

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday 1 April 2009**

Time: **2.00 pm**

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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Herefordshire Council

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	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 - 14
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To be noted.</p>	15 - 16

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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| <p>5. DCCW2008/2781/F - PUBLIC CONVENIENCE, THE OVAL, BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7HG</p> <p>Demolish existing public convenience and replace with three storey building, hot food takeway on ground floor, storage on first floor, staff living accommodation on second floor.</p> | <p>17 - 24</p> |
| <p>6. [A] DCCE2008/2898/F AND [B] DCCE2008/2902/C - CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY</p> <p>Demolition of existing two storey dwelling and ancillary buildings and replacement with new two storey oak framed dwelling.</p> | <p>25 - 30</p> |
| <p>7. DCCW2008/2775/F - 29 WHITEFRIARS ROAD, HEREFORD, HR2 7XE</p> <p>Demolish existing garage and replace with single storey extension and minor alterations to off road parking area.</p> | <p>31 - 34</p> |
| <p>8. DCCW2009/0131/F - LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH</p> <p>Permanent retention of fixed (not rotated) Spanish polytunnels for use in soft fruit growing (table top method) as previously approved DCCW2003/2321/F & DCW2004/4212/F.</p> | <p>35 - 50</p> |
| <p>9. DCCW2009/0382/F - LAND TO REAR OF 103 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0RQ</p> <p>Proposed house.</p> | <p>51 - 56</p> |
| <p>10. DATE OF FUTURE MEETINGS</p> <p>29 April 2009
27 May 2009
24 June 2009</p> | |

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HEREFORDSHIRE 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 4 March 2009 at 2.00 pm

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

Councillors: PA Andrews, WU Attfield, AJM Blackshaw, ACR Chappell, H Davies, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, RI Matthews, AT Oliver, SJ Robertson, NL Vaughan, WJ Walling and JD Woodward

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

112. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors DJ Benjamin, SPA Daniels, GFM Dawe, MD Lloyd-Hayes, AP Taylor, AM Toon and DB Wilcox.

113. DECLARATIONS OF INTEREST

119. DCCW2008/1681/F - 9-11 Tower Road, Hereford, Herefordshire, HR4 0LF [Agenda Item 8]

Councillor PA Andrews; Prejudicial; Left the meeting for the duration of item; Reason: Lives nearby.

Councillor JD Woodward; Personal; Reason: LEA Governor.

M Willmont, Central Team Leader; Prejudicial; Left the meeting for the duration of the item.

K Bishop, Principal Planning Officer; Personal; Left the meeting for the duration of the item.

123. DCCE2009/0062/O – Orchard End, 9 Broadlands Lane, Hereford, Herefordshire, HR1 1HZ [Agenda Item 12]

Councillor SJ Robertson; Prejudicial; Left the meeting for the duration of the item; Reason: Applicant's agent was known to the member through parish council and due to architectural work undertaken on behalf of charity and parents.

114. MINUTES

RESOLVED:

That the minutes of the meeting held on 4 February 2009 be approved as a correct record.

115. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report.

116. ITEM FOR INFORMATION - SECTION 106 AGREEMENTS DETERMINED UNDER DELEGATED POWERS

The Sub-Committee received an information report.

117. DCCW2008/2887/F - 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF [AGENDA ITEM 6]

Change of use from bakery to chip shop.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- One further letter of objection had been received.
- A petition signed by 59 people in support of the proposal had been received.

Councillor RI Matthews said that a chip shop in a shopping area might appear acceptable on face value but, with the full facts, he felt unable to support the application and commented on the following:

- A ventilation system used at a nearby restaurant had been the source of complaints for a number of years and the system to be used for the proposed chip shop might not adequately control fumes and odours.
- The proposed change of use would add to existing parking difficulties associated with the parade of shops.
- There had been issues with anti-social behaviour in the locality, requiring additional police patrols, and this particular type of use could exacerbate the situation.
- Litter was becoming a significant problem in rural wards.

Given these concerns, Councillor Matthews proposed that the application be refused for the following reasons: harm to the residential amenity of the residents in the area particularly those above and adjacent to the premises; harm to the character of the area in terms of social activities outside normal business hours; increased noise and litter; and emanating fumes and odours.

Councillor SJ Robertson concurred with the Local Ward Member and, given the problems with anti-social behaviour, suggested that fear of crime be included in the reasons for refusal.

Councillor PJ Edwards questioned whether the fact that the site was located next to a doctors' surgery was a material planning consideration and, if approved, the reasonableness of including further conditions to mitigate anti-social behaviour and fear of crime, such as additional lighting or CCTV.

In response to a question from Councillor PA Andrews about complaints to Environmental Health, the Principal Planning Officer advised that the Environmental Health Manager had no objection to the application subject to conditions. Councillor Matthews said that he was surprised that the long history of problems in the area was not referred to in the comments of the Environmental Health Manager.

In response to other questions and comments, the Principal Planning Officer advised that:

- The proximity of a doctors' surgery was not a material planning consideration.

- The business hours of nearby shops were similar to the proposed hours for this use.
- It was considered that the potential environmental impacts of the proposal could be controlled through conditions.
- The Traffic Manager had no objection to the proposal.
- The parade of shops was reasonably well lit but an additional condition for appropriate additional lighting could be included.
- A condition would require the implementation of a litter management plan and officers were not aware of any serious complaints about the applicant's other operations.

Councillor MAF Hubbard questioned the likelihood of success of defending refusal of planning permission on appeal given the other nearby uses and he noted the popularity of low cost food outlets during economic downturns.

The Central Team Leader commented that many of the concerns raised could be addressed through conditions and the suggested reasons for refusal would be difficult to defend if challenged.

RESOLVED:

That

- (i) **The Central Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee:**
1. **Harm to the residential amenity of the residents in the area particularly those above and adjacent to the premises.**
 2. **Harm the character of the area in terms of social activities outside normal business hours.**
 3. **Increased noise and litter.**
 4. **Emanating fumes and odours.**
 5. **Fear of crime.**
- (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 refuse the application, subject to such reasons for refusal referred to above.**

[*Note:*

Following the vote on this application, the Central Team Leader advised that, as the resolution was contrary to the officers' recommendation and the Sub-Committee's view might not be defensible if challenged, he was minded to refer the matter to the Head of Planning and Transportation.]

