

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 21st November, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

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Applications Received	
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 24th October, 2007 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, GFM Dawe, PJ Edwards, DW Greenow, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, AM Toon, WJ Walling, DB Wilcox and JD Woodward

In attendance: Councillors TW Hunt (ex-officio) and RV Stockton (ex-officio)

75. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors H Davies, KS Guthrie, MD Lloyd-Hayes and GA Powell.

76. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
AP Taylor DB Wilcox	Minute 79, Agenda Item 5 [A] DCCE2007/2467/RM and [B] DCCE2007/2469/F Land at Venns Lane Royal National College For The Blind, College Road, Hereford, Herefordshire, HR1 1EB	AP Taylor declared a prejudicial interest and left the meeting for the duration of the item. DB Wilcox declared a personal interest.
MAF Hubbard	Minute 80, Agenda Item 6 DCCE2007/2594/F Land to rear of Prospect Place, St. Martins Avenue, Hereford, Herefordshire, HR2 7RQ	Declared a personal interest.
SPA Daniels	Minute 84, Agenda Item 10 DCCW2007/2664/F Land adjacent Parsonage Farm, Auberrow Road, Wellington, Hereford, HR4 8AU	Declared a personal interest.
ACR Chappell	Minute 85, Agenda Item 11 DCCW2007/2834/F Land to the rear of Mulberry Close, Belmont, Hereford	Declared a prejudicial interest and left the meeting for the duration of the item.

Mr. Withers, the Central Team Leader, declared personal interests in items 7 [DCCE2007/2817/F] and 8 [DCCE2007/2554/F].

77. MINUTES

The minutes of the last meeting were received.

RESOLVED: That the minutes of the meeting held on 26th September, 2007 be approved as a correct record and signed by the Chairman.

78. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's current position in respect of planning appeals for the central area.

79. [A] DCCE2007/2467/RM AND [B] DCCE2007/2469/F - LAND AT VENNS LANE, ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB [AGENDA ITEM 5]

[A] The erection of 81 no. dwellings with associated parking and landscaping.

[B] Variation of condition 10 of planning permission DCCE2006/0099/O to allow the construction of 81 affordable and open market residential units.

The Principal Planning Officer reported that:

- Amended plans had been received. The main changes were highlighted.
- Letters had been received in response to the amended plans from 4, 21, 23 and 25 Loder Drive. The comments were summarised.
- Comments had been received from the Traffic Manager in response to the amended plans and he had confirmed that the principal concerns had been addressed but minor revisions to the internal road layout were required.

The Principal Planning Officer commented that:

- The amended plans addressed the principal concerns expressed by officers and consultees. Minor revisions were still required to some of the house types, boundary treatments, garden areas and road layouts but, overall, the amended scheme was considered acceptable.
- The recommendation had been altered in that:
 - a. The requirement to demolish number 62 Venns Lane could be dealt with by condition rather than included within the Section 106 Agreement.
 - b. The additional highway contribution was to be ring fenced for improvement to the Venns Lane/College Road/Old School Lane junction.
 - c. The consultation period had not yet expired on the amended plans, therefore the recommendation remained that of delegated authority to determine the application subject to no further objections raising additional material planning considerations by the end of the consultation period and any layout and design changes considered necessary by officers being accommodated.

In accordance with the criteria for public speaking, Mr. Rayner spoke in objection to the application and Mr. Lawson spoke in support of the application.

Councillor DB Wilcox, a Local Ward Member, commented on the level of public

interest in this application and reported that a number of meetings had been held involving the developer and local residents. Councillor Wilcox noted that a Traffic Assessment had been undertaken in January 2006 as part of the outline stage and it did not take into account the development of 300 houses at Holmer and other extant planning permissions and recent development proposals. The Area Engineer Development Control (Central) clarified the Traffic Assessment considerations. In response to a question about outstanding highway layout and parking provision issues, the Principal Planning Officer drew attention to the updated comments of the Traffic Manager.

Councillor Wilcox emphasised his support for the Royal National College for the Blind and the importance of the College to the city and the county, particularly given its potential involvement with 2012 Paralympic Games. It was noted that the Sub-Committee had, contrary to officer recommendation, approved the outline application for the development of 70 residential units in order to support the redevelopment of College facilities; this included a reduction in the affordable housing requirement from 35% to 17.5%. It was also noted this application would increase the number of residential units to 81, representing a 16% increase on the approved proposal. Councillor Wilcox questioned the need for this increase and noted the comment in the officer's report that it was '...not considered that the financial benefits to the College from the uplift in the number of dwellings should be given significant weight in the determination of these applications'.

Councillor Wilcox commented that local residents were, in particular, concerned about the potential loss of residential amenity, especially given the potential impact on the 'green buffer zone' of grassland and trees between the existing dwellings and the new development. He drew attention to area adjacent to numbers 2 and 3 Helensdale Close and noted that the original indicative layout showed a five bedroom dwelling in this position but the new proposal would result in a terrace of four units. He felt that this would result in an unacceptable loss of amenity and privacy for the occupants of the Helensdale Close properties. He also drew attention to Plot 16 and felt that this unit would create a pinch point in the buffer zone and would have harmful impact on residents of Loder Drive. He noted that the proposed slab levels of the new dwellings had been reduced but felt that the proposals would have a detrimental impact on residential amenity. Whilst he felt unable to support this application, he felt that there was merit in further negotiations in order to reduce the number of proposed dwellings in order to maintain the character of the area and protect the amenities and privacy of the occupants of adjacent properties.

In response to a number of issues raised, the Principal Planning Officer commented as follows:

- A judgement on the principle of developing this site had been made when the Sub-Committee approved the outline planning application.
- The Traffic Assessment had been undertaken on the basis of 80 dwellings and was deemed acceptable.
- The financial benefits of the application for the Royal National College for the Blind should not sway the determination of this application; nevertheless the applicant's agent had advised that the additional money was critical to the planning strategy for the remainder of development at the College.
- The 'developed area' of the site as proposed accorded with the principles of the Master Plan and the green buffer zone had not been reduced in area to accommodate the additional 11 dwellings.
- The impact on the amenity of residents within Helensdale Close and Loder Drive was not considered so harmful as to warrant refusal of the application

and, furthermore, in some case the distances between the existing and proposed buildings had increased and the slab levels lowered.

- The Conservation Manager – Ecology was supportive of the orchard management plan and proposals.
- It was noted that Section 106 contributions were to be proportionately increased in line with that agreed at the outline stage.

The Sub-Committee debated the merits the application, some of the principal points included:

- i. Councillor RI Matthews commented that, at the outline stage, Members emphasised the need for every effort to be made to address the concerns of local residents and mitigate the impact of the development. He supported the objectives of the College but felt that this could not be at any cost. He believed that a satisfactory solution could be found if the number of dwellings and over-intensive nature of the proposed development was reduced. In response to a question, the Principal Planning Officer confirmed that the provision of CCTV had not been included as part of the recommendation.
- ii. Councillor SJ Robertson, an adjacent Ward Member, commented on traffic congestion issues in the locality and sympathised with the concerns of local residents, particularly given the potential loss of outlook.
- iii. In response to a number of questions from Councillor AM Toon about the type and mix of affordable housing units, the Principal Planning Officer advised that the provision of two bedroom flats had been agreed by the Sub-Committee previously and, as they would be for persons on the Homepoint waiting list with sight loss, partial sight loss or a disability, the units would be constructed to a bespoke design and would be some 40% larger than standard flats.
- iv. Councillor PJ Edwards welcomed the recommended condition to prevent the conversion of garages into habitable accommodation but asked for further clarification about the Traffic Assessment. In response, the Principal Planning Officer advised that the Traffic Assessment had not taken the proposed development at Holmer into account, as this did not form part of the Unitary Development Plan at the outline stage. However, the development at Holmer did take into account the impact of dwellings at this site. He added that any future applications would need to take the developments at this site and at Holmer into consideration.
- v. In response to questions from Councillor WJ Walling, the Principal Planning Officer advised that measures to mitigate the impact of plot 16 included the lowering of slab levels and the retention of an existing leylandii to act as a natural screen and the impact of plot 21 would be lessened through a reduction in the size of the garden area. The Principal Planning Officer added that the building-to-building relationships and degree of overlooking was considered acceptable having regard to the layout, distances, retained trees and conditions proposed and in view of recent Planning Inspector decisions. In response to a question about the potential to delete a building or buildings from the scheme, the Central Team Leader advised that the Sub-Committee could consider this but it was the view of officers that the proposals were satisfactory subject to the recommended conditions and agreements.
- vi. Councillor GFM Dawe noted the Council's policies and commitments in respect of carbon management and sustainability and felt that this site would be suitable as a car free development. The Development Control Manager commented on

how sustainability issues were informing the Unitary Development Plan and how officers were seeking to improve the carbon footprint of new developments. However, the needs of potential occupants also had to be considered and, given that this site was on the edge of the city, it was considered that the parking provision of 1.8 spaces per dwelling was acceptable in this instance.

- vii. Councillor AT Oliver drew attention to Condition 10 of Part 2 of the outline planning permission which stated that the reason for a total of 70 units was 'To define the terms of this permission and to maintain the landscape and ecological character of the site and surroundings'. He felt that this should be maintained and the current application refused.
- viii. Councillors PA Andrews acknowledged the potential impact on local residents but felt that, having regard to the outline planning permission, the layout and the recommended conditions, the application was acceptable. Councillor MAF Hubbard supported these views and commented that the traffic issues in the area were not directly linked to this site. He also commented on the importance of the College and its future involvement with the Paralympic Games and other sporting events.
- ix. Councillor DW Greenow felt that the development of this site had reached an acceptable limit and that any further units would represent an over-intensive development of the site.

Councillor Wilcox questioned why the Traffic Assessment had been undertaken on the basis of 80 units when the outline planning application only sought 70 units, he felt that the necessary contributions towards highway infrastructure improvements had been underestimated and felt that further work was required in respect of the pinch points at plots 16 and 21. Without layout improvements, he felt unable to support the application and proposed that it be refused.

A motion to approve the application, as per the recommendation, was lost and the resolution below was then agreed.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reason for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**

The proposal, which would result in an increase in the number of dwellings to 81 from the approved 70 dwellings would represent an over-intensive form of development that would be out of keeping with the character and appearance of the locality and would also be detrimental to the residential amenity of existing properties in Helensdale Close and Loder Drive. The proposal would therefore be contrary to Policies S1, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan 2007.

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation, he was minded to refer the matter to the Head of Planning Services. Councillor Wilcox asked that a note be added to highlight the areas where there could be opportunities for further negotiations to address the concerns of the Sub-Committee.]

80. DCCE2007/2594/F - LAND TO REAR OF PROSPECT PLACE, ST. MARTINS AVENUE, HEREFORD, HEREFORDSHIRE, HR2 7RQ [AGENDA ITEM 6]

Erection of six no. two bed maisonettes and four no. two bed flats with associated parking for fourteen cars.

The Principal Planning Officer reported that:

- A further letter of objection had been received from Paul Smith and the comments were outlined.
- Comments had been received from the project leader responsible for the flood defences confirming that, providing there was no significant reduction or raising of ground levels within the site, the development would have no impact on the design of the flood wall adjacent the site.
- Comments had been received from the Council's Archaeologist in response to the archaeological evaluation and were summarised.
- Comments had been received from the Council's Ecologist and were summarised.
- Further comments had been received from the Traffic Manger advising that, without the existing consent to use the site as a car park, the application could not be supported due to the substandard access. Based upon further information provided, the current use of the parking area was very low and therefore the proposed use would be a more intensive use of the site. In light of the further information, the Traffic Manager's recommendation was that of refusal.
- A draft Section 106 Agreement had been received covering the Heads of Terms detailed in the report.

The Principal Planning Officer commented that:

- The plan in the agenda excluded a strip of land along the northern boundary of the site and this was clarified during the presentation.
- In response to the Traffic Manager's recommendation of refusal, it was acknowledged that the access was substandard but the existing permission was unrestricted and, therefore, the site could be used more intensively attracting a comparable flow of traffic and pedestrian activity to the proposed development. Therefore, notwithstanding the Traffic Manager recommendation, in light of the lawful use of the site, the traffic impact was considered acceptable.
- Comments were still awaited from the Environment Agency.
- Additional conditions were recommended in order to prevent any development from commencing until the flood defences had been completed and certified as operational. Further conditions were also recommended to address the

ecological requirements.

In accordance with the criteria for public speaking, Mr. Watkins spoke in objection to the application and Mr. Jamieson spoke in support of the application.

Councillor WU Atfield, a Local Ward Member, commented on the poor visibility and narrowness of the access, the high level of vehicle and pedestrian movements in the vicinity of the site, and difficulties with traffic and congestion on adjoining roads. Given these considerations, she felt unable to support the application.

Councillor ACR Chappell, also a Local Ward Member, expressed concerns about the potential for overlooking of existing properties and impact on the privacy of the occupants. He commented on the vehicle, cycle and pedestrian movements associated with the Leisure Pool, Bishop's Meadows and other nearby facilities. In light of this, he felt that the intensification of the use of this substandard access would compromise highway safety and proposed that the application be refused.

Councillor AT Oliver, the other Local Ward Member, felt that, whilst the design had merit, the recommendation from the Traffic Manager was a crucial issue in this instance. He also commented on Unitary Development Plan Policy DR7 (Flood Risk) and expressed concerns that the site was in a high risk area, the development could not be considered essential, that no certainty could be given in respect of the frequency of flooding and the success of the flood defences, that there was a need for a buffer between the flood defences and existing properties, and there was still the potential for ground water problems. He also felt that the narrowness of the access would restrict the efficient operation of the emergency services.

The Principal Planning Officer re-iterated that officers concurred about the substandard nature of the access but a judgement had to be made on the acceptability of the proposal given the existing lawful use of the site as a car park with no restrictions.

RESOLVED:

That

- (i) The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the applications to the Planning Committee:**
 - 1. Highways safety**
 - 2. Flooding (subject to the receipt of outstanding comments from the Environment Agency in relation to the submitted Flood Risk Assessment)**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.**

[Note:

Following the vote on this application, the Development Control Manager advised that, although the resolution was contrary to the officers' recommendation, he was

not minded to refer the matter to the Head of Planning Services in this instance given the objection outstanding from the Traffic Manager.]

81. DCCE2007/2817/F - 62 OLD EIGN HILL, HEREFORD, HEREFORDSHIRE, HR1 1UA [AGENDA ITEM 7]

Proposed erection of nine dwellings.

Councillor WJ Walling, a Local Ward Member, noted the improvements made to the proposals following the withdrawal of two previous applications and felt that the objections had been largely overcome. Therefore, he supported the application.

In response to a question from Councillor AP Taylor, also a Local Ward Member, the Senior Planning Officer advised that the position of the bus stop would be moved up Old Eign Hill towards the junction with Quarry Road. Councillor Taylor expressed concern that there could be potential traffic conflicts associated with the new position of the bus stop.

In response to a question from Councillor AT Oliver, the Development Control Manager advised that officers were attempting to introduce carbon efficiency requirements for larger schemes but these were more difficult to negotiate on smaller developments; it was noted that proposed changes to Building Regulations should address the issue in the future. He said that officers would discuss the issue with the applicant but it would not be a defensible reason for refusal at this time.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

3. C04 (Details of window sections, eaves, verges and barge boards).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

4. E16 (Removal of permitted development rights).

Reason: [Special Reason].

5. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

6. W01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system.

7. W02 (No surface water to connect to public system).

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

- 8. W03 (No drainage run-off to public system).**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 9. F48 (Details of slab levels).**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 10. H03 (Visibility splays).**

Reason: In the interests of highway safety.

- 11. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

- 12. H13 (Access, turning area and parking).**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 13. H17 (Junction improvement/off site works).**

Reason: To ensure the safe and free flow of traffic on the highway.

- 14. H27 (Parking for site operatives).**

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 15. G01 (Details of boundary treatments).**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 16. G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 17. G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

- 18. A habitat enhancement scheme based upon the recommendations of the ecologist's report should be specified in a method statement for submission to Herefordshire Council and followed in order to enhance the habitat on site for bird and other wildlife.**

Reason: To comply with the Unitary Development Plan Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9: Biodiversity and Geological Conservation.

Informatives:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC
 2. N19 - Avoidance of doubt.
82. DCCE2007/2554/F - 5 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TQ [AGENDA ITEM 8]

Replacement dwelling.

The Senior Planning Officer reported that:

- A revised Ecological Survey in respect of the presence of the badger sett had been submitted and was currently the subject of further consultation; it was recommended that an artificial sett be constructed elsewhere on the site to mitigate the impact on the existing feature.

In accordance with the criteria for public speaking, Miss Jones spoke in support of the application.

Councillor AP Taylor, a Local Ward Member, commented that there would be minimal impact on surrounding properties and supported the recommendation.

RESOLVED:

That subject to no objection from the Councils Ecologist to the revised ecological survey, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

1. A01 (Time limit for commencement (full permission)).

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A09 (Amended plans).

Reason: To ensure the development is carried out in accordance with the amended plans.

3. B01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings.

4. C04 (Details of window sections, eaves, verges and barge boards).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5. C05 (Details of external joinery finishes).

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

6. C11 (Specification of guttering and downpipes).
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
7. E16 (Removal of permitted development rights).
Reason: [Special Reason].
8. F16 (Restriction of hours during construction).
Reason: To protect the amenity of local residents.
9. F18 (Scheme of foul drainage disposal).
Reason: In order to ensure that satisfactory drainage arrangements are provided.
10. F48 (Details of slab levels).
Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
11. G01 (Details of boundary treatments).
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
12. G04 (Landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
13. G05 (Implementation of landscaping scheme (general)).
Reason: In order to protect the visual amenities of the area.
14. H05 (Access gates).
Reason: In the interests of highway safety.
15. H06 (Vehicular access construction).
Reason: In the interests of highway safety.
16. H09 (Driveway gradient).
Reason: In the interests of highway safety.
17. H13 (Access, turning area and parking).
Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
18. H27 (Parking for site operatives).
Reason: To prevent indiscriminate parking in the interests of highway safety.

