows collections are busiest days after sales – so admitting Saturdays would be busy.
- Surveys make no allowance for increase in business

5.6 Breach of condition/comments on operation of business

- Proposed changes will not be in the interest of amenities or highway safety.
- Brightwells are deliberately flouting / breaching conditions already.
- When application was made initially Brightwell's Planning Statement presented the hours for working and a traffic management plan. This mirrored operation in Shobdon.
- The reasons for asking are flawed as nothing has changed since they originally stated the hours they needed and how they would work.
- Not unreasonable to expect applicants to comply with their originally approved application. This would promote good neighbourhood relations showing the applicants to be acting in a reasonable and considerate manner
- Previously Committees have emphasised the importance of the conditions of any planning permission being firmly enforced.
- The fact that Brightwells are now saying the changes are 'considered essential to allow Brightwells to operate their business effectively' sounds like an admission that the site itself is wholly unsuitable. If they can't operate efficiently then they should be relocated.
- Rather than shirking responsibilities to local residents they should be actively discouraging their customers and deliveries from arriving before their lawful hours of business.
- No evidence that opening the site earlier / later will alleviate traffic problems. No evidence to support the assertions that they make about reducing impacts on amenities.
- On face of it Brightwells seem concerned about reducing the impacts (of their traffic) on residential amenity but if they have genuine concern, they would withdraw their application and stop violating conditions 3 and 4 and put the feelings of local residents first.
- There are no legitimate reasons to alter or revise conditions 3 and 4 in favour of the applicants.
- If they genuinely wanted to avoid traffic then after 10am would be better.
- The conditions originally imposed balanced the needs of the community and business.

5.7 13 Letters of support have been received. The comments can be summarised as follows:

- Brightwell's are only a small proportion of the articulated lorry movements down Stoney Street.
- Some use road as a cut through from Locks garage to Brecon Road

- Brampton end of Stoney Street has been industrial area since World War 2 with current occupiers at Gelpack, J-mart, poultry units and AW Engineering creating large quantities of daily articulated traffic. Plus agricultural traffic.
- Only Brightwell's that have contributed to road improvements and safety.
- Changing hours to 8am manages the traffic but does not increase it.
- Spread of frequency of traffic will benefit all road users. Changing hours of work won't increase traffic as no extra items will be sold. Restricting access could mean traffic being backed up outside of the site.
- Makes sense to get traffic off road outside of rush hour cut through
- Industrial areas that have sensitive business hours are considered to be good thing.
- Collections on a Saturday will help spread the volume of traffic during the week.
- Never seen any traffic issues
- Very successful local business which employs a considerable number of people and is very well supported by buyers from a wide area.
- Already high volume of HGVs a day going into premises at Gelpack, AW Engineering and J Mart. What impact will the restrictions have on these? How will it control vehicles from Pontrilas Timber, feed mill and stone carriers using Stoney Street? Or stop blocking of street on car boot sale days?
- Increasing the permitted hours will mean the volume of traffic can be spread over a greater period of time causing less interruption to those living and working in the immediate locality and other road users.
- Far safer to load heavy goods on a Saturday when fewer customer on site than on the Friday Sale day. Once purchased goods are responsibility of the owner and as such need to be removed quickly.
- Brightwells attract buyers nationally and internationally who stay in hotels locally and use many other services.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=164085&search=164085

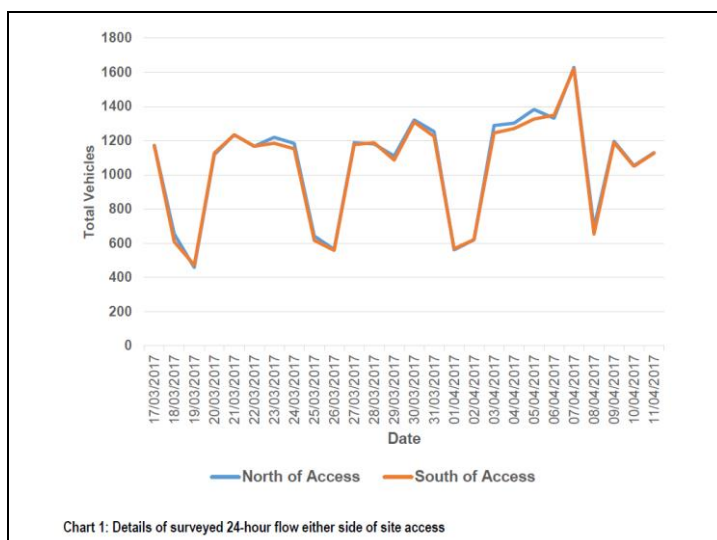
Internet access is available at the Council's Customer Service Centres:-

https://www.herefordshire.gov.uk/directory/22/customer_service_centres/category/41/categoryInfo/14?q=customer&type=suggestedpage

6. Officer's Appraisal

- 6.1 The use of the site is considered to be an employment use that has rural based agricultural activity serving a wide agricultural community in Herefordshire, the surrounding counties, nationally and internationally with agricultural plant and equipment sales. The principle of development and use of the site has been established through the granting of the planning permissions detailed above.
- 6.2 This application seeks to vary conditions 3 and 4 of the planning permissions that control the hours of working on the site and hours of delivery and collection of auction items / lots. These conditions were imposed at the time having regard to the issues of amenity and highway safety and therefore the key considerations in the determination of this application relate to the impact of the extended hours of working and operation upon the amenities of local residents and upon highway safety.

- 6.3 Turning to condition 3, this seeks to control the hours of working on the site, other than the office based activities. So this could mean the moving of equipment and other operations within the site. At present the hours during which working (with the exception of office based uses) may take place are restricted to 8.30am – 5.30pm Monday to Friday. The request is that this is extended so that working could begin at 8.00 am Monday to Friday with no change to the finish time. In addition to this, the applicants have requested that on sale days (maximum 2 days per month) they could start at 7.30am and that on Saturdays following a sale (maximum 2 days per month) they can operate from 8am until 2pm. There would be no working on the other Saturdays in the month, nor would there be working on Sundays, Bank or Public Holidays. It should be noted that at present they are only operating one sale day per month but do have permission to operate two sale days per month.
- 6.4 Condition 4 seeks to control the delivery of plant and machinery and their loading and unloading within the site. At present these are restricted to between 9am and 5pm Monday to Friday. The request is to extend the hours in line with the suggestion for condition 3. In addition to this, they have suggested that to improve the precision of the condition, the wording states ‘collection and delivery’ rather than just ‘delivery’.
- 6.5 Policy SD1 of the Herefordshire Local Plan – Core Strategy seeks to safeguard residential amenity for existing residents, and ensure that development does not contribute to adverse impacts. What Members are being asked to consider via this application are the impacts that would arise from the extended hours of working / deliveries and collections.
- 6.6 Local Residents have commented in detail on the impacts of the development. These relate, in the main, to the impacts from traffic movements along Stoney Street and in particular the noise from the Heavy Goods Vehicles and their loads. Comments describe the noise as excessively loud, with sudden bangs, crashes and rattling with the issue of vibration also being raised.
- 6.7 During the application process, a Traffic Note was submitted to the Local Planning Authority to provide some additional and up to date information about traffic flows (volumes) and speeds on Stoney Street. Automatic Traffic Counts (ATC) have been used and the full reports provided as part of this note. This report advises that the daily flows either side of the site access (weekdays) are of a low level (typically around 1,200). It is noted that the 2010 ATC data recorded before Brightwells started using the site, recorded an average of 1073 two way traffic movements and the 2012 ATC data (July 2012) also found an average of 1073 two way traffic movements. However, these were averages across the entire week (7 days) rather than the weekday average.



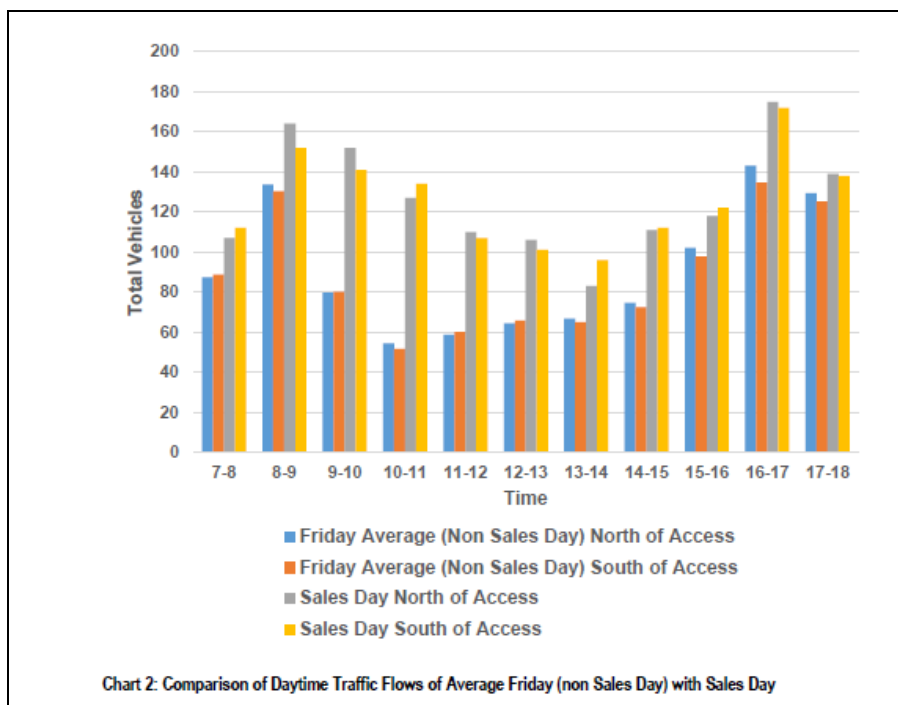
- 6.8 The chart shows that on sales day (i.e. Friday the 7th April) these flows are shown to change only slightly with an uplift of approximately 400 vehicles equating to an additional 40 additional

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

trips an hour or less than one vehicle a minute for the proposed ten hour sales period (i.e. 07:30 to 05:30). The initial application in 2010 anticipated that the impact of traffic movements as rising to around 1976 movements on an auction day. This report demonstrates that the originally estimated level of traffic movements has not occurred and this is probably attributable to the growing use of the online bidding process, meaning that there are fewer visitors to the site on auction day. This chart also clearly demonstrates that there is a significant reduction in movements over the weekend, an issue raised by local residents.

6.9 Chart 1 also details an increase in vehicle movements after sales day on the Sunday. It is noted that the Brightwells auction site does not open on a Sunday (and has not requested a change to this) and therefore these flows would not relate to the operation of the site. This may therefore relate to the car boot sale that happens on a Sunday to the north of the auction site. The first car boot sale of 2017 on this site was on the 9th April.

6.10 Chart 2 (inserted below) compares the average hourly flows of the non-sales day Fridays (i.e. the 17th, 24th and 31st of March) with the sales day Friday (i.e. the 7th April), it can be seen that the change in traffic flow occurs for the most part in the middle part of the day and therefore outside of the traditional network peaks of 08:00-09:00 and 17:00-18:00. Furthermore, the flows in the hours of the early morning and later evening hours, which are the subject of the extended condition, are also of a low level.



6.11 The proposed variation of condition would not increase the number of traffic movements, but would spread them over a longer period of time. The earliest that this would be is 7.30 am (maximum 2 days per month on the Saturday after the sale). Whilst acknowledging that there may be some additional movements that could be attributed to the site, 7.30 am is not considered to be unreasonable time to start. At all other times, this would be 8am. Activities would cease at 5.30pm. These are normal and reasonable working hours that would be expected in relation to such a use. It should be noted that later operating hours would not necessarily stop vehicles using the public highway, and potentially waiting outside of the site and that the highway is well used by other industrial uses in the vicinity. Deliveries / collection and other visitors can visit anytime within the suggested period, and it is not expected that there will be a significant increase in movements in this ½ - 1 hour period that would have a significant and detrimental impact upon the amenities of the residents living along Stoney Street or routes to the site that would warrant a reason for refusal.

- 6.12 The operation of the site on a Saturday is considered to be more sensitive with local residents advising that this is their 'day off' from the heavy traffic and noise associated with the use. The additional information supplied clearly shows that there is a reduction in traffic movements on a Saturday in comparison to a normal weekday or a Sunday when a car boot is operating. This application seeks agreement to operate a maximum of two Saturdays per month (after a sale) from 8am to 2pm. The applicants have advised that the majority of those collecting on this day are generally small collections by domestic customers from the local area who have jobs and can't attend on weekdays.
- 6.13 As a result of earlier opportunities to deliver or collect from the site, or for working on the site, there is potential for noise and disturbance from the site in relation to moving vehicles / plant. The nearest residential properties lie opposite the site next to the associated poultry units (1 and 2 Sun Valley Bungalows) and the cluster of dwellings approximately 250m to the north east of the site including Stokes Cottage, Street House Farm and 2 Stoney Street Cottages. The key issue here is whether the operations on the site, for this slightly earlier period in the morning, and on a Saturday will adversely affect the amenities of these residents.
- 6.14 The reason that these conditions were imposed initially was led by the applicant's submission in which it was clearly stipulated that their intended hours and way of working would be as follows:
- *The delivery of auction items to the site will take place over the weeks prior to each auction day in the month, with scheduled deliveries from 09.00 to 17.00*
 - *Traffic associated with the auction will be directed and controlled to use specific routes with suitable signposting in the surrounding highway network*
 - *The delivery and auction of items to the site will take place over the weeks prior to each auction day in the month, with scheduled deliveries from 9.00 to 17.00*
 - *Customer access to the site will be restricted to solely each auction day from 9.00 to 16.00*
 - *Removal of auctioned items will take place on the following weekdays from 9.00 to 17.00 over the following weeks*
- 6.15 Since operations began, it is not unusual for changes in operation or customer expectation to change and for businesses to react to such changes in demand or expectation. Whilst it is known that the applicants have been operating outside of their permitted hours, we do not have details that confirm the extent / frequency of these breaches or whether these occurred during the period that the surveys were undertaken.
- 6.16 At the time, the impact of the development was considered on this basis and when considering the imposition of a condition, it would be normal to restrict the hours during which an industrial use may be carried on if the use of the premises / site outside these hours would affect the amenities of the neighbourhood. However it would be unreasonable to do so to such an extent as to make it impossible for the occupier to run the business properly. In this instance, having now had regard to the comments received from local residents, supporters and the applicants, restricting operation on a Saturday morning / early afternoon (8am until 2pm) would not be considered reasonable or necessary as officers do not feel that it would affect the amenities of the neighbourhood and is therefore not considered necessary to make the development acceptable.
- 6.17 As such, it would be unreasonable to refuse permission to vary this condition. Having regard to the above, the proposal to vary the conditions is considered to be acceptable when having regard to the requirements of policy SD1 of the Herefordshire Local Plan Core Strategy and guidance contained within the National Planning Policy Framework.