118. **[A] DCCE2008/2898/F AND [B] DCCE2008/2902/C - CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY [AGENDA ITEM 7]**

Demolition of existing two storey dwelling and ancillary buildings and replacement with new two storey oak framed dwelling.

The Chairman, speaking in her capacity as the Local Ward Member, advised that the applicant's agent had requested deferral of the application to provide an opportunity to assess properly the comments of the Housing Inspector.

RESOLVED:

That consideration of planning applications DCCE2008/2898/F and DCCE2008/2902/C be deferred.

119. DCCW2008/1681/F - 9-11 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF [AGENDA ITEM 8]

Conversion of existing retirement residential home and self contained basement flat into seven self contained flats/apartments.

The Chairman congratulated the Principal Planning Officer for negotiating a reduction in the number of flats from nine to seven.

Councillor JD Woodward, a Local Ward Member, said that her primary concern related to the basement and this had now been addressed by reducing the accommodation on this level from two one-bed flats to one two-bed flat. Councillor Woodward said that she still had concerns about traffic and parking problems in the locality but noted that the proposed scheme was likely to be the best that could be achieved for this particular site.

In response to a question, the Principal Planning Officer advised that the contribution amounts detailed in the Heads of Terms, attached to the report, were accurate. Councillor Woodward asked for assurance that monies would be allocated to infrastructure improvements in the locality, rather than pooled into general funds, to ensure that local people benefited directly from such contributions.

Councillor PJ Edwards commented on traffic and parking problems and, noting that the Sub-Committee had expressed concerns about parking in this area at the last meeting, asked whether a response had been received from the Highways Department. The Chairman advised that nothing had been received to date but a response would be sought.

A number of Members commented on the need for consultation with Ward Members about potential planning obligations at the earliest opportunity to ensure that local knowledge about community needs informed the terms of any agreement and to ensure that such sums were allocated for the purposes for which it was intended. The Chairman noted that consideration needed to be given to this issue at a wider strategic level.

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. 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.

3. 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.

4. Before development commences, full details including scaled plans and/or structural details shall be submitted for the approval in writing of the local planning authority in order to maintain and/or enhance the structural integrity of the existing eastern boundary sufficient to support the construction of a new access drive. The access drive and associated works to the boundary wall to include the removal of the existing ramp and steps shall be completed in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To ensure the driveway is constructed to an appropriate standard and safeguard the amenity of neighbouring dwelling and comply with the requirements of Policies DR1 and DR3 of the Herefordshire Unitary Development Plan.

5. 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.

6. I42 (Scheme of refuse storage (residential)).

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

7. B07 (Section 106 Agreement).

Informatives:

1. N02 - Section 106 Obligation.
2. N19 - Avoidance of doubt - Approved Plans.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

120. DCCW2008/3044/F - TRADEGA, LITMARSH, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EY [AGENDA ITEM 9]

Replacement two storey detached house.

Councillor KS Guthrie, the Local Ward Member, commented that Marden Parish Council was concerned about the overall scale of the proposed dwelling but she

noted that the increase in floor area, to approximately 20% of the original, was considered acceptable.

Councillor AJM Blackshaw said that the replacement dwelling would represent an improvement and did not feel that the increase in floor area was substantial. Other Members also spoke in support of the application.

Councillor AT Oliver expressed concerns about the design and layout and felt that the proposal would have an overbearing impact. In response to a question from Councillor Oliver, the Principal Planning Officer advised that no sustainable technologies were proposed as part of the scheme.

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. **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.

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. **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.

5. **H03 (Visibility splays).**

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

6. **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.

7. **H09 (Driveway gradient).**

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

8. **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.

9. 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.

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. N15 - Reason(s) for the Grant of PP/LBC/CAC.

2. N19 - Avoidance of doubt - Approved Plans.

121. DCCW2008/2647/F - WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF [AGENDA ITEM 10]

The construction of a clean water attenuation pond for the recycling of storm water.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The applicants had now agreed to the Heads of Terms.

In accordance with the criteria for public speaking, Mrs. Eyles spoke on behalf of Breinton Parish Council and Mr. Wheeler spoke in support of the application.

Councillor RI Matthews, the Local Ward Member, commented on the scale of a recently constructed agricultural stock building, the sensitive nature of the location, that numerous changes had resulted in a lack of clarity about the development of this site, and that local residents were also concerned about possible non-compliance with conditions on previous planning permissions.

In response to questions from Councillor Matthews, the Principal Planning Officer advised that:

- The position of the pond had been amended during the processing of the application by some 4.5m away from the submitted position but it was considered that the pond would be seen as part of the farm complex and officers were satisfied that the proposal complied with the relevant policies.
- The pond would be for clean water and, as it would be used to provide livestock drinking water, there would be measures to prevent contamination.
- The overflow system, to control the release of water through a system of various sized pipe outlets to maintain the water level of the pond, was explained.
- A further planning application would be needed if any new building was proposed to house pumping equipment.

Councillor Matthews commented that a landscaping scheme had not yet been implemented and felt that this had to be undertaken during the current planting

season; adding that screening would help to alleviate some of the concerns of local residents and the parish council. Councillor Matthews proposed that planning permission be granted but, to ensure rapid implementation, the landscaping scheme be delegated to officers in consultation with himself as Local Ward Member. He stressed the need for conditions to be adhered to and, as necessary, for thorough and prompt enforcement action.

The Central Team Leader advised that dirty water would be directed to an existing brown water pond and this proposal was for a clean water attenuation pond. He added that it was not anticipated that there would be any pollution to the River Wye.

In response to a concern expressed by Councillor NL Vaughan about the lack of comment from the Environment Agency given the complexities of the scheme and the potential environmental impacts, the Principal Planning Officer advised that the application was below the size level for consultation with the Environment Agency.

A number of Members supported the views of the Local Ward Member and commented on the importance of the landscaping scheme.

In response to a question from Councillor AJM Blackshaw, the Principal Planning Officer advised that full details of the specification for the disposal of the water from the overflow would be required through a condition.