Informatives:

1. **HN01 - Mud on highway.**
 2. **HN05 - Works within the highway.**
 3. **HN10 - No drainage to discharge to highway.**
 4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
 5. **N19 - Avoidance of doubt.**
83. **DCCW2007/2684/F - 131 WHITECROSS ROAD, HEREFORD, HR4 0LS [AGENDA ITEM 9]**

Change of use to house of multiple occupancy.

In accordance with the criteria for public speaking, Ms. Watkins spoke in support of the application.

Councillor DJ Benjamin, a Local Ward Member, questioned the comment in the report that the 'neighbouring properties were in multiple occupation' and felt that there would be a detrimental impact on the amenity and character of the area. He also felt that the proposal represented an over-intensive form of development and felt that the application should be refused.

Councillor JD Woodward, the other Local Ward Member, expressed concerns about the proposed internal layout and felt that it would not be unreasonable to expect a kitchen and bathroom on each floor. She also felt that the conversion of the basement to habitable accommodation should be reconsidered. The need and demand for this type of accommodation in this area was also questioned.

Councillor AT Oliver drew attention the objections of Hereford City Council and the requirements of Unitary Development Plan Policy H17 (Subdivision of existing houses). He felt that the proposal was over-intensive and the cumulative impact of the proliferation of HMOs in this area was detrimental to the character of the locality.

Councillor RI Matthews supported the views of the Local Ward Members.

Councillor DB Wilcox noted that there was demand for accommodation for single person households but felt that this should be in the form of self-contained flats rather than bed-sit type accommodation and felt unable to support this proposal.

In response to a question from Councillor SJ Robertson, the Principal Planning Officer advised that the means of fire escape was covered by separate legislation. In respect of the standard of accommodation, the Sub-Committee's attention was drawn to the fact that the Head of Strategic Housing Services had not raised any objections and that the necessary requirements had been included in the scheme.

In response to a question from Councillor DW Greenow, the Development Control Manager advised that refusal of the application could be difficult to sustain given the other similar uses in the locality and noted that there might be merit in deferral for further negotiations to address the concerns raised by Members.

In response to a question from Councillor MAF Hubbard, the Development Control Manager advised that there were various regulations under the Housing Act that

applied to HMOs but this was separate legislation and the Sub-Committee could only deal with the issue of the sub-division of the property.

Councillor AM Toon supported the deferral of the application and also asked that parking issues in the locality be explored further.

Councillor PJ Edwards suggested that, although separate to this application, further investigations should be undertaken into the lawful use of adjacent properties given the concerns raised by Members.

RESOLVED:

That consideration of the application be deferred pending further negotiations with the applicant.

84. DCCW2007/2664/F - LAND ADJACENT PARSONAGE FARM, AUBERROW ROAD, WELLINGTON, HEREFORD, HR4 8AU [AGENDA ITEM 10]

Proposed residential development of twelve houses.

The Principal Planning Officer reported that:

- The Conservation Manager (Landscape) had raised no objections to the revised plans.
- Education had confirmed the need for improvements at Wellington and Aylestone schools.
- A letter had been received from EB Smith raising no objection in principle but seeking confirmation that, if approved, conditions were attached controlling drainage matters.
- An e-mail had been received from Mr. and Mrs. Davies confirming acceptance of the amended plans for plot 12 but commenting that they would wish to see the site level dropped similar to that of their property.
- A change to the recommendation was suggested to enable negotiations with the applicants over revisions to plot 12

In accordance with the criteria for public speaking, Mr. Ballham spoke on behalf of Wellington Parish Council, Mr. Cook spoke in objection to the application and Mrs. Langford spoke in support of the application.

Councillor AJM Blackshaw, the Local Ward Member, commented that Wellington was a vibrant and active rural community with a good demographic mix but there was an urgent need for accommodation for young families. He acknowledged the concerns of Mr. Cook and other local residents and hoped that some of the issues could be addressed through negotiations with the applicant. He felt that the re-development of the dairy unit was logical and would improve residential amenities. Therefore, he supported the application.

Councillor RI Matthews supported the views of the Local Ward Member and anticipated that the £18,000 contribution towards off-site highway safety works (including signage) might address some of local residents' concerns. A number of other Members also spoke in support of the application.

In response to a question from Councillor AT Oliver, the Chairman drew attention to

paragraph 7 of the draft Heads of Terms which required energy efficiency measures to reduce the carbon footprint of the development.

Councillor PJ Edwards commented on the need to prevent the over urbanisation of villages, particularly inappropriate street lighting.

RESOLVED:

- 1) **That Officers secure appropriate revisions to the siting, orientation and setting out of Plot 12 as deemed necessary.**
- 2) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 3) **Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**
 1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 2. **A09 (Amended plans).**
Reason: To ensure the development is carried out in accordance with the amended plans.
 3. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
 4. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
 5. **F20 (Scheme of surface water drainage).**
Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
 6. **F22 (No surface water to public sewer).**
Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
 7. **F48 (Details of slab levels).**
Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
 8. **G03 (Landscaping scheme (housing development) – implementation).**
Reason: To ensure a satisfactory and well planned development and to

preserve and enhance the quality of the environment.

9. G05 (Implementation of landscaping scheme (general)).

Reason: In order to protect the visual amenities of the area.

10. H03 (Visibility splays).

Reason: In the interests of highway safety.

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

12. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

13. H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

14. H18 (On site roads - submission of details).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

15. H19 (On site roads – phasing).

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

16. H20 (Road completion in 2 years or 75% of development).

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

17. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

18. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety.

19. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informatives:

1. **HN01 - Mud on highway.**
 2. **HN04 - Private apparatus within highway.**
 3. **HN05 - Works within the highway.**
 4. **HN08 - Section 38 Agreement details.**
 5. **HN22 - Works adjoining highway.**
 6. **N19 - Avoidance of doubt.**
 7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
85. **DCCW2007/2834/F - LAND TO THE REAR OF MULBERRY CLOSE, BELMONT, HEREFORD [AGENDA ITEM 11]**

Proposed erection of 69 dwellings and delivery of Haywood Country Park.

The Principal Planning Officer provided a detailed update, an outline is given below:

- The Highways Agency had issued a holding response pending further information; in particular, further clarification was required regarding the impact on the capacity of the junction with the A465 and a Residential Travel Plan was being sought.
- The Traffic Manager recommended standard conditions. He confirmed that Mulberry Close was constructed to an acceptable standard as a means of access to the development, that the internal road layout allowed for appropriate access for refuse and emergency vehicles, that the parking levels were acceptable, that good cycle and pedestrian links were included, and that the proposed traffic calming in Haywood Lane would facilitate safe pedestrian access to the woodland.
- The Conservation Manager (Landscape) considered that the general layout of the Country Park was acceptable subject to conditions and considered the housing layout to be well considered. It was felt that improvements could be made to the bridge from Mulberry Close. The comments of the Hereford and Worcester Gardens Trust had been assessed and he considered that the scheme represented the right approach to the provision of the Country Park subject to on going management.
- The Parks and Countryside Manager had confirmed that the public rights of way would not be detrimentally affected by the proposal.
- The Forward Plans Manager had confirmed that the site did not meet the criteria for car-free development. Furthermore, if appropriate provision for parking was not made, it was likely that problems with on street parking/obstruction would arise.
- The Strategic Housing Officer had expressed concern that the tenure split of the affordable housing was 60% rented / 40% shared equity and not 75% / 25% as advised previously. There were ongoing discussions with regard to the location of the affordable units and improvements to the frontages.
- The Police Crime Risk Manager had emphasised the need for measures to create a safe and sustainable environment, clarification was sought on boundary

treatments, and it was considered that the play area would not benefit from natural surveillance as it was situated away from the residential area.

- The Hereford and Worcester Gardens Trust welcomed the proposal but raised concerns regarding the layout of the Country Park and the method of analysis from which the project commenced.
- Comments had been received from Belmont Rural Parish Council and objections included: the additional housing proposed would extend the developed area towards the pools, create additional traffic and reduce land available for Country Park use; Mulberry Close was considered unsuitable as a main access and would be detrimental to the peaceful rural environment enjoyed by the residents of this area; it was not considered that there was 'spare capacity' with regard to road use and it was suggested that the current speed restrictions along the Trunk Road be extended beyond Belmont Abbey; the applicant's consultation process was not as described; there was no provision for parking for visitors to the Country Park and this would result in visitors parking in the neighbouring streets.

In response to the additional presentations, the Principal Planning Officer commented:

- It was noted that none of the statutory consultees had raised 'in principle' objections. It was felt that further clarification and appropriate conditions should address the concerns raised by the Highways Agency and the Traffic Manager. The concerns of the Strategic Housing Manager would require further negotiations in order to strike a balance between the tenure split and the delivery of the Country Park. The comments of the Police Crime Risk Manager were noted and would be resolved with further clarification.
- The concerns raised by the Parish Council were acknowledged, However, the residential development measured 2 hectares, as referred to in Unitary Development Plan, and the remaining 7.8 hectares remained available for recreational use associated with the Country Park. The remaining concerns related to increased traffic, particularly the impact of the development on Mulberry Close, but no objection had been raised by the Traffic Manager and it was not considered that this issue would warrant refusal of planning permission.
- The delivery of parking for visitors to the Country Park was the subject of ongoing negotiations. The recommendation referred to a contribution towards the construction of Country Park parking and a visitor centre which would assist in the plans to deliver this in a location near Waterfield Road / Treago Grove.
- Comments had not yet been received from the Environment Agency but it was considered unlikely that an 'in principle' objection would be forthcoming given their previous involvement through the allocation of the site in the Herefordshire Unitary Development Plan 2007 (UDP).
- The recommended conditions erroneously omitted reference to the need to achieve level three of the Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design dated December 2006.
- In the light of concerns about parking it was considered expedient to remove permitted development rights for the conversion of garages to habitable accommodation.
- It was reported that the recommendation would need to refer specifically to the outstanding comments of the Highways Agency and Environment Agency as

well as the additional conditions referred to above and any others considered appropriate, in consultation with the Chairman and Local Ward Members.

In accordance with the criteria for public speaking, Ms. Crooks and Ms. Kemp spoke in objection to the application and Mr. Brockbank spoke in support of the application.

The Principal Planning Officer reported the receipt of an e-mail from Councillor GA Powell, a Local Ward Member who was unable to attend the meeting, and summarised the comments. These included concerns about: the number of questions outstanding; insufficient consideration regarding access / egress to the development and related highway safety issues; the loss of trees and wildlife habitat; the increased numbers of properties from that anticipated in the UDP and loss of land designated for the Country Park; safety considerations in respect of the play area; insufficient consideration regarding access / egress to the Country Park from Haywood Lane and related highway safety issues; the problems with traffic speeds in the locality; and the lack of parking provision for the Country Park.

Councillor PJ Edwards, a Local Ward Member, made a number of points and some of the issues raised are summarised below:

- He outlined the history of the site and how the Country Park had been a key element in the development brief for Belmont but had not been delivered for various reasons. He felt it essential that the balance between residential development and public recreation space was restored.
- He felt it essential that the impact of the development on the residents of Mulberry Close was mitigated through appropriate Traffic Orders and related measures.
- There had been some flooding associated with the nearby brook and pools and the drainage issues would need to be addressed.
- Referring to the comments of the Parks and Countryside Section, he stressed the importance of the development of an Interpretation Centre and parking facilities for the Country Park to ensure that visitors did not park in nearby roads and have an unacceptable impact on the locality. He also emphasised the need for a suitable and safe access to Newton Coppice, he suggested that should be consideration given to the introduction of 20mph speed restrictions on Haywood Lane.
- He welcomed the proposed removal of permitted development in order to prevent the conversion of garages in order to maintain off street parking levels.
- He felt that, given the uplift in the number of dwellings allocated in the UDP, further contributions should be sought from the developer.
- He proposed an amendment to paragraph 11 of the draft Heads of Terms to the effect that if the Council did not for any reason use the contribution sums that, rather than being repaid to the developer, they be used towards the future construction of the Interpretation Centre.

The Principal Planning Officer commented that only a finite amount of funding could be drawn from the development, particularly as the developer would not only be providing 69 dwellings but would also be required to undertake the layout and transfer of the Country Park. Nevertheless, officers would convey Members' concerns and suggestions to the applicant as part of ongoing negotiations. He also advised that the means of access had been evaluated as part of the UDP process.

With regard to comments about the draft Heads of Terms, the Development Control Manager advised that, although the precise sums and issues were still being negotiated, it was established practice for contributions to be repaid to the developer if the sums were not used within 10 years but this could be reviewed as part of ongoing negotiations.

Councillor PA Andrews, speaking on behalf of Councillor H Davies who was unable to attend the meeting, commented on concerns about the use of Mulberry Close as the only access for the development and felt that it would be unsafe to rely on a single access / egress point. Therefore, she proposed that the application be deferred to enable further consideration to be given to this matter and the other outstanding issues.

Councillor GFM Dawe felt that further consideration should be given to the potential for car-free development, particularly given the concerns about parking and traffic congestion, and commented on the footpath, cycle and bus links to the City. In response, the Development Control Manager advised that the site did not meet the criteria for a car-free development given its location and the family sized dwellings proposed.

Councillor Edwards asked that, if the application was deferred, that further consideration be given to measures to bring forward parking provision for the Country Park, the potential for Traffic Orders to mitigate the impact of the development on the local road network, and to the issues raised in respect of the draft Heads of Terms.

RESOLVED:

That consideration of the application be deferred pending further investigations, negotiations with the applicant and further information and clarification from statutory consultees and to enable the potential for all or part access from Kingfisher Road to be discussed.

86. DATE OF NEXT MEETING

21st November, 2007

The meeting ended at 5.40 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2007/1487/F**

- The appeal was received on 8th October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Dr. Lockwood.
- The site is located at Site to the rear of The Old Post House, Tarrington, Hereford, Herefordshire, HR1 4HZ.
- The development proposed is Erection of a detached dwelling with separate garage.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2007/0328/F

- The appeal was received on 8th October, 2007.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Dr. Lockwood.
- The site is located at Site to the rear of The Old Post House, Tarrington, Hereford, Herefordshire, HR1 4HZ.
- The development proposed is Erection of a detached dwelling with separate garage.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261957

APPEALS DETERMINED**Application No. DCCW2007/0668/F**

- The appeal was received on 4th July, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. & Mrs. Davies.
- The site is located at 1 Highfield Villas, Portway, Hereford, Herefordshire, HR4 8NG.
- The application, dated 28th February, 2007, was refused on 26th April, 2007.
- The development proposed was First floor bedroom above existing ground floor extension with new roof line and dormer window to bathroom.
- The main issue is the impact the proposal would have on the character and appearance of the dwelling and the surrounding area.

Decision: The appeal was UPHeld on 23rd October, 2007.

Case Officer: Dave Dugdale on 01432 261566

Enforcement Notice EN2007/0117/ZZ

- The appeal was received on 14th September, 2007.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. I. Musto.
- The site is located at Barn at Leys Farm, Tarrington, Hereford.
- The breach of planning control alleged in this notice is:
Without planning permission, the material change of use of the building from agriculture to a mixed use as a site for mobile homes used for residential purposes and for the kenneling of hunt dogs.
- The requirements of the notice are:
 1. *Cease the unauthorized use of the barn as a site for mobile homes used for residential purposes and for the kenneling of hunt dogs.*
 2. *Permanently remove the mobile homes, marked A and B on the attached plan, from the barn.*
 3. *Disconnect and remove the foul drainage system associated with the mobile homes from the land.*
 4. *Demolish the kennel blocks within the barn and remove the resultant materials from the land.*
- The main issue is the effect of the development on the residential amenity of neighbouring properties.

Decision: The appeal was WITHDRAWN on 24th October, 2007.

Case Officer: Simon Rowles on 01432 260453

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

5 DCCW2007/2834/F - PROPOSED ERECTION OF 69 DWELLINGS AND DELIVERY OF HAYWOOD COUNTRY PARK AT LAND TO THE REAR OF MULBERRY CLOSE, BELMONT, HEREFORD

For: Persimmon Homes South Midlands per Hunter Page Planning Ltd, Thornbury House, 18 High Street, Cheltenham, GL50 1DZ

**Date Received: 7th September, 2007 Wards: Belmont and Grid Ref: 48950, 37927
Hollington**

Expiry Date: 7th December, 2007

Local Members: Councillors H Davies, PJ Edwards, GA Powell and GFM Dawe

Introduction:

1. Members will be aware that this planning application was deferred from the last meeting to enable further discussions with the applicant and to update the report. The principal reason for deferral was to consider the possibilities of utilising Kingfisher Road as the means of access to the site either in its totality or partially. The deferral has also enabled further discussions regarding the S106 requirements to be discussed as well as to incorporate further consultation responses available at the time of writing.
2. The report has been updated accordingly but it is likely that discussions will be ongoing in the lead up to the Committee meeting and as such further information will be reported verbally.

1. Site Description and Proposal

- 1.1 This planning application comprises two elements. The first is a two hectare housing site and the second element is the inclusion of 7.8 hectares of land to bring forward the delivery of Haywood Country Park.
- 1.2 The housing site is proposed between Mulberry Close and Kingfisher Road, Belmont, Hereford. The 7.8 hectares for the Country Park wraps around the western and southern boundaries of the housing site and joins Newton Coppice across Haywood Lane to the west and existing open space to the east.
- 1.3 The housing proposal comprises 69 units of accommodation ranging from 2 to 4 beds and includes 6 flats and 63 dwellings, twenty four of which will be affordable dwellings. (35%).
- 1.4 Access to the housing development is proposed through Mulberry Close with the extension of the road into the site over the culverted ditch. The road then goes to the centre of the site where it branches out east and west to service the site. At this point the surface of the road changes to a raised tegular paved area to reduce traffic speed. An equipped local area play site is also sited at this point.