- 6.18 Acknowledging the concerns about the breach of the conditions in the past, the matter has been raised by the Enforcement Team with the applicant. This application is as a result of this correspondence. Following determination of this application, the compliance with conditions can be further monitored by the Enforcement Team in the normal way and action taken as appropriate if further breaches are identified.
- 6.19 Local residents and the Parish Council also raise concerns about the impact of longer working hours on the local highway network. The proposed development would not increase traffic movements but would help to spread these over the period and allow avoidance of peak hours of travel. As such the Transportation Manager has advised that he has no objection to the proposals. Conditions previously imposed, would remain on any new planning permission. The proposed variation of conditions would continue to ensure that the development would comply with the requirements of policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.
- 6.20 Policy SS1 of the Herefordshire Local Plan requires that, when considering proposals that Herefordshire Council take a positive approach that reflects the presumption in favour of sustainable development as contained within National Policy, approving proposals that improve the social, economic and environmental conditions in Herefordshire. Planning applications that accord with the policies of the Core Strategy should be approved, unless material considerations indicate otherwise.
- 6.21 Policy SD1 relates to environmental quality of the developments, and seeks to safeguard residential amenity. The potential for the increase in hours of operation has been the cause of significant amount of objection. However, it is officer`s opinion that extended hours and resultant impacts would not be so significant as to warrant a reason for refusal on these grounds and that the proposed development would, with the imposition of the conditions suggested below, be compliant with policy SD1 of the Herefordshire Local Plan – Core Strategy.
- 6.22 Policy MT1 of the Core Strategy seeks to ensure that the traffic impacts of the development can be absorbed into the strategic and local network without adversely affecting the safe and efficient flow of the traffic on the network. The Transportation Manager has confirmed that he has no objection to this proposal to extend the hours of working / operation subject to conditions (as previously imposed) and as such the proposal complies with the requirements of policy MT1 of the Core Strategy.
- 6.23 Having regard to the above, the applications are considered to comply with the policies of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework and the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The development shall be carried out strictly in accordance with the approved plans (drawing nos. 0472/SK02 Rev A, PL-04 and PL-02 and PL- 06), except where otherwise stipulated by conditions attached to this permission.**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2. The premises shall be used for the auction (including administration of) of agricultural and land based plant and machinery and equipment and commercial**

vehicles and for no other purpose.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

3. The hours during which working may take place shall be restricted to 08.00am to 5.30pm Mondays to Fridays (7.30am - 5.30pm on sale days) and on the Saturday following a sale between 8.00am and 2.00pm with the exception of office based uses. There shall be no such working on Sundays, Bank or Public Holidays

Reasons: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 of the Herefordshire local Plan - Core Strategy and guidance contained within the National Planning Policy Framework.

4. The collection and delivery of plant and machinery, their loading and unloading, shall not take place outside of the hours of 8.00am and 5.30pm Monday to Friday (7.30am on Sale days) and 8.00am and 2.00pm on the Saturday following a sale day nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of the locality and in the interests of highway safety in accordance with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

5. The soft landscaping scheme, as detailed on drawing number L1 Rev C shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first use of the development hereby permitted .

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

6. The access shall be constructed and visibility splays (2.4m x 215m) provided and maintained in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B.

Reason: In the interests of highway safety having regard to Policy MT1 of the the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

7. Prior to the first use of the site for the access to the north onto Stoney Street shall be closed and land reinstated in accordance with the details shown on drawing numbers WSP Drawing 0472/SK1 and 0472/SK02 Rev B unless an alternative scheme is submitted to and approved in writing by the local planning authority. The access shall be used for emergency vehicles only and for no other purpose.

Reason: To ensure the safe and free flow of traffic using the adjoining County

highway and to conform with the requirements of Policy MT1 of Policy MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the second monthly auction Day a detailed updated traffic management plan shall be submitted to the local planning authority for approval. This shall include, but not be limited to the information contained within the ‘Technical Note’ written by Transport Planning Associates dated April 2014. The approved plan shall be fully implemented prior to the first month of two auction days being held at the site and shall be retained in perpetuity unless otherwise agreed in writing by the local planning authority.

A detailed record of the measures undertaken shall be retained as a written record and made available for inspection upon reasonable request.

Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

9. Auctions shall only take place on two days per calendar month (excluding Saturdays, Sundays and Bank Holidays). Auctions shall not take place outside of the hours of 10am and 4pm on these days.

Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

10. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: In the interests of protecting local amenities and landscape character having regard to in accordance with policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

11. The modular buildings hereby permitted shall be removed on or before the 15th December 2018 and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: The local planning authority, because of the temporary nature of the building is only prepared to allow this building as a temporary measure, having regard to the rural character of the area and Policies SD1 and LD1 of the Herefordshire Local Plan - Core Strategy and LA2 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

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

- 2 **No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**

- 3 **It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**

- 4 **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

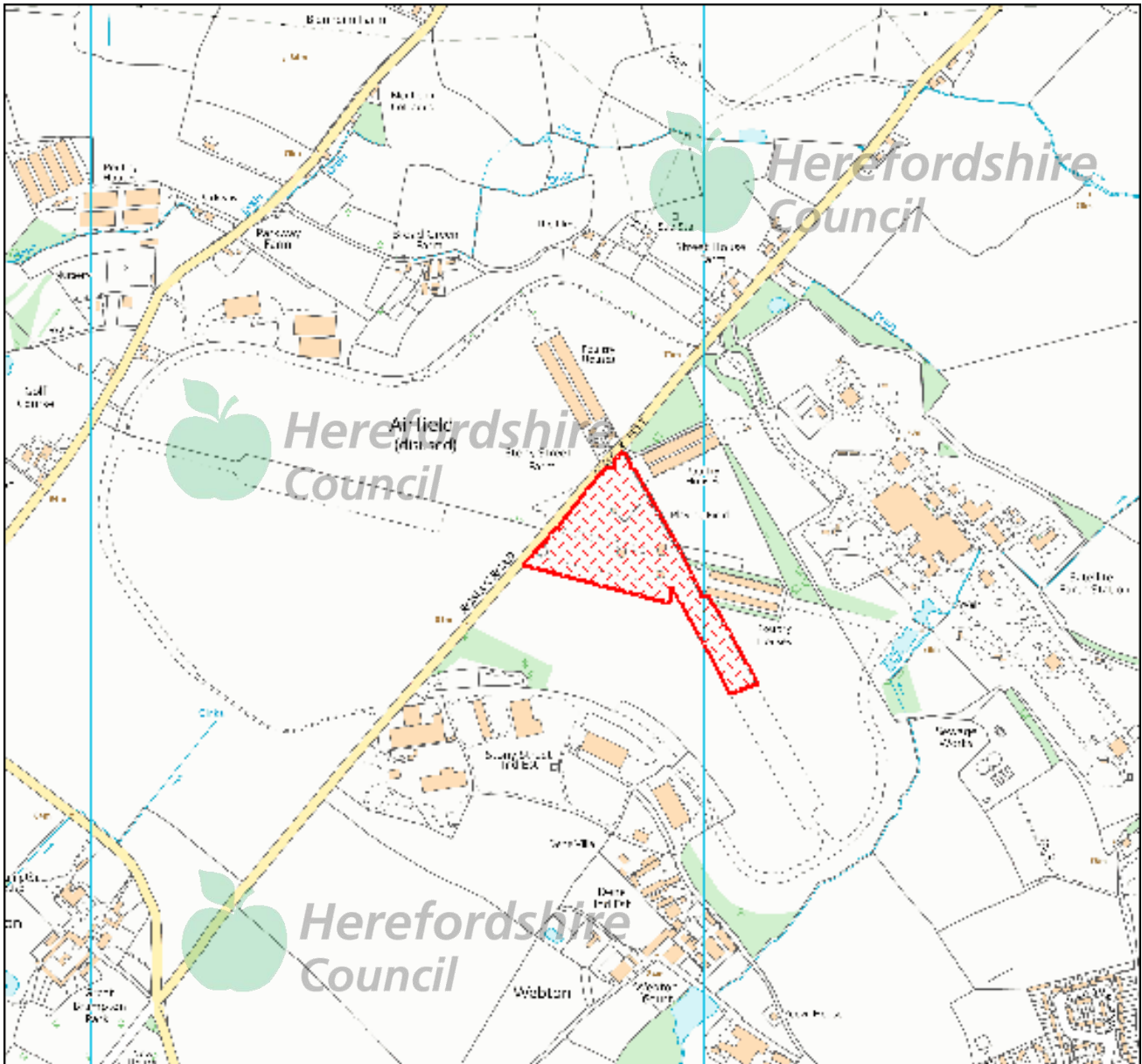
Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 164085

SITE ADDRESS : BRIGHTWELLS AUCTION SITE, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HEREFORDSHIRE, HR2 9NH

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



| | |
|---|--|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 12 July 2017 |
| TITLE OF REPORT: | 162753 - CHANGE OF USE OF ROSEMORE GRANGE, FROM A RESIDENTIAL DWELLING WITH HOLIDAY ACCOMMODATION, TO HOLIDAY ACCOMMODATION AT ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ For: Ms J Walker per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162753&search=162753 |
| Reason Application submitted to Committee – Re-direction | |

Date Received: 31 August 2016

**Ward: Bromyard
Bringsty**

Grid Ref: 371569,257373

Expiry Date: 26 October 2016

Local Member: Councillor NE Shaw

Site Description and Proposal

- 1.1. This application was originally presented to Committee on 14 June 2017 . It was deferred by the Committee in order to seek clarification as to exactly what this proposal entailed, particularly as regards ‘private celebrations and events’. The applicant has subsequently confirmed that the proposal is now solely for holiday use (i.e there is no intention to have private celebrations and events).
- 1.2. Therefore, the description has been amended and the report below relates to the continued use for holiday accommodation for the main dwelling only. The report also includes an updated response from the Environmental Health and Trading Standards Officer, which was included as an update to the June Committee report
- 1.3. Rosemore Grange is a two-storey property on the north-western side of the parish of Whitbourne. It gains access onto the eastern side of an unclassified road (u/c 65026). It comprises a detached nine-bedroom house which has been used as an exclusive private hire facility for holiday accommodation and private parties. This is a retrospective application for continued use of the property together with a Coach House in the grounds, which has the benefit of use as a holiday unit dating from August 2005 (reference DCNC2005/2369/F) for holiday accommodation only.

Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932

- 1.4 The proposal site is served by two access points, the northernmost one is close to a bend in the unclassified road and the other enjoys better visibility along a relatively straight stretch of highway.
- 1.5 The first complaint of use of the site was received in August 2014. The applicant believed that there was not a change of use given that the main house was hired out for private groups for 35 out of 53 weekends and that in further communications with the planning department, that the dwelling house and Coach House used for holiday accommodation could be construed as being one dwelling. Correspondence between the planning authority carried on for a further two years, until August 2016, Following further complaints from two sources and the intervention of the Ward Member allied with the Parish Council a retrospective application was submitted for continued use of the property in conjunction with the Coach House for private hire for holiday accommodation, private celebrations and events.
- 1.6 This proposal as stated above has been revised to one for holiday accommodation only.

2. Policies

2.1 Herefordshire Local Plan Core Strategy:

| | | |
|-----|---|---|
| SS6 | - | Environmental Quality and Local Distinctiveness |
| RA6 | - | Rural economy |
| MT1 | - | Traffic Management and Highway Safety |
| SD1 | - | Sustainable Design and Energy Efficiency |

2.2 National Planning Policy Framework (NPPF)

Core Planning Principles – Paragraph 17, including support for sustainable economic development and the pursuit of good standards of amenity for all existing and future occupants of land and buildings.

Chapter 3: Supporting a prosperous rural economy

Chapter 4: Promoting sustainable transport

2.3 National Planning Policy Guidance (NPPG)

2.4 Neighbourhood Plans

The Neighbourhood Plan area for Whitbourne was made in October 2016 and therefore it forms part of the Statutory Development Plan and attracts significant weight for the purposes of determining planning applications.

2.5 The Core Strategy and Neighbourhood Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following links:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

https://myaccount.herefordshire.gov.uk/media/5026194/whitbourne_ndp.pdf

3. Planning History

3.1 DCNC20052369/F - Conversion of coach house to provide holiday accommodation – Approved 23 August 2005

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 Transportation Manager: Conditional support

This is on the basis that the northern access point, which has restricted visibility, is closed off permanently and only the other access point with better visibility splays is utilised.

4.3 The Council's Environmental Health & Trading Standards Officer has responded as follows:

This is a retrospective application for a change of use from residential with holiday accommodation to exclusive private hire for holiday accommodation, private celebrations and events (*Note: the application no longer includes private celebrations*). Representations have been made by local residents regarding periodic noise and other behaviours from the site although it is acknowledged that many groups hiring the premises do not pose a problem. Our department has received one complaint regarding noise nuisance.