Councillor PJ Edwards said that he understood the concerns of local residents and the parish council, particularly given the intensification of agricultural activities in this sensitive location and the impact on the quiet lane. Councillor Edwards suggested that the landscaping scheme should include mature tree specimens to provide immediate and adequate screening. Other Members supported this.

Councillor ACR Chappell commended officers on the report, noted the need for sufficient landscaping, questioned if there were measures to prevent the accumulation of surface water on roads, and commented on the importance of farm diversification for the local economy.

Councillor DW Greenow said that the scheme had the potential to become a model for the development of similar farms and he urged the applicant to address the concerns raised.

The Principal Planning Officer reported that discussions had been held with the applicant and the implementation of the landscaping scheme was imminent. He said that the applicant was prepared to follow the methods and combination of planting recommended by the Council's Landscape Officer and officers would be happy to work with the Local Ward Member to ensure a satisfactory outcome. He also reported that there had been a discussion with the applicant about measures to address the concern about surface water on roads.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. The clean water attenuation pond hereby permitted shall be completed**

and available for use within six months of the date of this permission.

Reason: In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 of Herefordshire Unitary Development Plan.

3. Notwithstanding the details shown on the approved plans and prior to the commencement of development, details of the precise route and specification for the disposal of the water from the overflow shall be submitted for approval in writing of the local planning authority. The dispersal shall be undertaken in strict accordance with the approved details.

Reason: Insufficient detail was shown on the submitted plans and to ensure that the development accords with the requirements of Policies DR6 and E13 of the 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. Prior to the commencement of the development details of any pumping system to be installed for the operation of the development shall be submitted for any approval in writing by the local planning authority.

Reason: In order to ensure that a suitable surface water drainage system is operated to serve the development and to comply with Policy E16 of the Herefordshire Unitary Development Plan.

Informatives:

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

122. DCCW2008/2781/F - PUBLIC CONVENIENCE, THE OVAL, BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7HG [AGENDA ITEM 11]

Demolish existing public convenience and replace with three storey building, hot food takeaway on ground floor, storage on first floor, staff living accommodation on second floor.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The applicant's agent had confirmed a willingness to light the public footpath to the rear of the building.
- Given the above, an additional condition requiring details of lighting of the footpath to the rear of the building was recommended by officers.

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

Councillor H Davies, a Local Ward Member, commented on anti-social behaviour issues at the site and the need for some form of redevelopment. However, she also acknowledged the concerns of local residents and businesses about the potential impact of another takeaway in the shopping parade. Given the concerns raised, including traffic and parking problems, Councillor Davies felt that the Sub-Committee would benefit from a site inspection.

Councillor PJ Edwards, also a Local Ward Member, said that the site was in a dreadful state but he questioned whether this proposal might be overintensive, particularly given the increase in cubic capacity.

Councillor GA Powell, the other Local Ward Member, said that she understood the concerns of objectors but considered that redevelopment of the site was necessary and noted that the design would be compatible with adjoining buildings. Councillor Powell added that she would prefer the flat on the second floor to contain two rather than three bedrooms, reflecting the situation with other shop units.

The Legal Practice Manager reminded the Sub-Committee of the criteria for holding site inspections and the Chairman emphasised the need for good levels of attendance at such visits.

Councillor ACR Chappell felt that a site inspection was justified and commented on traffic and parking problems in the vicinity of the site, the number of takeaway food outlets in the area, and fear of crime considerations. He added that the removal of the footpath between the existing complex and the proposed building would address a number concerns.

Following the vote on holding a site inspection, Councillor Edwards suggested that officers investigate the land ownership matters associated with the footpath and whether it could be removed through this scheme or by alternative means.

RESOLVED:

That consideration of planning application DCCW2008/2781/F be deferred for a site inspection for the following reason:

- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

123. DCCE2009/0062/O - ORCHARD END, 9 BROADLANDS LANE, HEREFORD, HEREFORDSHIRE, HR1 1HZ [AGENDA ITEM 12]

Erection of detached house and garage.

The Principal Planning Officer provided details of updates / additional representations received following the publication of the agenda as follows:

- The applicant's agent had now agreed to the Heads of Terms.

Councillor NL Vaughan, a Local Ward Member, commented on traffic volumes and congestion on the local road network and the additional impact of another dwelling in this location. He welcomed low-density development but drew attention to local residents' comments about potential overlooking and the need to mitigate this concern.

In response to a question from Councillor DW Greenow, the Principal Planning Officer explained that the contribution sought to provide enhanced educational structure was relatively low as the Education Manager had indicated that there was capacity at local primary and secondary schools.

Some Members expressed the view that one additional dwelling would not have a significant impact on the area.

Councillor Vaughan suggested that officers reconsider the educational contributions, especially in respect of Special Educational Needs and Youth Service, and noted that there were long standing traffic problems in the area which needed to be highlighted.

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. **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.

7. **H09 (Driveway gradient).**

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

8. 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.

Informatives:

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

124. DCCE2009/0126/F - CADITH HOUSE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3RX [AGENDA ITEM 13]

Proposed planting scheme of green beech hedge and retention of existing timber fence.

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

Councillor DW Greenow, the Local Ward Member, said that the fence had limited visual impact and noted the benefits for the occupiers of Cadith House, including improved security, safety and reduced noise. He commented that the colour of the fence would fade and the beech hedge would thicken and grow in a short space of time. He also commented on the mixed uses in the area, that nearby properties had fences of similar heights and dimensions, and drew attention to the comment of the Traffic Manager that *'the required setback can be achieved'*. Given these considerations, he felt that planning permission could be granted.

Councillor SJ Robertson noted that each application had to be considered on its own merits and felt that the proposal could be supported. Councillor H Davies noted the practical difficulties of living next to a busy road and supported the views of the Local Ward Member.

In response to a question from Councillor NL Vaughan, the Planning Officer advised that it would be the property owners' responsibility to maintain the hedge to ensure that highway safety was not compromised. The Legal Practice Manager added that, if the hedge encroached on the highway, the authority could undertake the works necessary and recharge the costs to the owners.