- 1.5 There is a complete range of house types from two storey through to three storey dwellings and a three storey apartment block that also contains secure cycle and bin storage.
- 1.6 The housing site will deliver 7.8 hectares of land to be laid out as a Country Park. This provides the linkage between Newton Coppice to the west and Council owned open space to the east. The layout of the Park provides for informal pathways, linkages into the local cycle network and public footpaths. Viewing points, public art and a village green will also be contained within the Park together with the planting of many specimen trees and an orchard. Belmont Pools that adjoin the site to the north do not form part of this proposal. A local equipped area of play (LEAP) is also contained within th Park.
- 1.7 The planning application contains the following reports:
- Planning Statement.
 - Design & Access Statement.
 - Arboricultural Implications.
 - Ecological Planning Statement.
 - Landscape and Visual Impact Statement.
 - Transport Assessment.
 - Flood Risk.

2. Policies

2.1 National Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S3	-	Housing
Policy S8	-	Recreation, Sport and Tourism
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy DR5	-	Planning Obligation
Policy DR7	-	Flood Risk
Policy DR8	-	Culverting
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking
Policy H19	-	Open Space Requirements
Policy T6	-	Walking
Policy T7	-	Cycling

Policy T16	-	Access for All
Policy NC1	-	Biodiversity and Development
Policy NC4	-	Sites of Local Importance
Policy RST1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy RST5	-	New Open Space In/adjacent to Settlements
Policy RST6	-	Countryside Access
Policy RST7	-	Promoted Recreational Routes
Policy W11	-	New Waste Management Facilities

2.3 Supplementary Planning Guidance:

Haywood Country Park Plan (July 2001)

3. Planning History

3.1 No recent planning applications.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: Raise no objections subject to conditions.

4.2 Environment Agency: Observations awaited.

4.3 Hereford Nature Trust: Observations awaited.

4.4 Highways Agency: The Highways Agency (HA) has issued a holding response pending further information. This is under consideration by the applicant's Traffic Consultant who is in further discussions with the HA. The HA are essentially seeking further clarification of the survey work done to demonstrate the impacts of the proposed development on the capacity of the junction with the A465 and request the design of a Residential Travel Plan to reduce reliance on the use of private cars.

Internal Council Advice

4.5 Traffic Manager: Recommends standard conditions access construction, provision and retention of parking, formal agreement of off-site highway works, phasing of road construction, details of wheel washing facilities, provision of cycle storage and submission of a Travel Plan.

He confirms that Mulberry Close is constructed to an acceptable standard as a means of access to the development as proposed and furthermore that the internal road layout allows for appropriate access for refuse and emergency vehicles.

He advises that parking levels are acceptable and good cycle and pedestrian links are included and that the proposed traffic calming in Haywood Lane will facilitate safe pedestrian access to the woodland.

4.6 Forward Plans Manager: Confirms that the site does not meet the criteria for car free development in view of its peripheral location and the number of family sized dwellings proposed. He further comments that if appropriate provision for parking is

not made, it is likely that problems with on street parking/obstruction would inevitably arise within and on adjacent streets.

- 4.7 Head of Strategic Housing Services: Concerned that the tenure split of the affordable housing is 60% rented/40% shared equity and not 75%/25% as advised previously. The location of the affordable units is clustered and not spread throughout the site and that improvements to the frontages should be negotiated. This matter is the subject of on going discussions.
- 4.8 Conservation Manager (Ecology): Observations awaited.
- 4.9 Conservation Manager (Landscaping): Considers that the general layout of the Country Park is acceptable subject to the position and selection of species of trees in the western section. He considers the housing layout well considered with the central space and tree lined approach. Improvements could be made to the bridge from Mulberry Close.

The comments of the Hereford and Worcester Gardens Trust have been assessed and he considers that the scheme presented represents the right approach to the provision of the Country Park subject to on going management.

- 4.10 Parks & Countryside Manager: Please find my comments on the above application on behalf of the Parks & Countryside Service.

1. General Layout

Following ongoing dialogue throughout the pre-application process, I can confirm that the general layout to include the play area and pathway configuration are acceptable. The play equipment will need to comply with the schedule advised by Mrs. White of the Parks Department.

2. Development of Site for Interpretation Centre and Car Park

In order to deliver the Country Park then consideration needs to be given to the provision of the underpinning infrastructure of the park. Planning guidance points to an access point and car parking to be located off Waterfield Road / Treago Grove (opposite Argyle Rise open space). Whereas it would be unreasonable (given the level of commitment already made to the provision of land) for the developer to provide a built interpretation centre, it could be considered reasonable for them to provide the road access and parking facility to support the future development of such a centre. A bus bay and space for approx 20 vehicles including dedicated disabled spaces.

3. Linkage to Newton Coppice

Whereas this issue is a non negotiable element of the delivery of the park, it has in practice proved extremely difficult to achieve on the ground. Due to topography and the insurmountable physical constraints around increasing the width of the carriageway to create a new footway to the existing entrance to the coppice, the only alternative is to break into the coppice at the lowest point of Haywood Lane. Whereas it is possible to create the junction of a road crossing at this point, at the time of the application, it is not possible to confirm the access arrangement at the coppice end as the land involved is not currently in Council ownership. To date two

potential linkage schemes have been identified as feasible but they will need to be worked up in detail. To deliver these schemes negotiations with the landowner over permissive access or land acquisition will need to take place. There is no other practical option for achieving access to the coppice by other routes. Given these constraints, it would be unrealistic for access to be created during the developers duration on the construction site. Any delivery of this element would have to remain a medium or long term aspiration. It is therefore proposed that the developer contributes a sum to the value of likely land acquisition and the detailed feasibility work to assist in the future delivery of this element of the park. This sum should be delegated to officers to determine.

I trust that this is sufficient for you to proceed to the stage of a committee submission, but is not, please do not hesitate to contact me for further detail.

- 4.11 Parks and Countryside Manager (PROW): In addition to his published comments, he confirms that the PROW's would not be detrimentally affected by the proposal.
- 4.12 Land Drainage Officer: Observations awaited.
- 4.13 Head of Commissioning & Improvement (Education): The provided schools for this site are Marlbrook Primary School and Wyebridge High School.

At Marlbrook Primary School the classrooms throughout the school have an issue with the lighting provision. The automatic system turns the lights out after a set time. Two classrooms are small. The IT room is small and warm. The library is open to the corridor and potential distractions. It is a main thoroughfare to classrooms and the hall. The nursery classroom has an issue with the lighting provision. The general office is small. The reception office doubles as a photocopying area and has inadequate temperature regulation. The staff room is small and located on the first floor; it has inappropriate seating fixtures. The pupil toilets are small and include showers within. They also double as storage spaces. Several corridors double as either storage or cloakroom spaces.

At Wyebridge Sports College Classrooms suffer from inadequate temperature regulation and several get excessively warm in summer. There is also insufficient storage in the majority of classrooms. There is insufficient storage in most science classrooms. Two classrooms are small and have inadequate temperature regulation. Most IT classrooms are both small and get very warm. One classroom is remote from other IT facilities. Tables in the music classroom have to be grouped which restricts optimum use of the classroom space. The gym has insufficient storage meaning that PE equipment is housed around the edge of the room. The storage area is open to gym which is a health and safety issue. The gym requires refurbishment. Two pupil toilets are currently used for storage and only utilised if the main facilities are out of action. Shower areas are also used for storage space. Changing rooms have windows blanked for privacy as they are located at playground height. Two pupil facilities are used by staff. There are no cloakroom facilities.

Both Marlbrook Primary School and Wyebridge Sports College are currently over subscribed. Additional children may also prevent us from being able to remove temporary classrooms that we would otherwise be able to do.

In light of falling roles across the County, the Authority is undertaking a review of school provision and it is likely that capacities of schools will be assessed as part of

this review. There is therefore the likelihood that capacities of both these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties for the schools.

The Children & Young Peoples Directorate would therefore be looking for a contribution to be made towards education in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children. A contribution of 2000 per dwelling would be sought. It should be noted that the Draft Supplementary Planning Guidance document that is currently out for consultation has a requirement for a contribution in the region of 6000 to be made per dwelling. Once this document has been ratified, the revised figure will be requested.

- 4.14 West Mercia Constabulary: I have gone over the plans for Mulberry Close and have the following observations to make:-

The overall development will come under the requirements of the Herefordshire Design Plan and PPS1. I would wish to see the developers make full use of these and to ensure that measures are taken to create a safe and sustainable quality of life environment for the residents.

I note that there is a mixture of perimeter fencing, hit & miss and close board, but it is not clear whether the perimeter is enclosed all the way round. I am particularly interested with the adjacent ground to the proposed park area.

The LEAP is situated away from the residential area and will not benefit from the natural surveillance that would be afforded were the play area to be more centrally positioned.

There would appear to be areas of permeability in the perimeter. I would want to see these considered carefully drawing a balance between a safe public realm, inclusive routes whilst not encouraging anonymity.

I would encourage the deployment of the nation Secured By Design scheme particularly for the twenty four affordable houses.

I welcome the opportunity for comment at this stage and if planning is granted would also welcome early liaison with the developers to work together to iron out some of these concerns.

- 4.15 Hereford and Worcester Gardens Trust: Trusts welcomes the proposal but raises concerns regarding the layout of the Country Park and the method of analysis from which the project commenced.

5. Representations

- 5.1 Belmont Rural Parish Council: With reference to the above planning application, Belmont Rural Parish Council has considered this application and wishes to object to these proposals on the following grounds:

- The Unitary Development Plan indicates 60 dwellings on 2 hectares of land, securing 7.8 hectares of land for Country Park use. The additional housing

proposed in this application will extend the developed area towards the pools, create additional traffic and reduce land available for Country Park use.

- The proposed access to the developed housing area is through Mulberry Close, a small cul-de-sac off Westholme Road, established some 13 years ago. This road is wholly unsuitable as a main access to a 60+ housing estate, and would be detrimental to the peaceful rural environment enjoyed by the residents of this area.
- We do not accept the applicant's statement that there is "spare capacity" with regard to road use. This is not evident to local residents! Furthermore, we strongly suggest that current speed restrictions along the Trunk Road be extended beyond Belmont Abbey.
- The applicant's consultation process was not as described. There were virtually no invitations to the event and those that were, were delayed as insufficient postage had been paid by the applicants with the result that the event was very poorly attended.
- There is no provision for parking for visitors to the Country Park, which is described by the applicants as "benefitting the wider community". Visitors will, clearly, arrive by cars and with no parking provision, will park in the neighbouring streets.

5.2 Callow & Haywood Parish Council:

The Parish Council cannot support this application due to the factors outlined below.

1. Is there a need to cram yet more housing against an already over densely populated housing estate.
2. The speed limit element is of considerable concern to the Parish Council as we have serious concerns over the speeding through the Parish. As a result Cllr. B. Wilcox - Highways & Transportation has agreed to introduce a trial experimental speed restriction on Haywood Lane. The Parish Council request that the speed limit along Haywood Lane be reduced to 30mph along areas outlined in Cllr. Wilcox's letter, and especially in the area of the proposed development.
3. Flooding concerns around the area of highway along Belmont Pool. This area has in the past and continues to flood during times of high rainfall and concerns are raised over the long term flooding effect with regard to climate change. It is requested that the issues of flooding in this area be attended to.
4. Affordable housing. It is requested that although some of the housing development is given to affordable housing, there is no consideration to housing under Section 105 which the Parish Council ask be incorporated into this proposed development.
5. What parking facilities have been made available for people who visit the park?
6. Who will maintain the Park when the development is finished?

7. At the time of submission of the application the terms and contents of the Section 106 Agreement were still under discussion the Parish Council request that they are consulted in relation to this as the Parish Council have an interest in improving facilities within the Group Parish of Callow and Haywood.
 8. Anti-Social Behaviour concerns have been raised over how this will be policed?
- 5.3 Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the Parish of the City of Hereford. The City Council also makes the following additional representations: The City Council has no objections in principle to development of this site and welcomes provision for affordable houses and the Country Park. However, there are concerns about the proposed access road as the current road system was not designed for through traffic and this should be reconsidered. In addition the City Council agrees with the UDP that this site is suitable for 60 dwellings and that 69 represents an over development.
- 5.4 Westholme & Mulberry Action Group have submitted the following statement and a petition signed by 183 people.

Traffic Impact

- We believe that the width of the road at Mulberry Close is NOT suitable for the increase traffic (approximately 120 cars).
- Westholme Road already serves 278 dwellings, so it is full to capacity.
- Pedestrians would have trouble crossing safely.
- The previous developer, Westbury homes made no provisions for children to play therefore they have no option but make do with the roads for playing space. This is going to be dangerous due to the increased traffic.
- Mulberry Close is in fact a PLAY AREA given that there is no through traffic!
- There is not enough parking for visitors on Mulberry Close, so they park on the road. With the volume increase, it will be difficult to pass.
- Westholme Road and Mulberry Close would certainly have trouble with emergency vehicles, as Westholme Road has vehicles parked both sides of the road, in particular at night.
- Belmont Road cannot take 120 more cars on Mondays @ 9 o'clock.

Environment

Our group is also concerned about the local environment.

- To cross the Newton Brook at your proposed entrance you would have to cross a 'Y' shape junction, which accommodates the floodwater from the Callow Pools, interfering with this could cause flooding to the adjacent houses. It would only mean crossing a single ditch if the entrance to the site were off Kingfisher Road.

- Taking out trees and shrubs would remove our link to the countryside.

5.5 In addition 25 letters of objection have been received, the main points raised are:

1. The A465 is already extremely congested and this is the only access for the development.
2. No facility for parking when visiting the Park.
3. Access from Haywood Lane onto the A465 is sometimes extremely hard.
4. Westholme Road and Mulberry Close are not suitable to take the increase in traffic associated with this development.
5. Mulberry Close is a narrow cul-de-sac and should not be used to access the development.
6. The primary access point should be off Haywood Lane.
7. Traffic speeds along Haywood Lane and Belmont Road.
8. The development has increased from 30 to 60 and now 69 dwellings and is too much.
9. Objections due to lack of transport options.
10. Concern of the potential use of the Park as the conservation field has deteriorated since coming under the control of the Parks Section.
11. The crossing between the pools is foolhardy and a serious danger.
12. Belmont Pool is a locally designated Special Wildlife site and every effort should be made to preserve its special character. Housing nearby will impact on the ecology of the area.
13. The Flood Risk Assessment is inadequate. Further work upstream and downstream on Newton Brook should be considered.
14. The pools are man made and not natural.
15. Flooding has occurred of the Newton Brook downstream by the Three Counties Hotel and Mulberry Close.
16. Concerns that a private road adjacent to the Park off Haywood Lane will be used for parking to access the Park.
17. Trees will have to be removed to facilitate the access and cause environmental damage.
18. The Country Park will be neglected and be full of left over building materials.
19. The development sprouts towards the Belmont Road and appears to conflict with the Herefordshire Unitary Development Plan 2007.

20. The LEAP is outside of the housing development site.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 This proposal seeks to deliver the policies contained in the Herefordshire Unitary Development Plan 2007 to bring forward the establishment of Haywood Country Park. The proposal has been considered under the following issues:

1. Principle of Development
2. Highway Issues
3. Residential Layout
4. The Country Park
5. Flooding
6. Ecology
7. Planning Gain Contributions

Principle of Development

6.2 The Herefordshire Unitary Development Plan 2007 allocated this 2 hectare green field site for housing with an estimated capacity of 60 dwellings. Furthermore the policy requires the provision of this site to deliver a Country Park (7.8 hectares) and its layout and use as an informal recreational facility. This proposal seeks to deliver all of these in accordance with the Herefordshire Unitary Development Plan 2007 (Policy H2).

6.3 The residential area has been calculated and is confirmed as a 2 hectare site. Its boundaries do vary with the Herefordshire Unitary Development Plan 2007. However its size (2 hectares) is in compliance with policy. The allocation for the site is an estimated capacity 60 dwellings. This equates to a density of 30 to the hectare. PPG3 seeks the efficient use of land at a density of at least 30 to the hectare. Therefore the proposal to develop 69 dwellings is considered to be in conformity with the efficient use of land and sits at the lower end of the density criteria of PPS3 and that required by Policy H15 of the Herefordshire Unitary Development Plan 2007. The proposal also delivers the Country Park and its layout to the satisfaction of relevant consultees and in accordance with the proposals set out in the Haywood Country Park Plan.

6.4 In terms of the broad principles, this proposal meets the requirements of adopted policy and associated Government guidance.

Highway Issues

6.5 Access to the residential development is proposed by means of Westholme Road and Mulberry Close. Concerns have been raised by local residents over the adequacies of the local road network to take the increase in vehicular traffic. This aspect has been assessed by the Council's Transportation Manager who is satisfied that the network and in particular Mulberry Close can cater for the increase in capacity without detriment to highway safety. To put this issue in context, the draft Herefordshire Unitary Development Plan did seek to identify a preferred vehicular

access off Kingfisher Road. However the Inspector stated "On my site visit, I did not gain the impression that access via Mulberry Close would be any more damaging. In my opinion, there is no need to specify the point of access in the Plan." Therefore, following formal confirmation that Mulberry Close and Westholme Road can cater for the increase in capacity associated with this development then there is no justifiable reason to refuse the application on this basis.

