

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 5 November 2008**

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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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

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the minutes of the last meeting.</p>	1 - 10
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the Council's current position in respect of planning appeals for the central area.</p>	11 - 12

Planning Applications

To consider and take any appropriate action in respect of the planning applications received for the central area and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

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| 5. DCCE2008/2168/F - OAKLANDS NURSING HOME, 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP | 13 - 18 |
| Addition to application DCCE2006/4002/F additional wing to mimic existing agreed wing in length, width, height and construction. | |
| 6. DCCW2008/1721/F - 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE | 19 - 28 |
| Proposed house adjoining No. 10 with parking. | |
| 7. DCCW2008/2101/F - TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS | 29 - 32 |
| Variation of condition 1 of planning permission DCCW2007/1229/F to allow for dot.com operations on Sundays between the hours of 9.00am and 4.30pm. | |
| 8. DCCE2008/2385/F - HAUGHLEY COTTAGE, MORDIFORD, HEREFORD, HR1 4LT | 33 - 38 |
| Retention of replacement dwelling, less conservatory, front canopy, side porch and rear lean-to utility, cloakroom and rear entrance. | |
| 9. DCCE2008/2266/F - LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT NUNNINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QB | 39 - 60 |
| Proposed erection of 14 hectares of polytunnels for soft fruit growing. New general purpose storage building. Associated hardstanding and access roadways. Balancing pond. | |
| 10. DATES OF FUTURE MEETINGS | |
| 3 December 2008 | |
| 7 January 2009 | |
| 4 February 2009 | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 1 October 2008 at 2.00 p.m.

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

Councillors: PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, 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)

54. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors ACR Chappell, MAF Hubbard, RI Matthews, AT Oliver and NL Vaughan.

55. DECLARATIONS OF INTEREST

60. DCCW2008/1721/F - 10 Doncaster Avenue, Hereford, Herefordshire, HR4 9TE [Agenda Item 7]

Councillor SJ Robertson; Personal and Prejudicial. Left the meeting for the duration of the item.

61. DCCW2008/2035/F - British Telecom Building, Barton Road, Hereford, Herefordshire, HR4 0JT [Agenda Item 8]

Councillor GA Powell; Personal and Prejudicial. Left the meeting for the duration of the item.

Councillors SPA Daniels and AP Taylor; Personal.

62. DCCW2008/2004/O - Garden to Rear 93 Highmore Street, Hereford, Herefordshire, HR4 9PG [Agenda Item 9]

Councillor AM Toon; Personal and Prejudicial. Declared during the item and left the meeting for the remainder of the item.

63. DCCE2008/2043/F - M C Freeze, Barrs Court Road, Hereford, Herefordshire, HR1 1EG [Agenda Item 10]

Councillors DJ Benjamin and AJM Blackshaw; Personal.

56. MINUTES

RESOLVED:

That the minutes of the meeting held on 3 September 2008 be approved as a correct record.

57. ITEM FOR INFORMATION - APPEALS

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

SITE INSPECTION

The Central Team Leader recommended a site inspection in advance of the next meeting in respect of planning application DCCE2008/2266/F – Land to the West of Veldo Farm and East of the A465 at Nunnington, Hereford, HR1 3QB. This was agreed.

58. DCCW2008/1966/F - THREE COUNTIES HOTEL, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7BP [AGENDA ITEM 5]

Proposed additional three storey bedroom wing.

In accordance with the criteria for public speaking, Mr. Schoffer spoke on behalf of Belmont Rural Parish Council.

Councillor PJ Edwards, a Local Ward Member, welcomed the proposal but, to mitigate the impact of the development on the area, suggested that mature trees be required in the landscaping scheme. Councillors H Davies and GA Powell, the other Local Ward Members, endorsed these comments.

The Senior Planning Officer said that it was envisaged that at least standard or semi-mature trees would be planted.

In response to questions, the Senior Planning Officer advised that construction currently underway at the site related to extensions to the existing function suite and restaurant, previously approved under planning application DCCW2008/0232/F.

Councillor WJ Walling asked for clarification about Hereford City Council's recommendation that the 'application be refused due to poor design'. Councillor PA Andrews advised that the City Council considered that the design was unimaginative given that it was the paramount hotel complex in South Wye.

In response to questions, the Senior Planning Officer noted that the proposed development would alter the outlook of the surrounding residential properties but, given the separation distances and proposed landscaping, it was not considered that it would be so harmful that refusal was warranted in this instance. He added that the transient nature of hotel guests meant that there would not be the same level of overlooking as might be experienced with a residential apartment block.

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. C02 (Matching external materials (extension)).

Reason: To ensure the external materials harmonise with the existing

building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. G02 (Retention of trees and hedgerows).

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

4. G10 (Landscaping scheme).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

5. G11 (Landscaping scheme – implementation).

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

6. G15 (Landscape maintenance arrangements).

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

7. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

8. I16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

9. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

10. I37 (Details of shields to prevent light pollution).

Reason: To minimise light overspill and to protect the amenity of neighbouring properties so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

11. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

12. L02 (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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

Informatives:

1. **N01 - Access for all.**
2. **N19 - Avoidance of doubt - Approved Plans.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

[Note: In accordance with the Council's Constitution SO 5.10.2, Councillor PA Andrews wished it to be recorded that she abstained from voting on the resolution above.]

59. DCCE2008/2168/F - OAKLANDS NURSING HOME, 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP [AGENDA ITEM 6]

Addition to application DCCE2006/4002/F additional wing to mimic existing agreed wing in length, width, height and construction.

The following updates were reported:

- A further letter and e-mail had been received from each of the objectors and the comments were summarised.
- Comments had been received from Hereford City Council (no objection).
- Comments had been received from the Traffic Manager (no objection).
- The consultation period had now expired and the recommendation was amended accordingly.

Councillor DB Wilcox, a Local Ward Member, noted that an objector felt that a Sub-Committee site inspection was necessary and he supported this suggestion, particularly given the number of extensions to the main building, the location of the site within a Conservation Area and the potential impact of the development on neighbouring properties. Councillor Wilcox also said that the application was balanced finely and drew attention to the comments of the Conservation Manager.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

60. DCCW2008/1721/F - 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE [AGENDA ITEM 7]

Proposed house adjoining no. 10 with parking.

In accordance with the criteria for public speaking, Mr. Mills spoke in objection to the application.

Councillor PA Andrews, a Local Ward Member, noted the compactness of the site and the potential impact of the development on neighbouring properties. Given

these considerations, Councillor Andrews felt that the Sub-Committee would benefit from a site inspection. Councillors AM Toon and SPA Daniels, the other Local Ward Members, endorsed this suggestion.

RESOLVED:

That consideration of the application be deferred for a site inspection for the following reasons:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

61. DCCW2008/2035/F - BRITISH TELECOM BUILDING, BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0JT [AGENDA ITEM 8]

Change of use from B1 offices to Police offices (retrospective).

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

Councillor JD Woodward, a Local Ward Member, said that, in theory, the change of use of the building was not in itself a problem but the consequential impact on parking in the area was not acceptable. Councillor Woodward commented that local residents could not park on-street in the area due to indiscriminate parking by Police personnel and concerns had been expressed about related highway safety considerations. She said that the Police did not consider it safe enough to make use of the car park at Hereford Rugby Football Club and walk to the building, and questioned why local residents should be expected to accept the situation. It was noted that, through a planning condition, a Green Travel Plan would be required but Councillor Woodward felt that proof of the Travel Plan was needed before planning permission could be granted.

Councillor DJ Benjamin, the other Local Ward Member, said that he had witnessed operational vehicles parking in available spaces and this limited the amount of off-street parking available to other personnel. He also said that the parking problems had a detrimental impact on the Conservation Area and concurred with Councillor Woodward that the details of the Travel Plan should be available prior to the determination of this application.

In response to questions from Councillor PJ Edwards, the Principal Planning Officer advised that limited progress had been made with the Travel Plan to date and the Supplementary Planning Document on Planning Obligations did not make allowance for contributions from such developments towards residents' parking schemes. Councillor Edwards felt that the applicant should make a greater effort to resolve parking problems in the locality.

Councillor PA Andrews concurred with other Members that a comprehensive Travel Plan was required and noted that such plans had to be enforced properly.

Councillor DB Wilcox commented on the costs associated with road traffic orders and highway works. He also said that Travel Plans were only effective if the applicants were committed to improving parking problems; reference was made to the Learning Village where action had yet to be taken in respect of non-compliance with a requirement to implement a Travel Plan. Councillor Wilcox proposed that

temporary planning permission be granted for one year to enable the adequacy of the Travel Plan, and actions undertaken in respect of it, to be assessed.

Some Members supported a temporary planning permission but others felt that further details about the Travel Plan were needed to enable the Sub-Committee to reach an informed decision. Members also debated the merits of introducing a residents' parking scheme in the area.

The Central Team Leader advised that the recommended condition would require the completion and adoption of the Travel Plan within two months of the date of approval and, therefore, deferral of the application might not be necessary.

A motion to approve a temporary permission failed and the Sub-Committee then agreed to defer the application. Councillor Edwards commented on the need for activity to be undertaken on the Travel Plan in the intervening period.

RESOLVED:

That consideration of the application be deferred for further discussions with the applicant, in consultation with the Local Ward Members and the Chairman.

62. DCCW2008/2004/O - GARDEN TO REAR 93 HIGHMORE STREET, HEREFORD, HEREFORDSHIRE, HR4 9PG [AGENDA ITEM 9]

Proposed erection of two semi-detached chalet bungalows and associated works.

The following updates were reported:

- The comments of Welsh Water had been received stating that there was no objection subject to conditions to ensure the separate discharge of foul and surface water. It was noted that a condition was already included in the recommended conditions for this purpose.
- The recommendation detailed in the report was amended to omit reference to delegation to officers.

Councillor SPA Daniels, a Local Ward Member, supported the recommendation of approval but suggested that the proposed contribution towards open space provision and community sports facilities should be allocated to the skate park. Councillor PA Andrews, also a Local Ward Member, concurred and added that there was a children's play area nearby that required enhancement. Due to reference being made to the skate park, Councillor AM Toon, the other Local Ward Member, declared a prejudicial interest and left the meeting for the remainder of the item.

The Principal Planning Officer advised that the contributions towards sports facilities had been arrived at using the Sport England 'Sports Facilities Calculator' and this considered the impact of development on county facilities as a whole. The Central Team Leader added that it would not be possible to use monies for other important improvements in the locality if the allocation was too narrowly defined, e.g. if an identified facility was completed before planning obligation agreement sums were received.

The Local Ward Members commented that planning obligation contributions from developments should be used for community improvements in the immediate area, rather pooled into general funds. Councillor Wilcox suggested that the planning obligation agreement be worded so that the skate park and children's play area were identified as the principal facilities to receive the contribution but it could be used elsewhere if circumstances made this necessary. A number of Members supported

this suggestion.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **A02 (Time limit for submission of reserved matters (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
2. **A03 (Time limit for commencement (outline permission)).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. **A04 (Approval of reserved matters).**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy DR1 of the Herefordshire Unitary Development Plan.
4. **A05 (Plans and particulars of reserved matters).**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
5. **B07 (Section 106 Agreement).**
Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities and improved play space in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.
6. **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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.
7. **H27 (Parking for site operatives).**
Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
8. **I16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.
9. **I22 (No surface water to public sewer).**
Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

10. I51 (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 so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

- 1. HN05 - Works within the highway.**
- 2. N19 - Avoidance of doubt - Approved Plans.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

[Note:

- *In accordance with the Council's Constitution SO 5.10.2, Councillor GFM Dawe wished it to be recorded that he voted against the resolution above.*
- *At the conclusion of the item, Councillor PJ Edwards requested that the Head of Planning and Transportation be asked to provide Members with an update on the Council's position in respect of contributions secured through the Supplementary Planning Document on Planning Obligations.]*

63. DCCE2008/2043/F - M C FREEZE, BARRS COURT ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EG [AGENDA ITEM 10]

Change of use to permit retail sale of pre-packed pet foods and accessories.

The following updates were reported:

- A letter had been received from the agent indicating that the applicants had been searching for some time for appropriate premises but, for various reasons, these had not met their needs.
- The agent had also provided a floor plan showing the proposed breakdown of uses within the building.

In accordance with the criteria for public speaking, Mr. Hodgson spoke in support of the application.

Councillor DB Wilcox, a Local Ward Member, acknowledged the importance of Policy E5 but he did not consider that this application was contrary to the policy in this instance as the majority of the floor area would be used for storage and distribution purposes and more people would be employed through the proposed use than the existing use. The need to identify suitable premises for businesses to be relocated from the Edgar Street Grid (ESG) area was noted and Councillor Wilcox felt that this proposal was acceptable.

The Central Team Leader noted the difficulties of relocating businesses and the particular requirements of the applicant but advised that the proposed primary use of the building was for retail purposes and the storage area was ancillary to that use. Therefore, the proposal would result in the loss of safeguarded employment land and was considered contrary to Policy E5.

Councillor AJM Blackshaw commented that the proposal would increase the number of people employed at the site and the relocation would help to maintain a thriving family business, as well as assist broader economic regeneration objectives in the ESG area. He also noted that the Economic Regeneration Officer fully supported

the application and the Traffic Manager had no objections.