Councillor RI Matthews noted that a fence next to a highway could not be over 1 metre high and questioned how far this fence, as constructed, would need to be set back to overcome the requirement. In response, the Planning Officer said that the distance would need to be more than 20 metres but, as it would remain adjacent to the highway, planning permission would still be required. Councillor Matthews noted the planning policy considerations and felt unable to support the application.

Councillor AJM Blackshaw felt that the beech hedge would adequately screen the fence as it matured.

Councillor AT Oliver supported the officer's recommendation of refusal and said that the fence was a discordant feature and dominated the front aspect of the property.

Councillor MAF Hubbard noted the case put forward by the applicants for the retention of the fence but he felt that the protection of the rural environment, through

the planning policies, was a key consideration.

Councillor Greenow said that, as landscape gardeners, the applicants would ensure that the planting scheme was satisfactory and well maintained.

A motion to approve the application failed and the resolution below was then agreed.

RESOLVED:

That planning permission be refused for the following reason:

- 1. The existing fence by virtue of its height, length and siting would visually dominate the front aspect of the property and the wider locality. As such the retention of the fence is contrary to Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.**

125. DATES OF FUTURE MEETINGS

1 April 2009
29 April 2009
27 May 2009

The meeting ended at 4.20 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCCE2007/1655/O**

- The appeal was received on 5 March 2009.
- 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 Herefordshire Residential Developments.
- The site is located at Holmer Trading Estate, College Road, Hereford HR1 1JS.
- The development proposed is Mixed Use development comprising residential (115 units), employment (office, industrial and warehousing), retail and supporting infrastructure including new access off College Road, roads, footpaths, open spaces, landscaping, parking and re-opening of part of canal.
- The appeal is to be heard by Hearing.

Case Officer: Russell Pryce on 01432 264957

APPEALS DETERMINED**Application No. DCCW2008/2105/F**

- The appeal was received on 13 November 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 Aldi Stores Ltd.
- The site is located at Aldi Foodstore Ltd, 166 Eign Street, Hereford, Herefordshire, HR4 0AP.
- The application, dated 12 August 2008, was refused on 6 October 2008.
- The development proposed was Proposed removal of condition 3 (none of the existing store shall be rendered) of planning permission DCCW2008/0953/F.
- The main issues are whether Condition 3 complies with the tests of Circular 11/95 and whether its removal, enabling parts of the existing building to be rendered would adversely affect the appearance of the building.

Decision: This application was Refused under Delegated Powers on 6 October 2008.
The appeal was ALLOWED on 5 March 2009.

Case Officer: Kevin Bishop on 01432 261946

Application No. DCCE2008/0959/F

- The appeal was received on 7 November 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. N. Newman.
- The site is located at Field at Common Hill Lane (opposite The Little House), Fownhope, Hereford HR1 4QA.
- The application, dated 2 April 2008, was refused on 11 June 2008.
- The development proposed was Proposed field shelter.
- The main issue is the visual impact of the proposal on the character and appearance of the countryside and wider landscape.

Decision: This application was refused by Committee contrary to Officer Recommendation on 11 June 2008.

The appeal was **ALLOWED** on 19 February 2009.

Case Officer: Ben Lin on 01432 261949

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

5 DCCW2008/2781/F - DEMOLISH EXISTING PUBLIC CONVENIENCE AND REPLACE WITH THREE STOREY BUILDING, HOT FOOD TAKEWAY ON GROUND FLOOR, STORAGE ON FIRST FLOOR, STAFF LIVING ACCOMMODATION ON SECOND FLOOR AT PUBLIC CONVENIENCE, THE OVAL, BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7HG

For: Mr. J. Cheung per Paul Smith Associates, 12 Castle Street, Hereford, HR1 2NL

Date Received: 14 November 2008 Ward: Belmont Grid Ref: 50009, 38583

Expiry Date: 9 January 2009

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

Introduction

Members will recall that this planning application was deferred for a Committee site visit.

Investigations into the ownership and stopping up of the footpath to the rear are on-going and a verbal update will be given at the meeting. The applicant has offered to light this path in conjunction with the development of the site.

The applicant has also confirmed a willingness to commence building within 12 months, therefore the Draft Heads of Terms have been amended and the commencement period reduced to 12 months.

The previous report is reproduced below.

1. Site Description and Proposal

- 1.1 The site is located on the eastern side of The Oval, Belmont, a shopping parade with flats above. The site is presently occupied by a redundant public convenience. The proposal is to demolish the public convenience and replace with a three storey building similar in height and design to the adjoining shops and flats. The new building will contain a hot food takeaway on the ground floor, storage on the first floor and three bedroom flat on the second floor.
- 1.2 An extraction system for food smells is proposed on the rear elevation.
- 1.3 No opening times have been submitted.
- 1.4 The existing parade of shops contains general stores, post office, beauty salon, hairdressers, fish & chip shop, information centre, betting office and sandwich bar.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:
- DR1 - Design
 - TCR15 - Hot food takeaway outlets
 - T11 - Car parking
 - TCR13 - Local and neighbourhood shopping centres

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objections.
- 4.2 Highways Agency: No objections.

Internal Council Advice

- 4.3 Traffic Manager: No objections subject to a contribution in accordance with the Supplementary Planning Document Planning Obligations.
- 4.4 Children & Young People's Manager: Confirms a need for contribution in accordance with the Supplementary Planning Document Planning Obligations.
- 4.5 CCTV Officer: Confirms a need for a contribution in accordance with the Supplementary Planning Document Planning Obligations.
- 4.6 Environmental Health Officer: No objections subject to a condition regarding approval of any proposed extract ventilation system.
- 4.7 Parks and Countryside Officer: Confirms a need for a contribution in accordance with the Supplementary Planning Document Planning Obligations.

5. Representations

- 5.1 Hereford City Council: No objections to the proposal but the City Council suggests limiting the opening hours by closing at 11.00pm Sunday to Thursday and at midnight on Friday and Saturday.
- 5.2 Herefordshire Housing: I would advise you that Herefordshire Housing Ltd, whilst appreciating the need to re-use or replace the current eyesore of the former toilet block, is concerned about and objects to this proposal as another takeaway use here could have an adverse effect on our tenants in the flats above the shops at The Oval and also on our tenants and leaseholders of the shops themselves. There are also issues of selling competing products with our shops in the vicinity, as there already a fish and chip shop and Chinese takeaway at No. 24 The Oval with which this proposal would be in direct competition, a situation which would not, I believe, have been allowed by Herefordshire Council had they still been the Lessors of these shops, as they were prior to transfer to Herefordshire Housing Ltd. To this end I enclose copies

of two relevant extracts from the lease dated 15/10/1993 of No. 24 granted by the former Hereford City Council, Clauses 3 (13) (user clause) and 4 (4) (restriction to this effect) specifically applying.