To protect the amenity of neighbouring residents we recommend a condition which prohibits the playing of amplified music outside.

We also recommend consideration that the site be granted temporary planning permission so that in the event of complaints this summer, this can be reviewed. Our department has an out of hours noise service at weekends in the months of July and August. Fundamentally we are also able to investigate and address complaints of Statutory Nuisance under the Environmental Protection Act 1990 should circumstances warrant this

5. Representations

5.1 Parish Council object:

Further to your correspondence re consultation on the above planning application Whitbourne Parish Council has asked me to convey their opposition to this application.

The application effectively seeks retrospective consent for the existing use of the property.

Over the last few years, the property has been let out for varying periods of time but in recent times this has been predominately for weekend bookings. These bookings are not supervised or directly controlled by the owner who is not resident at the property. The property accommodates 26 persons– 20 in the house and 6 in the Coach House. The weekend residents in particular often cause very significant anti-social behaviour. This usually arises from private events and parties (including stag and hen parties). High noise levels from groups using the patio area have been recorded and include late night rowdyism, the playing of loud music and the letting off of fireworks.

Unacceptable levels of noise have often been recorded until 1am and as late as 4am. Various acts of vulgarity have also been reported in both the garden and field areas.

The number of cars recorded at weekends has varied from 6 to 15, although typically there would be around 9 or 10. The location of the site in the open countryside is such that access must be by private car or taxis. The road passing the property is a narrow single carriageway

lane with a very sharp bend immediately before the property. There have apparently been a number of near collisions when vehicles exited the property without due care and attention. Extracts considered by the Council from the relevant policies are as follows:

Whitbourne NDP Policy LU4 states:

Housing or development proposals should seek to:

- iii. Respect the amenity and privacy of any adjoining properties
- iv. Ensure suitable and safe access to the highway

The Herefordshire Core Strategy:

Policy RA6 - Rural economy

Employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported, including proposals which:

- Promote sustainable tourism proposals of an appropriate scale in accordance with Policy...
- Planning applications which are submitted in order to diversify the rural economy will be permitted where they;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise and dust, lighting and smell; &
 - do not generate traffic movements that cannot safely be accommodated within the local road network.

Policy SD1 – Sustainable design and energy efficiency

Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements:

- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;

All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset.

The Members of Whitbourne Parish Council unanimously object to the proposed change of use of Rosemore Grange for the following reasons:

1. The level and type of activity associated with the proposal would intrude on the peaceful nature of the locality, harming its tranquillity and it demonstrably fails to respect or safeguard the residential amenity of local residents contrary to NDP Policy LU4 (iii), RA6 and SD1.

2. The nature and use of the proposed development is such that it will give rise to a significant number of additional vehicle movements at weekends. The location of the site is considered to be unsuitable and unsustainable and contrary to NDP Policy LU4 (iv), RA6 and SD1.

5.2 Four letters of objection have been received making the following main points:

- Noise. Noise bounces off house from patio audible to north-east. Had to go there 3 a.m. could not hear me knocking
- Weekends use of property - rarely used weekdays
- People come for once in lifetime experience
- Many groups no problem
- Hen parties, stag dos and extended family groups
- Minor instances of trespass
- Narrow road bend nearby. Near misses with cars joining narrow road
- 6-15 cars parked on site
- If approved will legitimate further expansion

5.3 Four letters of support have been received making the following main points:

- Good for village as facilities i.e. shop, restaurant and pub used
- Maintain house and gardens not seen damage
- Good to see three generations of families walking around.
- Family birthdays, anniversaries mostly few hen and stag parties
- Facilities used by Whitbourne residents

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=162753&search=162753

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 Having regard to the Parish Council objection and letters of representation, the main issues arising are:

- Concerns in relation to noise, disturbance and anti-social behaviour;
- Concerns relating to the additional traffic generated by the ongoing use of the premises.

6.2 Government advice in Chapter 3 of the NPPF is that planning policies should support economic growth in rural areas to create jobs and prosperity. This is reflected in the Core Strategy (CS), which seeks, jointly and simultaneously, development that achieves social progress, economic prosperity and environmental quality.

6.3 This retrospective application now concerns the change of use of a large, detached dwelling into a property providing holiday accommodation. As the representations set out, the composition of these groups varies and can comprise mixed, multi-generation family groups as well as single gender party groups.

- 6.4 The Coach House already has a holiday use for up to 6 people together with the main house or indeed separately. Having regard to the CS and NPPF, officers are of the view that the change of use of Rosemore for the purpose for which permission is sought, is not objectionable in principle, particularly given the revision to the description removing the use of the site for events and private celebrations. It is a large property of a type that is perhaps increasingly less-likely to be utilised as a private family dwelling house. It remains the case, however, that seeking a good standard of amenity for neighbours to development is an NPPF core planning principle and objective of the CS.

Noise

- 6.5 It should also be noted that even in the representations received it is stated that many visiting groups have not posed a problem. It is the composition of these groups that is considered to pose different issues in terms of noise and disturbance, whilst by implication family groups would potentially entail fewer vehicle movements on the local highway network. The Parish Council has referred to Policy LU4 from the adopted NDP; this policy though refers to new housing proposals in the parish, which is not the case in this instance, as the dwelling exists.
- 6.6 The Council's Environmental Health team has investigated in relation to an historic noise complaint in 2014. Officers were unable to substantiate a statutory nuisance, however, and the case was closed. In any event, this application presents the opportunity to better regulate the premises via planning condition. Accordingly a condition is imposed restricting the playing of amplified music in external areas. It is also the case that in the event of a complaint, the Council does have recourse to an out-of-hours Environmental Health service that can visit and monitor noise levels and pursue accordingly through Environmental Health legislation should a nuisance be proved.
- 6.7 The condition recommending prohibiting amplified music outside of the buildings has already been attached to the recommendation. The second recommendation of the Environmental Health Officer is that permission be granted for a temporary period. Government guidance provided in Use of Planning Conditions (March 2014) states that where the development complies with the development plan or where material considerations indicate otherwise that that be planning should be granted, granting planning permission for a temporary period will rarely pass the test of necessity. This is also in accordance with Section 72 of the Town Country Planning Act 1990.
- 6.8 Moreover, it is considered that a temporary approval for a use that has been carried on for a number of years and which is capable of further regulation via planning condition would not be reasonable. In relation to the now proposed holiday accommodation use this would certainly make a temporary condition too onerous in your officers' opinion.
- 6.9 Finally, an additional planning condition prohibiting the use of fireworks at anytime – something that the applicant's own booking terms and conditions control also - is attached to provide a further control of an activity that can upset the quiet enjoyment of residential properties.
- 6.10 In conclusion on this first main issue, officers conclude that the omission from the description of development of 'private celebrations and events' - such that the application is now seeking to regularise solely the holiday use of the building - is a materially different proposition to that put before Members at the earlier Planning Committee. The practical effect is that the application site could not be used for events, which might include use as a wedding venue for instance.
- 6.11 Moreover, conditions are now recommended to control the playing of amplified music outside The Grange and also prohibit the letting off of fireworks. This provides the Council with an element of control and ability to enforce.

- 6.12 In combination, officers are now satisfied that with clarification of the use and these conditions which are aimed to prevent undue disturbance to local residents the application complies with Core Strategy Policy SD1 and the NPPF.

Traffic impacts

- 6.13 Letters of representation refer to near misses on the local highway network, but such occurrences are difficult to substantiate and may or may not be a direct consequence of the ongoing use of the premises as such.
- 6.14 The use of the roads, predominantly at the weekend as suggested in representations received, does not constitute a level of traffic that could substantiate a reasonable ground for refusal. There is insufficient evidence to substantiate conflict with MT1 and NPPF paragraph 32. Moreover, the clarification of the description of development i.e. no events to be held, indicates further that traffic levels are unlikely to ever reach a level in terms of trip generation that would cause conflict with MT1.
- 6.15 However, it is contended that in line with the advice of the Council's Traffic Manager, the northern access point should be closed off given its proximity to a bend in the unclassified road and only the southern most access be utilised. This would concentrate traffic movements to the safer access point and would accord with Policies MT1 and RA6 of Core Strategy. A condition is recommended to control this closure.

Conclusion

- 6.16 The continued use of the house and Coach House can be supported subject to controls with the use of amplified music and the means of access. The removal of private celebrations and events from what was originally applied for and the subject of the earlier report at the June Committee removes an element that allows for better future control of use of the property. The economic benefits of the proposal, which include local employment, are considered on balance to outweigh the occasional complaints relating to what is an existing large residential property and detached building with an existing, lawful holiday use. Overall the proposal is considered to accord with the provisions of policies SD1 and RA6 of Core Strategy and is recommended for approval accordingly.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The main house and coach house shall:**
 - (i) **Be occupied for holiday purposes only and for no other purpose including any other purpose within Class C of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.**

Reason: To safeguard the amenity of the area and to comply with Policy SD1 of Herefordshire Local Plan –Core Strategy

2. **F13 - Restriction on separate sale**
3. **I14 – No amplified music within or upon external areas**

- 4 I32 - Details of floodlighting/external lighting
- 5 No fireworks shall be let off from any part of the property

Reason : In order to protect the amenity of residents in the locality and to comply with Policy SD1 of Herefordshire Local Plan –Core Strategy

- 6. H08 - Access closure

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, 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.

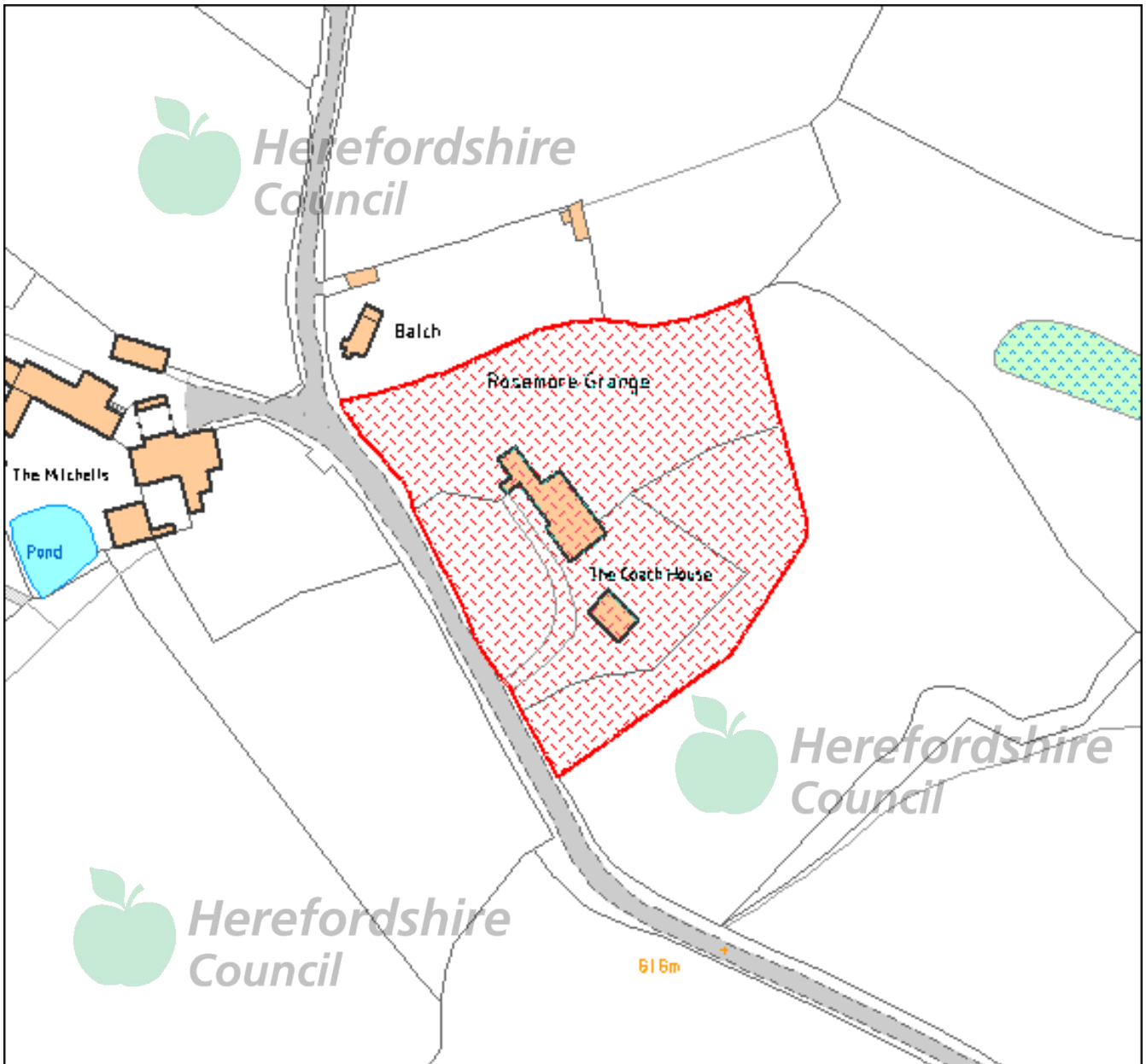
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 162753

SITE ADDRESS : ROSEMORE GRANGE, LADYWOOD, WHITBOURNE, HEREFORDSHIRE, WR6 5RZ

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Further information on the subject of this report is available from Mr Andrew Prior on 01432 261932



| | |
|---|---|
| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 12 July 2017 |
| TITLE OF REPORT: | 170409 - PROPOSED ACCOMMODATION BLOCK, REMODELLED CAR PARK AND IMPROVEMENTS TO ACCESS AT NEW INN, FOWNHOPE, HEREFORD, HR1 4PE For: Mrs Gummery c/o Agent per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170409&search=170409 |
| Reason Application submitted to Committee - Redirected | |

Date Received: 2 February 2017

Ward: Backbury

Grid Ref: 357895,234433

Expiry Date: 30 March 2017

Local Member: Councillor J Hardwick.