A number of Members spoke in support of the application, with particular emphasis on the need to accommodate the requirements of the established business, the need to enable the relocation of businesses from the ESG area, and the fact that the building had an existing showroom element.

Councillor AM Toon commented that permitting retail use in this location could result in any retailer using the site and she supported the officers' recommendation of refusal.

Councillor PJ Edwards felt that the proposed use would provide amenity benefits, as it would remove industrial operations within a residential area, and he supported the application, subject to the floor space percentages (storage/retail/office) being specified.

In response to comments by Members, the Central Team Leader advised that the referral procedure only required the senior planning officer present to indicate whether they would be minded to refer the matter to the Head of Planning and Transportation; if it was referred in this way, it would then be for the Head of Planning and Transportation to decide whether it was necessary to refer the matter to the main Planning Committee for determination. The Central Team Leader advised that only substantial benefits to residential or other amenity mitigated the loss of safeguarded employment land and officers did not consider that this proposal had overcome the policy objection.

Councillor Toon suggested that, if planning permission was permitted, then a personal condition to the applicant should be required to recognise the fact that it was the particular circumstances of this specific business that made the proposal acceptable in this instance. This suggestion was supported by a number of Members.

RESOLVED:

That (i) The Central Area Planning Sub-Committee is minded to approve the application, subject to the condition listed below (and any further conditions felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:

1. Personal condition to the applicant.

(ii) If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.

[Note: Following the vote on the above resolution, the Central Team Leader commented that the Sub-Committee had carefully considered the policy issues and, therefore, the application would not be referred to the Head of Planning and Transportation.]

64. DATES OF FUTURE MEETINGS

The dates of future meetings were given as 5 November 2008, 3 December 2008 and 7 January 2009.

The meeting ended at 4.06 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCCE2008/1063/F**

- The appeal was received on 18 September 2008.
- 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 Ms L Powell.
- The site is located at Land at junction of Sedgefield Road and Hampton Park Road, Hereford, HR1 2RR.
- The development proposed is Proposed construction of a low energy single storey earth shelter dwelling.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 260756

Application No. DCCW2008/1499/F

- The appeal was received on 17 September 2008.
- 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 RD Channon.
- The site is located at 64 Belmont Road, Hereford, Herefordshire, HR2 7JW.
- The development proposed is Build block of four flats in rear garden.
- The appeal is to be heard by Hearing.

Case Officer: Peter Clasby on 01432 261947

APPEALS DETERMINED**Application No. DCCE2008/0181/F**

- The appeal was received on 13 June 2008.
- 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 C Lewis & Mrs A Owens.
- The site is located at 54 Chestnut Drive, Hereford, Herefordshire, HR2 6AZ
- The application, dated 24 January 2008, was refused on 19 March 2008.
- The development proposed was Shipping container in garden – retrospective.
- The main issue is the impact of the development on the character and appearance of the area.

Decision: The appeal was **ALLOWED** on 3 October 2008

Case Officer: Ben Lin on 01432 261949

/pto

Application No. DCCW2007/2633/F

- The appeal was received on 3 June 2008.
- 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 AJ Chadd.
- The site is located at Warehouse at land adjacent to 47 Barton Road, Hereford, Herefordshire, HR4 0AY.
- The application, dated 8 August 2007, was refused on 23 January 2008.
- The development proposed was Demolition of existing vacant warehouse for three no. terraced town houses and associated parking facilities.
- The main issues are whether the proposed development would preserve or enhance the character or appearance of the Conservation Area and the effect it would have on the setting of the listed building and whether the scheme would provide acceptable living conditions for the future occupiers in terms of amenity space.

Decision: The appeal was **ALLOWED** on 3 October 2008.

Case Officer: Kevin Bishop on 01432 261946

Application No. DCCW2007/2634/C

- The appeal was received on 3 June 2008.
- 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 AJ Chadd.
- The site is located at Warehouse at land adjacent to 47 Barton Road, Hereford, Herefordshire, HR4 0AY.
- The application, dated 8 August 2007, was refused on 23 January 2008.
- The development proposed was Demolition of existing vacant warehouse for three terraced town houses and associated parking facilities.
- The main issue is whether the proposal would accord with national and local policies relating to the control of demolition in conservations areas.

Decision: The appeal was **ALLOWED** on 3 October 2008.

Case Officer: Kevin Bishop on 01432 261946

Application No. DCCW2007/2834/F

- The appeal was received on 20 March 2008.
- 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 Persimmon Homes South Midlands.
- The site is located at Land to the rear of Mulberry Close, Belmont, Hereford.
- The application, dated 31 August 2007, was refused on 6 December 2007.
- The development proposed was Proposed erection of 69 dwellings and delivery of Haywood Country Park.
- The main issues are whether the proposed vehicular access from Mulberry Close would create conditions seriously prejudicial to highway safety or detract unacceptably from the amenity of the occupiers of dwellings in Mulberry Close and whether development of the site in the manner proposed would expose the occupiers of the proposed dwellings to a risk of flooding or increase the prospect of flooding elsewhere.

Decision: The appeal was **ALLOWED IN THE TERMS SET OUT IN THE FORMAL DECISION AND COSTS ORDER** on 8 September 2008.

Case Officer: Kevin Bishop on 01432 261946

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

5 DCCE2008/2168/F - ADDITION TO APPLICATION DCCE2006/4002/F ADDITIONAL WING TO MIMIC EXISTING AGREED WING IN LENGTH, WIDTH, HEIGHT AND CONSTRUCTION AT OAKLANDS NURSING HOME, 43 BODENHAM ROAD, HEREFORD, HEREFORDSHIRE, HR1 2TP

For: Ms. R. Mawji per Miss D. Nixon, Meadowend Barn, Dorstone, Hereford, HR3 6BE

Date Received: 26 August 2008

Ward: Aylestone

Grid Ref: 52214, 40159

Expiry Date: 21 October 2008

Local Members: Councillors NL Vaughan and DB Wilcox

Introduction

This application was deferred at the Central Area Planning Sub Committee meeting on 1 October 2008 to allow Members to inspect the site. The report has also been updated with comments received following completion of the previous report.

1. Site Description and Proposal

- 1.1 43 Bodenham Road is a three storey brick Victorian villa with a pitched slate roof located on the northeast side of Bodenham Road. Access is gained directly off Bodenham Road to an area of hardstanding used for parking to the front, with the rear laid out to lawn interspersed by semi-mature and mature trees. The boundaries are enclosed by a mixture of two metre high brick walling and mature hedging. Levels within the site rise northeastwards.
- 1.2 The property which has been used as a residential nursing home since 1982 has been subject to numerous alterations and extensions including a two storey extension at the side and a single storey flat roofed extension to the rear. Planning permission was approved on 7 March 2007 for a further single storey rear extension off the existing extension. This application now seeks to square off the approved rear extension by the creation of a further three en-suite one bed roomed rooms. The size of the additional extension is 13.3 metres in length by 6.8 metres in width constructed from brick under a hipped slated roof to mirror the approved extension running along the southern boundary of the curtilage.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

Policy S2	-	Development Requirements
Policy S7	-	Natural and Historic Heritage
Policy S11	-	Community Facilities and Services
Policy DR1	-	Design
Policy HBA6	-	New Development Within Conservation Areas

Policy CF5 - New Community Facilities

3. Planning History

- 3.1 H/P/24784 Change of use from hotel to nursing home. Approved 1 February 1982.
- 3.2 HC890703PF Extension to nursing home. Refused 25 January 1990.
- 3.3 HC910381PF Extension to nursing home. Refused 17 October 1991.
- 3.4 HC920451PF Extension, alterations and refurbishment of existing nursing home. Refused 17 December 1992.
- 3.5 HC940035PF Sun lounge for use by existing nursing home. Approved 9 March 1994.
- 3.6 HC940467PF Demolition of existing office extension. Alterations and extensions to facilitate internal rationalisation. Approved 11 January 1995.
- 3.7 DCCE2006/1591/F Proposed temporary mobile home for five years. Withdrawn 5 July 2006.
- 3.8 DCCE2006/4002/F Proposed single storey extension to provide additional bedrooms and day space. Erection 2 no. garden sheds. Approved 7 March 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection. The development has also been assessed against the Supplementary Planning Document on Planning Obligations and will have minimal effect on trip generation and therefore no Section 106 contribution is required.
- 4.3 Conservation Manager:
This is a reasonable Victorian Villa which has had a number of single storey extensions to the rear. These have not particularly enhanced the character and appearance of the building.

In principle we do not object but would highlight that this would appear to be the maximum limit of any extension. The proposal is acceptable subject to details of materials and landscaping being submitted.

5. Representations

- 5.1 Hereford City Council: No objection.

- 5.2 A total of four letters/e-mails of objection have been received. Two each from the occupants of 41 and 41A Bodenham Road. The main points raised are
1. The development will result in a further reduction in sunlight to the remainder of the garden resulting in further visual intrusion into our outlook.
 2. The development will detract from the character of the rear gardens of properties in Bodenham Road including an impact on ecology.
 3. The development is located immediately adjacent to the boundary leaving no space for screening or planting.
 4. All trees and shrubs have been removed to accommodate the approved development.
 5. Bedrooms would be some distance from the general facilities in the main building leading to a longer time to attend to residents.
 6. The long roof span would be an eyesore.
 7. Previous developments have more than doubled the footprint of 43, with the proposed development the entire length of the boundary of 41 will be developed.

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 approved extensions take the form of two single storey wings extending north eastwards away from the rear of the original property and historic extensions. The proposed further single storey extension would occupy a small area of garden along the northern boundary and follow the scale, design, materials and form of the approved extensions. The extension will not extend any further north eastwards beyond the permitted extension. This ensures that a commensurate area of garden space remains for the occupants and any further impact on the Conservation Area is minimised. This view is shared by the Conservation Manager who is satisfied the development will not be detrimental to the character and appearance of the Conservation Area and consequently, does not object.
- 6.2 Notwithstanding the comments of the objectors, it is also not considered that the proposed addition would have any additional material impact on the amenity of neighbouring properties. The extension is single storey incorporating a hipped roof design, is stepped away from the boundary by 2.5 metres along with a slab level approximately one metre below the garden level of the objector's property. These factors will ensure the mass of the extension will be largely concealed within the confines of the site with only the roof being visible from neighbouring gardens. The design and levels also ensures there is no opportunity for overlooking from the extension. It is therefore not considered the extension will have any harmful impact on the amenity of neighbouring properties.
- 6.3 The parking arrangements, which are to be rationalised and the numbers slightly increased as part of the previous planning permission are considered to be acceptable. No Section 106 contributions are required, as the proposals are not considered to amount to a material intensification in the use of the site.
- 6.4 Finally, the layout of the internal space has been designed to the National Standards for Care Homes, which seeks to reduce the number of shared rooms and provide each of the occupants with spacious accommodation and a good standard of facilities

including en-suite bathrooms. The extension is considered acceptable in accordance with the Herefordshire Unitary Development Plan policies listed.

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. **B04 (Amendment to existing permission) (DCCE2006/4002/F - 7 March 2007).**

Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 3. **C02 (Matching external materials (extension)).**

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

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

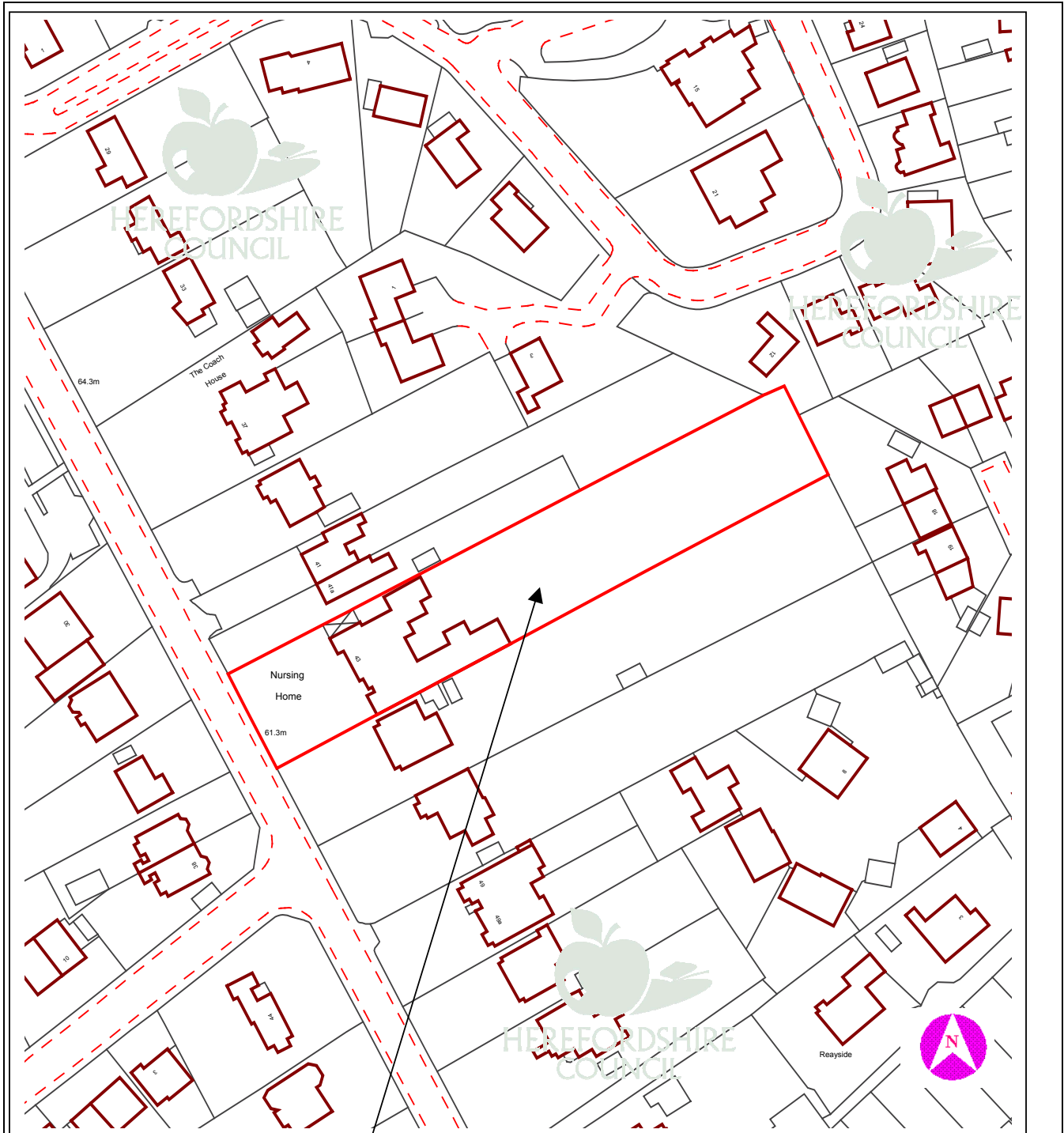
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/2168/F