We are also concerned at the sheer scale of the proposed development, which we consider to be excessive and inappropriate, as it appears that the proposed replacement building is not only to be three storey but is also to occupy almost the full area of a restricted site, currently only occupied by a small single storey structure. Further the proposed development does nothing to address the existing problems with the alleyway (being a path forming part of the adopted public highway and not, therefore, in our ownership) between the former conveniences and the blocks forming our premises, which another tall building would only tend to exacerbate.

5.3 Two letters of objection have been received and a petition signed by 145 people. The main points raised are:

1. The use would be in direct competition to the other hot food takeaway at The Oval. Therefore putting at risk the jobs of 10 people.
2. Covenants prevent a similar use taking place.
3. The local people deserve a more varied supply of shops such as a florist, bakery or internet cafe to enhance the area.
4. The site is too small to accommodate the size of building proposed.
5. The public path to the rear would be partly enclosed.

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

6. Officer's Appraisal

6.1 This site is located within the neighbourhood shopping parade at The Oval, Belmont, Hereford. The character of the parade is shops on the ground floor with two floors of flats above. Adjoining residential property comprises three storey flats with two storey dwellings on the opposite side of Belmont Road. The proposal to create a retail premise on the ground floor with storage on the first floor and a three bedroom flat on the second floor is compatible with the adjoining built form and uses. In addition the external appearance proposed will also match.

6.2 Parking is available on the roads around the site which the Transportation Manager has confirmed as acceptable. Concerns have also been raised regarding competing uses and breach of covenant. These are matters which do not form part of the planning considerations of the proposal. Policy TCR15 of the Herefordshire Unitary Development Plan 2007 gives clear guidance and confirms that permission will be granted subject to impact on residential amenity, highway safety, amenity issues and services facilities. Adequate parking exists around the Oval complex and servicing can be obtained from the roadside.

6.3 A ventilation and extraction system is proposed on the rear of the building above the footpath that will run along the rear between the existing complex and the proposed

building. Environmental Health have confirmed no objection subject to a condition controlling the extraction and ventilation systems.

- 6.4 Finally conditions will be imposed limiting hours of opening together with litter bins and patrols. In accordance with the Council's Supplementary Planning Document Planning Obligations contributions for CCTV are included in the Draft Heads of Terms appended to the report.
- 6.5 It is therefore considered that the proposal will enhance the amenity of the area with the removal of the former public convenience and not be detrimental to highway safety or amenity of adjoining residents. It is also considered that the vitality and viability of the shopping parade will not be detrimentally impacted upon by the development. Accordingly the proposal is considered to fully comply with policies.

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. **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.

3. **F04 (Restriction on hours of opening (restaurants and hot food takeaways)).**

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

4. **Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and infrastructure relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.**

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

5. **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.

6. **During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

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

- 7. Foul water and surface water discharges must be drained separately from the site.**

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

- 9. 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.

- 10. 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.

- 11. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system or matter likely to interface with the free flow of sewer contents, or which would prejudicially affect the treatment and disposal of such contents.**

Reason: To protect the integrity of the public sewerage system and sustain an essential and effective service to existing residents.

- 12. Notwithstanding the details submitted, prior to the use commencing, full details of the extraction ventilation system shall be submitted for approval in writing of the local planning authority. The approved details shall be installed in their entirety and appropriately maintained.**

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

Informatives:

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

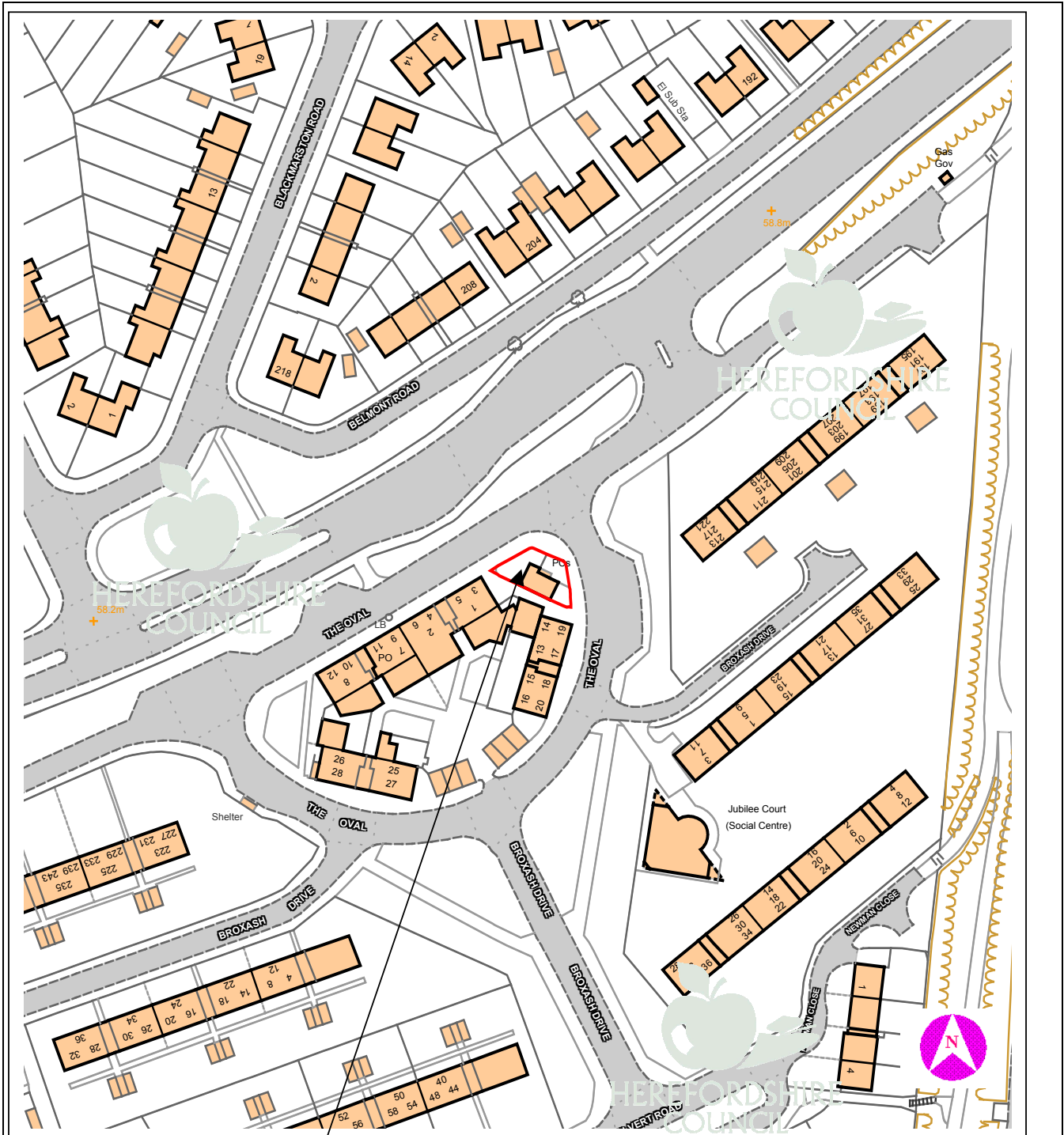
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2008/2781/F