- 6.6 In addition to the Mulberry Close access an emergency access is also proposed off Kingfisher Road. There are also pedestrian and cycleway linkages into the proposed Country Park and adjoining network. Access to the Country Park is achieved by means of the new development but will also be accessible from a new car parking area proposed to be provided off Treago Grove where the Countryside Centre is to be constructed. Obviously this car park and the infrastructure for the centre will need to be installed in conjunction with the development of the Park in order to realise the full potential of the Country Park.
- 6.7 The final access point to consider is the linkage across Haywood Lane to Newton Coppice. Traffic calming and road marking is proposed from the junction of Belmont Road to the end of the Country Park on Haywood Lane. This will involve skid resistant surfaces, reduced speed warnings on the road and traffic calming chicanes near Belmont Pools. There is no formal access point into Newton Coppice off Haywood Lane and walkers would have to make their way onto Belmont Road and then west to an access point into Newton Coppice. Additional highway works including pavements are proposed in this area and will provide improved linkage. The only pinch points come at the crossing between the two pools. Traffic speeds would be significantly reduced as a result of the required traffic calming. Therefore in the short term, whilst not completely satisfactory, the arrangements for access to Newton Coppice are considered acceptable.
- 6.8 Finally, with the exception of the six flats where there is a small parking court, all of the dwellings have their own dedicated parking spaces at an average of just over 1.5 spaces per dwelling. A level that accords with the requirements of Policy H16 of the Herefordshire Unitary Development Plan 2007.

Residential Layout

- 6.9 The layout and design of the residential development is a result of extensive pre-application meetings. Access to the site from Mulberry Close provides for a tree-lined avenue into the heart of the site which comprises a paved "table top" junction where a tree lined avenue to the west provides a view to the mature tree and the Country Park. Where possible dwellings overlook the Country Park therefore providing passive surveillance. All the dwellings have their own dedicated off road parking with the only parking court adjacent to the six flats. A Local Equipped Area of Play (LEAP) was located at this junction but this was considered unsuitable in terms of its location and size and has now been removed from the proposal. Accordingly a commuted sum will be sought for its replacement for use in the local area and/or the enhancement of the larger LEAP on the edge of the development.
- 6.10 A range of house types from 2 to 4 beds is proposed which includes 35% for affordable housing. Heights range from two storey through to three storeys which form a focal point within the development. It is considered that the layout, design, scale and density complements the adjoining residential area.

The Country Park

- 6.11 The UDP Inspector confirmed that the Country Park was a long-standing and well-founded proposal and that its linkage to a residential scheme was appropriate to deliver the scheme. Therefore Herefordshire Unitary Development Plan 2007 Policy RST5 seeks to deliver the Country Park in association with the housing development.
- 6.12 The layout of the Park including its linkages into the surrounding network of public paths and cycleways has been formulated following extensive discussions with the Council's Parks and Countryside Officers. The Park will provide a high quality public park that will benefit the wider community of Belmont and the surrounding area. The Park will have three main areas. The open parkland, orchard area and village green with play area. The village green and play area is sited adjacent to the new residential development. The siting of the play equipment in this area further integrates the parkland into the village green and the urban fringe and provides an attractive linkage into the Park. It will also allow passive surveillance from the adjoining housing. All of the spaces are linked by a network of shared all weather cycle and pedestrian paths and secondary informal paths.
- 6.13 Within the Park various viewing points are proposed together with pieces of "Public Art" that will be provided by the developers at strategic points.
- 6.14 Linkages from the Park provide access to Newton Coppice and the conservation land to the east.
- 6.15 The proposal delivers the Park as required by the Herefordshire Unitary Development Plan 2007.

Flooding

- 6.16 A Flood Risk Assessment has been submitted with the application and is being assessed by the Environment Agency and the Council's Drainage Officer. There are three sources of flood risk – Newton Brook, surface water run-off and overland flow and all three have been assessed on the basis of a 1 in 100 year flood plus climate change.
- 6.17 Modelled data indicates that during the 1 in 100 year plus climate change flood event the proposed site for development has a low risk of flooding and therefore safe access and egress from this area will be possible. The level of the proposed access bridge will also be above this level, therefore dry access and egress from the site will be achieved.
- 6.18 The development will increase the impermeable area at the site and hence surface water run-off will increase. The storm water balance volume must be attenuated on site using below ground storage to contain at least the 1 in 30 year return period run-off. A control structure would be incorporated into the design of the storm water system to ensure that the flow from the site storage system does not exceed the allowable peak discharge.
- 6.19 Provided that the Environment Agency confirm that recommended mitigation measures are implemented, the flood risk to the proposed residential development is considered to be low, and no additional flood risk would be imposed on the neighbouring residential development off Mulberry Close.

Ecology

- 6.20 The ecological implications and associated planning issues have been assessed in the ecological report submitted with the application. This report is being assessed by the Council's Ecologist and a verbal update will be given at the meeting. However the report confirms that there was no evidence of badgers, reptiles, otters, water voles or white-clawed crayfish on the site. There were several different bat species mainly concentrated around Belmont Pool and appropriate mitigation measures including a wildlife meadow on the southern side of the Country Park are proposed.

Planning Gain Contributions

- 6.21 One of the major features of this proposal is the delivery of the Country Park together with its associated linkages. In this respect the land assembly has been problematic but is now achieved. However, the UDP Inspector, considered that this should not preclude other planning contributions from being secured particularly given the uplift in housing numbers from the original estimate of 35 to the now proposed 69 dwellings. In this respect the 'Draft' Heads of Terms are annexed to the report.

The headline figures are:

1. £90,000 - Education.
2. £172,500 - Transportation improvements in the area including provision of car parking and services for the centre.
3. £28,350 - Enhancement of sports facilities in the area.
4. £34,500 - In lieu of LEAP play area.
5. £17,774 - CCTV on Great Western Way.
6. £17,974 - Improvements to Belmont Library.
7. £8,280 - Waste recycling facilities.

- 6.22 Members will be aware that this package is lower than the previous Committee Report but still represents a cumulative figure of £369,378 based on an affordable housing split of 50/50. The transportation and car parking section has been lumped together to create extra flexibility in terms of delivering car parking and services associated with the Country Park and other highway enhancements on the local network.

- 6.23 The 35% affordable housing target is still retained, however the split of rented and shared ownership dwellings is reduced to 50/50. This helps in realising the contributions as identified above and is in line with the UDP Inspector's comments which allowed for some flexibility in the type and tenure of the affordable element.

Conclusions

- 6.24 This report sets out the proposal for delivery of the Country Park with associated housing development. It is confined to the allocated 2 hectares and although the play area site is outside of the housing site, it is well located for passive surveillance and provides a transition into the Park.
- 6.25 The highways aspects have been fully investigated and whilst the concerns of local residents are noted, the professional advice remains that Mulberry Close and Westholme Road can accommodate the anticipated increase in capacity.

- 6.26 Finally, the raft of planning contributions and reduction in affordable housing split are considered to represent an appropriate balance having regard to the overriding requirement to deliver the Country Park which in its own right is estimated by the applicant to cost in the order of £1.1 million.

RECOMMENDATION

That on receipt of satisfactory comments from outstanding consultees and subject to satisfactory conclusion of negotiations on the Planning Contribution, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by Officers:**
 1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
 2. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
 3. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
 4. **F22 (No surface water to public sewer).**
Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.
 5. **No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the local planning authority.**
Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewage system.
 6. **Prior to the occupation of 20 dwellings on the site, the Country Park including the Local Equipped Area of Play shall be laid out in accordance with the approved Landscape Masterplan.**

Reason: To ensure delivery of the Country Park in accordance with Policies H2 and RST5 of the Herefordshire Unitary Development Plan 2007.

7. The development hereby approved shall be carried out in full accordance with the Ecological Planning Statement for the site at Belmont, Hereford received on 3rd September 2007. The mitigation and enhancement recommendation shall be fully implemented prior to the occupation of the dwelling and shall thereafter be retained in situ.

Reason: In recognition of the acknowledged nature conservation interest of the site.

8. G05 (Implementation of landscaping scheme (general)) (within residential site).

Reason: In order to protect the visual amenities of the area.

9. The development hereby approved shall be carried out in full compliance with the Flood Risk Assessment received on 3rd September 2007 unless otherwise agreed in writing with the local planning authority.

Reason: In order to protect the development and surrounding residential area from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

10. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

11. Prior to the occupation of the last dwelling details of the Public Art for the Country Park shall be submitted and approved in writing by the local planning authority. The approved Public Art shall then be installed within six months of approval in accordance with the agreed details and thereafter retained.

Reason: To promote the distinctive character and appearance of the locality in accordance with Policy DR1 of the Herefordshire Unitary Development Plan 2007.

12. E09 (No conversion of garages to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

13. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

14. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

15. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

16. H27 (Park for site operatives) (to include HGV routing plan).

Reason: To prevent indiscriminate parking in the interests of highway safety.

17. The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last dwelling, further certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.

Reason: To promote the sustainability of the development hereby approved in accordance with Policy S1 of the Herefordshire Unitary Development Plan 2007.

18. Prior to the commencement of the development hereby approved, a Waste Management Strategy relating to the handling of construction waste and the recycling of spoil and other materials excavated from the site and generated by the developer shall be submitted to the local planning authority. The development shall be completed in accordance with the agreed strategy.

Reason: To minimise the impact of any waste generated by the development and ensure waste is appropriately managed in accordance with Policy W11 of the Herefordshire Unitary Development Plan 2007.

Informatives:

- 1. HN5 – Works within the highway.**
- 2. HN8 – Section 38 Agreement details.**
- 3. HN10 – No drainage to discharge to highway.**
- 4. N02 – Section 106 Obligation.**
- 5. N19 - Avoidance of doubt.**
- 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

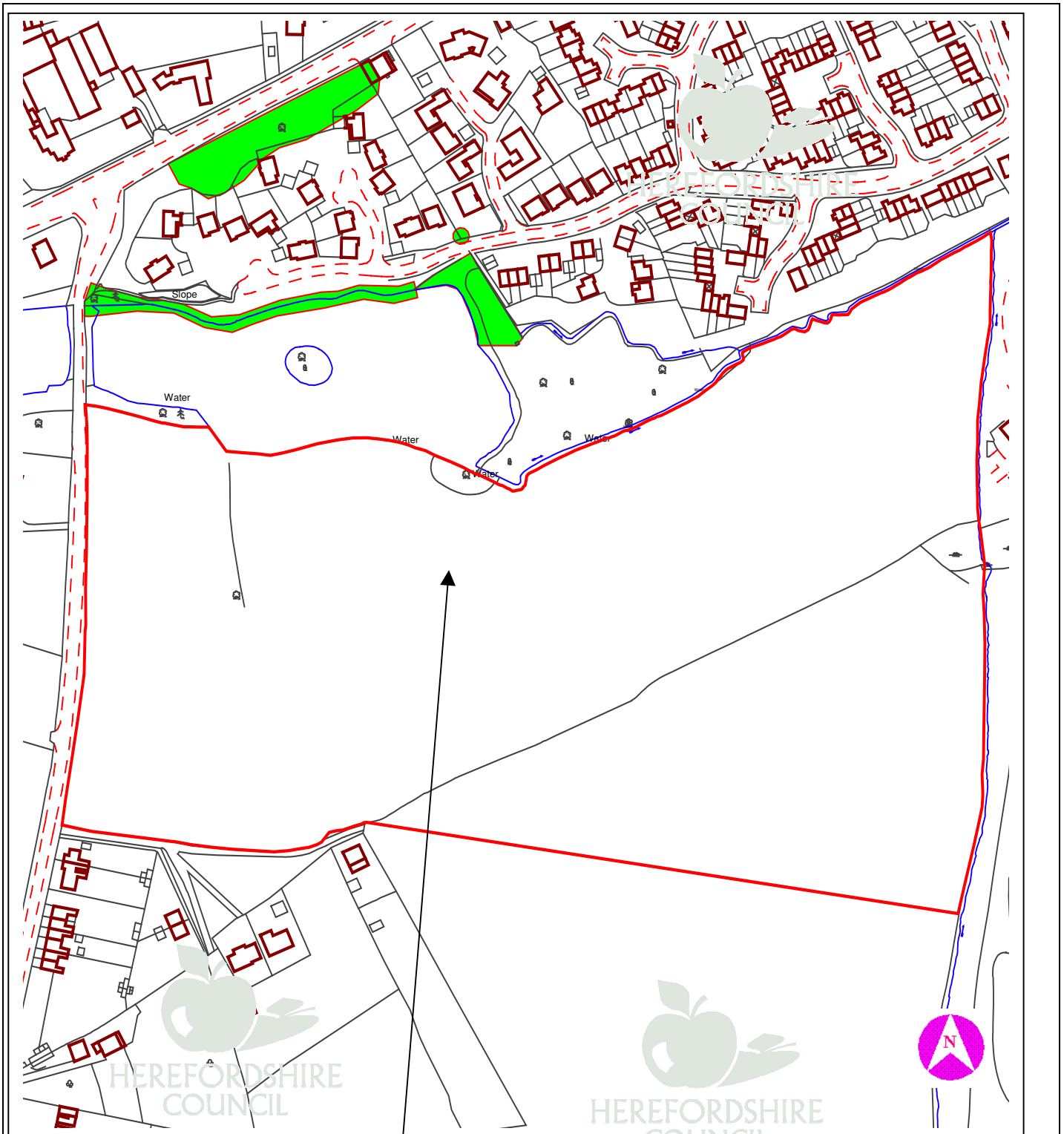
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2834/F

SCALE : 1 : 2699

SITE ADDRESS : Land to the rear of Mulberry Close, Belmont, Hereford

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

Planning Application – DCCW2007/2834/F

- Residential development of: 69 dwellings, Belmont, Hereford
1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £90,000 (ratio of £2000 per two bed open market and above) to provide enhanced educational infrastructure/facilities for the nursery, primary and secondary schools within the catchment area of the application site which sum shall be paid on or before the commencement of the development.
 2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £172,500 for improved transportation infrastructure and car parking together with services for the interpretation centre in the locality of the application site and the promotion of sustainable means of transport which sum shall be paid on or before the commencement of development.
 3. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved safety signing
 - b) Improved bus shelters/stops
 - c) Improve lighting to highway routes leading to the site
 - d) Improved pedestrian and cyclist connectivity with the site
 - e) Improved cycle parking facilities
 - f) Improved pedestrian crossing facilities
 4. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of open space and equipped play area on site to serve the development along with an appropriate maintenance contribution to pay Herefordshire Council the sum of £34,500, which sum shall be paid on or before the commencement of the residential development.
 5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of around £28,350 (in accordance with the Sport England Sport Facility Calculator) for enhancement of existing sports facilities in the locality of the application site, which sum shall be paid on or before the commencement of the residential development.
 6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £20,000 for a CCTV for Great Western Way the sum shall be paid on or before the commencement of development.
 7. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £17,974 (£86 x number 209 (number of bed spaces) of persons) for improvements to the library building at Belmont Library the sum shall be paid on or before the commencement of development.

8. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £8280 (69 x£120) for waste recycling facilities which cannot be provided on site to serve the development which sum shall be paid on or before the commencement of development
9. A minimum of 35% of the total number of residential units shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. No less than 60% of the affordable units shall be made available for rent. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
10. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2,4,5,6,7,8,9, and 10 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
12. The developer shall complete the Agreement within 12 weeks and 5 days of the date the application on site 1 is registered as valid otherwise the application will be registered as deemed refused.

Kevin Bishop - Principal Planning Officer

7th November, 2007

6 DCCW2007/2684/F - CHANGE OF USE TO HOUSE OF MULTIPLE OCCUPANCY AT 131 WHITECROSS ROAD, HEREFORD, HR4 0LS

For: Ms. L. Watkins, 131 Whitecross Road, Hereford, HR4 0LS

Date Received: 22nd August, 2007 Ward: St. Nicholas Grid Ref: 49840, 40356

Expiry Date: 17th October, 2007

Local Members: Councillors DJ Benjamin and JD Woodward

Introduction

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 24th October, 2007.

As a result of comments made by Hereford City Council and Sub-Committee Members the applicant has amended the proposal to reduce the bedroom numbers from 8 to 7 this providing a communal lounge in the basement. The remaining three floors are unchanged so the accommodation will consist of the following:-

Basement:	Communal lounge
Ground floor:	2 bedrooms, 2 kitchens – 1 with dining area, utility room
First floor:	3 bedrooms, 2 communal shower rooms, 1 communal w.c.
Second floor:	2 bedrooms (1 en suite), 1 communal shower room

In addition, the applicant has requested that further representations are taken into consideration. These have been included in section 5.2 of this report.

By way of clarification the Head of Strategic Housing has confirmed that the three other properties (nos. 129, 133 and 135) in the same group of four are registered houses in multiple occupation.

Having regard to the amended details, policies and material considerations contained in the original report, it is considered that the proposed use is appropriate for the building and its location and complies with relevant development plan policies.

1. Site Description and Proposal

- 1.1 The application site is a three storey dwelling within a group of four attractive and distinctive Victorian properties fronting the southern side of Whitecross Road opposite Holy Trinity Church, a Grade II listed building.
- 1.2 The other properties in the group are in multiple occupation. Nearby, to the west, is the Buckingham Public House and to the east, a bed and breakfast establishment. The area is characterised by a variety of mixed uses ranging from residential through to a wide range of commercial uses.

1.3 The proposal is for a change of use from a dwelling house to a house of multiple occupancy.

1.4 The property currently has:

5 bedrooms:	2 on the 2nd floor (en suite), 3 on the 1st floor
2 kitchen areas:	ground floor
2 bathrooms:	1 on the end floor, 1 on the 1st floor
1 toilet:	1st floor
2 reception rooms:	ground floor
1 basement room:	basement

1.5 It is proposed to use the property as follows:

8 separate bedrooms:	2 on the 2nd floor, 3 on the 1st floor, 2 on the ground floor and 1 in the basement
2 kitchens:	ground floor, one to contain a dining area
1 utility room:	ground floor
1 en-suite bathroom:	2nd floor
3 communal bathrooms:	1 on the 2nd floor, 2 on the 1st floor
1 separate toilet:	1st floor

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

H16	-	Car Parking
H17	-	Subdivision of Existing Houses

3. Planning History

- 3.1 DCCW2000/1605/F Change of use from care home to 3 residential units (No. 131 Whitecross Road). Approved 7th August, 2000.
- 3.2 DCCW2003/3760/F Insertion of drop kerb and creation of hard standing to provide parking to front of house. Refused 28th January, 2004.
- 3.3 DCCW2004/3403/F Proposed drop kerb and creation of hard standing. Refused 15th December, 2004.
- 3.4 DCCW2005/2933F Change of use to house of multiple occupancy (No. 135 Whitecross Road). Approved 11th October, 2005.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: "Although the proposal does not include any off street car parking provision, the location is served by a regular bus service and is close to employment areas and the city centre. Cycle parking is also proposed to be provided. As our

parking standards are maxima, and in view of the above, I do not consider this to be unacceptable. Condition H29 (secure cycle parking provision) should apply.”