SCALE : 1 : 1250

SITE ADDRESS : Oaklands Nursing Home, 43 Bodenham Road, Hereford, Herefordshire, HR1 2TP

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6 DCCW2008/1721/F - PROPOSED HOUSE ADJOINING NO. 10 WITH PARKING AT 10 DONCASTER AVENUE, HEREFORD, HEREFORDSHIRE, HR4 9TE

For: Mr. P. Davies per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH

Date Received: 1 July 2008

Ward: Three Elms

Grid Ref: 49435, 41973

Expiry Date: 26 August 2008

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

Introduction

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 1 October 2008 in order to carry out a Members' site visit.

1. Site Description and Proposal

- 1.1 Planning permission is sought to provide a linked detached dwelling in the garden area to the north of No. 10 Doncaster Avenue, Bobblestock, Hereford.
- 1.2 The site is presently laid to lawn and has a substantial conifer hedge which wraps around the western and northern roadside boundary. The northern boundary adjoins the service road off Doncaster Avenue that provides access to Nos. 12-24. An electricity substation adjoins the eastern boundary. A row of terrace dwellings fronts the western boundary across Doncaster Avenue which is a cul-de-sac.
- 1.3 The proposal provides for a two bedroomed dwelling with attached single storey garage. The hedge, which is planted along the service strip, is proposed to be removed. An additional parking space is identified in front of the garage. External materials proposed are brick under a tile roof to match the existing dwelling.

2. Policies

2.1 Planning Policy Guidance:

- | | | |
|-------|---|------------------------------------|
| PPS1 | - | Delivering Sustainable Development |
| PPS3 | - | Housing |
| PPS25 | - | Development and Flood Risk |

2.2 Herefordshire Unitary Development Plan 2007:

- | | | |
|------------|---|-------------------------|
| Policy S1 | - | Sustainable Development |
| Policy S3 | - | Housing |
| Policy DR1 | - | Design |
| Policy DR2 | - | Land Use and Activity |
| Policy DR3 | - | Movement |
| Policy DR4 | - | Environment |
| Policy DR7 | - | Flood Risk |

- Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- Policy H14 - Re-using Previously Developed Land and Buildings
- Policy H15 - Density
- Policy H16 - Car Parking
- Policy T11 - Parking Provision

3. Planning History

- 3.1 DC2003/2403/O Erection of a dwelling. Refused 1 October 2003.
- 3.2 DCCW2008/0667/F Proposed house adjoining No. 10 with parking. Withdrawn 27 May 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Raise no objections.
- 4.2 E-ON/Central Networks: Raise no objections.

Internal Council Advice

- 4.3 Traffic Manager: Recommends no objection to the amended layout that incorporates the removal of the boundary hedge. A Section 106 contribution is sought to be used on sustainable transport enhancement including Park & Ride together with conditions.
- 4.4 Parks & Countryside Manager: States - "Using the SPD on Planning Obligations, the threshold of 1 -10 dwellings requires "appropriate levels of open space on a pro rata basis".

In Hereford it is more appropriate to use this contribution towards improving quality/accessibility (in response to PPG17's recommendations) of the more formal green space in the vicinity of the development. Priorities for spend will be identified through local consultation. Given the amount it is envisaged it may be "pooled" with other contributions if appropriate."

- 4.5 Children's & Young Persons: The educational facilities provided for this development site are North Hereford City Early Years, Holmer CE Primary School, Whitecross Sports College and Hereford City Youth Service.

The Childcare Sufficiency Assessment highlight that within the North Hereford City area 8% of parents are unable to take a better job due to childcare issues. Early morning, weekend and shift hours care is required. There are few childminders located in the rural areas surrounding the city.

Holmer CE Primary School has a planned admission number of 60. As at the Summer Census 2008 the school had spare capacity in all year groups.

Whitecross Sports College has a planned admission number of 180. As at the Summer Census 2008 the school was over capacity in one year group (Year 7 - 181) and at capacity in two year groups (Year 8 and Year 9).

The youth service within Hereford City is based at Close House which is a voluntary sector organisation. It has been identified that they require a new central city property in order to expand the range of activities they can offer. The youth service has also identified that they need to offer activities to youth in other areas of the city especially Three Elms and College Estate. The youth service also has close working links with CSOs and extended schools.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young Peoples Directorate will allocate a proportion of the monies received for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Broadlands Primary School that we would otherwise be able to do.

The Children & Young Peoples Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development.

Although there is currently surplus capacity with the catchment primary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of this contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

- 4.6 Environment & Culture: Library contribution of £146 has been requested in accordance with the SPD on Planning Obligations.

5. Representations

- 5.1 Hereford City Council: Raise no objection.
- 5.2 Nine letters of objection have been received, the main planning reasons are:
1. Overdevelopment of the land which is currently the garden to No. 10.
 2. Daylight will be lost to adjoining property.
 3. Extra noise and traffic congestion.
 4. Parking for the house will be a hazard near a blind bend.
 5. There is already a lack of parking in the area.
 6. Overlooking will occur.
 7. Doncaster Avenue is a cul-de-sac with only a pavement on the one side.
 8. The proposal would be cramped and unsympathetic to the character of the area.

9. If there was room to build a house the original developers would have developed the land.

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 Planning permission is sought for the erection of a new dwelling within the side garden to No. 10 Doncaster Avenue, Bobblestock, Hereford. The site is located within an established residential area where the principle of development is accepted subject to impact on adjoining property and highway safety.

Impact on Adjoining Property

- 6.2 The proposal will form a link detached dwelling to the existing property, No. 10 Doncaster Avenue. Therefore overlooking to the front and rear will be similar to other dwellings in the street. Dwellings to the north, particularly Nos. 22 and 24 will face the end gable of the new dwelling where only French doors into the living room are proposed with the minimum distance being 15 metres. It is therefore considered that there will be no detrimental impact on adjoining property which would warrant a refusal of the planning application. A condition will be recommended to remove permitted development rights and prevent the insertion of windows.

Highway Safety

- 6.3 This site is located at a 'T' junction in Doncaster Avenue where the service road to dwellings 12 to 24 wraps around the north boundary of the site. On this boundary a substantial conifer hedge has been planted that is transgressing onto the service strip and also inhibits visibility. All of the hedge will now be removed which will improve highway safety. A new boundary treatment, behind the service strip, will be condition. The Traffic Manager has reviewed the amended proposal which incorporates a parking space in front of the garage, and accordingly recommended conditions on any approval together with a Section 106 contribution.

Planning Obligation

- 6.4 The development of the site warrants a contribution in accordance with the Council's Supplementary Document Planning Obligations and justification has been received from consultees for the following aspects, the details of which are included in the attached Heads of Terms.

1. Highways
2. Parks and Countryside including Sports England
3. Children and Young Persons
4. Library Services.

The applicant's agent has confirmed acceptance of these contributions.

Conclusions

- 6.5 The site is located within an established residential area of Hereford where your Officers are satisfied that a dwelling can be erected without demonstrable harm to the amenity of adjoining occupants. In addition the removal of the existing boundary

hedge will improve highway safety and therefore provide a safe access to the new dwelling. The proposal is therefore considered to accord with the Herefordshire Unitary Development Plan.

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. B03 (Amended plans) (15 September 2008).**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 3. B07 (Section 106 Agreement).**

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

- 4. C01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 5. F08 (No conversion of garage to habitable accommodation).**

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 6. F14 (Removal of permitted development rights).**

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

- 7. F15 (No windows in side elevation of extension).**

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 8. G09 (Details of Boundary treatments).**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

9. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

10. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

11. H10 (Parking - single house).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

12. I22 (No surface water to public sewer).

Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

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

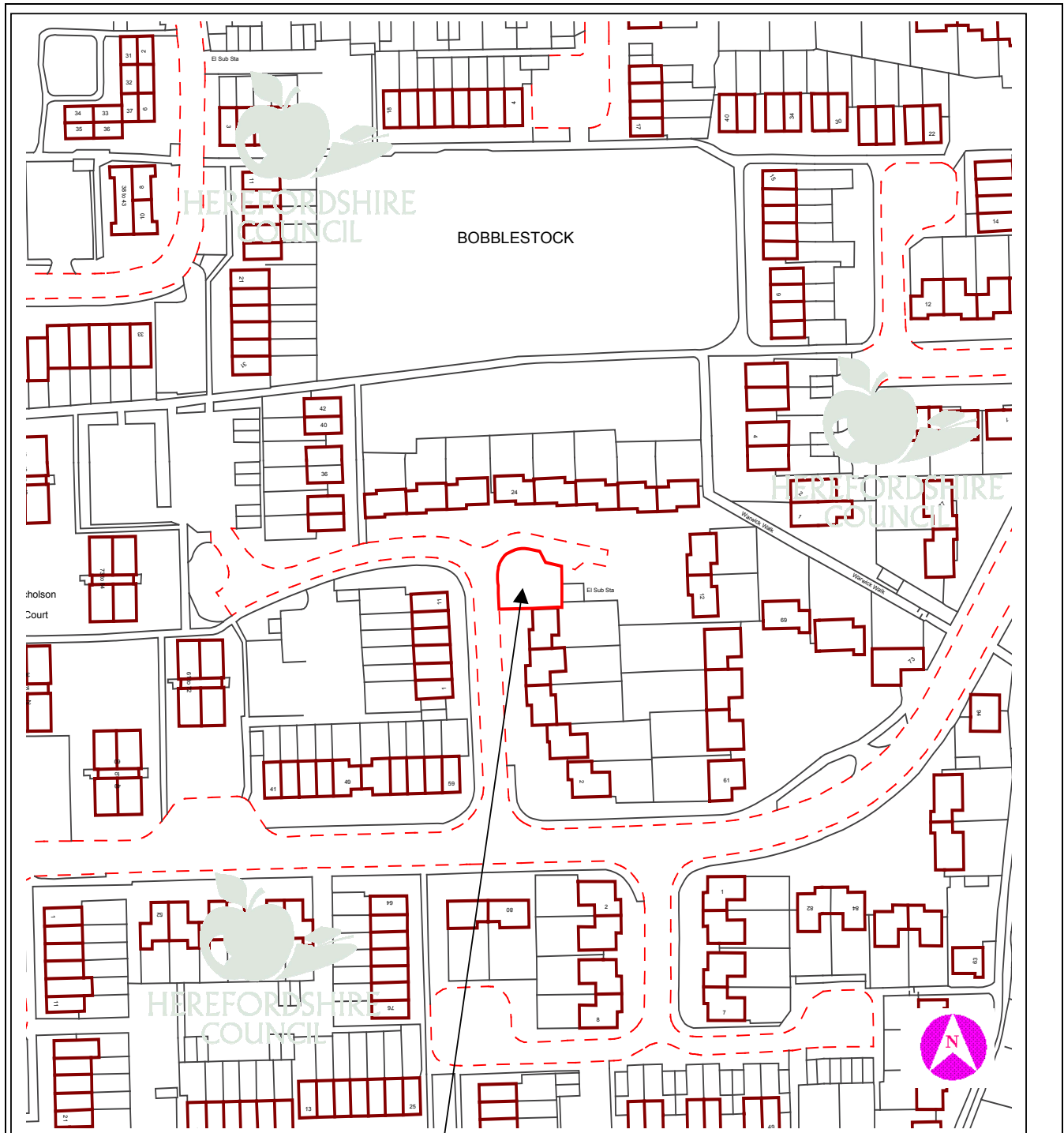
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/1721/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Doncaster Avenue, Hereford, Herefordshire, HR4 9TE

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

Planning Application – DCCW2008/1721/F

Erection of 1 two bedroom dwelling

Land adjacent to 10 Doncaster Avenue, Bobblestock, Hereford,
HR4 9TE

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £731 (contribution based around the requirements of policy H19 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for the provision of new play, sport and recreational facilities in Hereford City North.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3001, to provide enhanced educational infrastructure at North Hereford City Early Years, Whitecross Sports College, Hereford City Youth Service with 1% allocated for Special Education Needs
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £1,720 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signage
 - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Localised junction improvements
 - d) North Hereford Park and Ride
 - e) Contribution to improved bus service
 - f) Contribution to Safe Routes for Schools
 - g) Improved bus shelters/stops in the locality of the application site
 - h) Improve lighting to highway routes leading to the site
 - i) Improved pedestrian and cyclist connectivity with the site
 - j) Improved pedestrian and cyclist crossing facilities
 - k) Initiatives to promote sustainable transport
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £146 towards the enhancement of existing community services in Hereford City.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3 and 5, for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

7. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the development.
9. 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.