1. Site Description and Proposal

- 1.1 The site comprises the New Inn Public House (which is an unlisted period painted render and tiled building) set back into the site from the main B4224 which runs through the centre of Fownhope.
- 1.2 To the rear of the site lie open fields with a car-park (in different ownership) to the west, beyond which lies a Grade II listed building. On the opposite side of the road to the north lies another Grade II listed building and the site and wider area lies within a Conservation Area and the Wye Valley Area of Outstanding Natural Beauty.
- 1.3 Access off the B4224 road is via a shared access which also serves a small modern cul-de-sac.
- 1.4 The proposal comprises a detached two storey holiday lodge (some 17.5m by 8.5m floor plan, and 6m to eaves and 8.5 m to ridge height). This is shown to be finished in brick to ground floor, timber cladding to first floor and tiled roof. The building contains 8 holiday rooms with ensuite bathroom facilities (no cooking facilities). 'Juliet' balconies are detailed on the rear elevation. No external amenity space is detailed.
- 1.5 In addition a widened vehicle access into the site from the B4224 road and a revised car-park layout for 29 vehicles (2 of which for blue badge) are proposed.

Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

PF2

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

| | | |
|-----|---|--|
| SS1 | - | Presumption in Favour of Sustainable Development |
| SS4 | - | Movement and Transportation |
| SS5 | - | Employment Provision |
| SS6 | - | Environmental Quality and Local Distinctiveness |
| SS7 | - | Addressing Climate Change |
| SD1 | - | Sustainable Design and Energy Efficiency |
| LD1 | - | Landscape and Townscape |
| LD2 | - | Biodiversity and Geodiversity |
| LD4 | - | Historic Environment and Heritage Assets |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| E4 | - | Tourism |
| RA6 | - | Rural Economy |
| SD3 | - | Sustainable Water Management and Water Resources |
| SD4 | - | Waste Water Treatment and River Water Quality |

2.2 Neighbourhood Development Plan

The development plan also comprises the made Fownhope Neighbourhood Development Plan Policies:

| | | |
|------|---|-----------------------------|
| FW1 | - | Sustainable Development |
| FW2 | - | AONB |
| FW5 | - | Biodiversity |
| FW7 | - | Historic Character |
| FW16 | - | Design Criteria |
| FW17 | - | Settlement Boundary |
| FW18 | - | Supporting Local Businesses |

<https://myaccount.herefordshire.gov.uk/fownhope>

2.3 National Planning Policy Framework (NPPF)

- Paragraph 28- Protecting the rural environment;
- Paragraph 56- Requiring good design;
- Conserving and enhancing the natural environment
- Conserving and enhancing the Historic Environment

2.4 The 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 152955/F - New Dwelling in form of 2 storey extension to Public House – Approved 6 January 2016 and unimplemented.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No objection subject to condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Internal Council Consultations

4.2 Transportation Manager: Proposal acceptable, subject to the following conditions and/or informatives: CAL

4.3 Conservation Manager (Building Conservation): Recommend Refusal/Request further information: Whilst the principle of some sort of new building on the site to house accommodation is not precluded on heritage grounds, the current proposals do not respond sufficiently to the character of the conservation area. We would recommend that a short heritage statement is prepared describing the character of the conservation area and the opportunities on the site for new development and that amendments are considered with the aim of an enhancement to the character of the conservation area.

Reason: The proposal does not accord with policies 131 & 134 of the NPPF and policy LD4 of the Hereford Core Strategy.

The Proposals are for an accommodation block adjacent to the New Inn, Fownhope.

The site is situated within the Fownhope Conservation Area. Opposite the site is Fownhope Cottage a GII listed building dating from 1836, adjacent to the site is the Green Man Inn, also GII listed.

When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The set back of the proposals from the existing building fits well within the existing pattern of development and whilst it does limit the views to the fields beyond to some extent, it doesn't restrict these to such an extent which would greatly harm the character of the conservation area. It may be that allowing a glimpse of the fields beyond, for example by changing the plan form, could enhance the proposals.

The design of the building offers an opportunity for responding to the characteristics of the layout and design of buildings in the Conservation Area. Contemporary design is not precluded and there are several examples of high quality contemporary design in Fownhope which both respond to the character of the Conservation Area and enhance it.

We would seek for a response in the design to the following characteristics:

- Roof Pitch & Detail. Traditional buildings generally have a steeper roof pitch
- Span Depth. The depth of traditional buildings is generally less.
- Proportions or openings and ratio of solid to void.
- Views, to the site from the road and glimpses to the fields beyond should be considered as part of the design.

- 4.4 Conservation Manager (Landscape Officer): The proposal is for a two storey accommodation block of brick and timber construction with slate roofing. The proposed block is laid out along the rear boundary of the New Inn. Currently the site forms part of a tarmacked parking area and will replace a dilapidated tin shed.

Within the local landscape the site lies within Fownhope Conservation Area and forms part of its historic core; the site is overlooked by the grade II listed heritage asset; Fownhope House. At a wider level the site forms part of the Wye Valley AONB, paragraph 115 of the NPPF states that great weight should be given to conserving the landscape and its scenic beauty. Policy LD1 of the Core Strategy sets out that the area's character should be conserved and enhanced through appropriate design, use and management.

At a local level the policy FW7 of the recently adopted Fownhope Neighbourhood Development Plan states that proposals should not adversely affect views across Whiterdine to the Wye Valley.

I have visited the site and its surroundings taking in views from the B4224 as well as from the FWD1 and have the following comments to make in respect of the proposal. The proposal will not adversely effect the frontage of the New Inn; its stone walling with grassed areas and the sense of openness that the parking area provides, in terms of replacing the features currently in existence there is opportunity for enhancement.

In respect of the views of the wider AONB, from the pavement views of the countryside are possible however these views are currently confined by the presence of the shed and form a small element of the overall vista. Glimpsed views into the settlement from the PROW FWD1 into the settlement also offer opportunity to take in the historic assets of the settlement however once again this view could be enhanced.

I have no objection to the principle of development upon the site, however I do consider that the design could be more sympathetically laid out in relation to the surrounding environment. In my view an L shaped layout would resolve many of the conflicts arising from the current design. There is potential for a two storey element to be laid out parallel to the boundary with the Green Man, this could be lowered to single storey against the southern boundary retaining a gap between built form and open countryside. An attractive courtyard could be formed which would enhance the outside space.

5. Representations

- 5.1 Fownhope Parish Council: No objection following extraordinary meeting.
- 5.2 To date 16 letters of objection have been received and 8 of support.

Concerns raised are as follows:-

- Effect on Conservation Area;
- Highway Safety;
- Flood Risk;
- Waste Water;
- Impacts on protected views in Policy FW7 of the adopted Neighbourhood Plan (namely view across Winterdene between New Inn and Green Man Public House);
- Design does not enhance conservation area;
- Legal agreement should tie proposal to the New Inn Public House;
- More traffic;
- Overdevelopment of the site;
- Light pollution;

- Surface water run-off concerns.

Support is as follows:-

- Access would be safer;
- Will support employment and tourism;
- Will keep New Inn public house running.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170409&search=170409

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle of Development

6.1 In broad policy terms, Policy E4 of the Core Strategy seeks to encourage new accommodation in appropriate locations within the county. The supporting commentary to the policy states that small scale tourism development in rural areas may be appropriate. Furthermore adopted NDP Policy FW18 supports tourism related activities for businesses.

6.2 Fownhope is recognised as a locationally sustainable settlement identified in Policy RA2 of the Core Strategy. Therefore the principle of this development and the type of accommodation proposed is supported subject to the site specific considerations.

6.3 The key issues arising from this proposal relate to the impacts of the development as proposed upon the local landscape/townscape, the historic environment/ heritage assets (in view of the site's location within the Fownhope Conservation Area, residential amenity and highway safety.

Landscape/Townscape/Heritage Assets

6.4 Policy FW7 of the adopted Fownhope NDP states:

Proposals will be supported that:

a) *Do not adversely affect the following views and vistas valued by residents from and into the village:*

- *The vista in both directions from the Church along the main street the Green Man;*
- *The street scene from the Church down Capler Lane;*
- *From the riverside and Lea Brink over Malthouse & Whiterdine fields to the village and the wooded backdrop of Cherry Hill and Nover Wood;*
- *Views from Common Hill over the village and the river;*
- *The hills and rising land at the north and south ends of the village;*
- *form the village setting;*
- *The views across Whiterdine between the New Inn and Green Man public houses which provide uninterrupted views out from the village centre to the Wye valley"*

6.5 In broader terms this policy also requires proposals to preserve or enhance the Conservation Area and make a positive contribution through high quality design and respecting and respecting the height, size, scale and massing of adjacent buildings.

- 6.6 The proposal sits in the built confines of Fownhope and is not considered to have any wider landscape implications within the Wye Valley Area of Outstanding Natural Beauty (AONB) and due to the separation distances would have no adverse effect on the setting of the nearby listed buildings.
- 6.7 In respect of the views of the wider AONB, no pavement views of the countryside are possible as these views are currently restricted by the presence of the shed and form a small element of the overall vista. Glimpsed views into the settlement from the PROW FWD1 offer opportunity to take in the historic assets of the settlement. The current proposal does little to enhance this view from within the site closer to the public house building, and it is considered that this would be significantly improved by an alternative, more appropriate design proposal.
- 6.8 The set back of the proposals from the existing building fits well within the existing pattern of development and whilst it does limit the views to the fields beyond to some extent, it doesn't restrict these to such an extent that it would significantly harm the character of the conservation area. This said, allowing a glimpse of the fields beyond, for example by changing the plan form, would enhance the proposals and respond more positively to the site's context.
- 6.9 Policy SD1 of the Herefordshire Local Plan Core Strategy states (amongst other matters) that:
- “...new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including where appropriate, through innovative design.”*
- 6.10 Policy LD1 of the Herefordshire Local Plan Core Strategy requires proposals to demonstrate that the character of the townscape has positively influenced the design, scale and nature and protection and enhancement of the setting of settlements and designated areas. Additionally Policy LD4 requires proposals to protect, conserve and where possible enhance heritage assets and contribute to the character and local distinctiveness of the townscape.
- 6.11 The present design of the building does not respond to the characteristics of the layout and design of buildings in Fownhope Conservation Area in that the massing is overlarge in comparison to the host public house which immediately adjoins where a smaller outbuilding of single storey may more usually be found. The use of modern brick and wood cladding on a large block building again detracts from the simple appearance of the adjoining public house (which is a painted render with period advertisements).
- 6.12 To enhance the design the following are key aspects for consideration.
- Roof Pitch & Detail. Traditional buildings generally have a steeper roof pitch
 - Span Depth. The depth of traditional buildings is generally less.
 - Proportions or openings and ratio of solid to void.
 - Views, to the site from the road and glimpses to the fields beyond should be considered as part of the design.
- 6.13 It is considered that the proposal would also obstruct to a degree the limited views out through the site, whilst an amended scheme on a re-orientated and smaller footprint would address these concerns bringing the proposal into line with Policy FW7 of the adopted NDP and Policies LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy.

Residential Amenity

- 6.14 As there are no residential dwellings in proximity no amenity concerns arise from the siting of the building. The increase in vehicle movements to the site is variable where residents are subject to traffic disturbance already from lawful visits to the public house.

Highway Safety

- 6.15 There is an existing access to the site and there is a large car-park which is to be improved (which can be secured by way of planning condition). No objection to this proposal is raised by the Transportation Manager.

Drainage

- 6.16 The proposal will utilise the existing sewage treatment network to which Welsh Water do not raise objection. A condition could secure an appropriate foul and surface water scheme to serve the site alongside the existing infrastructure.