SCALE : 1 : 1250

SITE ADDRESS : Public Convenience, The Oval, Belmont Road, Hereford, Herefordshire, HR2 7HG

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Further information on the subject of this report is available from Mr. K. Bishop on 01432 261946

This document has been prepared against the criteria set out in the Supplementary Planning Document on 'Planning Obligations' which was adopted in April 2008.

HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application: DCCW2008/2781/F

Proposal: Demolish existing public convenience and replace with three-storey building, hot food takeaway on ground floor, storage on first floor, staff living accommodation on second floor.

Site: The Oval, Belmont Road, Hereford. HR2 7HG

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5,000 towards provision for a CCTV at The Oval the sum shall be paid on or before the commencement of development.
2. In the event that Herefordshire Council does not for any reason use the sums referred to in paragraphs above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. The sum referred to in paragraph 1 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
4. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
5. 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.
6. The developer shall complete the Agreement by (a date to be agreed) otherwise, the application will be registered as deemed refused.

Kevin Bishop
Principal Planning Officer
20 March 2009

6A DCCE2008/2898/F - DEMOLITION OF EXISTING TWO STOREY DWELLING AND ANCILLARY BUILDINGS AND REPLACEMENT WITH NEW TWO STOREY OAK FRAMED DWELLING AT CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY

For: Mr. S. Rhodes per Mr. J. Williams, Abbots Lodge, Wigmore, Leominster, Herefordshire, HR6 9UD

6B DCCE2008/2902/C - DEMOLITION OF EXISTING TWO STOREY DWELLING AND ANCILLARY BUILDINGS AND REPLACEMENT WITH NEW TWO STOREY OAK FRAMED DWELLING AT CHURCH VILLA, CHURCH LANE, HAMPTON BISHOP, HEREFORD, HEREFORDSHIRE, HR1 4JY

For: Mr. S. Rhodes per Mr. J. Williams, Abbots Lodge, Wigmore, Leominster, Herefordshire, HR6 9UD

Date Received: 27 November 2008 Ward: Backbury Grid Ref: 55912, 38051

Expiry Date: 22 January 2009

Local Member: Councillor JE Pemberton

Introduction

These applications were deferred at the last meeting in order to allow the applicant the opportunity to assess the comments of the Council's Housing Inspector.

1. Site Description and Proposal

- 1.1 The application site is located on the western side of Church Lane and falls within Hampton Bishop Conservation Area at the centre of the village. The site and access is also located within the identified flood plain. Adjacent to the south and east are two listed buildings, St. Andrews Church (Grade I) and Hampton House (Grade II). Residential properties are found to the north and west of the site.
- 1.2 The existing dwelling is not a listed building but appears to date from the 18th century and it is possible that the core of the building is earlier. It has a stone gable, brick facade to the front and timber framing to the rear. There is also a single storey lean-to to the west elevation and two derelict outbuildings to the northwest of the site.

- 1.3 It is proposed to demolish the existing dwelling and erect a replacement two storey oak frame dwelling, which would be partially sited on the footprint of the existing dwelling and would have its principal elevation facing the road. The existing outbuildings are also proposed to be removed from the site.

2. Policies

2.1 National Planning Policy:

PPG 15	-	Planning and the Historic Environment
PPS 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 DR7	-	Flood Risk
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H13	-	Sustainable Residential Design
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
Policy HBA8	-	Locally Important Buildings

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Comments that the entire access is located within Flood Zone 3, which is the high risk zone and has a 1% or greater chance of flooding any given year. The Environment Agency have no objection to the replacement dwelling in this location provided that the local planning authority is satisfied on the Sequential Test. They also suggest that conditions should be attached requiring the floor levels of the new dwelling should be set no lower than 47.2m AOD and the provision of an Evacuation Management Plan.

Internal Council Advice

- 4.2 Traffic Manager: Only a grass access exists at present with no defined parking or turning area. A formal access, parking and turning area should be provided.
- 4.3 Conservation Manager: Building Conservation - We would strongly object and recommend refusal. The proposal would be most detrimental to the character of the Conservation Area and would detract from the area. Church Villa is a pleasant 18th century building of local interest. Although the building has been modified in the 19th and 20th centuries, it still makes a positive contribution and adds to the character of both the site and wider Conservation Area. Conservation Area legislation is designed to protect buildings such as Church Villa. The proposed design is also not acceptable.

It is a pastiche and being a banal mishmash of various elements would fail to provide a cohesive architectural vision and detract from the character of the area.