Kevin Bishop - Principal Planning Officer
16 September 2008

7 DCCW2008/2101/F - VARIATION OF CONDITION 1 OF PLANNING PERMISSION DCCW2007/1229/F TO ALLOW FOR DOT.COM OPERATIONS ON SUNDAYS BETWEEN THE HOURS OF 9.00AM AND 4.30PM. TESCO STORES LTD, ABBOTSMEAD ROAD, BELMONT, HEREFORD, HEREFORDSHIRE, HR2 7XS

For: Tesco Stores Limited, DPP LLP, 14 Windsor Place, Cardiff, CF10 3BY

Date Received: 15 August 2008 Ward: Belmont Grid Ref: 49325, 38455

Expiry Date: 10 October 2008

Local Member: Councillor H Davies, GA Powell and PJ Edwards

1. Site Description and Proposal

- 1.1 The application site comprises the Tesco Supermarket at Belmont, Hereford.
- 1.2 The planning application seeks permission to vary Condition No. 1 of planning permission DCCW2007/1229/F to allow the dot.com operations (home shopping/delivery service) to operate on a permanent basis on a Sunday. Planning permission was granted last year for a temporary trial period (DCCW2007/1229/F). Conditions attached to that planning permission further restricted the operation hours in the yard to 1000 hours - 1630 hours on a Sunday with deliveries not permissible outside the hours of 1100 hours – 1600 hours

2. Policies

- 2.1 National Planning Policy:
- PPG24 - Planning and Noise
- 2.2 Herefordshire Unitary Development Plan 2007:
- DR13 - Noise
- 2.3 Belmont Parish Plan

3. Planning History

- 3.1 There is a detailed and complex planning history associated with the site since the store was given approval under ref: SH881340RM in December 1988. This planning application is to amend a condition attached to planning permission to the dot.com service.
- 3.2 DCCW2007/1229/F - Variation of Condition 8 of planning permission DCCW2004/1679/F and to allow for dot.com operations on Sundays between the hours of 9am and 4.30pm. Temporary Planning Permission 6 June, 2007.

- 3.3 DCCW2006/0869/F - Variation of Condition 8 of planning permission DCCW2004/1679/F to allow for dot.com operations on Sunday between 9am and 4.30pm. Temporary Planning Permission 3 May, 2006
- 3.4 DCCW2004/1679/F - Amendment to planning permission reference CW2001/1848/F to accommodate a re-positioning of the approved bulk store extension (no increase in floor space) together with a free-standing canopy in association with home delivery service. Approved 28 July 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No objections.

Internal Council Advice

- 4.2 Traffic Manager: No objections.
- 4.3 Environmental Protection Manager: I have had the opportunity to consider the proposal to allow for dot.com operations on Sundays between the hours of 9.00am and 4.30pm. There is no record of any complaint made to the Environmental Protection Team regarding disturbance made by this operation during the trial period and I have therefore no objection to the proposal. I would however suggest that it might be possible to restrict the hours of work to that of the store Sunday opening times i.e. 10.00am until 4.30pm so as to mitigate any impact on neighbours.

5. Representations

- 5.1 Belmont Parish Council: This Parish Council recognises that Sunday operations have been permitted for some time and this application is to extend Sunday activities in line with store opening hours. However, whilst there are no objections to the proposals, the Parish Council has concerns that poor site maintenance, gates being left open for long periods of time and vehicles parking on pavements will increase with the additional operating hours. If permission is granted, we would request that the applicants be conditioned to maintain the leylandii hedging to enable it to thicken and to extend the noise attenuating fencing to protect residents in nearby Monkscroft Drive who have been excluded from the noise assessment processes.
- 5.2 Three letters of objection have been received from:

Mr E Hine, 6 Prinkash Grove, Belmont
Mr & Mrs T Smith, 8 Prinkash Grove, Belmont
Mr SK Joner, 4 Whitefriars Road, Belmont.

The main points raised are:

1. The conifer trees planted by Tesco have not been trimmed and managed properly on the housing side. The poor management has made them very thin in places.
2. The noise reduction fence should be extended as vehicles come and go through both entrances to the site.

- 3. The business is already operating longer hours and the noise attenuation fence is not functioning to keep the noise level down.
- 4. Opposed to further noise and fumes on a Sunday whilst is put up with Monday to Saturday.
- 5. Use of metal gate for access.
- 6. Vans have been pressure washed with added noise.
- 7. Surely we are entitled to one day a week free of noise.

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 key issue for consideration in relation to this planning application is the impact on the amenity of adjoining occupiers associated with the dot.com delivery vehicle.
- 6.2 Two trial periods of 12 month durations have now been operated and during those two periods no complaints have been made to the Council’s Environmental Protection Team or Planning Services. The planning application has however resulted in objections being made associated mainly with noise complaints.
- 6.3 Consequently the planning application and its supporting document including the noise assessment report have been reviewed by the Environmental Protection Manager who is satisfied, subject to time constraints, that the proposal is acceptable.
- 6.4 For clarification purposes the dot.com delivery vehicles are not permitted to leave the premises on a Sunday before 1100 hours and must return before 1600 hours. The condition requested to be amended is to secure the permanent approval of the Sunday operations which have been operating for a trial period over the last two years.
- 6.5 Finally inspection of the noise attenuation barrier have revealed two areas need repairing and this matter has been brought to the attention, for immediate action, of the applicant.
- 6.6 The request to extend the attenuation fence is not justified given the conditions that limit access on a Sunday to the Abbotsmead entrance only and the cutting of the conifer hedge is a civil matter.

RECOMMENDATION

That planning permission be granted.

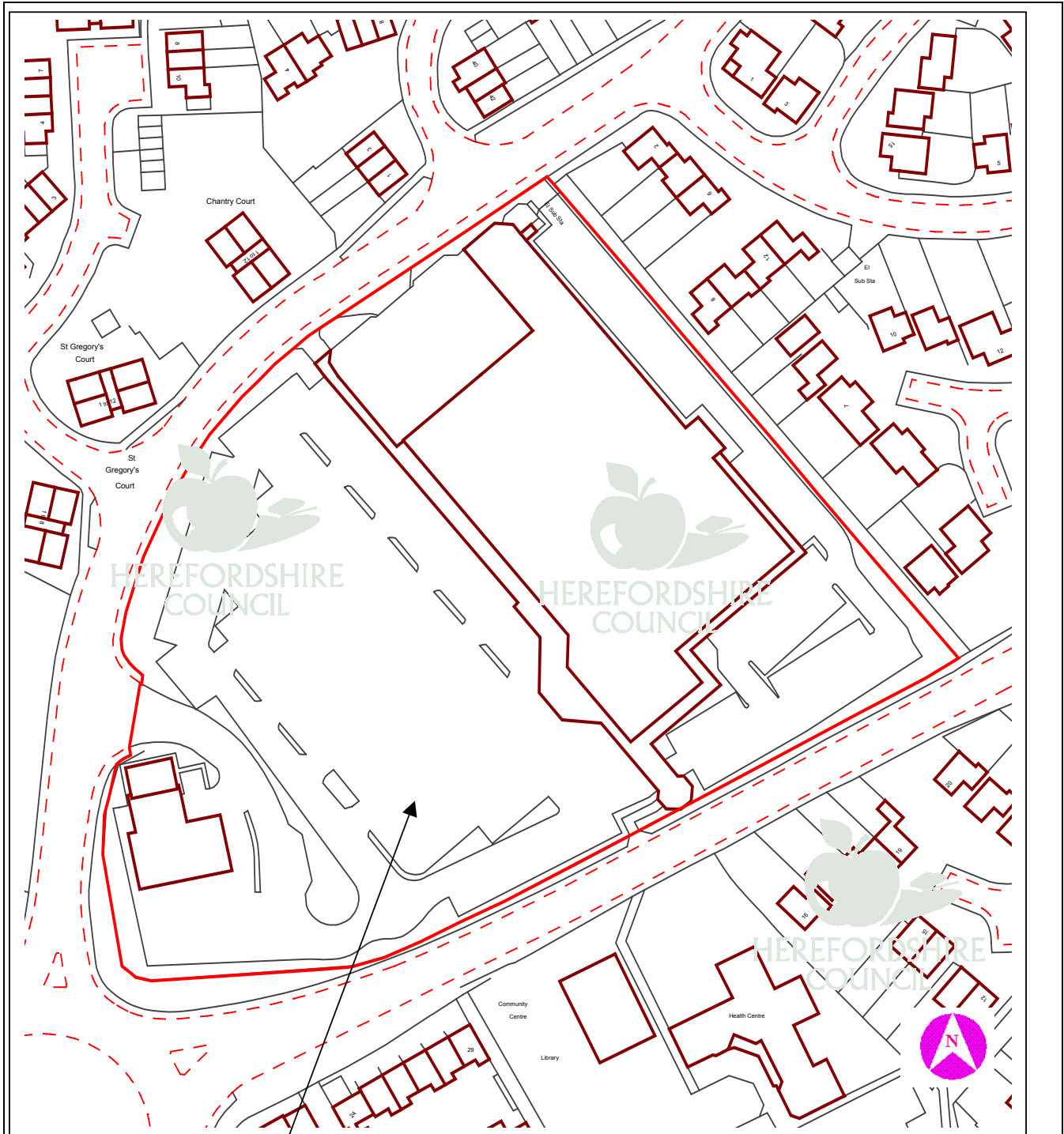
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2101/F

SCALE : 1 : 1250

SITE ADDRESS : Tesco Stores Ltd, Abbotsmead Road, Belmont, Hereford, Herefordshire, HR2 7XS

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8 DCCE2008/2385/F - RETENTION OF REPLACEMENT DWELLING, LESS CONSERVATORY, FRONT CANOPY, SIDE PORCH AND REAR LEAN-TO UTILITY, CLOAKROOM AND REAR ENTRANCE AT HAUGHLEY COTTAGE, MORDIFORD, HEREFORD, HR1 4LT

**For: Mr. & Mrs. S. Maltby per Wall, James and Davies,
15-23 Hagley Road, Stourbridge, West Midlands, DY8
1QW**

Date Received: 17 September 2008 Ward: Backbury Grid Ref: 58702, 36483

Expiry Date: 12 November 2008

Local Member: Councillor JE Pemberton

1. Site Description and Proposal

1.1 This application seeks planning permission for the retention of an unauthorised replacement dwelling and detached garage at Mordiford. The application site is situated on the western edge of Haugh Woods to the east of Mordiford. The site extends to approximately 0.3 hectares in area and is accessed via a public footpath FWB3C south of the junction with the C1297. The curtilage is defined by mature vegetation along the northwest and southeast and the ground rises steeply towards the south to Haugh Woods. It falls within an Area of Outstanding Natural Beauty and a Site of Special Scientific Interest and is located in a prominent position overlooking Mordiford and the River Wye.

1.2 Planning permission was granted for the demolition of the original cottage and its replacement with a two storey dwelling and a detached single storey double garage on 25 May 2007. (Ref: DCCE2007/1033/F). Works were completed on the construction of a dwelling and garage in May 2008. However, it has come to light that the development has not been constructed in accordance with the originally approved scheme. The deviations from the approved plans are so significant that the development as built is entirely unauthorised because the 2007 permission has effectively not been implemented. The main differences between the approved scheme and that which is now built are:

- i. The building is sited 10 metres further to the southeast towards to the woodland and the slab level is around 1.2 metres higher than originally indicated on the approved plan.
- ii. The building is 230 cubic metres larger than that which was originally approved. In addition, three additional elements have also been built to the replacement dwelling including a conservatory and canopy roof on the north elevation and a porch to the west elevation. The total volume of the building is about 880 cubic metres, which represents 59% larger than originally approved and 162% larger than the original cottage.
- iii. The fenestration to all elevations is different.

- iv. The landscape scheme has been modified, including the construction of a 23 metre long brick retaining wall, an additional hardstanding and patio area to the rear and front of the dwelling.
 - v. The proposed garage is sited 6 metres away from the western boundary as opposed to 4 metres shown on the approved drawings. The eaves height of the garage has been raised by 800mm to introduce an additional level of habitable area within the garage at first level.
- 1.3 This application represents the third submission for the proposal at this location. The previous application was considered by the Central Area Planning Sub-Committee at its meeting on 6 August 2008 when planning permission was then refused for the following reasons:
- 1. The replacement dwelling is not comparable in size and scale with the original cottage and the development is therefore contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007 and advice contained in Planning Policy Statement 7: Sustainable Development in Rural Areas.
 - 2. The development, by virtue of its design, siting and scale, fails to respect the local distinctiveness architectural style resulting in an inappropriate form of development which is detrimental to the landscape character and visual amenities of the area which is within the Wye Valley Area of Outstanding Natural Beauty. The development is therefore contrary to Herefordshire Unitary Development Plan Policies S2, S7, DR1 and LA1.
- 1.4 This application seeks the retention of the replacement dwelling and garage and the regularisation of all the unauthorised developments but with the conservatory and front canopy on the north elevation, the porch to the west elevation and a single storey addition to the rear to be removed. The total volume of these elements equate to 162 cubic metres and the resultant dwelling would have a volume of approximately 720 cubic metres, which represents 23% larger than originally approved and 102% larger than the original cottage.