Conclusion

- 6.17 The proposal would add to the accommodation offer in Herefordshire and there are no adverse neighbouring amenity, highway or drainage implications that cannot be dealt with by way of a planning condition.
- 6.18 However, the design of the proposal does not satisfy the requirements of Policies LD1, LD4 and SD1 of the Herefordshire Local Plan: Core Strategy by reason of its scale in comparison to the host building and the use of materials at this particular location. In terms of the overall balance, it is considered that the proposal fails to conserve or enhance the environmental assets that contribute to local distinctiveness, specifically the character and appearance of the Fownhope Conservation Area. It is assessed that the proposal would cause less than substantial harm and in accordance with paragraph 134 of the NPPF, the harm should be weighed against the public benefits.
- 6.19 In this case officers maintain that the less than substantial environmental harm caused by this proposal outweighs the economic and social benefits identified and, as such, it is not representative of sustainable development.
- 6.20 The applicant has been given the opportunity to withdraw the present scheme (in order to reflect on the advice given by this Council's Historic Building Officer and Landscape Officer respectively). This offer has not been taken up so whilst there are potential revisions possible which would be more sympathetic to the historic and landscape environment at this location, the application stands to be determined as submitted.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal fails to demonstrate that the character of the landscape/townscape has positively influenced its design and scale and does not protect, conserve or enhance the Fownhope Conservation Area contrary to Policies SD1, LD1 and LD4 of the Herefordshire Local Plan: Core Strategy, Policies FW1 and FW7 of the Fownhope Neighbourhood Development Plan and the National Planning Policy Framework.**

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 by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

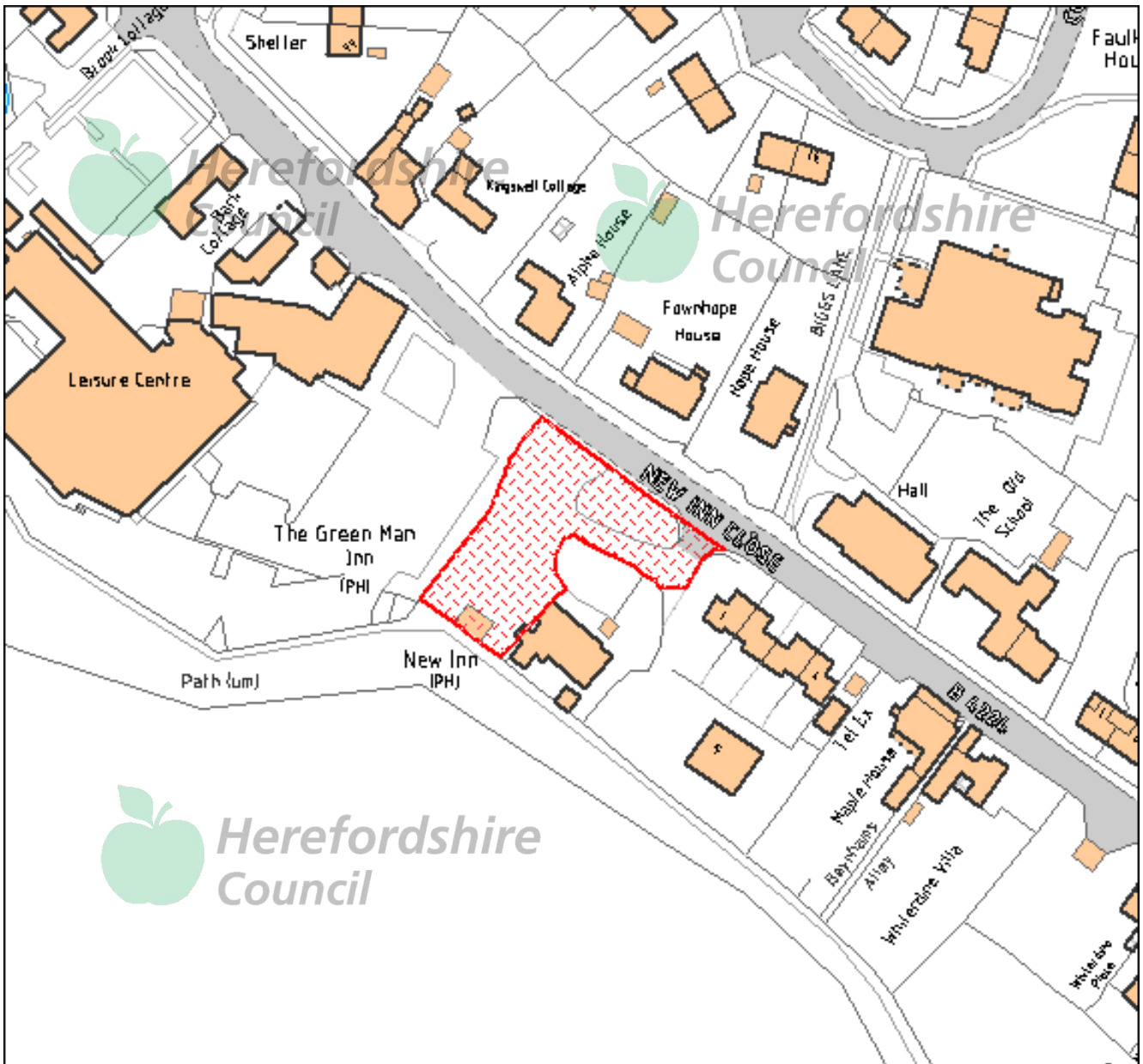
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 170409

SITE ADDRESS : NEW INN, FOWNHOPE, HEREFORD, HR1 4PE

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| | |
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| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 12 July 2017 |
| TITLE OF REPORT: | 170638 - PROPOSED CHANGE OF USE FROM B2 (GENERAL INDUSTRIAL USE) TO BOULDER BARN AT UNIT 1A, HOLMER TRADING ESTATE, HEREFORD, HEREFORDSHIRE, HR1 1JS For: "Taste for Adventure" Ltd per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170638&search=170638 |
| Reason Application submitted to Committee - Redirection | |

Date Received: 20 February 2017

Ward: Holmer

Grid Ref: 351859,241829

Expiry Date: 17 April 2017

Local Member: Councillor AR Round.

1. Site Description and Proposal

- 1.1 The site comprises internal floor space (former paint spray area) within an operational automotive repairs building on Holmer Trading Estate. The remainder of the estate has for the most part been vacated in anticipation of residential redevelopment approved under permission 150659. The application site itself, lies outside of the permitted redevelopment area under permission 150659 - although future access from College Road post development would be through a redeveloped site to modern day standards.
- 1.2 Holmer Trading Estate is bounded to the north by a railway line, the route of the Hereford to Gloucester Canal to the south and Aylestone Park to the east. The site is identified as potentially contaminated land, although is in use as a modern building with outside parking/hardstanding areas.
- 1.3 The proposal is for an indoor recreational facility described as a 'boulder barn' which is an indoor rock climbing facility (without ropes or harnesses). Externally there is an unmarked parking area which is proposed as comprising 18 car-parking spaces.
- 1.4 Access to the building would be through the derelict and dilapidated estate from College Road with no dedicated footpath and limited lighting.
- 1.5 The proposed hours of use are 12:00 midday to 22:00 hrs Monday to Friday, 10:00hrs to 18:00 hours Saturday and 10:00 am to 18:00 hrs Sunday with access to members of the public at those times.

Further information on the subject of this report is available from Mr Fernando Barber-Martinez on 01432 383674

- 1.6 The planning application has been accompanied by a supporting statement from the 'Taste for Adventure' from Sam Stokes – son of 'Brummie' Stokes MBE MEM which sets out their charitable work at the Credenhill site, which is soon to be vacated.

2. Policies

2.1 Herefordshire Local Plan: Core Strategy

- E2 (redevelopment of existing employment land and buildings)];
- MT1 (traffic management, highway safety and promoting active travel);
- SD1 (sustainable design and energy efficiency);
- SD3 (sustainable water management and water resources;
- SD4 (waste water treatment and river water quality).

2.2 National Planning Policy Framework (NPPF)

The NPPF has an economic, social and environmental role with a presumption in favour sustainable development, with 12 core planning principles. In addition it supports building a strong competitive economy, promoting sustainable transport, promoting healthy communities.

2.3 National Planning Policy Guidance (NPPG)

Health and Wellbeing Paragraph 001. ID 53 001 2014 0306

- 2.4 The 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

- 3.1 150659/F Demolition of all existing buildings and hard standings, remediation of the site, including reinstatement or landscaping of the former canal and development of up to 120 homes, landscaping, public open space, new vehicle and pedestrian access and associated works - Planning Permission endorsed by Planning Committee on 13.1.2016 subject to the completion of a Section 106 agreement (yet to be signed)].

121750 Extant planning permission to extend time limit on application DCCE2007/1655/O (passed on appeal) - Mixed use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Consultations

Economic Development Officer: Objection.

- 4.2 Economic Development would like to make the following comments in relation to the above application regarding a proposed change of use from B class uses to a Boulder Barn.

The subject building – Unit 1a - is located within the current Holmer trading estate which was until recently a well-established commercial and employment location. The majority of the estate has received a permission for a redevelopment for residential purposes, Unit 1a is a subdivision of the one remaining unit that will be retained from the previous estate configuration.

- 4.3 Unit 1a appears to be a good quality, modern employment unit with a roller shutter door and will benefit from additional facilities including cloakroom/WC. There is a lack of employment units within Hereford of this quality, particularly to the north of the river. A search of the council property register returns approx. half a dozen industrial units within the northern part of the city of a similar size and use, but all of a lesser quality than Unit 1a.
- 4.4 Whilst the building has been marketed via the commercial property register for a period of over six months there is nothing to suggest that the building or location are unsuitable to accommodate a traditional B class use.
- 4.5 The Employment Land Study 2012 was conducted by commercial property consultants, Drivers Jonas Deloitte as part of the planning policy evidence base for the new Core Strategy (the study was updated in 2012). Using a Poor, Moderate, Good and Best scale, Holmer Trading Estate was rated as a 'Poor' employment location. It is recognised that this classification was likely influential in the success of the application for redevelopment of the estate for a residential purpose but was also influenced by the quality of the majority of the estate buildings and environment.
- 4.6 As mentioned above the remainder of the Holmer Trading Estate is to be redeveloped for a residential use and this has resulted in the loss of a significant amount of employment workspace. It is acknowledged that the bulk of the units consisting Holmer Trading Estate are, or were, of poor quality and the estate itself suffers from a poor environment and infrastructure. However Unit 1a is a building of good quality and fit for an industrial purpose, there is limited supply of buildings of this size and quality within Hereford north of the river.
- 4.7 The applicant has stated that they made an assessment of other potential locations for their business but has not stated what or where these were or why Unit 1a is the location of choice from within that search.
- 4.8 The applicant states that the business will employ 2 full time staff with 2 part time staff, and the potential to increase this by 1 further full time post and a further 4 part time posts. It would be useful to clarify whether the initial 2 full time staff are existing jobs within the business or new positions created as a result of this move.
- 4.9 However this level of employment is likely to be the same level as, or lesser than, the level of employment creation generated by a traditional B class use.
- 4.10 Consequently for the reasons mentioned above, I object to this application from an economic development perspective.

Transportation Manager: Objection.

- 4.11 Proposal is unacceptable but can be made acceptable by way of the following amendments to the deposited application:-
- 4.12 The application block plan indicates two building 1a and 1b, with what is labelled as parking & turning, but the red line only encompasses part of that parking & turning area/car park. No indication is shown as to the point of access to the car park area for unit 1a or indeed the access route from the site to the adopted highway. Four parking spaces are shown in tandem, and access to these spaces requires clarification to ensure they are independently accessible..
- 4.13 11 of the 14 indicated parking spaces along the north boundary of the site are not accessible without use of the aisle and turning area fronting unit 1b and which is outside the red line, as the

area to the north of the red line and abutting the line of 14 spaces forms part of the adjacent ownership and was approved for residential development under DCCE2007/1655/O. There is a valid application for extension of time for commencement of that permission under P121750/O and a further valid application for re-development under P150659/O, both undetermined.

- 4.14 The current route through the trading estate is through an estate of disused buildings and does not form a suitable or conducive route for pedestrians or cycling, meaning that the only route is by car. The accessibility of the site by sustainable modes is therefore very questionable.
- 4.15 It is noted that the supporting statement mentions a café as part of the proposals, for use by customers and others, but no details are provided in the schedule of floorspace/use in the application form. It is also noted that the table does not identify the extent of the proposed D2(?) use but it is assumed that this is the existing B2 floorspace of 378 sq m.
- 4.16 On the basis of the 378 sq m of D2 floorspace, parking provision for such use would equate to 38 spaces at full standards, and it is noted that less than 50% of full standards has been provided, but without substantiation of this provision.
- 4.17 A favourable recommendation, subject to conditions, would be likely following satisfactory resolution of all of the above points.

Environmental Health Officer:

- 4.18 I refer to the above application and would make the following comments in relation to contaminated land issues only (excluding controlled waters).

Given the former uses of the site as a paint shop, we'd recommend a condition be appended to any approval to enable a proportional assessment of risk from contamination be carried out. This is required by the NPPF in order to demonstrate the site is safe and suitable for its intended use.

5. Representations

- 5.1 Hereford City Council: Support.
- 5.2 To date some 31 letters of support have been received regarding the Brummie Stokes legacy and associated charity work the gist of which is:
- This contributes to the well-being of the community, in particular under privileged and disadvantaged children and adults;
 - Support from a local school;
 - Testimony from users of the present facility confirming the above.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170638&search=170638

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 The proposal would involve the loss of approximately 378 square metres of employment land which is rated as "good" in the Employment Land Study 2012. Policy E2 of the Core Strategy part states that:

"Employment land and buildings rated as 'best' and 'good' using the methodology in the Employment Land Study 2012 (or successor document) will be safeguarded from redevelopment to other non-employment uses."

6.2 The Economic Development Manager advises that the loss of employment land at this location is not acceptable having regard to Policy E2. It is considered that the use for recreational purposes does not satisfy the policy aims of Policy E2 in this instance. Furthermore, there has been no evidence submitted in respect of appropriate and active marketing of the site and no indication of consideration of other potentially more suitable locations.

6.3 Accordingly, the proposal would be contrary to Policy E2 of the Herefordshire Local Plan: Core Strategy in that this would involve the loss of 'good' employment space at an important employment site. Whilst there may be social benefits associated with the provision of a recreation facility, based upon the evidence before the Council, these are outweighed by the economic dis-benefits that have been identified.

6.4 In addition to the above, the Highway Engineer queries the practicality of accessing the identified parking space given the separation shown on the red line application site area which demarcate Unit 1a from Unit 1b with Unit 1b being the means of access to the identified parking.

6.5 Of greater concern however, is that the trading estate as a whole has no pedestrian path from College Road (which is the main pedestrian route from the city). Officers consider that the appearance of the run down vacated site and absence of dedicated footpath would not represent a sustainable or safe environment for visitors on foot to the site contrary to policies MT1 and SD1 of the Herefordshire Local Plan Core Strategy and promoted by Paragraph 69 onwards of the National Planning Policy Framework) which states:

".....Planning policies and decisions, in turn, should aim to achieve places which promote:-

- *Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."*

6.6 This in turn would place an undue reliance upon the use of the car in favour of other more sustainable transport choices.

6.7 Furthermore there is no information provided in relation to how the site will integrate with the approved residential development on the adjacent site (150659). The proposed recreational use would be in close proximity to approved new dwellings (on indicative layouts) and access to on-site parking may be prejudiced by the need to provide structural planting along the boundary next to the proposed parking area. In this context it is not considered that this ad-hoc proposal demonstrates that it will not adversely impact upon the residential amenity of future occupants of the approved residential development.