4.4 Conservation Manager: Archaeology - No comment received.

5. Representations

5.1 Hampton Bishop Parish Council: Application supported.

5.2 The proposal was accompanied by six letters of support from local residents. Two further letters have been received.

5.3 Mr. Duncan James of Combe House, Presteigne, Powys raises objection to the demolition of the existing dwelling on the basis that the building is an interesting structure and may make a valuable contribution to the setting.

5.4 K.R. Tinsley of The Willows, Hampton Bishop raised no objection to the proposal but suggests that the septic tank should be sited at the southern part of the garden furthest away from the new house and neighbouring properties.

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 main issues in the determination of these applications are:

1. An assessment of the merit of the existing dwelling and the contribution it makes to the character and appearance of the Conservation Area;
2. The appropriateness of the proposed replacement dwelling having regard to the character and appearance of the Conservation Area; and
3. The impact that the proposed dwelling would have upon the residential amenity of the adjoining properties.

6.2 The proposal involves the demolition of an unlisted building and replacement with a large detached dwelling within a Conservation Area. Paragraph 4.27 of Planning Policy Guidance 15: Planning and the Historic Environment states that the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. Further, it has been held that the decision maker is entitled to consider the merits of any proposed redevelopment in determining whether consent should be given for the demolition of an unlisted building in a Conservation Area. Such approach is reflected in the Policy HBA7 of the Herefordshire Unitary Development Plan. In addition, Policy HBA8 refers to those buildings which are not of such importance to be included in the Statutory List of Buildings of Special Architectural or Historical Interest but would make a valuable contribution to the character and appearance of the area. In this instance, having regard to the advice of the Conservation Manager, it is considered that the existing building does make a positive and valuable contribution to the character and appearance of the Conservation Area and should, consequently, be retained.

6.3 The agent states that the existing dwelling is in poor state of repair but no evidence has been submitted to support this claim. It may appear that the existing dwelling is

not in a good condition and may require works to restore it to a standard living condition. However, there is no evidence that the building is unstable or unsafe that would require its demolition. It is considered that this part of the area is important to the village because it is located within the centre of the Conservation Area and also comprises a number of listed buildings, which give the sense of place. Given the close proximity of the site to the adjacent church, it is considered that the loss of such an important building in this sensitive location would have a significant effect on the character and appearance of the Conservation Area. Although there are some modern dwellings on Greenfield sites to the north and west of the site, they were new built development which is wholly different from the dwelling to be replaced in this case.

- 6.4 Hampton Bishop is not a defined settlement in the Unitary Development Plan. The proposal therefore constitutes housing development in the countryside. Policy H7 establishes a number of circumstances where new housing can be supported. It allows for the provision or replacement dwellings, provided that the replacement dwelling is comparable in size and scale with the existing dwelling. The existing dwelling has a volume of approximately 353 cubic metres and the replacement dwelling is around 540 cubic metres, which amounts to in excess of 50% enlargement in volume of the original dwelling. Such enlargement is not considered comparable in size as required by Policy H7.
- 6.5 With regard to the design approach for the replacement dwelling, it is considered that the new dwelling shows insufficient regard to the local architectural characteristics in the immediate vicinity. The design is considered to be a pastiche that does not relate meaningfully with the adjacent historic buildings and the neighbouring properties in the area. The external appearance of the building also appears to be a mishmash of different features which fail to provide a cohesive architectural vision itself. Given the sensitive location of the site and its close relationship with the adjacent important historic buildings, it is considered that the design of the replacement dwelling would fail to enhance the character and appearance of the site and would have a negative effect on the wider Conservation Area.
- 6.6 With regard to residential amenity, the orientation and siting of the new dwelling may result in a level of overlooking to the neighbouring property to the northwest, The Willow. However, having regard to the distance between the two properties, it is not considered that the impact would be unacceptable in this instance.
- 6.7 With regard to flooding issues, the comment from the Environment Agency is noted. Having regard to the proposal being for the replacement of the existing dwelling, it is considered that the requirements of the sequential test would be met. Further, it is considered that subject to the conditions as suggested by the Environment Agency, the proposal will not increase the risk of flooding of the site or the surrounding area.
- 6.8 In summary, this existing dwelling is considered to be of local importance. In view of the attractiveness of the existing dwelling and its historical and architectural interest within the village, it is considered that its demolition would result in a significant negative impact on the character and appearance of the Conservation Area and its valuable historical interest would be lost, which is contrary to Policies HBA6 and HBA7. In addition, in terms of the scale and design, the new dwelling would not be comparable with the existing dwelling on site and the design of the dwelling would be out of keeping with the character of the Conservation Area, which would be contrary to Policies H7 and DR1.

RECOMMENDATION

In respect of DCCE2008/2898/F

That planning permission be refused for the following reasons:

1. The proposal would involve the demolition of a building which is considered to be of local importance. The local planning authority is not satisfied that the building is in such a condition that would require demolition. Having regard to the sensitivity of the location, the loss of such an important building would have a negative impact on the character and appearance of the Conservation Area. The proposal therefore conflicts with Policies HBA6, HBA7 and HBA8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance 15: Planning and the Historic Environment.
2. The replacement dwelling is not comparable in size and scale with the existing building 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.
3. The replacement dwelling by virtue of its design, scale and mass would be out of keeping with the character and appearance of both the site and the Conservation Area. The proposal is therefore contrary to Policies DR1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

In respect of DCCE2008/2902/C

That Conservation Area Consent be refused for the following reason:

1. The proposal would involve the demolition of a building which is considered to be of local importance. The local planning authority is not satisfied that the building is in such a condition that would require demolition. Having regard to the sensitivity of the location, the loss of such an important building would have a negative impact on the character and appearance of the Conservation Area. The proposal therefore conflicts with Policies HBA6, HBA7 and HBA8 of the Herefordshire Unitary Development Plan 2007 and advice contained within Planning Policy Guidance: Planning and the Historic Environment.