2. Policies

2.1 Planning Policy Statement 7: Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR4	-	Environment
Policy H7	-	Housing in the Countryside Outside Settlements
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance

3. Planning History

- 3.1 DCCE2006/3953/F Demolition of existing cottage and erection of a replacement dwelling with detached double garage and study. Withdrawn 6 February 2007.
- 3.2 DCCE2007/1033/F Demolition of existing cottage and erection of a replacement dwelling with detached double garage. Approved 25 May 2007.
- 3.3 DCCE2008/1234/F Retrospective application for conservatory and porch extensions. Withdrawn 21 May 2008.
- 3.4 DCCE2008/1453/F Retrospective application for a replacement dwelling and detached garage as built (deviation from approved plans DCCE2007/1033/F). Refused 6 August 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Building Control Surveyor: No comments received.
- 4.4 Conservation Manager (Landscape): No comments received.
- 4.5 Conservation Manager (Ecologist): No comments received.
- 4.6 Public Rights of Way Manager: No objection.
- 4.7 Minerals & Waste Officer: No comments received.

5. Representations

- 5.1 Fownhope Parish Council: Comments awaited.
- 5.2 Mordiford Parish Council: The building would be considered appropriate as described. However, the Parish Council have concerns over the size and the current situation (internal arrangement of the garage and upper floor).
- 5.3 Herefordshire Nature Trust: No comments received.
- 5.4 Natural England: No comments received.

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 application site lies outside of a defined settlement boundary as identified in the Herefordshire Unitary Development Plan. The proposal therefore constitutes housing development in the countryside. Policy H7 of the Herefordshire Unitary Development Plan establishes a number of circumstances where new housing can be supported, one of which is the provision of a replacement dwelling, provided that the replacement dwelling is comparable in size and scale with the existing dwelling.
- 6.2 The original cottage has a volume of 336 cubic metres and the building as built is around 880 cubic metres, which amounts to in excess of 162% enlargement in volume of the original cottage. This application proposes removal of the conservatory, canopy roof, side porch and rear lean-to, equating to 162 cubic metres in volume. Notwithstanding the effort to reduce the size of the dwelling, the building would still be 23% larger than the original approved scheme and a 102% enlargement of the original cottage. This still represents a significant increase in the comparable size of the new dwelling assessed against the existing.
- 6.3 Although the proposal even in its revised form is still very large under the terms of Policy H7 of the Herefordshire Unitary Development Plan, the expediency of further action to achieve a development commensurate with the policy requirement and originally approved scheme must be considered. The building is 23% larger than the original approved scheme, however the proposal follows the design ethos of the original approved scheme with a simple style that reflects the character and appearance of the site and surrounding area and the wider landscape.
- 6.4 The main concerns of the proposal are the scale and the visual impact of the building having regard to the site location within the Area of Outstanding Natural Beauty. It is noted that planning permission has already been granted for a replacement dwelling and a detached double garage at this location, therefore the applicant would theoretically have a fallback position to demolish the dwelling and rebuild the development in accordance with the approved scheme.
- 6.5 The retrospective nature of the application must not influence the way in which it is considered. In this context, it is considered that following the overall impact of the development in this revised form on the character of the area and the wider landscape when compared with the originally approved scheme is limited. It is not considered that the scale of the building alone could be substantiated as a reason for refusal of this application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. Within three months of the date of this permission, the external elements (the conservatory, front canopy, side porch and the rear lean-to) shall be removed permanently in accordance with the approved plan and a schedule of demolition and works of repair following demolition which should be submitted to and approved in writing by the local planning authority within one month of the date of this permission.**

Reason: To ensure adherence to the approved plans and ensure the new dwelling is comparable in scale with the existing in the interests of a satisfactory form of development and to comply with Policy H7 of the Herefordshire Unitary Development Plan.

- 2. F07 (Domestic use only of garage).

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy H18 of Herefordshire Unitary Development Plan.

- 3. F14 (Removal of permitted development rights).

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

- 4. F28 (Occupation ancillary to existing dwelling only (granny annexes)).

Reason: It would be contrary to Policy H18 of Herefordshire Unitary Development Plan to grant planning permission for a separate dwelling in this location.

Informatives:

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

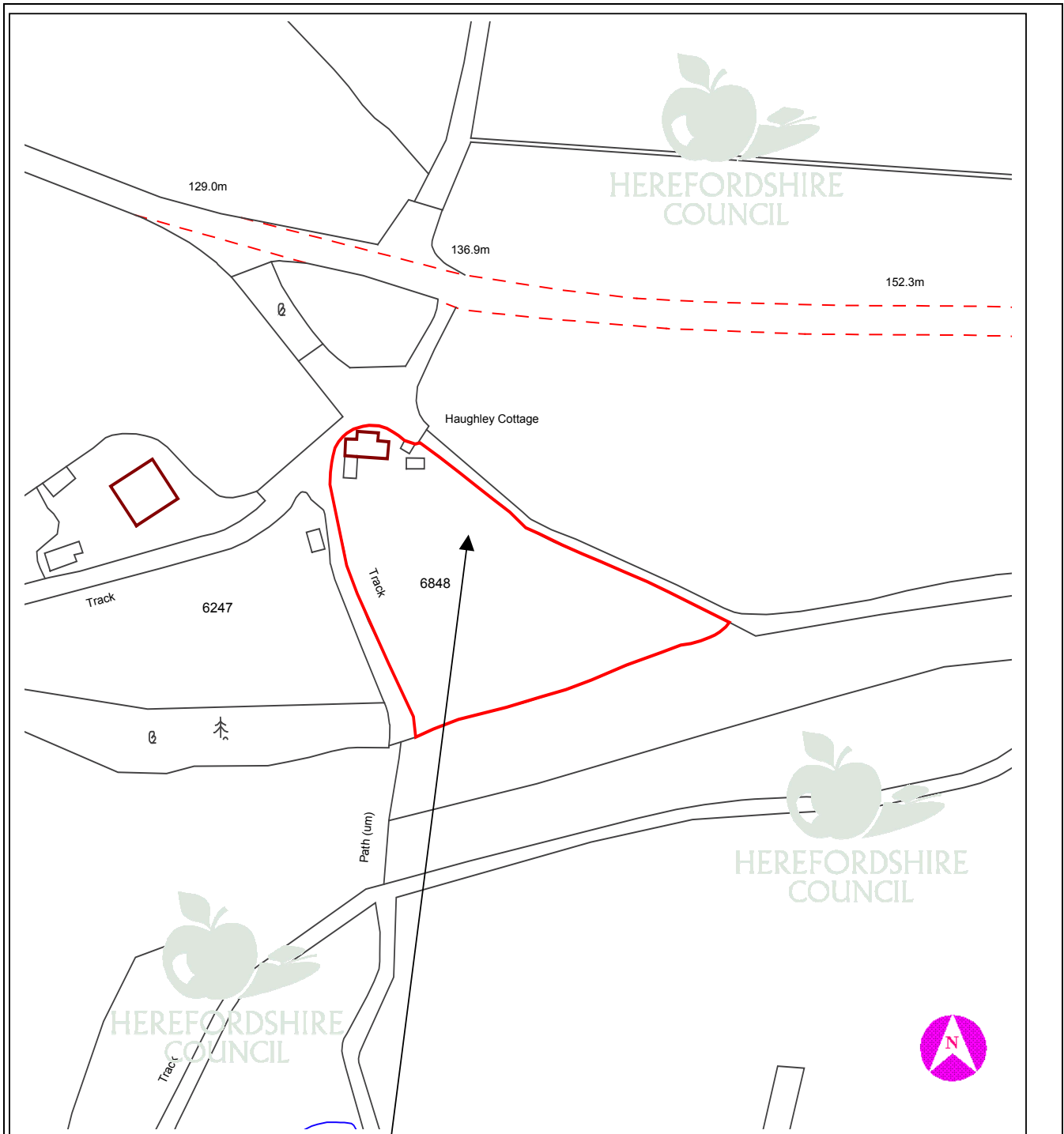
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/2385/F

SCALE : 1 : 1250

SITE ADDRESS : Haughley Cottage, Mordiford, Hereford, HR1 4LT

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9 DCCE2008/2266/F - PROPOSED ERECTION OF 14 HECTARES OF POLYTUNNELS FOR SOFT FRUIT GROWING. NEW GENERAL PURPOSE STORAGE BUILDING. ASSOCIATED HARDSTANDING AND ACCESS ROADWAYS. BALANCING POND. LAND TO THE WEST OF VELDO FARM AND EAST OF THE A465 AT NUNNINGTON, HEREFORD, HEREFORDSHIRE HR1 3QB

For: Mr J Hawkins, AMS Ltd, Thingehill Court, Withington, Herefordshire, HR1 4QG

Date Received: 2 September 2008

Ward: Hagley

Grid Ref: 55248, 43675

Expiry Date: 2 December 2008

Local Member: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 The site extends to 14 hectares located east and adjacent to the A465 and west and adjacent of Veldo Lane which is a designated Public Right of Way number WT10. Withington lies around 1.5 km to the south east, approximately 400 metres north is the hamlet of Withington Marsh and 300 metres south is a group of houses forming the area known as Nunnington. Running through the site from north east to south west is a mains gas pipeline. Levels in the site adjacent to the A465 are generally flat rising increasingly eastwards towards Veldo Lane along the eastern boundary.
- 1.2 The site is enclosed to the west, north and east and south east by mature hedgerow varying in height between 2.0 and 4.0 metres interspersed with mature and semi-mature deciduous trees. The majority of the southern boundary is partly enclosed by sections of hedgerow although of a poorer quality and lower in height. Two vehicular access points currently exist, one directly off the A465 and the other directly off Veldo Lane. Public Footpath Number WT9A runs along the entire length of the northern boundary and public footpath WT9 runs along the south eastern corner of the site for approximately 120 metres then travels in a south westerly direction away from the site. An existing water course runs centrally through the site travelling from east to west. Near the access adjacent to the A465 is an old open sided dutch barn.
- 1.3 The nearest residential properties lie in the south western corner of the site with rear gardens bordering the site, in the north west corner is a detached bungalow. In the south eastern corner of the site the nearest property (Veldo Farm) lies around 80 metres from the southern edge of the site.
- 1.4 Planning permission is sought for the erection of 14 hectares of polytunnels for table top soft fruit production. The polytunnels are to be arranged in interconnecting blocks at different orientations around the site with each block enclosed by vehicular access tracks surfaced with hardcore. Each row of polytunnels measures 8.5 metres in width by 3.5 metres in height in a lowered position rising to 5.2 metres in height when fully

raised. The raising and lowering is operated by winch mechanism with the purpose of optimising the growing and harvesting conditions.

- 1.5 Also proposed is the construction of a general purpose storage building to be used for the storage of machinery and equipment and the harvested crop prior to dispatch to the off-site pack house(s). The building measures 24.4 metres in length by 18.3 metres in width by 9 metres in height to the pitch of the roof constructed from steel frame clad with kingspan composite insulated cladding coloured olive green on the sides and svelte grey on the roof with a roller shutter door at each end. The building is to be sited around 50 metres from the existing access alongside the existing small Dutch barn on site.
- 1.6 The visibility from the access is to be improved through the removal of the existing roadside hedgerow for the entire site frontage adjacent the A465 along with the formalisation of the access with appropriate radii, surfacing and width. Immediately south of the access and storage building, a holding/balancing reservoir is proposed. This is positioned in the lowest part of the site to manage surface water runoff from the polytunnels on the site as a whole with the additional ability to retain waters for re-use on site through transfer to the proposed water storage reservoir(s). The balancing reservoir is broadly triangular in shape measuring around 55 metres in length by 40 metres in width with a total capacity of around 1850 cubic metres. The reservoir will be excavated to a depth of 4 metres with the excavated earth used to form raised areas around the perimeter of the reservoir and dispersed in a hollow point within the site near the eastern boundary.
- 1.7 Two additional storage reservoirs are identified on the proposed plan but will be subject to a separate agricultural notification application if planning permission is approved for this development. Finally various areas of landscaping are proposed within and around the site. New planting along the eastern boundary and south western corner adjacent existing properties along with the reinstatement of historic hedgerows within the site and the possible translocation of existing roadside hedgerow along the western boundary is proposed.