- 4.3 Head of Strategic Housing Services: "I am able to confirm that I have met the applicant on site and outlined the requirements we require for such a property which have been included in the scheme."

5. Representations

- 5.1 Hereford City Council: "Requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the parish of the City of Hereford. The City Council also makes the following additional representations: that the application be refused as this is an over intensive use for this single building and recommends a reduction in the number of units."

- 5.2 The applicant has requested that the following points are taken into consideration:-

- This property has a history of use other than that of just as a simple dwelling. Together with 133 and 135 Whitecross Road it formed The Haven's Rest Nursing Home which closed more than 7 years ago. As a result, all 3 properties would have had a high occupancy level notwithstanding the additional comings and goings of associated staff and visitors.
- It is an ideal location. Being within easy walking distance to town and served by a regular bus service there is no requirement for residents to have a car which is likely to be a plus factor for many prospective tenants.
- The immediate area is already established as one of shared housing and other mixed use. Sandwiched between a public house and bed and breakfast, opposite a church and nursery school, it will not affect the privacy of neighbouring dwellings or the general character of the area. Please remember that this is not an exclusive cul-de-sac with a close community spirit, this property is situated on a main thoroughfare into town.
- As it stands this is a very spacious 5 bedroom family house currently just housing me and my daughter, and more recently a lodger. I would suggest that this is not the best use of this generous sized property. As identified in Section 5.6.13 of Herefordshire's Unitary Development Plan, sub-dividing larger dwellings into HMO's can represent "a more efficient use of the existing housing stock."
- This property could lawfully house 6 people without the need for planning consent as under The Town and Country Planning (Use Classes) Order 1987, a dwelling house can be a property occupied by up to 6 residents living together as a single household. Effectively I am asking permission to allow just one above this number.
- I am well ware of the stigma of shared housing and preconceptions people often have about HMO's but I am probably in a better position than most to judge having been surrounded by them for the last 4 years. There does not necessarily need to be an increase in noise pollution. I am pleased to say that the 2 houses that neighbour me produce no more noise than I would expect of a single occupancy dwelling.

- Not everyone who requires this type of accommodation is bad, wicked or likely to lower the standard of an area. With the housing market as it is, and the steep rise in house prices that we have seen over recent years, there are plenty of working, single people who may earn a reasonable salary of up to £20K but who still cannot afford to buy or even rent the cheapest accommodation as a single occupier. What they require is good quality shared accommodation.
- I currently have a lodger who is a single 33 year old professional woman. She falls into this very category. Should this application be successful it is to this kind of tenant that I intend to let.
- There are additional factors that are likely to affect the need for this type of housing:
 - The fall in the social housing stock since the 1980's.
 - The sharp increase in the number of migrant workers in Herefordshire is putting a considerable strain on housing availability and as a result it is now difficult for both British and foreign people to find good quality accommodation in the county.
 - The huge national divorce rate increases the need for additional housing, as what were only single households split into two.
 - There are also recent reports predicting home repossessions increasing by 50% in 2008. This again will only increase the need for affordable housing.
- I would invite anyone to come and view the standard of my house and the accommodation offered. The amenities and facilities proposed are more than adequate for the level of occupancy without the need to dramatically change the interior and rip the guts out of what is essentially a beautiful period property.
- Externally there will be no way of telling its change of use and there are no modifications required.
- As already mentioned my intention is to let this property to professional individuals. I have already made enquiries with a local letting agent with a view to them managing the property on my behalf. They had previously refused to deal with shared accommodation but having seen the standard offered and my intentions for the property they are more than happy to take it on. They have a very strict vetting policy.
- To research what similar accommodation is currently available in Hereford, I have viewed some shared houses for myself. Obviously there is a difference in the standard offered, some being of excellent standard, others not so good. It is my intention that this property should hit the higher end of the market.
- The property has already been vetted by Herefordshire Council's Private Sector Housing Department who have confirmed its suitability and that it more than meets the required standard. Some modifications will of course have to be made to meet the required fire precaution standards, namely the installation of a fire alarm system and fire rated doors. I also recently attended the Private Landlords Forum hosted by Herefordshire Council on 31st October 2007, in order to gain any further

information I may require to ensure this venture is run legally, safely and efficiently.

- This application conforms to the guidance laid down in Herefordshire's Unitary Development Plan and meets the 3 points identified in Policy H17.
 - Point 1, referencing parking facilities, has already been addressed by your own Traffic Manager and I have confirmed my intention to include secure cycle parking facilities.
 - I consider that Points 2 and 3 have been addressed by some of the aforementioned points.
- Lastly I should just like to say that I am not some hot property developer scouring the county for large cheap properties to which I can do the minimum amount of work and cram the house full of as many people as possible, having no or little respect for the surrounding area and neighbours. It is definitely not my intention to upset local residents and I am very mindful of the responsibility I have to manage this property so it has no impact on existing neighbours. I am simply a working single mother who has recognised the opportunity for a small venture in the hope that it may help my daughter and I live in a property that better suits our needs whilst giving us added security for our future.

The full text of this letter can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 Having regard to the nature of the proposal, relevant development plan policies and representations received, it is considered that the key issues for consideration are as follows:

1. Car Parking
2. Standard of Accommodation
3. Impact on the character of the property and its curtilage, the amenity and privacy of neighbouring dwellings, and the amenity and general character of the area

Car Parking

6.2 There is no off street car parking provision within the curtilage of the site. However the Herefordshire Unitary Development Plan 2007 states that there are no minimum standards of provision. The car parking requirement can, on an individual site basis, be subject to reductions to reflect such factors as the availability of public transport, proximity to town centres and the type of housing to be provided.

6.3 As commented by the Traffic Manager, the application site is in close proximity to the town centre, served by a regular bus service and close to employment areas. Taking account of the nature of the proposed housing accommodation, it is considered that the lack of off street parking in this instance is acceptable subject to the provision of cycle parking as recommended.

Standard of Accommodation

- 6.4 Having regard to the proposed layout, including the recommendations of the Head of Strategic Housing for this type of housing provision, it is considered that the standard of accommodation proposed is good and is of a type which would make a useful contribution to the supply of low cost affordable housing, particularly for single person households.

Impact Issues

- 6.5 The conversion works would not involve external alterations to the property. Internally many of the existing facilities would be retained and new works would be carried out without radically altering the internal layout.
- 6.6 The neighbouring properties are in multiple occupation. No. 135 Whitecross Road in the same group of four was granted planning permission for a similar use on 11th October, 2005 and is currently occupied as such. Accordingly it is not considered that the conversion and use will have undue impact on the character of the property and its curtilage or the amenity and general mixed use character of the area. Moreover, having regard to the locational characteristics of the site, it is not considered that the amenity and privacy of neighbouring dwellings would be compromised.
- 6.7 It is considered that the applicant has responded to the concerns raised by the Hereford City Council and Committee Members and as such the revised proposal for 7 occupants is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. A11 (Change of use only details required of any alterations).**

Reason: To define the terms under which permission for change of use is granted.

- 3. F39 (Scheme of refuse storage).**

Reason: Reason: In the interests of amenity.

- 4. H29 (Secure covered cycle parking provision).**

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informatives:

- 1. N01 - Access for all.**

2. **N08 – Advertisements.**
3. **N19 - Avoidance of doubt (as amended by details and drawings received on 6th November 2007).**
4. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

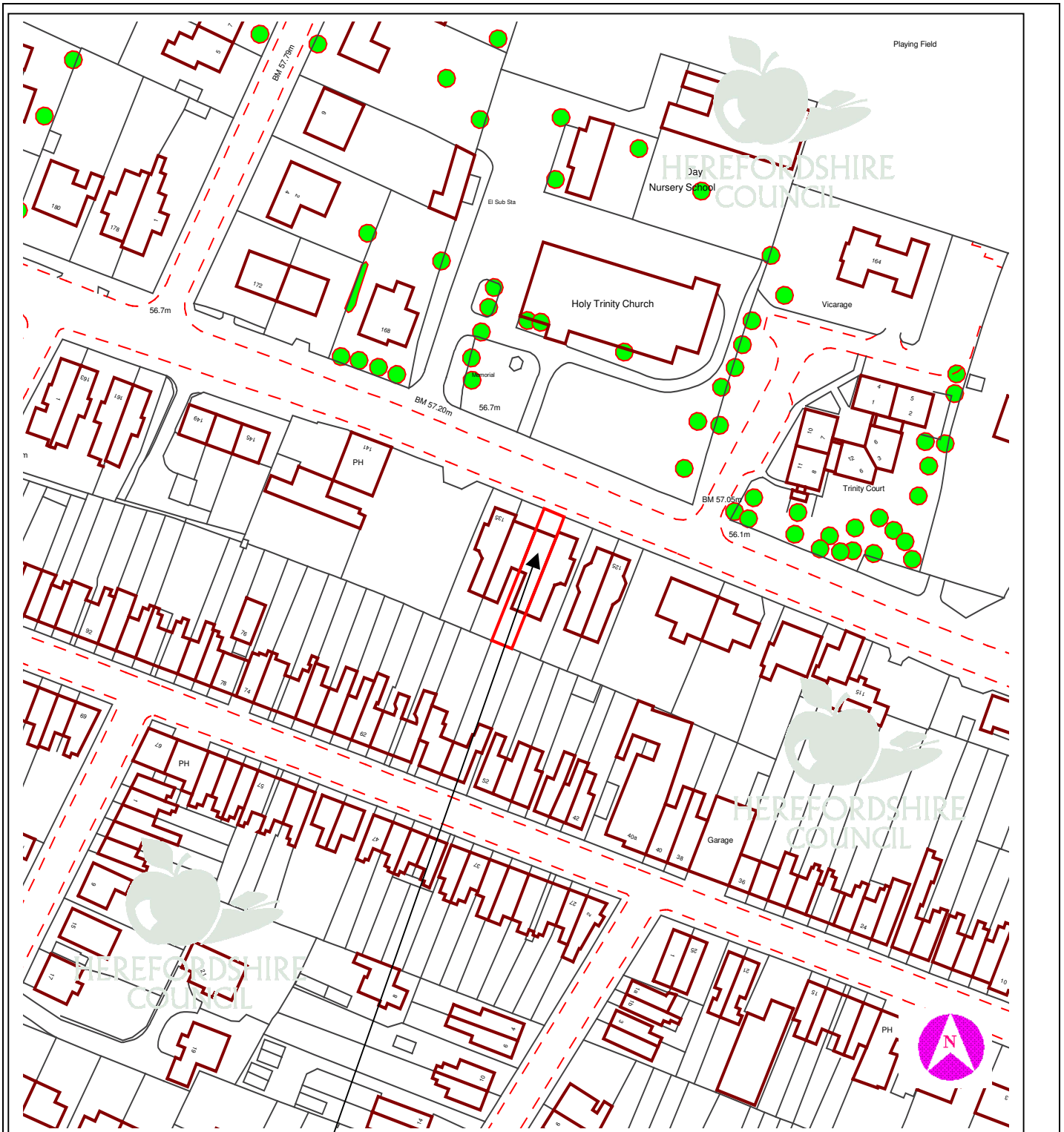
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2684/F

SCALE : 1 : 1250

SITE ADDRESS : 131 Whitecross Road, Hereford, HR4 0LS

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7 DCCW2007/2806/F - CONTINUED USE OF LAND AS A CARAVAN SITE AND RETENTION OF ACCOMMODATION BLOCK FOR SEASONAL AGRICULTURAL WORKERS AT BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET

For: S&A Davies per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN

Date Received: 31st August, 2007 Ward: Sutton Walls Grid Ref: 52177, 47989
Expiry Date: 30th November, 2007
 Local Member: Councillor KS Guthrie

1. Site Description and Proposal

1.1 Brook Farm is located on the east side of the C1120 some 200 metres to the north of the village of Marden.

1.2 The proposal is to continue the use of land for the siting of caravans, pods and accommodation blocks. The accommodation is located on land to the south of the main farm complex and presently comprises 153 caravans, 98 pods together with two accommodation blocks. Associated with the accommodation are various recreational facilities comprising above ground swimming pool, volley ball court, mini soccer pitch and hot tub.

1.3 The surfaces between the units has been hardcored for ease of movement particularly during wet weather.

1.4 The site is the subject of three temporary planning permissions which expired on 17th October, 2007. These are as follows:-

CW2000/2826/F – Use of land for the siting of caravans. Approved 17th October, 2002.

CW2003/0130/F – Extension to caravan site. Approved 16th April, 2003.

CW2003/0290/F – Accommodation blocks. Approved 16th April, 2003.

1.5 The site is also the subject of a S106 Agreement which requires the following:-

(1) The occupation of all caravans on the site is restricted to persons employed in agriculture at Brook Farm.

(2) No permanent occupation of the accommodation.

(3) A requirement to comply with standards set out in "Model Standards 1989: holiday Caravan Sites."

- (4) To enable Council Officers to inspect relevant documents upon reasonable request.

2. Policies

2.1 National Guidance:

PPS1	-	Delivering Sustainable Development
PPG4	-	Industrial and Commercial Development and Small Firms
PPG7	-	Sustainable Development In Rural Areas
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy DR2	-	Land Use and Activity
Policy H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
Policy E10	-	Employment Proposals Within or Adjacent to Main Villages
Policy HBA4	-	Setting of Listed Buildings
Policy CF2	-	Foul Drainage

3. Planning History

- 3.1 SH870589PF Erection of an agricultural storage building. Approved 6/7/87.
- 3.2 SH891354PF Erection of an agricultural storage building. Approved 31/8/89.
- 3.3 SH911156PF Permanent farm office accommodation. Approved 25/9/91.
- 3.4 SH920621PF Erection of extension to existing potato store. Approved 9/7/92.
- 3.5 SH940684PF Erection of extension to general purpose potato storage and grading buildings. Refused 18/1/95.
- 3.6 SH940736PF Dismantling part of general purpose agricultural building and conversion of remainder into a farm office and construction of a weighbridge. Refused 18/1/95.
- 3.7 SH950404PF Change of use from agricultural to new potato grading and packaging station with associated storage and services. Refused 26/7/95.
- 3.8 SH971145PF Covered rear yard and dispatch area, demolition existing buildings and erect new farm office and associated utilities. Approved 3/12/97.
- 3.9 EN950014ZZ Unauthorised change of use from agriculture to potato storage, processing and distribution plant. Enforcement Notice served 12/6/96. Appeal allowed 26/7/97.

3.10 This decision determined that the change of use did not constitute a breach of planning control but that as the uses had been in operation for more than ten years before the Notice was issued and was therefore immune from enforcement action.

3.11 CW1999/2613/F Use of land for siting of caravans. Refused 21/06.00.

3.12 CW2000/2826/F Use of land for the siting of caravans. Approved 17/10/02.

3.13 CW2003/0130/F Extension to caravan site. Approved 16/4/03.

3.14 CW2003/0290/F Accommodation blocks. Approved 16/4/03.

3.15 CW2003/3749/F Permanent toilet facilities to replace existing portacabin.
Approved 30/1/04.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency: Comments awaited.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Environmental Health & Trading Standards Manager: No objection. This development has not given rise to any environmental health related problems.

4.4 Conservation Manager (Landscape): Comments awaited.

5. Representations

5.1 Marden Parish Council: At a recent meeting, Marden Parish Council resolved to make the following comments on the above application:

1. The Parish Council does not object to the retention of the site in principle, but has the following observations to make.
2. Permanent permission is opposed. The Parish Council would prefer a time limited permission on a similar basis to the existing permission, allowing a periodic review of the running of the site.
3. The existing Section 106 Agreement should therefore remain in place.
4. Some confusion exists over the number of workers housed at the site, and the Parish Council would therefore like to see a stipulated maximum number of workers per caravan or pod, and in the accommodation block. This would be to avoid overcrowding and consequential problems.

5.2 Thirty letters of objection have been received, the main points raised:

1. The number of people on site raises concerns relating to increased traffic by busing workers to various sites.

2. Noise from sporting events in the summer months.
3. The bunding has not prevented the spread of noise into the village.
4. Less workers, less noise, less traffic.
5. Excessive use of the road network from 5 a.m. onwards.
6. Anti-social behaviour in the village.
7. The site is unsuitable for this complex as the route into the village and on a road with no pavements.
8. The proposal has a detrimental impact upon the quiet peaceful village.
9. The village is being completely swamped with migrant workers.
10. The seasonal workers accommodation should be away from the village and closer to Hereford where there are more facilities and health care.
11. The nature and scale of the proposal represents inappropriate development in the open countryside causing damage to the character and appearance of the locality and adversely affects the residential amenity of nearby residents.
12. Some workers live on site all year round. How can they be seasonal?
13. The proposal is contrary to the UDP Policy E13 in that it will adversely impact on residential amenity.
14. The population of Marden is approximately 1300 giving a ratio of 1:1 against the workers.
15. The Section 106 has not been adhered to.
16. No landscaping has been undertaken.
17. Concerns that caravans from Brierley will be brought to Marden.