6.8 Accordingly, and after careful consideration of land use matters, the proposal is not considered to be representative of sustainable development despite the social and limited economic benefits arising from the resulting recreational use since these are outweighed by the greater economic and environmental dis-benefits.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal would be contrary to Policy E2, of the Herefordshire Local Plan: Core Strategy in that this would involve the loss of ‘good’ employment space at an important employment site north of Hereford city at this location.
- 2. The proposal would be contrary to Policy MT1 of the Herefordshire Local Plan: Core Strategy in that safe access to the site cannot be achieved from College Road (by foot) and on site parking provision is inadequate and not capable of being accessed in a safe manner.
- 3. The proposal would be contrary to Policy SD1 of the Herefordshire Local Plan in that the future amenity of residents (on major housing redevelopment 150659) would be comprised from comings and goings- and the future landscaping of that site may be prejudiced and impacted upon.

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 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.

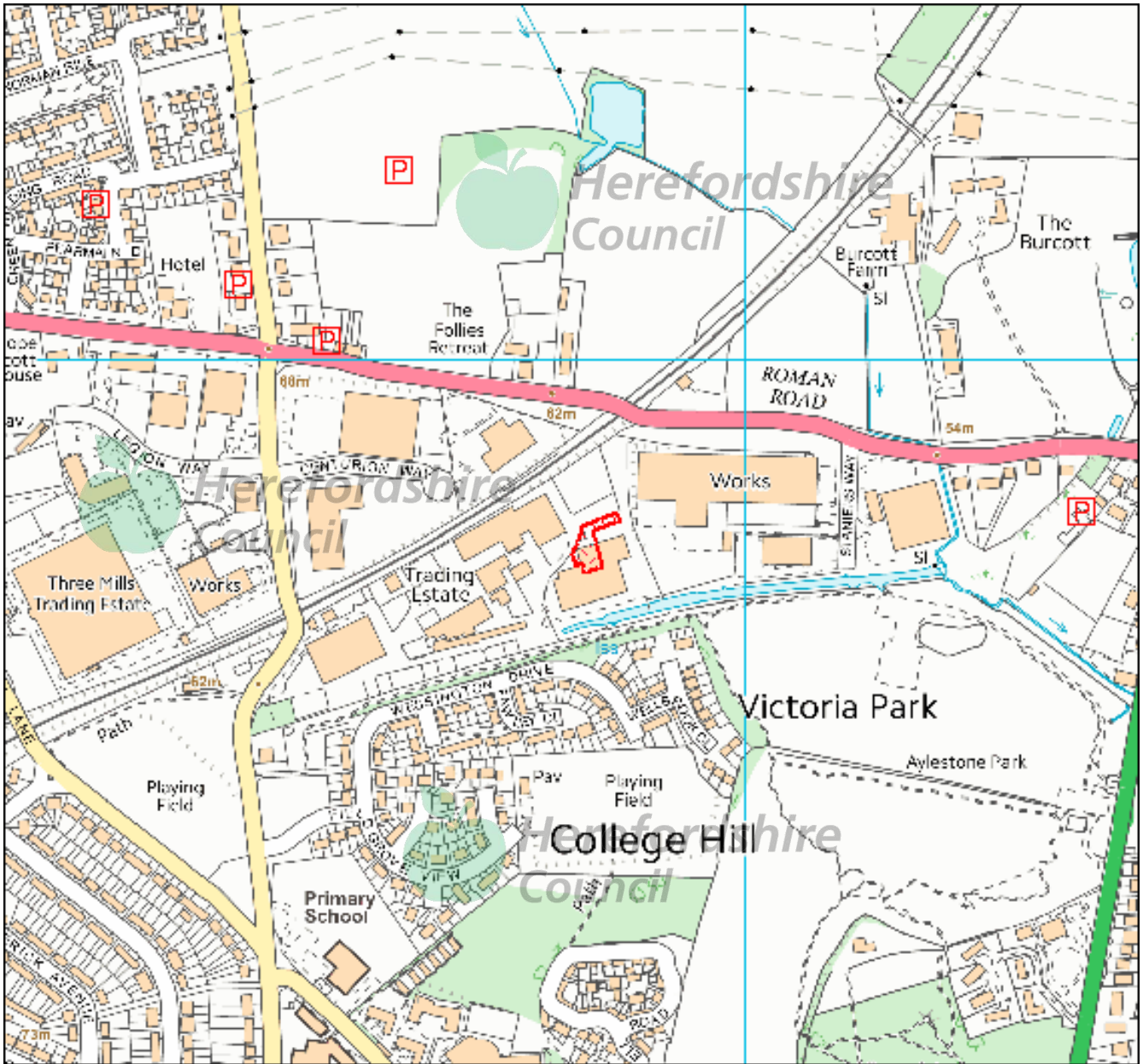
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 170638

SITE ADDRESS : UNIT 1A, HOLMER TRADING ESTATE, HEREFORD, HEREFORDSHIRE, HR1 1JS

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| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 12 July 2017 |
| TITLE OF REPORT: | 170940 - CONVERSION OF AND ALTERATIONS TO BARNES TO CREATE FOUR RESIDENTIAL DWELLINGS AT BARNES AT LOWER DERNDALE FARM, DERNDALE ROAD, WELLINGTON, HEREFORDSHIRE, HR4 8BG For: Mr & Mrs Davies per Mr James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170940&search=170940 |
| Reason Application submitted to Committee – Applicant is a staff relation | |

Date Received: 14 March 2017

Ward: Weobley

Grid Ref: 347364,249103

Expiry Date: 14 July 2017

Local Member: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 Lower Derndale Farm lies on the southwestern side of an unclassified road (Derndale Road) approximately 1 kilometre (0.6 miles) to the east of Canon Pyon and 2 kilometres (1.2 miles) to the northwest of Wellington. The site is an agricultural complex, presently a working dairy farm, comprising both traditional and modern farm buildings and a farmhouse to the southern part of the site. The farmhouse and traditional barns appear on early mapping dating from the late 19th century as a loose courtyard plan complex. This courtyard has been filled in with more modern steel frame buildings. The site is served by two vehicular accesses off the unclassified road, one to the northwest and one to the southeast of the site. Levels initially rise into the site from the northwest access, but then decline modestly towards the south.
- 1.2 Planning permission is sought to convert the existing traditional buildings, which are largely shrouded by the modern additions, to provide four dwellings. These buildings are situated towards the centre of the complex and to the northeast of the farmhouse. Currently the buildings are in partial use for dairy farming, along with the other modern buildings on site and associated yard area. The buildings subject to this proposal comprise three conjoined ranges; one, large rectangular unit aligned northwest/southeast and another building perpendicularly abutting its southern corner, with the third unit attached at right angles to the south. All of the buildings are of timber frame construction, with replacement corrugated tin sheeting to the roofs. The elevations comprise a range of timber frame, horizontal timber boarding, some stone plinths, vertical sleepers and some modern blockwork. They all have dual pitched roofs, with heights between some 7.5 metres and 6 metres.

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

- 1.3 Amended plans have been submitted, which confirm that the western access would be permanently closed and revise some of the proposed elevational treatments, in particular the areas where some of the timber frame is missing. In addition the revised scheme also proposes the provision of two, detached outbuildings to the northeast of the complex to provide for car parking and general storage including that of cycles and waste and recycling receptacles. These new structures would be some 12.5 metres by 8 metres in depth and 5.1 metres and 2.4 metres to the roof ridge and eaves, respectively.
- 1.4 The application has been supported by a Structural Report, Bat Survey and Method Statement and a Design and Access Statement. The applicants' agent has confirmed that the existing use's traffic generation currently amounts to approximately 5 to 6 vehicles visiting daily, generating 10-12 movements daily. These are made up of the daily bulk milk tanker, tractor movements, feed lorries, animal health deliveries, AI deliveries, machinery and dairy equipment maintenance/repairs, vet, and general dairy/farm supplies. It is advised that most, if not all, of these will cease once the dairy farming business ceases following the grant of planning permission for the conversion of the barns to residential dwellings. The existing farm access will be used solely as residential access to the converted barns and the existing farmhouse. The farm land, which all lies to the west and north-west of the site (mainly to the north of the highway) will be accessed using existing gateway access points further to the west and north west.

2. Policies

2.1 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 | - | Environmental quality and local distinctiveness |
| SS7 | - | Addressing Climate Change |
| RA1 | - | Rural Housing Strategy |
| RA3 | - | Herefordshire's countryside |
| RA5 | - | Re-use of Rural Buildings |
| H3 | - | Ensuring an Appropriate Range and Mix of Housing |
| OS1 | - | Requirement for Open Space, Sports and Recreation Facilities |
| OS2 | - | Meeting Open Space, Sports and Recreation Needs |
| MT1 | - | Traffic Management, Highway Safety and Promoting Active Travel |
| LD1 | - | Local Distinctiveness |
| LD2 | - | Landscape and Townscape |
| LD3 | - | Biodiversity and Geodiversity |
| LD4 | - | Historic Environment and Heritage Assets |
| SD1 | - | Sustainable Design and Energy Efficiency |
| SD3 | - | Sustainable Water Management and Water Resources |
| SD4 | - | Waste Water Treatment and River Water Quality |
| ID1 | - | Infrastructure Delivery |

- 2.2 The 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.3 The Pyons Group Neighbourhood Development Plan was made on 16 June 2017. It now forms part of the Development Plan for Herefordshire.

Policy PG1: Development Strategy
Policy PG8: Traffic measures within villages
Policy PG9: Design criteria for housing and sites

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

<https://myaccount.herefordshire.gov.uk/pyons-group>

2.5 National Planning Policy Framework (NPPF)

Ministerial foreword

Introduction

Achieving Sustainable Development
Section 3 – Supporting a prosperous rural economy
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
Section 11 - Conserving and Enhancing the Natural Environment
Section 12 - Conserving and Enhancing the Historic Environment
Decision-making

2.6 National Planning Policy Guidance

3. Planning History

3.1 P171060/PA4 - Proposed conversion of and alterations to a general purpose steel portal frame agricultural building to create one residential dwelling – prior approval refused 16 May 2017.

3.2 P171061/PA4 - Notification of prior approval for a proposed change of use of an agricultural building to create one dwellinghouse (Class C3) and for associated operational development - prior approval refused 16 May 2017.

4. Consultation Summary

Internal Council Consultations

4.1 Transportation – original comments

Design and access statement does not furnish us with the information we would normally require in regards to assessing this application. Whilst this is using an existing access it can be considered an intensification of the current usage and its compatibility with ongoing agricultural traffic. With this we would expect to see a plan detailing the existing / proposed visibility splays at the site and a possible transport statement assessing the current usage and proposed. Could the applicant supply the available visibility based on national speed limits or 85th percentile if available.

Highways would prefer to see domestic traffic removed from conflicts with agricultural vehicles and as such would favour a single access to the proposed 4 dwellings.

Gradients on site need to be assessed and long sections of the access to units A and B reviewed if the access is to be retained in the application.

It appears that no cycle storage provisions have been made as there are no garages proposed.

Full report not done until additional information/reduction of access numbers is supplied.

4.2 Transportation – revised plans

Further to receipt of the revised plans and emails regarding the usage of the farm after the construction of the proposed residential barns please find my review:

Email 28/06/17 (from agent)

I have consulted my clients with regard to existing traffic generation and currently there are approximately 5 to 6 vehicles visiting daily, generating 10-12 movements daily. These are made up of the daily bulk milk tanker, tractor movements, feed lorries, animal health deliveries, AI deliveries, machinery and dairy equipment maintenance/repairs, vet, and general dairy/farm supplies. Most, if not all, of these will cease once the dairy farming business ceases following the grant of planning permission for the conversion of the barns to residential dwellings.

Email 29/06/17 (from agent)

Please find attached the amended site and location plan that indicates the existing visibility splays serving the site as 2m x 71m looking west and 2m x 80m looking east. Please also note that the blue line has been amended on the location plan as the field immediately to the east of the site was previously included in error.

The existing farm access will be used solely as residential access to the converted barns and the existing farmhouse. The farm land, which all lies to the west and north west of the site (mainly to the north of the highway) will be accessed using existing gateway access points further to the west and north west. The resultant cessation of the dairy farming/milk production will result in a significant reduction in traffic movements, particularly large, slow moving agricultural vehicles and the milk lorry.

We have been provided with a plan that shows visibility and the access to the west of the site closed off as suggested. This results in Highways taking the stance that the existing access can be utilised as the only access off the lane to the north of the site offset against shutting the poorer visibility access to the west as detailed on the latest plan.

The applicant states that agricultural traffic will be via another existing access and “*The existing farm access will be used solely as residential access to the converted barns and the existing farmhouse.*”

This will be conditioned accordingly if approval is granted.

Cycle store provision is made in the proposed garaging, should be conditioned.

The access needs to be improved to be constructed to an adoptable standard and consist of a sealed surface. No drainage from the farm yard to enter the highway. No gate within 5m of the highway.

Proposal acceptable, subject to the following conditions and/or informatives:-

- CAB - Visibility splays
- CAC - Visibility over frontage
- CAE - Vehicular access construction
- CAG - Access closure
- CAH - Driveway gradient
- CAJ - Parking - estate development (more than one house)
- CAL - Access, turning area and parking
- CAM - Turning and parking: change of use - domestic
- CAP - Junction improvement/off site works
- CAT - Wheel washing
- CAY - Access location
- CAZ - Parking for site operatives
- CB2 - Secure covered cycle parking provision
- CB3 - Travel plans

- I11 - Mud on highway
- I09 - Private apparatus within the highway (Compliance with the New Roads and Streetworks Act 1991, the Traffic Management Act 2004 and the Highways Act 1980)
- I45 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)
- I05 - No drainage to discharge to highway
- I57 - Sky glow
- I54 - Disabled needs
- I51 - Works adjoining highway
- I47 - Drainage other than via highway system
- I35 - Highways Design Guide and Specification

4.3 Conservation Manager (Historic Buildings) – original plans

1.0 RECOMMENDATIONS

More information required on the following aspects of the scheme:

The structural integrity and amount of historic timber frame at the east end of Unit A
Section drawings showing ceiling heights and floors
Details proving the retention of agricultural character (Positioning of windows, etc)
Roof materials
Colour scheme
Services
Storage provision
Garden divisions (linked to access/possible garages)

2.0 BACKGROUND TO RECOMMENDATIONS

2.1 Description & Location of Development

Lower Derndale Farm is a dairy farm in open country between the villages of Canon Pyon and Wellington, about six miles north of Hereford City. The farmhouse and the barns in the proposal appear on early mapping dating from the late 19th century as a

loose courtyard plan complex. This courtyard has been filled in with more modern steel frame buildings.