2. Policies

- 2.1 Planning Policy Statement 1 - Delivering Sustainable Development
 Planning Policy Statement 7 - Sustainable Development in Rural Areas
 Planning Policy Statement 9 - Biodiversity and Geological Conservation
 Planning Policy Statement 25 - Development and Flood Risk

- 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and historic heritage
S10	-	Waste
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment

DR6	-	Water resources
DR7	-	Flood risk
E13	-	Agricultural and forestry development
T6	-	Walking
T8	-	Road hierarchy
LA2	-	Landscape character in areas least resilient to change
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC5	-	European and nationally protected species
NC8	-	Habitat creation, restoration and enhancement
ARCH1	-	Archaeological assessments and field evaluations

2.3 Supplementary Planning Guidance – Landscape Character Assessment (2004)

2.4 Draft Supplementary Planning Document – Polytunnels (April 2008)

3. Planning History

3.1 No history.

4. Consultation Summary

Statutory Consultations

4.1 Natural England:

Habitat Regulations: The proposal is close to the River Lugg which is a component of the River Wye Special Area of Conservation, a European site protected under the Habitat Regulations. It is our initial consideration based on the information supplied that the table top growing system and on-site water management will minimise the risk of significant effects upon the integrity of the SAC. However, we recommend the applicants submit a more detailed assessment of the implications of the proposal against the conservation objectives of the SAC to ensure full compliance with law.

Bats: The survey information provided indicates that bats are likely to be using the site for foraging and roosting. As development will be unlikely to impact upon bats we consider that further surveys are not needed to progress the planning application. However, the granting of planning permission does not negate the need to ensure compliance with the law and further surveys may be required in order to determine whether a licence is needed.

Other considerations: The survey information provided includes recommendations for the maintenance and enhancement of biodiversity on site. These recommendations should be secured through a planning condition or Section 106 Agreement. In particular the field margins and stream corridor running the length of the site should be maintained with no infringements on its existing width. The proximity of the general storage building to the stream corridor is a cause for concern. This building must not impede the streams function as a wildlife corridor and we recommend the positioning of the building be reconsidered.

The creation of reservoirs on site provides an opportunity for habitat creation. Consideration should be given to naturalising the reservoirs in order to provide positive biodiversity enhancement in line with the requirements of Planning Policy Statement 9.

Conclusion: Overall the application shows a welcome sensitivity towards the natural environment which Natural England fully supports. However, there is currently an insufficient consideration of habitat regulations which we recommend be resolved.

4.2 Environment Agency:

Flood risk: The site area is over 5 hectares in Flood Zone 1 (low probability) where a flood risk assessment is required. The surface water strategy confirms that the proposal accommodates the green field run-off (understood to be 10 metres per second per hectare) and the 1 in 100 year rain fall event including 20% climate change allowance. This has been achieved through the proposed balancing pond at the lowest point within the site. However, achieving the existing run-off rate depends upon a pumping system being in place to take excess water from the pond with an overflow chamber discharging back in to the watercourse if the pumping fails for any reason. This risk has been considered with uncontrolled discharge primarily affecting the applicants fields before potentially discharging across the highway (A465). The capacity of the highway culvert will determine the potential flood risk to third parties. Further information should be sought to confirm how the scheme is to be maintained to ensure it will be operational and functional for the lifetime of the development along with a condition relating to the surface water management.

Water Resources: We recognise that the water resource assessment confirms that there will be no increase in abstraction from the River Lugg compared with the current situation. The applicants also explains that a portion of the abstraction volume can be moved from direct irrigation from the River Lugg to storage irrigation, which is a benefit. We support the proposed management of water which will direct surface water run-off to the balancing pond for re-use in the system.

4.3 Welsh Water:

A water supply can be made available to serve this proposed development. The developer may be required to contribute towards the provision of new off-site and/or on-site water mains and associated infrastructure.

4.4 Ramblers Association:

The development does not appear to have any impact upon adjacent Rights of Way Withington WT9 and WT9A. However, we ask that the developer is aware that there is a legal requirement to maintain and keep clear the Public Rights of Way at all times.

4.5 River Lugg Internal Drainage Board: Comments awaited.

4.6 Open Spaces Society: No comments received.

4.7 Transco Gas: No comments received.

4.8 Health and Safety Executive:

The proposed development is within the consultation distance for a major hazard pipeline but the HSE does not advise on safety grounds against the granting of planning permission in this case. The pipeline operator should be consulted on the application.

Internal Council Advice**4.9 Traffic Manager:**

The visibility of 4.5 metres by 160 metres proposed is acceptable for this length of road which is subject to a 50mph limit, and taking into account the type of vehicles which will be using the access. The proposal for provision of a minibus for shopping trips should be conditioned or incorporated into a travel plan. No Section 106 contributions are required. Recommend approval subject to conditions concerning the construction of the new access and parking and turning areas.

4.10 Public Rights of Way Manager:

The proposed development will affect the use and enjoyment of public footpaths WT9 and WT9A which pass along the northern and eastern/south eastern boundaries of the site.

Footpath WT9A: It appears the ease of walking along footpath WT9A will be improved by the development. The path is currently lightly used and is rather overgrown. Details should be sought to ensure the width of the new roadway running along the footpath is sufficient for large farm vehicles to safely pass two people walking side by side. In addition, pedestrian access to the new road surface from the existing gap in the hedge on the A465 should be confirmed to ensure compliance with Unitary Development Plan Policies T6 and DR3. The potential to remove two stiles should also be explored so the path becomes accessible to more people than at present.

Footpath WT9: The footpath cuts across the proposed landscaped area and this alignment is not correctly shown on the plan. The polytunnels will not interfere with the use of the path but any landscaping and planting should ensure that a clear width of 2 metres can be maintained for use by the public along the legal line of the path. A detailed plan showing the landscaping and legal line of the path should be submitted for approval.

The views from both footpaths will be affected by the proposals, however the separation of 8 metres between polytunnels and footpaths is relatively generous. Existing views in any event are somewhat limited as the site and surrounding areas are quite level.

The Public Rights of Way Manager has no objections to this application but requests the above points are addressed prior to approval or subject to a later approval.

4.11 Land Drainage Engineer:

The system is set to achieve total discharge of 10 metres per second per hectare across the covered area. However, there is concern that this could exceed the existing greenfield run-off rate for the site. A bypass system must be designed to accommodate and deal with all the additional flows the system will not be able to store or pump in order to reduce the possibility of flooding down stream. The proposal also depends on the pump system which could create problems if the pump fails. These matters can be dealt with by condition as stated by the Environment Agency.

- 4.12 Conservation Manager - Landscape:
Comments awaited.
- 4.13 Conservation Manager - Ecology:
Comments awaited.
- 4.14 Conservation Manager - Archaeology:
Comments awaited.
- 4.15 Minerals and Waste Officer:
Comments awaited.

5. Representations

- 5.1 Withington Parish Council:
The Parish Council (PC) is very supportive of the economic objectives of the proposal. However, on the basis of the information provided at present it is unable to support the development. The most significant concerns are the visual impact and the provision of temporary workers.

Landscape and Visual Impact: Whilst the PC is pleased that the applicant has addressed the issue and many of the proposed improvements to the boundaries will be useful, we do not believe that the scheme meets the objectives set out in the Council's Polytunnel SPD. Photographs have been provided for the site but they have not shown the structure superimposed. At a height of up to 5.2 metres the tunnels will be visible in many places. In addition, photos have been taken during the summer when boundary trees and hedges are in full leaf. As the structures are permanent the covering will remain in place during winter months when screening will be severely reduced.

The applicant rightly comments that the fields have been used recently for soft fruit production without serious impact on the landscape. The plastic on temporary tunnels can be removed during the winter and are generally low in height. They are therefore less intrusive.

In Section 3 on discussing Public Rights of Way the applicant proposes to replant missing areas of hedgerow. Whilst this may indeed mitigate the impact, it hardly addresses the issue as the plastic will almost certainly be above the hedge line. The PC fears that all tunnels covered throughout the year will be visually intrusive in the Herefordshire countryside.

Provision for Temporary Workers: Very little detail is provided for the provision of 80 odd seasonal workers. The PC has been informed that the Planning Department advised the applicant not to submit details of the accommodation requirements for seasonal workers. As this is likely to have a major impact on parts of the parish the PC considers that these details must be an essential consideration. Without the seasonal workers the scheme cannot be progressed. It is not clear what areas are to be allocated for workers accommodation and the PC is also concerned with the movement of workers as there is no footway on the A465 which workers are likely to use to reach the bus and Cross Keys Public House.

Transport through the Village: The applicants indicate that the site has no transport impact on the village of Withington. However, one of the economic benefits is the

ability to use staff and presumably their transport from the turf business. This business consistently runs its lorries through the centre of the village rather than taking the longer detour around the A roads. We suggest an operating constraint similar to one successfully imposed on the applicants chicken venture is applied.

Footpaths: Whilst the PC is sure that the applicant intends to allow access over the Rights of Way, experience elsewhere where footpaths run alongside fruit production suggests that much disruption is inevitable. To deal with this and help to enhance the infrastructure and identify the precise alignment the PC suggests the applicant fences off the footpaths where they run alongside the site. Clearly there would then be a need to agree to maintain them. If this were undertaken it might encourage workers to use this route to reach Veldo Lane, bus and pub.

Planting: The scheme involves considerable amount of planting to reduce the impact of the tunnels. Unfortunately, given the height of the tunnels, it is likely to be many years before growth is sufficient to create screening. Notwithstanding the PC's general objections concerning visual impact it is suggested that, particularly close to houses, more mature planting is applied and an increase is made to the proposed 30 metre gap.

Field Margins: The Ecological Report recommends that a 4 - 6 metre grass margin is provided on field boundaries. Given the hardcore roads around the site it does not appear that this recommendation as been adopted.

5.2 Neighbouring Parish Council - Sutton St Nicholas:

The Parish Council generally supports this application but is concerned that adequate provision is made for safe access for heavy goods and slow agricultural vehicles on the main road. Plans as submitted seem to indicate a narrow and confined entry. The Parish Council would also like to see that the screening proposals are fully carried through.

5.3 Eleven letters and e-mails of objection have been received. The main points raised are:

1. The development will be a huge blight on the relatively unspoilt corner of the county.
2. Even with screening and planting it will be a considerable time (if ever) before the 5.2 metre high polytunnels may be screened.
3. The extent of hardstanding for roadways and accommodation will be like having a small industrial estate in the hamlet.
4. The access is in a dangerous section on an already busy road where there have been several accidents.
5. The introduction of 90 workers in to the area would effectively double the population of the hamlet of Nunnington.
6. The area has little infrastructure, no regular bus service, no pavement and the nearest amenities are over a mile away.
7. The development will lead to increased noise and light pollution.
8. The development will lead to fear over security with workers walking past previously isolated properties.
9. The workers accommodation should be sited elsewhere within the applicants holding.
10. The table top production of fruit is an industrial rather than agricultural use of land.

11. This section of the A465 adjacent to the site flooded in 2007 partly contributed by run-off from the application site. The development will increase flood risk to the road and nearby properties.
12. The northern perimeter hedge line will barely screen the development from the hamlet of Cross Keys to the north thereby blighting the outlook of several properties.
13. The site will be very exposed when the roadside hedge is removed in its entirety.
14. The notification letters did not make clear the scale of the polytunnels or the seasonal workers accommodation on site.
15. The development will reduce existing private water supplies and potentially cause pollution through the release of pesticides and fertiliser into existing ground water.
16. The development does not promote or reinforce the character and appearance of the locality in terms of layout, scale, mass nor does it respect the context of the site.
17. No consideration has been given to adjacent biodiversity which includes newts, frogs, toads, grass snakes, lizard, butterflies, dragonflies, damsel flies, spiders, foxes, bats, skylarks, woodpeckers, herons, bullfinches, barn owls, various bird species and other flora.
18. Only five full time jobs will be created and the other 90 will be temporary part time jobs.
19. The development will damage local tourism.
20. The development will devalue local properties.
21. The previous use of the site for polytunnels was on a considerably smaller area with no other physical development or workers accommodation and the polytunnels were temporary and seasonal.
22. The polytunnels in the raised position are the height of a two storey house.
23. The development will damage scenic views from the use of the footpaths around the site.
24. The seasonal workforce are generally paid lower than minimum wage following reductions for accommodation and therefore the benefit to the local economy will not be significant.
25. Permission should be temporary for no more than 5 years to allow the impact of the development to be reviewed.
26. Insufficient toilet facilities are proposed leading to risk of workers using localised footpaths and hedgerows as toilet facilities.
27. An on-site shop would be beneficial and could be used by local residents.
28. The development would lead to increased litter in the area.
29. If permission is approved provision should be made to prevent mud being carried on to the road.
30. The major excavations to create reservoirs will destroy local eco systems both within and adjoining the site.

5.3 Fifteen letters of support have been received the main points raised are:

1. The increased labour force will help support local amenities within the villages and create new employment opportunities for local people.
2. The proposed screening will minimise the impact on neighbours.
3. The surface water management will ensure the impact on the environment is minimised.
4. The development will indirectly benefit a number of local businesses which is particularly important in the current economic climate.
5. The scheme is well thought out and proposes improvements that will enhance the ecology of the site.

6. The growing and promotion of local produce is the best way to protect local farming heritage.

The majority of letters of support are from businesses in the locality and local industrial estates in Hereford, Ledbury and Bromyard.

- 5.4 In support of the proposal the applicants have provided a number of technical reports covering the following:

1. Design and Access Statement and associated supporting documents
2. Economic Impact Assessment
3. Transport and Access Statement
4. Surface Water Strategy
5. Ecological Survey and a separate Reptile Survey
6. Landscape and Visual Assessment
7. Statement of Community Involvement

The contents of these reports will be considered and referred to in the Officer's Appraisal.