5.3 The applicant's agent has submitted the following information:

1. There is an essential need for the S&A Group to provide workers accommodation close to the agricultural operation and there are no alternative options in the locality.
2. The temporary period of consent has enabled demonstration of the continuing viability of the business and the bona-fide requirement to provide workers facilities.
3. Accommodating workers at the group's principal growing site and centre for processing/packaging (and within walking distance of other growing sites) reduces the need for workers to travel to and from work, consistent with sustainable transport objectives.

4. There is a range of local facilities within walking distance of the site at Marden, including public transport links, that supplement the facilities provided on-site. In this regard, the site is a sustainable option for providing workers accommodation.
5. The facilities are located next to existing farm buildings and the site is visually well contained given local topography and the presence of landscape bunds. Overall, the development has a satisfactory visual impact on the countryside.
6. During the period of temporary consent, the provision of workers accommodation has not given rise to any environmental problems.
7. Careful management of the site and the activities of those accommodated ensures that the development is acceptable having regard to the amenity of local residents.
8. The benefits of creating a self-contained complex of workers accommodation and supporting facilities was appreciated by the Secretary of State in his recent determination of planning appeals for similar workers facilities at Brierley. The Secretary of State also acknowledged that the agricultural operations of the group rely on a large temporary workforce and that this workforce needs to be accommodated within a reasonable distance of the farmed areas. Furthermore, the Inspector for the appeals, commenting on the potential availability of alternative sites to Brierley, acknowledged that workers accommodation at Marden was located on the outskirts of a village offering some local facilities and with access to a bus service. Overall, it is clear that the Secretary of State and his Inspector were acknowledging the suitability and benefits of Marden as a location for accommodating workers.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This composite planning application seeks the retention of caravans, pods and accommodation blocks (2) that were previously granted temporary planning permission to house seasonal workers at Brook Farm, Marden.
- 6.2 The complex is contained within a defined area south of the main buildings at Brook Farm and is enclosed by mature hedging and a combination of earth bunding and fencing. The accommodation is split into three distinct types, the caravans, pods and accommodation blocks. All have gravelled surfaces to provide access through the site and the utilities infrastructure is well established providing appropriate water, electricity and gas supply.
- 6.3 The proposal has been considered under the following:
 1. Principle of Development
 2. Landscape Impact
 3. Impact on Marden (Amenity)
 4. Section 106

Principle of Development

- 6.4 The site has been used as a seasonal workers campsite for a number of years and the accommodation has grown with the need of the business. The present accommodation provides at its highest, facilities for 1400 workers between March/September with a residual number outside of that period. The workers are an integral part of the soft fruit enterprise and the need for accommodation on this scale has been demonstrated in respect of the temporary permissions already granted.
- 6.5 The site lies adjacent to a main village which contains a post office, general store and access to public transport and as such represents a sustainable location having regard to balancing the need for workers to be housed closer to the farm and the services available in Marden. The site is well screened from the surrounding area by mature hedges, trees and earth bunding.
- 6.6 The site is secure with security fence on the boundary. Leisure activities are period within the site.
- 6.7 The temporary planning permissions have confirmed the need for the accommodation which has grown since its original approval. The principle and need for the development is therefore considered sound.

Landscape Impact

- 6.8 The site was previously considered acceptable subject to some additional planting and bunding. The bunding works were undertaken together with planting on the bunds. This planting has failed. However since then existing trees and hedges have been allowed to mature which provides appropriate screening for the site. Notwithstanding this the Council's Landscape Officer is reviewing the site and his views will be verbally reported to Committee. The recommendation of this report reflects these outstanding comments.

Impact on Marden (Amenity)

- 6.9 It is considered reasonable to conclude that the establishment of such a large temporary workforce needs to be located close to the farmed area and furthermore its location within reasonable distance of the facilities provided by a village such as Marden represents a sustainable alternative to a very isolated rural location.
- 6.10 This proposal meets both of these criteria. Marden is identified in the Herefordshire Unitary Development Plan 2007 as a main village. Whilst at its peak the number of workers housed in the accommodation is comparable to the population of Marden, this fluctuates throughout the year. In addition the applicants have sought to reduce the impact on the village by providing a range of on-site facilities including games areas, swimming pool, tv rooms, internet café and a bar. The proposal is considered to provide an acceptable balance between on-site facilities and those services provided within the village and it is therefore considered acceptable.

Section 106

- 6.11 The previous planning application included a Section 106 Agreement which effectively removed the permitted development rights for the applicant to place seasonal agriculture workers' caravans on land without the need for planning permission. The

Parish Council have requested the continuation of this Planning Obligation. However a more appropriate means would be the use of a condition that removes the permitted development rights on the land owned and controlled by the S&A Group at Brook Farm, Marden.

Conclusion

- 6.11 The applicants have through the previous temporary planning permission established a need for this temporary workforce. The site is well located in relation to the existing complex of farm buildings and lies on the edge of the settlement of Marden. The site is well screened from the village and the surrounding landscape. The proposal is therefore considered to be acceptable subject to a further temporary planning permission of five years to enable the local planning authority to retain effective control over the site to meet any future changes in farming practices. It is acknowledged that the scale of the operation at Brook Farm, Marden and the associated accommodation requirements is a cause of serious concern amongst residents of the village. However it is considered that the principle of this use of land remains an acceptable one subject to appropriate planning controls. It is recommended that conditions can effectively restrict the threat of further expansion of the accommodation at Brook Farm and furthermore that a temporary permission remains appropriate in order to periodically review the accommodation needs of the enterprise.

RECOMMENDATION

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

- 1. E22 (Temporary permission (mobile home/caravan)).**

Reason: To enable the local planning authority to retain effective control over the development.

- 2. The occupation of the caravans, pods and accommodation blocks shall be limited to persons employed in agriculture at Brook Farm, Marden.**

Reason: Planning permission has only been granted for the farming requirements of Brook Farm.

- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 or any order revoking and re-enacting that order with or without modification no caravans or pods shall at any time be placed on the land which is under the control or ownership of the applicant as defined by Drawing no.**

Reason: In order to clarify the terms of this planning permission and to maintain control over the scale of accommodation provided in the interests of visual and residential amenity.

Informatives:

- 1. N19 - Avoidance of doubt.**
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

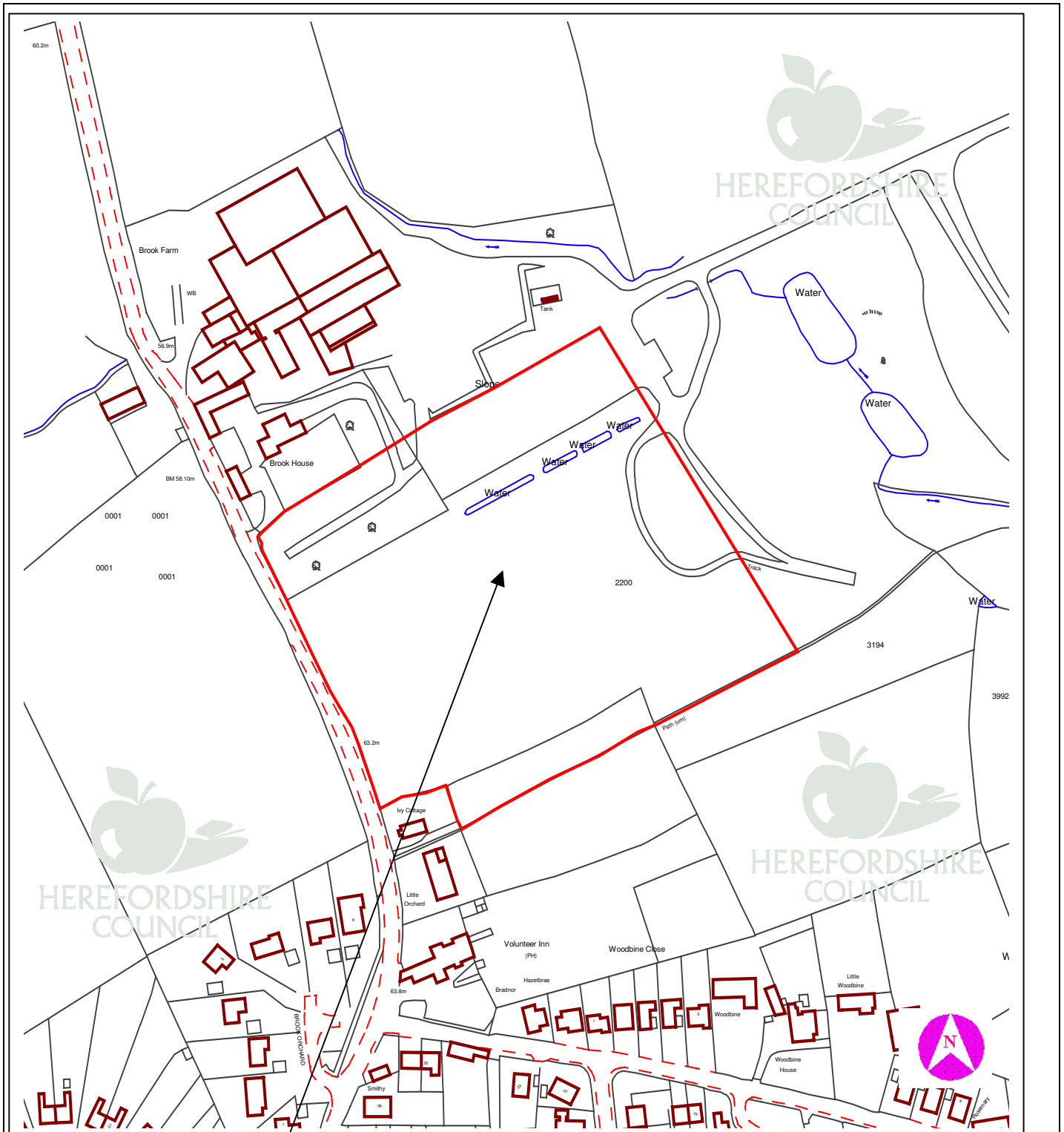
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2806/F

SCALE : 1 : 2500

SITE ADDRESS : Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET

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8 DCCW2007/2689/F - RETENTION OF POLYTUNNELS AT BROOK FARM AND NINE WELLS, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET

For: S&A Davies per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN

Date Received: 22nd August, 2007

Ward: Sutton Walls

Grid Ref: 52597, 48488

Expiry Date: 21st November, 2007

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 Brook Farm is located on the east side of the C1120 some 200 metres to the north of the village of Marden.
- 1.2 The proposal is to retain two areas of polytunnels which are located on two fields with a combined area of 14.7 hectares approximately and are utilised for the growing of blackberries and raspberries. Both crops are experimental under this form of cultivation with the plants being grown in 7 litre bags placed on the ground. One of the fields is located to the east of Brook Farm adjacent to Nine Wells and covers an area of approximately 7 hectares. Blackberries are being grown in these polytunnels. A Public footpath (MR22A) crosses the site from west to east and skirts along the eastern (MR20) and northern (MR19) boundaries.
- 1.3 The second area known as Field 2124 is to the north of Brook Farm and covers an area of approximately 7 hectares. Raspberries are being grown in these polytunnels. The raspberry plants are replaced every year whilst the blackberries are in their second year and are anticipated to produce a crop for another 2/3 years.
- 1.4 The planning application has been amended since submission and now relates only to the retention of the tunnels in the two fields. It is supported by a Landscape Assessment, Drainage Appraisal and Habitat Survey.

2. Policies

2.1 National Guidance:

PPS7	-	Sustainable Development in Rural Areas
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S4	-	Employment
Policy S7	-	Natural and Historic Heritage
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment

Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy E10	-	Employment Proposals Within or Adjacent to Main Villages
Policy E13	-	Agricultural and Forestry Development
Policy T6	-	Walking
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA3	-	Setting of Settlements
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscape Schemes
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 No previous planning applications on these two fields, however the following planning applications adjoin the Nine Wells site.
- 3.2 DCCW2004/0804/F Proposed erection of permanent polytunnels. Withdrawn 18th January, 2005.
- 3.3 DCCW2005/0698/F Siting of polytunnels in connection with raised bed strawberry production. Withdrawn 18th August, 2005.
- 3.4 DCCW2006/2534/F Retention of polytunnels in connection with raised bed strawberry production. Refused 24th October, 2006. Appeal to be heard 11th December, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Further to our letter dated 25 September 2007, I refer to the letter dated 19 October 2007 and enclosures which was received on 24 October 2007.

Information received: Water Resources and Surface Water Flood Risk Clarification, JDIH, (October 2007).

Flood Risk/Surface Water

Our Development Control (Flood Risk) team has reviewed the addendum and we note that Table 7 and Table 8 have been amended to confirm with PPS25 requirements and now include a 20% increase for rainfall intensity. We would have no adverse comments regarding the surface water runoff proposals based on the further information as submitted and recommend that the surface water scheme be

implemented in accordance with the Drainage Appraisal Report (dated August 2007) including Addendum dated October 2007 to prevent the increased risk of flooding.

Water Resources

We note the further clarification submitted as part of this application to address water resource considerations. This utilises information presented with the previous application (DCCW2006/2534/F) including Environmental Statement for the siting of polytunnels on land at Brook Farm.

The report confirms that the planning application will not result in an increase in abstraction over the current situation and we note that based on the information submitted the impact of abstraction on the Q95 flow in the River Lugg is 'insignificant in terms of flow rate and volumes' and 'will not have an impact on the River Lugg SSSI or River Wye SAC'. We have no information available to us to propose a position contrary to the conclusions of the addendum, namely that there will not be an impact on flow rate or volume.

The report also confirms the use of water efficient methods of growing matching irrigation to the exact plant requirement are employed on site.

On the basis of the above we have no objection in principle to the proposed development.

4.2 Natural England: Comments awaited.

Internal Council Advice

4.3 Traffic Manager: No objection subject to a condition precluding HGV access to the adjoining highway network.

4.4 Head of Environmental Health & Trading Standards: No objection. This development has not given rise to any environmental health related problems.

4.6 PROW: The proposed retention of polytunnels will affect public views from various public rights of way in the Parish of Marden, in particular footpath MR22A which cuts west to east across the middle of the polytunnels. A site visit confirms that whilst the footpath is open at ground level the polytunnel sheeting is completely above the heads of workers giving a sense of being indoors. Some sheeting has fallen and blocked paths. We wish to object to any proposal that covers the public right of way with polytunnel sheeting and suggest that there should be a minimum gap of 2 metres either side of the centre line of the public footpath where there is no polytunnel structure.

The total loss of any close or long distance views for such a significant length of footpath (approximately 140 metres) is not acceptable, as the enjoyment of the footpath is very significantly reduce.

4.7 Conservation Manager (Ecology): Comments awaited.

4.8 Conservation Manager (Landscape): Brook Farm is located on the north-western edge of Marden. This area is described as Principal Settled Farmlands in the Landscape Character Assessment. The application site comprises two separate fields, one to the north of Brook Farm and one to the east of Brook Farm.

North-West Field

This field slopes down from north to south, to a small watercourse that runs along its southern edge. The field is bounded to the north by the minor road to The Vault and to the west by the Bodenham - Marden minor road. There are tall hedgerows along both of these roadside boundaries. There is a small area of woodland to the east of the field. Footpath MR21 is to the east of this area of woodland, running from the minor road to The Vault, southwards to Marden and Burmarsh.

With regard to the Landscape Assessment by the Cooper Partnership, I consider that their identification of representative views towards this field is comprehensive and that their assessment of the visibility of the site from the identified viewpoints is accurate. It does not appear that there are views of polytunnels on this field from private properties in the vicinity of the site.

Turning to the impact on the surrounding landscape character, I am in agreement with the principal findings of the Landscape Assessment. Where there are long distance views, such as from Dinmore Hill, the polytunnels on this north-west field do not have significantly more impact than the existing polytunnels in the central part of the landholding at Brook Farm. With regard to short-distance views, from the adjacent minor roads, views are restricted by the field hedgerows, which have now grown tall enough to screen the polytunnels. There are only glimpsed views of the polytunnels through gateways. Views from the public right of way MR21 are screened by the area of woodland with only a glimpsed view through a gateway at the northern end of the footpath.

South-East Field

This field is bounded to the north by bridleway MR20 and to the east by bridleway MR19. Footpath MR22A runs across the field. There are open post and wire fences along these boundaries. The field occupies the most elevated area of land within the landholding at Brook Farm, with part of the land rising to a level of 75m AOD. With regard to the topographical position of the field in relation to Marden, the land falls to the south, where it meets a low field hedgerow that separates the application site from a small pastoral field. The pastoral field rises gently to the south, and adjoins the rear gardens of houses at Hawkersland.

With regard to the Landscape Assessment by the Cooper Partnership, I consider that they have identified most of the representative views towards the site, but I consider that some of the key views, from Hawkersland, has not been considered, in particular views from the southern part of bridleway MR19, where it passes between Hawkersland Cottages and the hall and the views from the houses which back onto the small pastoral field. I address this issue below. Otherwise, I am in agreement with the principal findings of the Landscape Assessment - that there are limited views of the south-east field due to the topography of the area and intervening vegetation and that with regard to long-distance views, polytunnels do not have significantly more impact than the existing polytunnels.

Relationship of the polytunnels on the south-east field with Hawkersland

Selecting viewpoint H, which shows a glimpsed view of the polytunnels from the minor road at Hawkerland, downplays the fact that polytunnels impinge significantly on views from the houses which look across to the application site. While it would be possible to reinforce the low field hedgerow, which divides the small pastoral field from the application site, with additional hedgerow trees, this would only screen the polytunnels on the lower slope of the field. Polytunnels on the highest part of the field would still be

visible. I am concerned that polytunnels on the southern part of the field impinge on the setting of Marden to an unacceptable degree, due to the topographical position of the field in relation to Hawkersland. If the proposal was to rotate the polytunnels, then the intermittent nature of the visual intrusion might be acceptable. However, the fact that polytunnels on this field would be permanent, tips the balance the other way. As stated in my memo dated 6th September 2006, from a landscape perspective I consider that it is essential to maintain a sufficiently wide area of land to act as a buffer between the village and the polytunnels. Given that this field is more elevated and consequently polytunnels on it would be more prominent, when viewed from the south, then the distance between the houses and the area of polytunnels needs to be increased. I consider that the proposal, as it stands, is not acceptable from a landscape perspective.