- 2.2 Policy background
The decision has been made with reference to relevant policies, guidelines and legislation. Core Strategy policies RA3, RA5 and LD4.
- 3.0 COMMENTS
- 3.1 Proposals
The proposal is to convert the historic barns at Lower Derndale Farm to dwellings.
- 3.2 Demolitions
There will be no objection to the demolition of the modern steel frame buildings adjacent to the historic timber framed barns.
- 3.3 Section drawings
Section drawings are required to judge internal floor and ceiling heights and their impact on determining positioning of window openings.
- 3.4 Services
There is no indication of how services will be provided. The location and detailing of any visible flues or vents is of particular importance. Chimneys should be avoided due to their domestic rather than agricultural appearance.
- 3.5 Wall Materials and insulation
The barns to be converted have historic timber frames, some with original wattle and daub panelling and weatherboarding. Where original wattle and daub remains it should be retained. There is no specification for how the dwellings are to be insulated. The impact of the chosen insulation method on condensation should be considered with regard to the meeting of new wall materials and existing historic fabric.
- 3.6 Colour scheme
A colour scheme for the external components should be detailed, it should be suitable for an agricultural building.
- 3.7 Roof materials
These should be detailed
- 3.8 Storage/car parking
The supplied plans do not provide any storage space. Could any of the barns remaining on the site be used for domestic and garden storage or covered car parking? Historic mapping shows there were other buildings adjoining the existing barns.



(OS 6 inch 1888 – 1913)

This would give scope to provide additional storage buildings on this historic footprint.

3.9 Garden plots

Consideration should be given to the open nature of the former courtyard area south of Units A and B and east of units C and D. Too domestic subdivision into gardens would lose this important characteristic of the original farmstead.

3.10 Unit A

Clarification on structural integrity and survival of historic timber framing is required for the eastern end of this barn.

The window openings in the north elevation are too domestic. There is the opportunity to use the gaps in the timber frame below the current roofline for a large number of windows at the level indicated in the elevations. It would be preferable to have either irregular spacing of openings, or a continuous line of openings to reflect the agricultural character of the building. These could be behind wooden louvres to maintain a more solid feel to the elevation. Roof lights should be considered instead of making additional openings in a wall which has a more solid character. The full height opening at the east end of the south elevation, although agricultural in appearance is incongruous as it implies the building was formerly a threshing barn, which appears to have been the actual use of the neighbouring unit B.

No sections are provided so it is impossible to tell floor and ceiling levels. It may be that roof openings would be better for the first floor to better retain the agricultural feel of the building.

3.11 Unit B

Unit B has full height openings running through both north and south elevations. This is a key agricultural feature suggesting prior use as a threshing barn and should be kept in the conversion to help retain character. It would be preferable to have two staircases, or a central gallery rather than inserting a full floor breaking this high internal space. The space could be displayed through dual aspect full height openings. See Unit A above for re-positioning of window openings and section drawings.

3.12 Unit C

If possible the full height opening in the west elevation should be retained, not broken with a horizontal element. See Unit A above for re-positioning of window openings and section drawings.

3.13 Unit D

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

The north, south and east elevations use the existing openings with no new insertions, retaining the character of the building. The west elevation openings are too domestic in arrangement and are in a previously solid elevation. This elevation should be left without openings if possible, or if necessary for viable use of internal space a single opening in the eaves over a central door could be considered. Roof lights are another option for allowing light in where elevations don't support windows. As with the other units, section drawings are required to show floor and ceiling heights.

4.0 Summary

4.1 To address the points above, we'd like to see revised plans noting materials and colours, and revisions to openings regarding the agricultural character of the converted building. We'd also like section drawings to determine floor and ceiling heights.

4.4 Conservation Manager (Historic Buildings) – revised plans:

1.0 RECOMMENDATIONS

More information is required on the following aspects of the scheme:

Section drawings showing ceiling and floor heights.

The garden plots in the area of modern farm buildings to be removed south of units A and B and west of units C and D are divided in too suburban a manner.

Details proving the retention of agricultural character (Positioning and screening of windows and openings, retention of unbroken full height openings).

Roof and wall materials.

Colour scheme.

Services.

2.0 BACKGROUND TO RECOMMENDATIONS

2.1 Description & Location of Development

Lower Derndale Farm is a dairy farm in open country between the villages of Canon Pyon and Wellington, about six miles north of Hereford City. The farmhouse and the barns in the proposal appear on early mapping dating from the late 19th century as a loose courtyard plan complex. This courtyard has been filled in with more modern steel frame buildings.

2.2 Policy background

The decision has been made with reference to relevant policies, guidelines and legislation including the National Planning Policy Framework paragraphs 131 and 134, and Herefordshire Council's Local Plan Core Strategy policies RA3, RA5 and LD4.

3.0 COMMENTS

3.1 Proposals

The proposal is to convert the historic barns at Lower Derndale Farm to dwellings.

The following three comments (3.2 to 3.4) are of critical importance to the acceptability of the proposal:

- 3.2 Section drawings
Section drawings are required to judge internal floor and ceiling heights and their impact on determining positioning of window openings.
- 3.3 Garden plots
Consideration should be given to the open nature of the former courtyard area south of Units A and B and east of units C and D. Too domestic subdivision into gardens would lose this important characteristic of the original farmstead.
- 3.4 Agricultural character
Overall the scheme still has too domestic a feel, particularly due to the treatment of window openings. There is the opportunity to use the gaps in the timber frame below the current roofline for a large number of windows. It would be preferable to have either irregular spacing of openings, or a continuous line of openings to reflect the agricultural character of the building. These could be behind wooden louvres to maintain a more solid feel to the elevation whilst still allowing light in. Roof lights should be considered instead of making additional openings in a wall which has a more solid character.

Two staircases, or a central gallery could be used in spaces behind the full height openings rather than inserting a full floor breaking this high internal space. These spaces could be displayed through dual aspect full height openings.

In particular, the west elevation openings of unit D are too domestic in arrangement and are in a previously solid elevation. This elevation should be left without openings if possible, or if necessary for viable use of internal space a single opening in the eaves over a central door could be considered.

The following comments (3.5 to 3.8) are of secondary importance and can be dealt with by conditions to any consent, though addressing them at this stage would be beneficial.

- 3.5 Services
There is no indication of how services will be provided. The location and detailing of any visible flues or vents is of particular importance. Chimneys should be avoided due to their domestic rather than agricultural appearance.
- 3.6 Wall materials and insulation
There is no specification for how the dwellings are to be insulated. The impact of the chosen insulation method on condensation should be considered with regard to the meeting of new wall materials and existing historic fabric.
- 3.7 Colour scheme
A colour scheme for the external components should be detailed, it should be suitable for an agricultural building.
- 3.8 Roof materials
These should be detailed.

3.9 New garages
The position, size and materials in the proposed new garage / store buildings are acceptable.

4.0 Summary

4.1 The latest plans address the concerns over storage, parking and retention / display of historic wattle and daub fabric in the walls. However, many points raised in previous comments remain unaddressed. Critically, we'll need section drawings to determine floor and ceiling heights. The garden divisions are too domestic. Revisions should also be made to the treatment of openings regarding the agricultural character of the converted buildings – this is particularly the case with the full height openings which are broken horizontally by what is assumed to be a floor level. The scheme will be much more successful if these full height openings could be left intact. We'd also like to see revised plans noting materials, colour schemes, and treatment of services.

4.5 Conservation Manager (Ecology) – original plans:

I have reviewed the ecological report by Ecology Services dated March 2017 and I am happy that it is relevant and appropriate to the site and proposed development and subject to all the recommendations being obtained (as will be a Condition) the development should offer a significant biodiversity enhancement to the local area. I also note that foul water is being managed by a PTP with final outfall through a spreader system. If planning consent is granted I would request the following Condition is included:

Nature Conservation – Protection, Mitigation and Enhancement

The ecological protection, mitigation and enhancement scheme as recommended in Section 5 of the Ecological Report by Ecology Services dated March 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

With confirmation that foul water will be managed on site through a PTP and spreader/soakaway system and surface water through appropriate soakaways I am happy to conclude that this proposed development should have no unmitigated 'likely significant effects' on the River Lugg SAC & SSSI or other SSSI with IRZs covering the location.

4.6 Conservation Manager (Ecology) – revised plans:

Having looked at the revised plans my original comments and suggested Condition (05-04-2017) are still relevant.

4.7 Environmental Health Manager (noise/smell) – original plans:

This site was visited yesterday in connection with planning applications 171060 and 171061. These applications relate to two separate buildings being converted into residential use. I understand that there is a separate planning application that has been submitted in relation to the other remaining barns at the site to form four residential premises. 170940.

From a noise and nuisance perspective I am unable to consider these applications in isolation. The site is a current dairy farm and my comments are that if permission is granted under 170940 for the four residential properties then I would have no objections to the granting of planning permission for the milking parlour and the other barn as the conversion of the whole site to residential would remove the potential for noise and odour nuisances that might occur if livestock remains on site. However, nuisance issues could arise if only one of the barns is developed but the dairy farm remains trading at this site.

Informative

I note that the staircases to some of the proposed dwellings are located in an area of higher fire risk i.e. sitting rooms and kitchens. The applicant may have to give greater consideration to means of escape in case of fire in the plans submitted to Building Control.

Lastly the site is currently served by a private water supply and the applicant is advised that the Private Water Supplies (England) Regulations 2016 and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard.

Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.

4.8 Environmental Health Manager (noise/smell) – revised plans:

No further observations to make.

4.9 Private Sector Housing:

The proposed plans should include for a fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room. If there is more than a 4.5 meter drop from bedroom windows (e.g. from the third floor), then an alternative layout should be provided so that persons can exit the flat from the bedroom without the need to go through a risk room.

In addition, an appropriate automatic fire detection system complying with BS5839:2013 should be fitted to cover the whole development including common areas and leisure facilities.

Bedroom ceiling height needs to be looked at -I note there is a pitched roof but no mention of ceiling heights. There needs to be sufficient 'usable space' in each bedroom.

5. Representations

5.1 Parish Council – original plans:

Pyons Group Parish Council supports the application. The planning authority is asked to ensure the highway access to and from the site has a very wide splayed entrance and good visibility in recognition of the well known use of the road as a 'rat run' to the A49. It is important that the visibility and splays are safe.

5.2 Parish Council –amended plans:

No comments received at the time of the report's preparation. Any comments received will be reported in the update sheet.

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=170940&search=170940

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The legal starting point for the consideration of this application is that set out in section 38 (6) of the Planning and Compulsory Purchase Act 2004. This states that:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 The Development Plan is, for the purpose of this application, the Herefordshire Local Plan – Core Strategy 2011-2031 (CS) and Pyons Group Neighbourhood Development Plan (PGNDP), which was made on 16th June 2017.

- 6.3 The proposal is for residential reuse of existing traditional agricultural buildings in a rural location, outside of any settlement listed in the CS (figures 4.14 and 4.15) and the PGNDP. As such, in planning policy terms the site is in the countryside, where residential development is limited to specific criteria, set out in CS policy RA3. This policy limits residential development to 7 listed exceptions, which are:

- 1. meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or*
- 2. accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or*
- 3. involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or*
- 4. would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or*
- 5. is rural exception housing in accordance with Policy H2; or*
- 6. is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or*
- 7. is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.*

- 6.4 Of these, it is considered that criterion 4 is relevant. This criterion fully accords with paragraph 55 of the National Planning Policy Framework (NPPF) and can be afforded full weight, as set out in paragraph 215 of the NPPF. Policy PG1 of the PGNDP states that development away from the five listed villages will be limited to that covered by policies in the CS.

6.5 Firstly in assessing the acceptability of the proposal CS policy RA3 requires the reuse to be sustainable and of a redundant or disused building(s). The buildings subject to this application are partly in use, but as is evident on site they have been adapted with modern additions to ensure they are compatible with modern farm practices. Nevertheless their arrangement and subdivision do not lend themselves to this and it is predominantly the modern additions that are in use, along with the other buildings on site. On this basis it can be reasonably concluded that the buildings subject to this proposal for reuse are redundant in relation to their original purpose. CS policy RA3(4) also requires compliance with CS policy RA5 and that the immediate setting of the buildings are enhanced. It is logical to consider these two aspects together, along with an overall assessment of sustainability.

6.6 CS policy RA5 - Re-use of rural buildings, states:

The sustainable re-use of individual and groups of redundant or disused buildings, including farmsteads in rural areas, which will make a positive contribution to rural businesses and enterprise and support the local economy (including live work units) or which otherwise contributes to residential development, or is essential to the social well-being of the countryside, will be permitted where:

1. design proposals respect the character and significance of any redundant or disused building and demonstrate that it represents the most viable option for the long term conservation and enhancement of any heritage asset affected, together with its setting;

2. design proposals make adequate provision for protected and priority species and associated habitats;

3. the proposal is compatible with neighbouring uses, including any continued agricultural operations and does not cause undue environmental impacts and;

4. the buildings are of permanent and substantial construction capable of conversion without major or complete reconstruction; and

5. the building is capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.