- 5.5 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 application proposes the erection of 14 hectares of permanent polytunnels to be used as table top production of soft fruit along with the construction of a general purpose storage building, surface water balancing reservoir, improvements to the vehicular access and associated hardstanding roads, vehicle turning area, workers accommodation area and general landscaping. The main issues in the consideration of this application are:

1. The impact of the development on the character and appearance of the landscape including the setting of the nearby settlements of Cross Keys and Nunnington.
2. The economic considerations.
3. Flood risk and surface water drainage.
4. Highway and transportation considerations.
5. Biodiversity.
6. Other matters including on-site workers accommodation and residential amenity considerations.

Impact on the character and appearance of the landscape

- 6.2 The site and the surrounding landscape does not form part of any national landscape designation. A more specific definition of the landscape character of the site and surrounding area can therefore be found in the Council's Landscape Character Assessment. This defines the landscape character as Principle Settled Farmlands which is the predominant landscape type in the lowland areas of Central Herefordshire. The key features of this landscape type is that it has a more domestic character comprising mixed agricultural land use of grazed pasture, arable crops and orchards interspersed with winding roads and high field margin hedges. Woodland areas are largely limited to alongside water courses.

- 6.3 The landscape character has deteriorated over the last century as a result of more intensive agricultural practices particularly arable, changing the historic field patterns through the removal of hedges. The primary aim for this landscape type is to conserve and enhance small to medium scaled field pattern, hedgerows and field pasture, conserve and enhance tree cover and wetland habitats along water courses and generally maintain the balance of arable and pastoral land use. This landscape character assessment indicates that this landscape type can accommodate some change.
- 6.4 The proposed site falls relatively neatly within this landscape type and the features that make up its character. The site is largely enclosed by mature hedgerows with the most recent land use being more intensive agricultural practices including arable, turf production and polytunnels. No woodland exists within or around the site but modest groups of trees can be seen along the existing water course centrally within the site and the perimeter field boundaries. The historic field sizes and shapes have changed through the removal of hedgerows at some stage in the past. Therefore, whilst the quality of the landscape within the application site has been somewhat eroded historically, it retains a number of the key attributes that contribute to the landscape character of the wider area.
- 6.5 The development of the majority of the site with polytunnels of any form will undoubtedly have a significant impact on the landscape due to the land take up, design and materials. This impact will be further exacerbated by the height of the polytunnels rising from 3.5 metres to 5.2 metres when fully raised. The height of the polytunnels will increase throughout the season starting in the lowest position in April rising to the highest in late summer/early Autumn dependent upon the atmospheric conditions. The season being April to October. The application also proposes permanent polytunnels and furthermore, the applicants advise that 30% to 40% of the polytunnel covers will remain for twelve months a year in the lower parts of the site to be used as a nursery for new plants outside the main growing season. Ground levels also rise within the site from west to east resulting at least 50% of the site and associated polytunnels being in an increasingly elevated position further increasing their prominence. This height of the polytunnels and elevated nature of parts of the site is a concern.
- 6.6 These factors must be balanced against the existing screening and the proposed landscaping. The site is largely enclosed to the north, east and west by mature hedgerow ranging in height from 2.5 to 4 metres. Although the roadside hedgerow is proposed to be removed to improve the visibility from the access, the proposals are for this hedgerow to be translocated to inside of the new visibility line which can be a workable practice although reservations exist regarding the likely success of this procedure. There are no significant areas of trees or woodland within the site but a number of semi-mature and mature trees exist around the field within the hedgerows and along the water course. In addition a new planting area is proposed along the eastern boundary of varying width from 15-25 metres with further planting areas proposed in the south west corner of the site adjacent to existing properties. New hedgerow planting is proposed to infill gaps along the southern boundary and centrally within the site.
- 6.7 All of these elements greatly assist in screening the polytunnels at their lower height even in the winter months particularly when the additional planting matures. However, none of the existing or proposed planting will be sufficient to entirely screen the polytunnels particularly at their raised height. The existing and proposed planting will, nevertheless soften the visual impact of the polytunnels from within the site and public

- vantage points including nearby footpaths, localised highways and nearby residential properties.
- 6.8 There are limited views of the site from other public vantage points further afield, the site being largely screened both by existing landscape features within the site, surrounding topography and other natural screening in the area. The result of which is that only glimpsed views predominantly of the upper, more elevated parts of the site will be available from more the distant view points of Dinmore Hill and Lyde Hill. The planting proposed along the eastern boundary will also ensure that the polytunnels do not break the skyline although there appears to be scope to enhance this planting buffer further. Nevertheless, the prominence of the polytunnels in the higher third (eastern) end of the site remains a concern particularly with the format of polytunnels proposed. To address this it is therefore recommended that the polytunnels at the eastern end of the site 20 are removed from the proposal with a new development edge created with a native hedge field boundary interspersed with native trees. There may then be scope for the applicants to come forward with a further application for this part of the site at some stage in the future once the planting has matured and the landscape impact re-assessed.
- 6.9 There are no other large polytunnel developments in the area and therefore the development will not have any cumulative landscape impact alongside other developments. The polytunnels will be partially visible from the small hamlets of Cross Keys to the north and to a lesser extent (except properties adjoining the site) Nunnington to the south. However, with the additional planting proposed, the separation distances and the possibility of allowing the hedgerows to grow in height by a further metre it is not considered the development will have any harmful impact upon the setting of these hamlets although it is acknowledged that the polytunnels will be in part visible from properties within these settlements.
- 6.10 The general storage building is presently proposed to be sited against the existing watercourse and associated hedgerow. Whilst the siting will benefit from localised screening assisting in reducing the impact of the building, there is a concern regarding the proximity of the building to the watercourse and potential impact on biodiversity. As such, a revised siting alongside the existing dutch barn is considered more appropriate. The scale of the building is commensurate with the proposed use and the materials and design are acceptable. With additional landscaping, the building will also be acceptable in landscape terms. The internal roadways will largely be concealed by existing hedgerows and the proposed polytunnels although amended plans have been sought re-aligning the roadway slightly further away from the field boundaries.
- 6.11 The development will therefore have a significant impact on the landscape as a matter of fact but it is considered the landscape character of the site is tolerant to change. Moreover, the layout of the development, the existing landscape features and proposed planting will successfully mitigate any harmful impact on the character and appearance of the landscape to an acceptable degree subject to the adoption of the amended proposal. This conclusion also being in accordance with Guidelines 5 and 6 of the draft Supplementary Planning Document (SPD) on Polytunnels. However, the comments of the landscape officer are awaited and a further update on the landscape impact will be provided at Committee.

Economic Considerations

- 6.12 An Economic Impact Assessment has been provided to demonstrate what benefits the development could provide for the local economy. It is projected that the proposal could create between 5 and 10 full time jobs and up to 90 part time jobs during the peak of the season. The development would also help support the applicants other business such as turf growing which is largely seasonal and particularly the associated workforce as the season would not clash.
- 6.13 Table top soft fruit growing is far more productive than conventional ground based polytunnel growing producing approximately double the quantity of fruit per hectare. The design of the polytunnels which can be raised and lowered also assist in lengthening the growing season and maximising weather conditions to further improve productivity and the plants generally have greater longevity. The applicant also estimates that up to 50% of the picking and packing costs arising from the development (around £425,000) will be returned to the local community from the seasonal workforce in particular through shopping and leisure pursuits. In addition will be the initial capital investment of around £1.4 million and the applicant is seeking to use local suppliers for, along with other services and consumables once the development is set up which again the applicants state will be sourced locally.
- 6.14 Whilst the applicants' economic assessment has not been independently scrutinised, there is no doubt that the development will generate economic benefits in terms of both job creation and localised spending on goods and services needed to support the development. Furthermore, the intensive use of the site as proposed compared to all other forms of agricultural production including the existing use of the site for turf growing and arable achieves significantly greater economic returns. The gross value added for the arable use of the site is in the region of £18,375 compared to £1.9 million for the proposed development and a direct job creation of 0.1 person compared with around 95 for the proposed development.
- 6.15 The development will also help achieve wider sustainability objectives in producing large quantities of quality soft fruit in the County, not only helping to sustain the agricultural industry but also reducing the need for imports thereby reducing food miles. The more intensive growing methods proposed in this application also assists in meeting the demands of the buyers (supermarkets) and ultimately the consumer in bringing the required quantity of fresh produce directly and swiftly to the markets. It is therefore accepted that the development will make a positive contribution to the rural economy which, in accordance with Guideline 1 of the SPD, is a matter which can be given considerable weight in the assessment of the application. The number of local business whose services the applicants currently utilise and have written in support of the application is further evidence of the direct and indirect economic benefits of the development.

Flood Risk and Surface Water Drainage

- 6.16 The applicants propose to capture surface water run-off to irrigate the development with any additional supply obtained from the River Lugg. Surface water run-off from the polytunnels will be captured and channelled to a balancing/holding reservoir at the lowest point of the site adjacent the A465. The rainwater held in this reservoir will then be pumped back up to a storage reservoir (subject of a separate application) located centrally within the site along the southern boundary. This will then be used to irrigate the crops through a trickle irrigation system. The rainwater is harvested through

French drains every 50 metres which then link to a larger drain running to the balancing reservoir. The main storage reservoir will also be used to capture rainwater during the winter months from run-off on and off site.

- 6.17 With table top production the grass cover can be maintained across the site. This assists in controlling direct run-off flows and prevents soil erosion, which is a common problem with ground based soft fruit production. It also ensures that the water is cleaner having not been contaminated with soil particles and therefore is more acceptable for recycling for irrigation purposes. The projections indicate that the development as a whole at the end of a two year growing cycle would give an annual water requirement of 42,000 cubic metres. This figure has informed the required size of the balancing and storage reservoirs. Based on these projections, it is likely that sufficient water will be provided through surface water harvesting to serve the development. However, this is clearly dependent upon the extent of rainfall. The site also has access to water from the River Lugg where a pump is situated and was used to irrigate the crop production on the site from the year 2000. This therefore will be used as a back-up facility in the event that insufficient rainfall exists.
- 6.18 The system will also assist in reducing the risk of localised flooding arising from increased surface water run-off from the development with the run-off being maintained at the existing green field run-off of 10 litres per second per hectare, which the Environment Agency and the Council's Drainage Engineer confirm is acceptable. Notwithstanding this, the risk of flooding must be considered and factored into the scheme. The overflow chamber for the holding reservoir connects into the existing 50mm culvert passing from the site under the A465 through to an open ditch with eventual outfall into the River Lugg. The balancing pond is positioned and constructed below the existing ground level to overcome a breach scenario. If the overflow culvert also fails excess water will then flow to the surrounding fields. There is then the risk that this could cause severe floods and subsequently cause flood risk to the highway and even localised property but the scheme has been designed to ensure the development will not increase this risk.
- 6.19 The sustainable re-use of water is welcomed thereby avoiding any direct impact on existing water courses or supplies. Both the surface water drainage strategy and potential flood risk have been considered acceptable by the Environment Agency and the Council's Drainage Engineer. These elements are also in accordance with Guidelines 18 and 19 of the SPD.

Highway and Transportation Considerations

- 6.20 The development will be served by the existing vehicular access, which enters on to the A465 relatively centrally along the western boundary of the site. However, the access is severely sub-standard in terms of visibility and general design and therefore the proposals are to improve the safety of the access up to the required standard for the speed limit, which in this instance is 50mph. This entails the removal of hedgerow for the entire roadside frontage and its translocation behind the new visibility splay. The new access will be slightly widened with a new junction radii constructed to ensure that vehicles including HGVs can enter and leave the site safely and simultaneously. Subject to the success of the translocation of the hedge, these works will significantly improve the safety of the access. The applicant can then be required to close the existing vehicular access off Veldo Lane at the eastern end of the site. This will ensure that there is no temptation to access the site from the east where the general road network is of a poorer standard.

- 6.21 The Traffic Manager is also satisfied that the localised road network has sufficient capacity to accommodate the potential increase in traffic associated with the development. The traffic generation is unlikely to be significant following the initial site set-up particularly with the resident workforce and on site storage facilities proposed. With regards to the shopping and leisure needs of the workers residing on site, a minibus service is proposed as there is no bus stop within safe walking distance of the site. The Traffic Manager is satisfied with this procedure, which can be conditioned as part of a Travel Plan for the development as a whole. There is also a direct public footpath link to Withington around 1.3 km away where there is a shop. This is not an unreasonable distance to walk.
- 6.22 Within the site an area of hardstanding is proposed around the general storage building both for parking of vehicles and manoeuvring of HGVs. Around the entire perimeter of the site and various points within the site a 3.5 metre wide gravelled access road is proposed to allow adequate servicing of the site.
- 6.23 Whilst the location of the site could not be classed a sustainable in terms of its accessibility to alternative modes of transport, the needs of the workers residing on site can be satisfied through a robust Travel Plan and other highway considerations are acceptable in accordance with Guideline 10 of the SPD.