However, I consider that there is a compromise option that would be visually acceptable. There is potential to plant a new field hedgerow and hedgerow trees, running east-west, across the field, at a higher elevation - perhaps along the northern edge of footpath MR22A, and to site polytunnels only to the north of this hedgerow. This would have a number of benefits. The new hedgerow and trees would screen the polytunnels more effectively from views from footpath MR22A and from the houses to the south, because it would be at a higher elevation than the existing low hedgerow between the application site and the small pastoral field. The sub-division of the application site into two smaller fields is appropriate because it would tie into the mosaic of small fields and orchards (character area V). There is the option of planting an orchard in the southern part of the application site, which would further enhance the landscape quality of the buffer zone and which would improve biodiversity interest.

Conclusion

North-west field: polytunnels would be acceptable on this field and the landscape enhancement and mitigation proposals put forward are acceptable, because they are appropriate to the landscape type Principal Settled Farmlands.

South-east field: the proposed area of polytunnels is not acceptable as it stands. If the proposal were revised in line with my recommendations above, I would consider it to be acceptable, from a landscape perspective.

Accordingly I recommend that you advise the applicant to reconsider the proposals for the south-east field.

Comments on the revised landscaping proposals are awaited and will be reported verbally.

5. Representations

5.1 Marden Parish Council: At a recent meeting, Marden Parish Council resolved to make the following comments on this application.

1. Despite requests from the Parish Council for clarification, and your efforts to reply, the Council is still uncertain about what is being applied for. It appears the agents for the applicants are seeking approval for permanent polytunnels and the Parish Council would be opposed to this.

2. The Parish Council has no difficulties with the North-East site given it is relatively remote from the village and sheltered from view, but the Parish Council would like to see a time limit placed on any permission.
3. The Nine Wells site is in the direct view of a number of houses at Hawkersland Cross and the polytunnels have been in place for some years. These houses also have polytunnels to their fronts, and the Parish Council considers the retention of these polytunnels to be an unwarranted intrusion in the view from these houses and their amenities. This part of the application is therefore opposed.

5.2 Thirty four letters of objection have been received, the main points raised are:

1. The polytunnels are ruining our beautiful county. They are unsightly for home owners, visitors to the village and workers.
2. The run-off from fields is causing flooding regularly on some roads together with large amounts of mud.
3. The effect on local wildlife and habitats has been very detrimental and this would be exacerbated by prolonging the period the polytunnels remain.
4. Large vehicles are constantly moving traffic through the village to the factory and damaging verges and bridges.
5. The existing polytunnels are extremely close to properties in the area.
6. Polytunnels have increased the extraction of water drawn from the local river.
7. Long term effects on soil fertility.
8. The proposal is contrary to UDP Policy E13 in that the development has adverse impacts on residential amenity and the environment and is not well related to existing development and landscape.
9. Restriction on early starts and late night operating are fundamental if approval is granted.
10. The large scale developments around Marden makes a severe and adverse impact on the landscape, the setting of the village and on the residential amenity. It is therefore contrary to policies contained in the UDP.
11. The landscape appraisal with the planning application is flawed as it starts from a baseline that polytunnels were there previously. This is ludicrous. The comparison should be between open farmland and polytunnels.
12. The tunnels are fed through trickle irrigation and therefore need water.
13. More fruit growing will require more labour.
14. This application only covers two fields and the cumulative impact of all the fields needs to be considered.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 This planning application has been submitted following investigation by the Council's Enforcement Team. The proposal seeks to retain approximately 14 hectares of polytunnels on two separate fields which are being used to grow blackberries and raspberries in plastic grow bags.

6.2 The proposal has been assessed with respect to the following issues:

1. Principle of Development
2. Visual Impact
3. Traffic Impact
4. Drainage and Flooding
5. Ecology
6. Footpaths/Amenity
7. Cumulative Impact

Principle of Development

6.3 The polytunnels are being used to cultivate produce being grown in 7 litre grow bags and are an experimental polytunnel crop. PPS7 recognises the important and varied roles of agriculture, including the maintenance and management of the countryside. It also acknowledges that policies should support development that enables farming and farmers to:-

1. Become more competitive and sustainable.
2. Adapt to new and changing markets.
3. Comply with changing legislation and associated guidance.
4. Diversify into agricultural applications.
5. Broaden their operations to 'add value' to their primary product.

This proposal seeks to deliver these policies through the expansion of the business into different crops to meet the market demand and improve the quality and quantity of fruit delivered through this form of operation. However, as this is an experimental cropping method, permanent provision is not considered acceptable.

Visual Impact

6.4 The Council's Landscape Officer has fully assessed the proposal and his comments are included within the report. There are no significant concerns with regard to the field to the northwest subject to the landscape enhancement and mitigation proposals put forward in the Landscape Assessment Document that accompanied the planning application.

6.5 However, serious concerns have been expressed in relation to the field to the southeast. This field is crossed by a public footpath and there are views from residential property to the south at Hawkersland. These concerns were raised with the applicant's agents together with the compromise position put forward by the Landscape Officer. This was to plant a new hedge along the northern side of the public footpath that crosses the site. This would screen the polytunnels more

effectively as it is at a higher level than the hedge at the bottom (south) of the field and it will create a subdivision of the polytunnels. This will create a new field which would tie in with the mosaic of small fields characterised by this area and generally enhance the current field pattern as well as reduce the area of land currently being utilised for polytunnels. The applicant has submitted a revised landscaping scheme which addresses these concerns including hedgerow and orchard planting as requested. The revised scheme requires further assessment by the Landscape Officer and the recommendation reflects this.

Traffic Impact

- 6.6 Both of these fields are located in areas adjacent to the existing farm where existing internal access tracks are used rather than the public highway. The applicant's agent has confirmed that all heavy goods vehicles pass through Brook Farm as the adjoining network is too tight for HGVs. This therefore reduces traffic on the roads together with the associated erosion of grass verges and deposits of mud.

Drainage and Flooding

- 6.7 The drainage and flooding aspects of this proposal have been fully assessed by the Environment Agency and Members will note that they raise no objections to the method of trickle irrigation and the drainage regime employed. The concerns of local residents regarding flooding and silt are noted, however it is the polytunnels to the south of Marden that have created the majority of this problem whereas in this case the topography to the land and the alignment of drainage channels does not result in any problems with rapid run-off onto the highway.

Ecology

- 6.8 A Habitat Survey has been submitted with the planning application which is being assessed by the Council's Ecologist. The conclusions identify that no mitigation or further survey work is required and it is unlikely that there will be an "in principle" objection to the proposal in ecological terms. However, the recommendation reflects the need for the Council's Ecologist to formally comment.

Footpaths

- 6.9 The Public Rights of Way Manager has raised concerns regarding the enjoyment of the footpath (MR22A) and surrounding countryside with the effective enclosure of the path. The polythene is presently removed from tunnels and any replacement needs to ensure that it does not cover the footpath. This can be achieved by means of a condition. In addition a 2 metre wide width either side of the footpath will be conditioned.
- 6.10 The proposed planting of the hedge on its northern boundary will also reduce the visual impact of the polytunnels to footpath users. Whilst this is a concern it is not considered sufficient on this aspect alone to refuse the application taking into account that the footpath also passes through the adjoining area of table top polytunnels which are the subject of an appeal and where this was not a ground for refusal.

Cumulative Impact

- 6.11 The cumulative impact of polytunnels is a major concern in the county and in particular Marden. However these two fields are well related to the farm complex at Brook Farm and are contained within areas considered acceptable in landscape terms.

Conclusion

- 6.12 Whilst the concerns of the PROW and local residents are noted, it is considered that this proposal to retain the two areas of polytunnels are acceptable in landscape impact terms and address the other key issues of drainage and ecology in an acceptable manner. It is acknowledged that polytunnels are highly controversial but having regard to all material considerations, these two relatively small areas are recommended for approval.

RECOMMENDATION

That temporary planning permission be granted subject to confirmation of the acceptability of the revised landscaping scheme and Habitat Survey and the following conditions:

1. **E20 (Temporary permission) (21st November, 2012).**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

2. **The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year.**

Reason: In order to protect the visual amenity of the area.

3. **G04 (Landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

4. **G05 (Implementation of landscaping scheme (general)).**

Reason: In order to protect the visual amenities of the area.

5. **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations)).**

Reason: To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

6. **Within one month of the date of this permission, details of signage including proposed locations demarking the public rights of way that cross the site shall be submitted to and approved in writing by the local planning authority. The signs shall be installed within a further two months of the date of their approval and retained whilst polytunnels remain on the site.**

Reason: In order to protect the integrity of the Public Rights of Way.

- 7. Notwithstanding the submitted plans the polytunnels south of Public Footpath MR22A shall be removed within three months of the date of this planning permission.

Reason: In order to protect and enhance the visual amenity of the area.

- 8. All access to and from the two fields subject of this permission shall be by means of internal roads at Brook Farm, Marden and not direct from the public highway.

Reason: In the interests of highway safety and residential amenity.

Informatives:

- 1. N19 - Avoidance of doubt.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

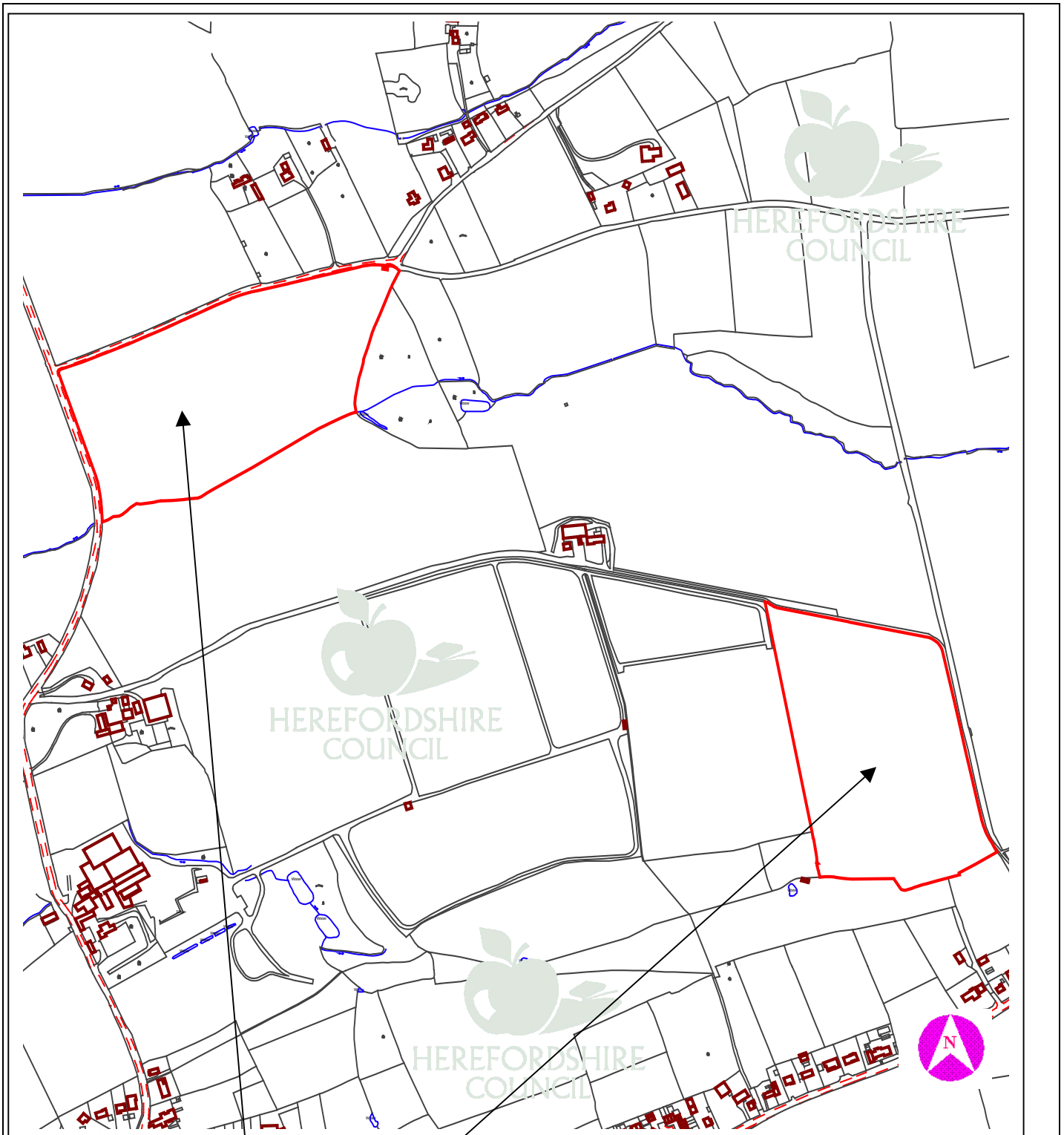
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/2689/F

SCALE : 1 : 6950

SITE ADDRESS : Brook Farm and Nine Wells, Marden, Hereford, Herefordshire, HR1 3ET

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9 DCCE2007/3194/F - SITING OF WOODEN CABIN TO ACCOMMODATE NEEDS OF DISABLED PERSON. LAND ADJACENT 'OLD VICARAGE', PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE

For: Miss S. Davies per Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD

Date Received: 15th October, 2007

Ward: Hagley

Grid Ref: 56494, 46847

Expiry Date: 10th December, 2007

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of a timber constructed 3-bedroom dwelling for occupation by the applicant on land adjacent to The Old Vicarage, Preston Wynne. The site extends to 0.09 hectare and is bound to the east by the C1118, The Old Vicarage to the south and agricultural land to the remaining aspects.
- 1.2 The site is an orchard, but does not appear to be actively managed as such. The boundary to the road and the open countryside to the north and west are defined by mature trees and hedgerow. The southern aspect, toward The Old Vicarage, is open by comparison.
- 1.3 Vehicular access is achieved via a gate at the south east corner of the site in close proximity to the public footpath that runs along the southern site boundary.
- 1.4 This application is the fourth submission for residential accommodation for the applicant at this location. The three previous applications (detailed at Section 3) have been refused on the basis that the site is within open countryside where residential development is contrary to adopted planning policies.

2. Policies

2.1 Planning Policy Statements and Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPS7	-	Sustainable development in rural areas
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity

DR3	-	Movement
H7	-	Housing in the open countryside outside settlements
T11	-	Parking provision

3. Planning History

- 3.1 DCCE2007/0859/O - Proposed bungalow for a disabled person. Refused at Central Area Planning Sub-Committee 6th June, 2007.
- 3.2 DCCE2006/2453/F - Proposed detached bungalow. Refused 18th September, 2006.
- 3.3 DCCE2005/3999/F - Proposed detached bungalow. Refused 30th January, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Welsh Water: No objection.

Internal Council Advice

- 4.3 Traffic Manager: No objection but recommends imposition of conditions relating to formation of parking areas and visibility splays.
- 4.4 Public Rights of Way Manager: No objection subject to the protection of the Public Right of Way during construction and thereafter.

5. Representations

- 5.1 The Ramblers' Association: No objection subject to the protection of the Public Right of Way during construction and thereafter.
- 5.2 Preston Wynne Parish Council: Strongly support the application.
- 5.3 Four letters of support have been received from local residents and other interested third parties. These letters highlight the desire of the applicant to remain within the local community, where she has resided for her entire life. They point to the network of friends and family that have supported the applicant, but also indicate an understandable desire for independence whilst maintaining these connections.
- 5.4 A letter of support has been received from the applicant's sister. The letter explains how permission for a bespoke home would enable self-sufficiency and autonomy in a location close to family and friends and the applicant's place of work.
- 5.5 A letter from the applicant's doctor has also been provided in support of the application. The letter explains the applicant's disability and the level of support and intervention required from the wider family. It goes on to describe the proposal as a 'sensible and worthwhile solution to the problem that is presented'.
- 5.6 The agent for the application has also submitted a supporting statement, the content of which can be summarised as follows:

- Other than failure to comply with housing policy/sustainability the previous applications have been accepted by the Council as according with national and local planning policy;
- This application overcomes previous reticence to grant a 'personal' condition, because the building is a temporary structure, desired only for the lifetime of the applicant;
- The applicant's condition means that although able to live independently she will still need to be within reasonable proximity to her family. The potential for building an annexe within the grounds of her parents' house has been discounted owing to lack of space;
- The existing dwelling cannot be adapted to meet the specific needs of the applicant e.g. adapted worktop heights would be required;
- Although in open countryside in planning terms the site is well contained, next to residential properties and opposite the village hall. Regular bus services are available, whilst it should be noted that the applicant works in Bartestree;
- Approval of this application is the only way by which the applicant can secure a private and family life in accordance with Article 8 of The Human Rights Act 1998;
- The development would be neutral in terms of car use.

5.7 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 Preston Wynne is a small hamlet, which has no settlement status in the Herefordshire Unitary Development Plan 2007. The proposal therefore constitutes housing in the open countryside and Policy H7 outlines the circumstances in which new housing can be supported. These can be summarised as follows:

1. The dwelling is required for essential agricultural or forestry workers;
2. It is a replacement dwelling;
3. The residential conversion of an existing rural building;
4. The dwelling is necessary as an accompaniment to the growth of a rural enterprise;
5. The site is providing for the needs of gypsies or other travellers.

6.2 The application does not meet any of the above criteria. However, as with previous applications this is not contested.

6.3 In exceptional circumstances, and where the development is contrary to policy at face value, planning permissions made specific to an individual may be an appropriate means of squaring personal considerations with policy content. However, the use of a personal permission in this context would be unusual on a site so divorced from an existing dwelling. It should also be borne in mind that the accommodation is sought for the duration of the applicant's life, which given Miss Davies is 23, could almost be the equivalent to permitting a permanent dwelling on site.