Any planning permissions granted pursuant to this policy will be subject to a condition removing permitted development rights for future alterations, extensions and other developments.

6.7 This policy accords with the NPPF, particularly the objectives to create healthy communities, reuse buildings and providing new housing whilst protecting the countryside from isolated new homes. As such, it is considered that full weight can be afforded to this CS policy.

6.8 The buildings proposed to be re-used and converted are to a large extent obscured from external view by the later additions. The barns have historic timber frames, some with original wattle and daub panelling and weatherboarding. The original roofing materials have been replaced with metal sheeting. On the basis of both the submitted survey drawings and on site observations they are considered to be locally important, both in terms of their architectural and historic interest, and as such are non-designated heritage assets. CS policy RA5 requires that the buildings are of permanent and substantial construction, capable of conversion without major or complete reconstruction; and that they are capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting. The Conservation Manager has no objection in principle to the reuse of these buildings

and whilst there is some degree of reconstruction required to the northwestern end of Unit A it is considered that in the overall scheme this does not amount to major reconstruction and the remedial work to incorporate this section is beneficial to the scheme as a whole.

- 6.9 The revised scheme includes the provision of two new 'outbuildings', designed to be redolent of cart shed structures, and the removal of a Dutch barn, previously the subject of a 'Class Q' prior approval submission that was refused. Overall, it is considered that the proposed alterations and ancillary buildings would neither individually, nor cumulatively adversely affect the character or appearance of the buildings or have a detrimental impact on their surroundings and landscape setting. Turning back to the CS policy RA3(4) requirement to provide an enhancement of the immediate setting of the buildings, it is considered that the removal of the modern additions to the buildings and the Dutch barn would achieve this. Furthermore, the removal of these buildings would also better reveal the buildings of historic and architectural merit, which would positively contribute to the landscape. Consequently the revised proposal would enhance the immediate setting of the buildings, in accordance with CS policy RA3(4)'s requirements. Careful consideration will be required in terms of hard and soft landscaping, and in particular subdivision of garden areas, but it is considered to be acceptable to control these matters by way of conditions.
- 6.10 The revised plans demonstrate, to Officer's satisfaction, that the particularly important components of the building, for example the section of wattle in the timber frame in the southern elevation, would be retained and expressed, both internally and externally. Although the amendments to the proposed treatment of the elevations and the internal spaces are an improvement on the originally submitted plans, it is considered that the scheme would still not fully accord with policy requirements to respect the character and significance of the buildings. The outstanding matters of concern are detailed in the Conservation Manager's comments, at paragraph 4.4 of this report. Negotiations are continuing with the applicant's agent and a further update will be provided to the Planning Committee in the Update Sheet.
- 6.11 In terms of a sustainability assessment this is assessed under three headings, namely economic, social and environmental roles. There would be some economic and social benefits derived from the conversion of the buildings to dwellings, such as the contribution to the local construction industry, new homes bonus and assistance towards the reduction in the current shortfall of housing supply and in particular the provision of new homes in a rural location to support local shops and schools etc. On the other hand the loss of agricultural buildings would result in a reduction/cessation of farming activity and this would have a negative impact on the local economy, with a loss of employment. If the proposal related to a business reuse this negative economic impact would not be experienced. In locational terms, local services and public transport are not readily accessible from the site, but Canon Pyon and Wellington are relatively short journeys with the potential to cycle. Moreover, in visual terms the scheme would have positive environmental impact, subject to satisfactory resolution of the outstanding matters, and through appropriate landscaping increased biodiversity could be achieved. Overall, it is considered that when appraised under the three roles the adverse impacts would not significantly and demonstrably outweigh the identified benefits and consequently the scheme as a whole would represent sustainable development, provided that the Conservation Manager's concerns are appropriately addressed.
- 6.12 CS policy SD1, PGNDP policy PG9 and the NPPF require that a good standard of living conditions are provided for existing and future occupiers of buildings and CS policy RA5 states that the reuse must be compatible with neighbouring uses. There are no immediate neighbours and the farmhouse is of sufficient distance that a good relationship would be achieved between it and the converted barns. What is often more difficult to achieve in a conversion scheme is a good standard of living conditions, in terms of privacy, between the units resulting from the proposal, whilst ensuring that the setting of the buildings is not unacceptably compromised by subdivision. The Conservation Manager has raised concern in respect of the subdivision of the southern courtyard with fencing etc., and Officers are seeking to negotiate a positive solution. In

this case it is considered that the reuse of the buildings can achieve satisfactory amenity, though some shared outdoor spaces are likely to be required in terms of the protection of the setting of the buildings. The proposed use would result in the removal of the modern additions and the Dutch barn to the northeast of the complex. Only the old milking parlour, which is currently used for storage, is shown to be retained. Essentially this means that all buildings currently used to house livestock would either be converted to residential use or demolished. This overcomes the Environmental Health Officer's concerns regarding the incompatibility of livestock and residential use in close proximity. With regards the retained former milking parlour building, this could reasonably be conditioned to not be used for livestock or storage of slurry or sewerage sludge.

- 6.13 CS policy RA5 also requires that schemes make adequate provision for protected and priority species. The submission was supported by an Ecological Report, following appropriate surveys. The Conservation Manager has confirmed that the ecological report is relevant and appropriate to the site and proposed development and subject to all the recommendations being obtained the development should offer a significant biodiversity enhancement to the local area. The adherence to the Ecological Report's recommendations can be reasonably controlled by condition.
- 6.14 Turning to other matters of detail, the revised scheme proposes to close off the northwesterly vehicular access, which has poor visibility. All traffic would use the retained southeasterly access, which along with the proposed barn conversions will also serve the farmhouse. Following the submission of details on the current traffic generation resulting from the existing use and revised plans the Transportation Manager has no objections, subject to the imposition of conditions. The Parish Council's initial concerns regarding the access and traffic speeds are therefore considered to have been proportionately addressed by the revised scheme and as per the clarification on the existing traffic generation. The revised scheme therefore accords with CS policy MT1 and the requirements of the NPPF, which states that safe access should be provided, but that permission should not be refused on transport grounds unless the residual cumulative impacts are severe. The Transportation Manager's recommended conditions have been rationalised to ensure that they are relevant to the proposal, reasonable and necessary in accordance with the NPPG.
- 6.15 With regards the Environmental Health Officer's comments in respect of water supply, this is controlled by separate legislation, so as advised in the NPPG the planning system should not seek to duplicate control. An informative note is considered appropriate to bring this matter to the applicant's/developer's attention. Similarly the comments in respect of means of escape and room size from the Environmental Health Officer and Private Sector Housing are matters covered by Building Regulations.
- 6.16 Under CS policy ID1 – Infrastructure Delivery, financial contributions are required to mitigate the impact of development on existing services and facilities in the local area. However, the NPPG advises that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014. These circumstances are that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. On this basis contributions are not required in this instance.
- 6.17 In conclusion, it is considered that subject to appropriate revisions to address the Conservation Manager's concerns and reasonable and necessary conditions in respect of matters of detail, that the proposal would accord with the CS, PGNDP and the NPPF in principle and should be supported.

RECOMMENDATION

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

Subject to submission of further revised plans to address the Conservation Manager's concerns set out in 4.4 of this report that officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. C01 - A01 Time limit for commencement (full permission)
2. C08 - B03 Amended plans
3. C13 - C01 Samples of external materials
4. C18 - C06 Stonework laid on natural bed
5. C26 - D04 Details of window sections, eaves, verges and barge boards
6. C27 - D05 Details of external joinery finishes
7. C32 - D10 Specification of guttering and downpipes
8. C45 - D23 Existing Wattle and Daub
9. C58 - F07 Domestic use only of garage
10. C59 - F08 No conversion of garage to habitable accommodation
11. C65 - F14 Removal of permitted development rights
12. C96 - G10 Landscaping scheme (including closure of the existing northwest access)
13. C97 - G11 Landscaping scheme - implementation
14. C95 - G09 Details of Boundary treatments
15. CAB - H03 Visibility splays (as per the approved amended site plan)
16. CAG - H08 Access closure
17. CAL - H13 Access, turning area and parking
18. CAT - H21 Wheel washing
19. CAZ - H27 Parking for site operatives
20. CBM – I18 Scheme of foul drainage disposal FOUL DRAINAGE
21. CE6 - M17 Water Efficiency - Residential
22. The ecological protection, mitigation and enhancement scheme as recommended in Section 5 of the Ecological Report by Ecology Services dated March 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy

Framework, NERC 2006

23. Upon first occupation of any of the residential units hereby approved 'Barn 3' (as indicated on the approved site plan) shall not be used for the housing of livestock or the storage of slurry or sewerage sludge.

Reason: In order to ensure that a good standard of living is provided for the residents of the approved dwellings and to comply with Policy SD1 of the Herefordshire Local Plan - Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework.

24. Prior to the first occupation of the dwelling to which it relates, the associated outbuilding shall be provided and 'Barn 2' (as indicated on the approved site plan) removed in its entirety from the site.

Reason: In order to ensure that a good standard of living is provided for the residents of the approved dwellings and to provide cycle, waste and recycling storage in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan - Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

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. The site is currently served by a private water supply and the applicant is advised that the Private Water Supplies (England) Regulations 2016 and the Water Supply (Water Quality) Regulation 2016 are likely to apply. In accordance with these Regulations and the Building Regulations 1984 the water must be of a potable and safe standard.

Applicants that are connecting to existing private water supplies or accessing sources of water on land over which they have no control are advised to give careful and specific attention to contractual/civil arrangements including rights of access, maintenance arrangements, provision of alternative water supply are agreed in writing at the outset.
3. I11 - HN01 Mud on highway
4. I45 - HN05 Works within the highway
5. I05 - HN10 No drainage to discharge to highway
6. I51 - HN22 Works adjoining highway
7. I47 - HN24 Drainage other than via highway system
8. I35 - HN28 Highways Design Guide and Specification

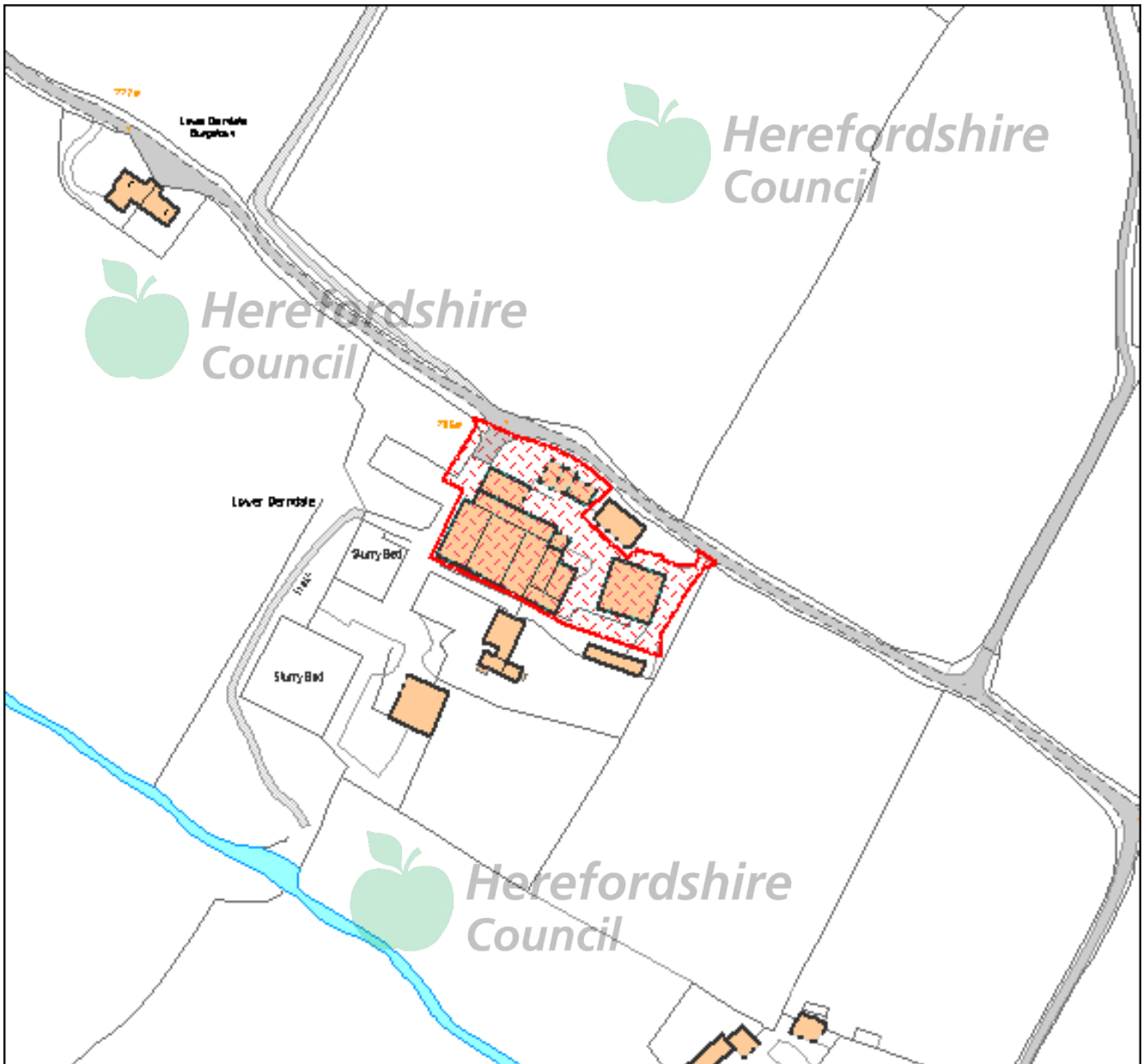
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 170940

SITE ADDRESS : BARNES AT LOWER DERNDALE FARM, DERNDALE ROAD, WELLINGTON, HEREFORDSHIRE, HR4 8BG

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