Ecology and Biodiversity

- 6.24 A general Ecological Survey of the site as a whole was carried out this summer focusing primarily on the field margins as the majority of the remainder of the site is set to cultivated arable land. This included an extended Phase 1 Habitat Survey to establish the presence of any protected species and local biodiversity action plan species along with the identification of features and habitats capable of supporting such species. A more focused and specific reptile survey has also been carried out on the site of the balancing pond and the length of the water course running centrally through the site. The specific reptile survey followed on from the recommendations of the principal ecological survey for the site as a whole, which identified what further specific protected species surveys were required.
- 6.25 The surveys have not revealed the need for any specific mitigation strategy for flora and fauna within the site. It does however make a number of recommendations to retain the existing biodiversity interests within the site and particularly around the perimeter of the site with opportunities to enhance where possible. In summary, the report recommends wider unmanaged margins of around 6 metres around the perimeter of the site and the water course feature within the site would help support species such as barn owls, field vole, bats, various bird species and reptiles. There is then also scope for enhancement through the management of the existing pond within the site (dry during the summer), the creation of a new small pond (not for any irrigation purposes), advice on the construction of the new reservoirs to encourage flora and fauna along with the location and species for new planting.
- 6.26 Natural England also does not raise any objections to the application but query whether an Appropriate Assessment of the impact of the development on the River Wye which is designated as a Special Area of Conservation is required. The comments of the Ecologist are awaited and an update on this matter will be provided at Committee. However, the only impact on the SAC is likely to be as a result of overflow discharge from the holding reservoir, which will eventually travel westwards approximately 2 kilometres on entering the River Lugg, which subsequently enters the

River Wye. It is therefore not considered likely that an appropriate assessment under the Habitat Regulations will be required.

- 6.27 Whilst the development will particularly in the early years undoubtedly have an impact on the biodiversity of the site and surrounding area, with the implementation of the recommendations of the Ecological Report along with the additional planting proposed, the biodiversity interest of the site will be restored and potentially enhanced as required by Guidelines 20 and 21 of the SPD.

Other Matters

On-site Workers Accommodation:

- 6.28 The applicant advises that at its peak, the development will generate the need for up to 90 workers most probably employed on a seasonal basis. It is normal practice with fruit farms for such workers to be accommodated on or near the site. The applicants have identified an area of hardstanding that would accommodate around 14 mobile homes on a seasonal basis. The siting of mobile homes in connection with a particular season is permitted development under Part 5 Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 providing it does not amount to a permanent change of use of the land by virtue of other operational development. As such, the mobile homes themselves are unlikely to require planning permission providing they are seasonal. It is nevertheless reasonable to assess the impact of the mobile homes which will inevitably be required and as been raised as an issue of concern by a number of objectors.
- 6.29 The siting of the mobile homes will be up against existing semi-mature trees alongside the watercourse and largely be against the backdrop of this vegetation and screened by existing hedgerows. Therefore, subject to the mobile homes being finished with appropriate colour and satisfactory drainage arrangements installed, they are not considered to have a harmful impact on the site of wider landscape in the overall context of the development. The accessibility to services and amenities for the on-site workers is already been covered in Para 6.21.

Residential Amenity:

- 6.30 The introduction of a significant number of residents where no such use currently exists will inevitably also generate increased noise potentially impacting upon the amenity of nearby properties. The nearest property to the site for the mobile homes is 130 metres, the next nearest being 230 metres. Whilst noise from the site generally and mobile home area specifically may be audible from these and other local properties, subject to controls over the management of this accommodation and the playing of music and extent of lighting, it is considered that sufficient separation distance exists so as not to have any harmful impact on the amenity of nearby properties. This being a requirement of Guideline 13 and 14 of the SPD.
- 6.31 The layout of the site also ensures that there are generally no polytunnels positioned within 50 metres of an existing dwelling or 30 metres of the curtilage of a dwelling. This being in line with the requirements of Guideline 15 and 16 of the Draft SPD. In addition, in more sensitive areas additional planting is proposed to provide a further natural buffer between the proposed polytunnels and nearby residential properties to soften (not obscure) the impact of the polytunnels on the outlook from existing dwellings. Nevertheless, it is acknowledged that the outlook from a number of nearby properties will be affected by the proposed development and there is scope to enhance the planting further in some areas.

Public Rights of Way:

- 6.32 Public Rights of Way No. WT9A runs along the entire length of the northern boundary of the site along with Footpath WT9 along the east and south eastern boundary. The polytunnels and perimeter access roads have been stepped away from the boundaries to ensure there is no direct impact on the definitive route and usability of these footpaths. However, the recreational value of these footpaths will to some extent be affected by the proposal. The existing footpaths are not presently, particularly well used and are largely overgrown. This application therefore provides the opportunity to secure the improvements to the localised Public Rights of Way network to ensure they are more useable for both walkers and workers who wish to travel to and from the site. This matter can be controlled by condition.

Tourism:

- 6.33 Whilst the erection of polytunnels is a controversial issue within the County, proportionately little of the County is covered with them. The Council's Tourism Section advise that there is no evidence to support the view that the growth in the number of polytunnels has led to a decline in tourists staying within the County and visiting its attractions.

Conclusion

- 6.34 The development will undoubtedly have a significant localised impact on the appearance and character of the landscape and in the view of the objectors and Withington Parish Council this impact will be harmful. Due to the scale of the polytunnels in terms of their height, it is unlikely to be possible to entirely screen the development and therefore if the principle of the development is accepted the polytunnels will always be visible potentially throughout the year. Opportunities however exist through the management of existing landscape features and boundary hedgerows along with additional planting to reduce the direct impact of the development on the application site along with the secondary impact of long distance views of the site from elsewhere. The impact must also be considered in the context of the landscape character assessment which identifies this landscape type (Principal Settled Farmlands) as being able to accommodate some new development subject to key features being retained and enhanced. The comments of the Landscape Officer are awaited and therefore further updates on this matter will be provided at Committee.
- 6.35 The landscape impact must also be considered alongside the likely economic benefits of the development in terms of job and wealth creation. Alongside this the added benefit the development will provide in enabling the production of increased quantities of quality soft fruit thereby reducing food miles are matters that can also be given weight in the assessment of the application.
- 6.36 Therefore, although finely balanced, the landscape impact is acceptable subject to the adoption of the amendments detailed in this report alongside the additional mitigation and balanced against the benefits to the rural economy. The other matters including surface water drainage, flood risk, impact on biodiversity, highway safety, residential amenity, archaeology and water uses have all been adequately addressed in the supporting information with the application and can be controlled through conditions. Having regard to the relevant Unitary Development Plan Policies and guidance within the Draft Supplementary Planning Document on Polytunnels, the proposed development is therefore considered acceptable.

RECOMMENDATION

Subject to receipt of satisfactory amended plans addressing the following issues and any other issues considered necessary by officers:

1. Removal of the polytunnels from the eastern end of the site
2. Creation of a 6 metre undeveloped buffer around the site perimeter and proposed new internal access roads and alongside the existing watercourse
3. Re-location of the storage building to adjacent the existing building on site
4. Submission of a scaled plan identifying the additional biodiversity enhancement recommended by the Ecological survey
5. Provision of additional landscaping in the proximity of existing dwellings

AND no further objections raising new material planning considerations by the Conservation Manager, the officers named in the Scheme of Delegation to Officers be authorised to approve the application 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. **E03 (Site observation - archaeology).**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

3. **G10 (Landscaping scheme).**

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

4. **G11 (Landscaping scheme - implementation).**

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5. **G14 (Landscape management plan).**

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

6. **G02 (Retention of trees and hedgerows).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan

7. **H03 (Visibility splays).**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8. H05 (Access gates).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

9. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

10. 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

11. H21 (Wheel washing).

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

12. H29 (Secure covered cycle parking provision).

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

13. 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14. I14 (Time restriction on music).

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

15. Surface water generated from the site shall be limited to the equivalent Greenfield run-off rate for the site with storage attenuation provided to cater for the 1% plus climate change (20% peak rainfall event) or greater, in accordance with the 'Surface Water Strategy' dated 2008 including 'run-off calculations'. The surface water run-off shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To prevent the increased risk of flooding and ensure the provision of a satisfactory means of surface water disposal.

16. I33 (External lighting).

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

17. I41 (Scheme of refuse storage (commercial)).

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

18. I55 (Site Waste Management).

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.

19. K4 (Nature Conservation – Implementation).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation(Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

20. No development shall commence until a scheme for the enhancement and future maintenance of the existing Public Rights of Way Nos. WT9 and WT9A and WT10 adjacent to and within the locality of the application has been submitted to and approved in writing by the local planning authority. A scheme of enhancement shall be completed prior to first use of the polytunnels hereby permitted.

Reason: To ensure the useability of nearby Public Rights of Way are enhanced in accordance with the requirements of Policy T6 of the Herefordshire Unitary Development Plan.

21. H08 (Access closure).

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

22. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit on the application site, the polytunnels including the supporting structures shall be permanently removed from the application site within a period of 6 months.

Reason: To ensure the polytunnels that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

23. Prior to the commencement of the development, a scaled plan shall be submitted for the approval in writing of the local planning authority identifying the area of

polytunnels where the covering will remain permanently in place. The covering shall be removed outside of the growing season in all other areas.

Reason: To minimise the landscape impact of the development during the winter months and to comply with policy LA6 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. HN05 - Works within the highway.
- 2. HN10 - No drainage to discharge to highway.
- 3. HN25 - Travel Plans.
- 4. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 5. N19 - Avoidance of doubt - Approved Plans.

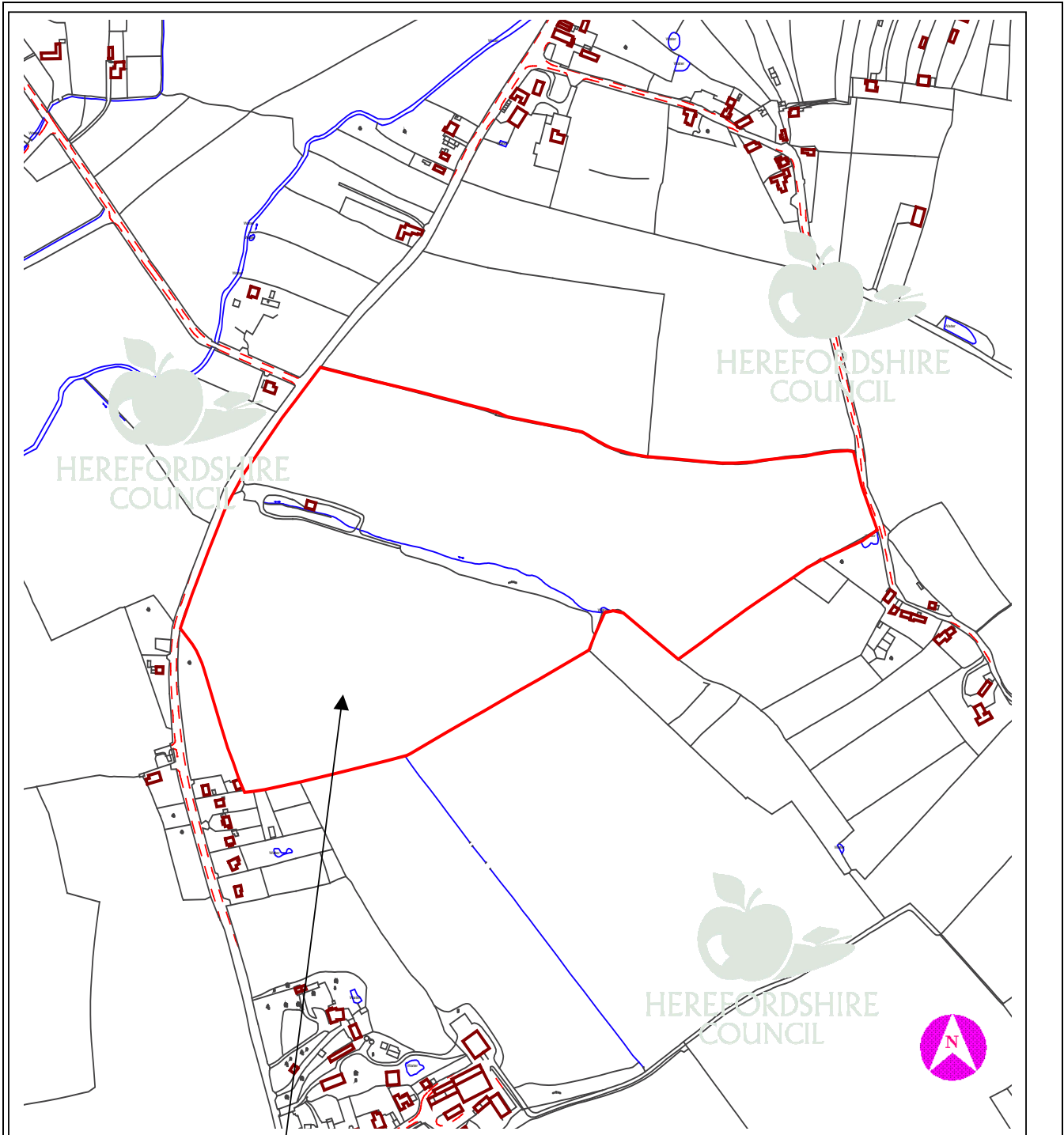
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2008/2266/F

SCALE : 1 : 5846

SITE ADDRESS : Land to the West of Veldo Farm and East of the A465 at Nunnington, Hereford, Herefordshire HR1 3QB

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Further information on the subject of this report is available from Mr R Pryce on 01432 261957