6.4 This application is promoted by the agent on the premise that the building proposed is essentially temporary yet will still meet the needs of the applicant, who wishes to achieve independence yet remain within the local community. The agent also submits that the application seeks change of use of land rather than operational development on the pretext that the cabin is temporary and would not constitute typical

development. This view is contested owing to the size and moreover, if approved, the likely permanence of the structure.

- 6.5 The 'cabin' would provide 3 bedrooms, a kitchen, living room, utility and bathroom, equating to 128 square metres. (The dimensions therefore exceed the upper limits given in the definition of a caravan (Section 13 (2) Caravan Sites Act 1968). The structure would also be larger than what would be permissible as a 3-bed dwelling in a smaller settlement).
- 6.6 Turning to the issue of sustainability, Preston Wynne provides little more than a village hall. Residents in this area need to travel for the majority of their domestic, professional and personal requirements. The lack of public transport necessitates the use of private transport to meet these requirements. Policy S1 of the Herefordshire Unitary Development Plan 2007 states that:
- 'Sustainable development will be promoted by.. directing necessary new development to strategic locations, settlements and sites that best meet the appropriate sustainable development criteria'.
- 6.7 To facilitate the Herefordshire Council has identified appropriate locations for new developments, including the designation of settlements. Preston Wynne is not such a designated settlement due to the inadequacies of the location to support new development.
- 6.8 Consideration has been given to the applicant's rights under Article 8 of the Human Rights Act 1998 and particularly the right to respect for a private and family life. This is acknowledged but, having regard to her right of appeal should permission be refused, and the need to balance her personal need with the Council's planning objectives, the planning system does provide adequate safeguards in respect of the applicant's human rights.

RECOMMENDATION

That planning permission be refused for the following reasons

- 1. The development is contrary to Policy H7 of the emerging Herefordshire Unitary Development Plan 2007, together with advice contained within PPS7 entitled Sustainable Development in Rural Areas, as the site for the dwelling lies outside of a defined settlement and none of the exceptions to new housing in the countryside have been satisfied.**
- 2. The proposed development, by virtue of its remote location, is contrary to PPG3: Housing, PPG13: Transportation, and Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR2, which seek to prevent unsustainable development and reduce the need to travel.**

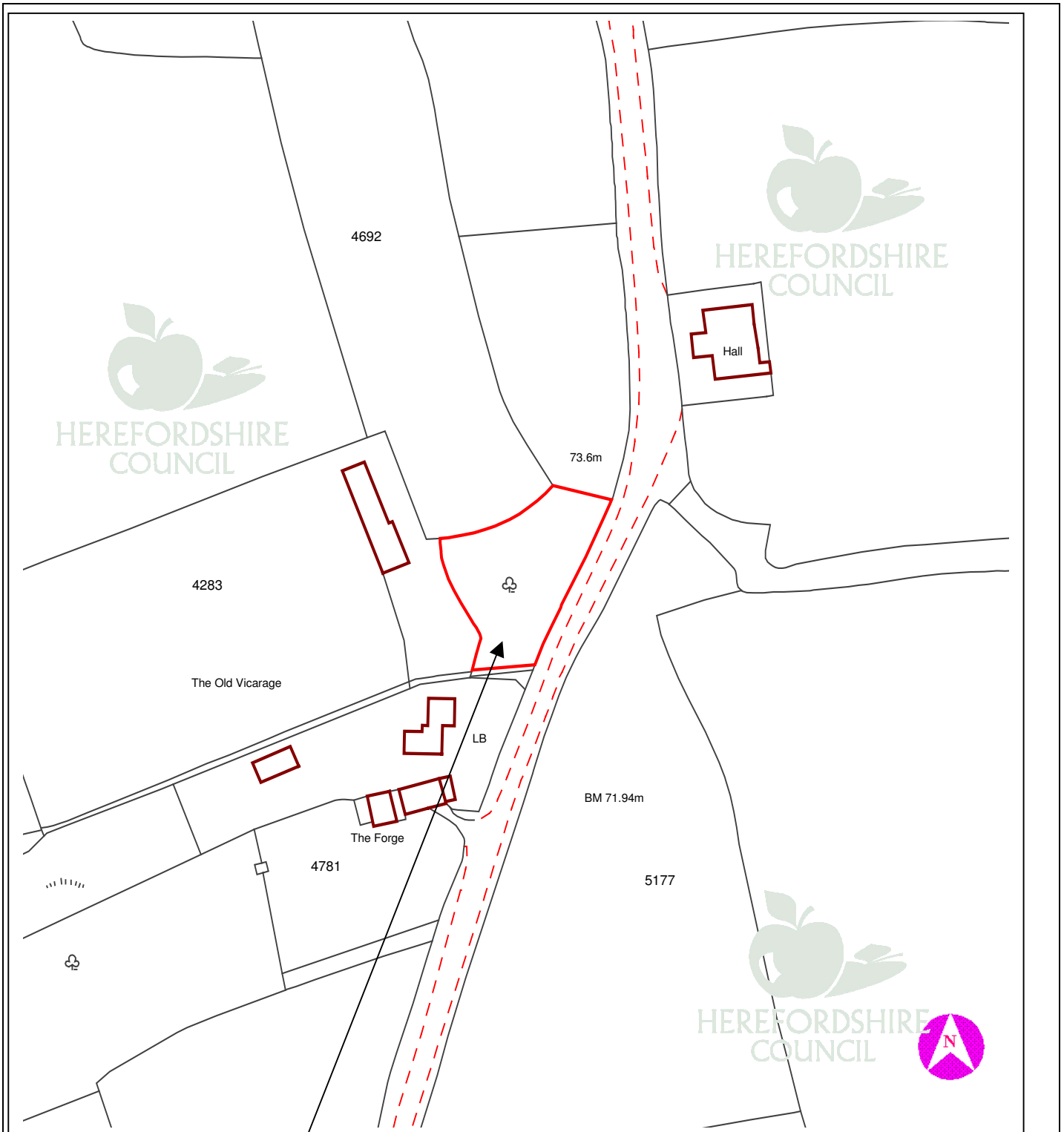
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3194/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent 'Old Vicarage', Preston Wynne, Hereford, Herefordshire, HR1 3PE

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10 DCCE2007/3147/F - PROPOSED CHANGE OF USE FROM RETAIL UNIT AND PRIVATE MEMBERS CLUB TO A3 RESTAURANT USE. PART 48, ST. OWEN STREET, HEREFORD, HEREFORDSHIRE, HR1 2PU

For: Bindi (London) Ltd per Daniel Forrest, Satchmo, 2 Broomy Hill, Hereford, HR4 0LH

Date Received: 9th October, 2007

Ward: Central

Grid Ref: 51341, 39784

Expiry Date: 4th December, 2007

Local Member: Councillor MAF Hubbard

1. Site Description and Proposal

1.1 No. 48 St Owen Street is a two storey 17th Century Grade II Listed Building with a two storey 19th Century extension to the rear situated on the junction of St Owen Street and Cantilupe Street. The application site comprises the premises facing Cantilupe Street which were formerly used as a retail unit known as 'Four Seasons' on the ground floor and the first floor which was formerly occupied as a private members club known as 'The Liquid Lounge'. Both of these units have been recently vacated. The site is located within a designated Secondary Shopping Frontage within the Central Shopping and Commercial Area and also lies within the Hereford City Conservation Area as designated in the Herefordshire Unitary Development Plan 2007. In the wider locality, there are existing properties in St Ethelbert Street, Cantilupe Street and in St Owen Street.

1.2 This application seeks planning permission for the change of use of the existing ground floor retail unit and the first floor Members Club to a restaurant (Class A3).

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S5	-	Town centres and retail
S6	-	Transport
DR2	-	Land use and activity
DR4	-	Environment
TCR1	-	Central shopping and commercial areas
TCR2	-	Vitality and viability
TCR4	-	Secondary shopping frontages
TCR6	-	Non-retail uses (Classes A2 and A3)
HBA3	-	Change of use of listed building
HBA6	-	New development within conservation areas

3. Planning History

- 3.1 DCCE2007/2686/F - Proposed change of use from retail unit to A3 use and use in conjunction with the A3 use to the side and above. Withdrawn 27th September, 2007.
- 3.2 DCCE2006/0034/V - A proprietary club open to members only. Approved 1st March, 2006.
- 3.3 DCCE2005/3148/L - Raise the flooring in mens' toilets by 22mm, removal of a plasterboard partition wall and reinforcement of existing. Approved with conditions 21st November, 2005.
- 3.4 DCCE2005/2976/U - Continued use of property as members club. Withdrawn 10th November, 2005.
- 3.5 HC980071LD - Internal alterations for proposed use as restaurant. External redecoration. Approved with conditions 28th May, 1998.
- 3.6 HC980070PF - Change of use of ground floor to restaurant. Approved with conditions 29th May, 1998.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection.
- 4.4 Environmental Health Manager: 'I am aware that there have been concerns raised about disturbance and noise nuisance to neighbours due to the use of the premises as a private members club and I am of the opinion that the proposed use is unlikely to have a detrimental effect on the situation. I have no objection to this proposal but would suggest that conditions requiring prior approval of any ventilation system and externally mounted refrigeration units. Although the noise insulation of the building could be improved I am of the opinion that it would be desirable but it is not imperative. Should noise nuisance be identified once the restaurant is in operation, the local authority is provided with powers contained within the Environmental Protection Act 1990, which are separate and independent of the planning process, to require that the nuisance is abated'.
- 4.5 Forward Planning Manager: Comments awaited.
- 4.6 Licensing Manager: No comment.

5. Representations

- 5.1 Hereford City Council: Comments awaited.

5.2 Sixteen letters of objection have been received the main points raised are:

1. Environmental disturbance;
2. Noise nuisance;
3. Late night anti-social behaviour; and
4. Lack of parking facilities.

5.3 Support in principle is also expressed in two letters received from The Castle Street & District Resident's Association and Richard Branczik of 1 Cantilupe Street subject to safeguards in respect of the residential amenity of the area.

5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues for consideration in the determination of this application are as follows:

- a) Principle of development
- b) Impact of the proposed use on residential amenity
- c) Highway and parking issues

Principle of Development

6.2 The site falls within the designated Secondary Shopping Frontage and Central Shopping and Commercial Area where Policies S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan 2007 seeks to protect and enhance the vitality and viability of Hereford City Centre. Policy TCR4 states that non-retail use (Class A2-5) uses will be permitted provided that the proposal would not detract from the shopping character frontage of the area. It is noted that this part of St Owen Street is predominantly characterised by a mixture of daytime and night time business uses including retail, a pub, restaurants with the use of upper floors for residential purposes. In this instance, taking into account the historic use of the premise and the established mixed commercial character of the street, it is considered that the introduction of an additional restaurant would provide an opportunity to promote the vitality of the area that would not be detrimental to the shopping and commercial character of the area. In respect of this, it is considered that the change of use of this building to a restaurant use can be supported as a matter of principle.

Impact on Residential Amenity

6.3 It is clear from the significant number of objection letters received in response to this application that noise, litter, odour and nuisance relating to vehicular traffic coming and going and the perceived threat of late night anti-social behaviour are serious concerns associated with this particular use. Against these concerns it is advised that the Licensing Manager and the Environmental Health Manager have not objected to the proposed use subject to conditional controls.

6.4 The agent has advised that the intended opening hours would be between 0800 hours and 2400 hours (midnight) Mondays to Sundays. However, the last hot meal order would be served by about 2130 hours. Such an approach is intended to offer sufficient time for customers to enjoy their meal before closing and also reduce the potential for

additional disturbance late at night or nuisance in the vicinity. The Licensing Manager has confirmed that the proposed opening hours would not be significantly different to the hours granted to the previous use of the premise as the previous licence allowed that use to close at 2300 hours on Sunday to Thursday and 2400 hours (midnight) on Friday and Saturday. Although the proposal would extend the opening hours by one hour from Sunday to Thursday, having regard to the nature of the proposed restaurant use, it is not considered that this modest extension would have any significant material impact on the amenity of neighbouring properties in the vicinity. In the light of residents genuine concerns in respect of the amenity impact of the proposed use, and notwithstanding the requirements to obtain a premise license it is considered appropriate to restrict opening hours to 2400 (midnight) as suggested by the applicant.

- 6.5 The Environmental Health Manager has considered the proposal and raises no objection having regard to the previous use of the building. He comments that the proposal is unlikely to have any impact on the amenity of neighbouring properties in terms of disturbance, odour emission and noise nuisance. The agent has indicated that there would be no loud music played within the premise. The Environmental Health Manager has confirmed that should any noise nuisance to be identified in the future, this issue can be effectively controlled under the Environment Protection Act 1990. It is considered that subject to conditions requiring detail of the specification of the extraction system there will be no harmful impact on local amenity from noise or odours.

Highway Safety and Parking Issues

- 6.6 Interested parties have raised concerns about insufficient parking leading to on-street parking in the area. However, the site is in a sustainable location being within walking distance of the town centre. Furthermore, there a number of public car parks in the locality and parking is restricted in front of the premise. The Highway Engineer has not objected to the proposal. On this basis, it is considered that there is no objection regarding highway or pedestrian safety.

Conclusion

- 6.7 In conclusion, and taking all the matters raised, it is considered that the proposed restaurant use would not be detrimental to the shopping and commercial character of the area or the amenity of nearby residents. The proposal is in accordance with the relevant planning policies, subject to appropriate conditions, the proposal represents an acceptable development.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission)).**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. F37 (Scheme of odour and fume control).**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

3. F38 (Details of flues or extractors).

Reason: In the interests of the amenity of the area.

4. F39 (Scheme of refuse storage).

Reason: In the interests of amenity.

5. The use hereby permitted shall not be open to customers outside the hours of 0800 hours and 2400 hours (midnight) Mondays to Sundays.

Reason: To safeguard the residential amenities of the locality.

Informatives:

- 1. N03 - Adjoining property rights.**
- 2. N08 – Advertisements.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 4. N19 - Avoidance of doubt.**

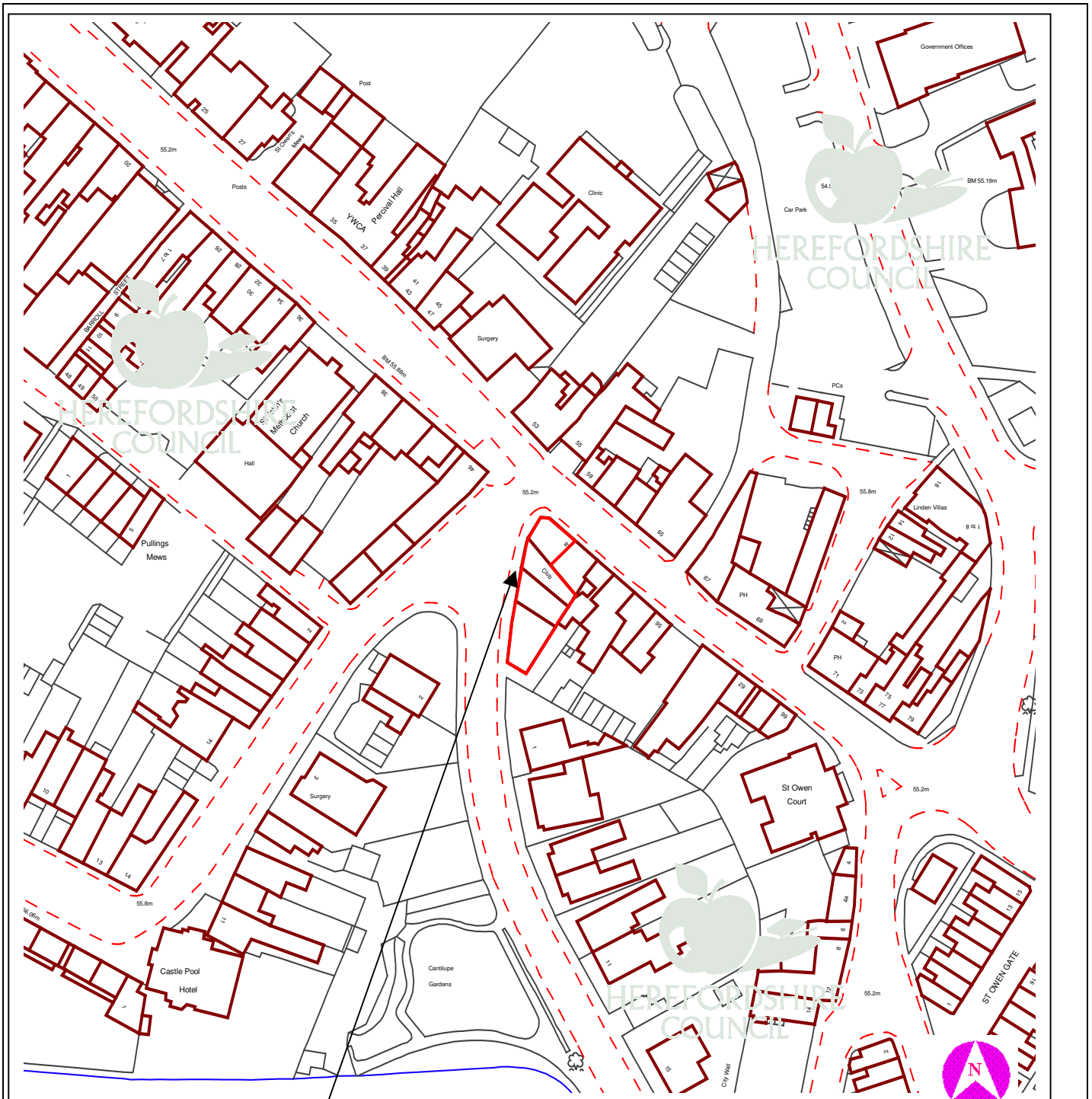
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3147/F

SCALE : 1 : 1250

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