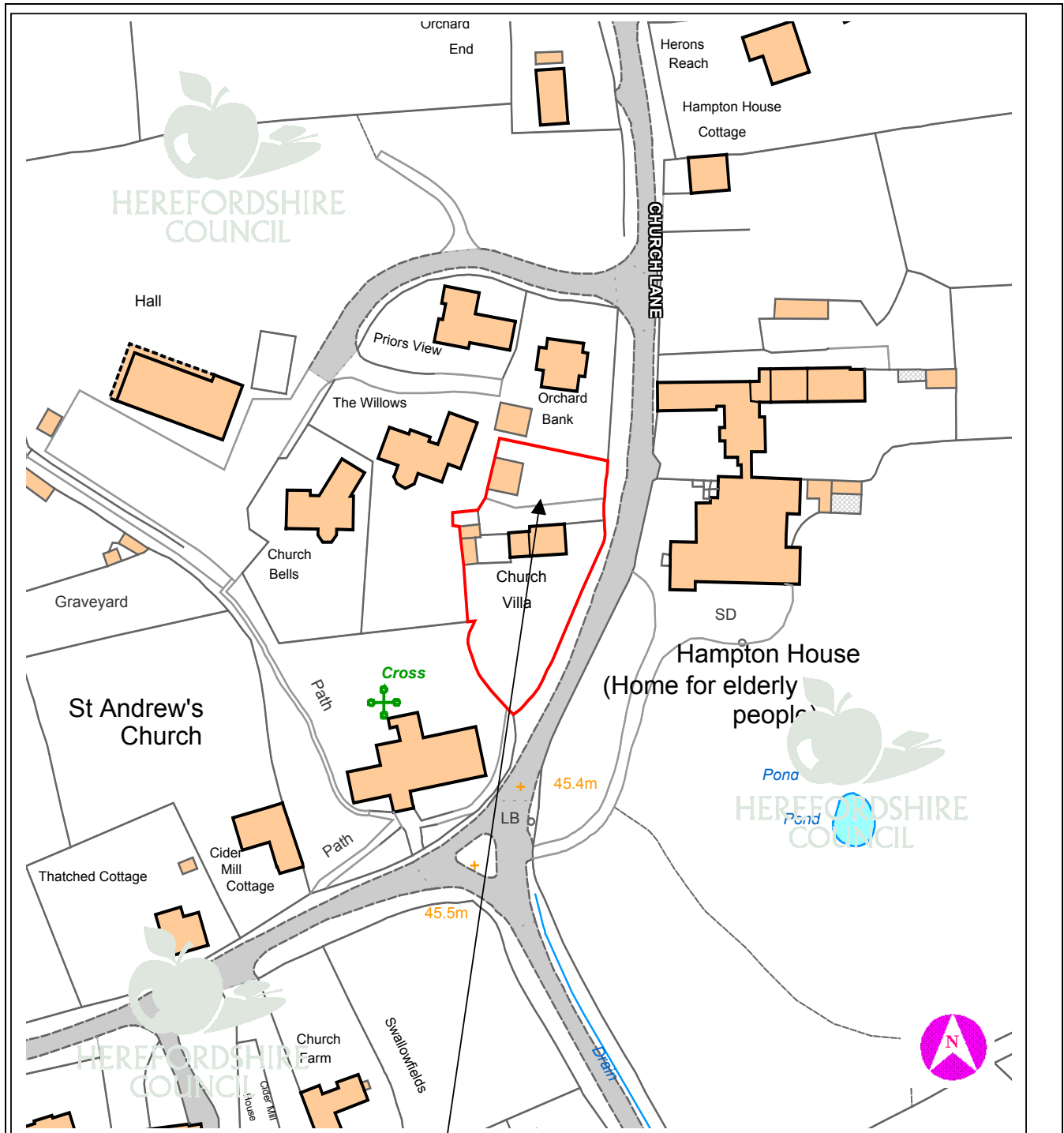
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCCE2008/2898/F & DCCE2008/2902/C

SCALE : 1 : 1250

SITE ADDRESS : Church Villa, Church Lane, Hampton Bishop, Hereford, Herefordshire, HR1 4JY

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7 DCCW2008/2775/F - DEMOLISH EXISTING GARAGE AND REPLACE WITH SINGLE STOREY EXTENSION AND MINOR ALTERATIONS TO OFF ROAD PARKING AREA AT 29 WHITEFRIARS ROAD, HEREFORD, HR2 7XE

For: Mr. N. Jones, 29 Whitefriars Road, Hereford, HR2 7XE

Date Received: 13 November 2008 Ward: Belmont Grid Ref: 49517, 38662

Expiry Date: 8 January 2009

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

Introduction:

Members will recall that this planning application was deferred at the meeting in January to undertake further investigations into the visibility splay that crosses the front garden of this site. This has resulted in the parking space and extension being set back from the front of the property. Belmont Parish Council maintain their objections to the proposal additionally pointing out that the existing tree should be retained. The Traffic Manager has confirmed no objections. The previous report is below and the amended scheme is still supported.

1. Site Description and Proposal

- 1.1 29 Whitefriars Road is located at the junction with Buckfast Close, Belmont, Hereford. The property is semi-detached with an attached garage with access off Buckfast Close.
- 1.2 The proposal is to demolish the garage and construct a single storey extension along the full width of the dwelling comprising a family room, utility and garden store. Part of the front garden will be removed to provide an additional parking space. The access onto Buckfast Close will be enlarged by approximately 1.8 metres towards the junction with Whitefriars Road. External materials proposed are brick and tile to match.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions
Policy T11	-	Parking Provision

3. Planning History

- 3.1 DCCW2008/1394/F Demolish garage and replace with single storey extension and minor alterations to off road parking area. Refused 22 July 2008.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: Raises no objection subject to a condition requiring that two parking spaces are laid out prior to occupation of the extension.

5. Representations

5.1 Belmont Parish Council: "With reference to the above planning application, Belmont Rural Parish Council notes that this is the second application for this development at this location. Despite some alteration to the proposed development (a reduction in height), none of the issues addressed in our letter of 19th June in respect of application reference DCCW2008/1394, has been addressed and the new proposals will occupy a similar footfall and create problems with off street parking. The exit/entrance remains, in our opinion, too close to the busy T-junction.

We would wish to reiterate the following comments:

The proposed development is close to a junction and the new provision for off road car parking may impede the line of vision for vehicles or pedestrians at the junction, creating a hazard. It should be noted that Whitefriars Road is a particularly narrow road which permits parking on the road and is also a bus route. In particular the bus operating company has indicated that bus drivers have experienced several instances where inconsiderate parking on Whitefriars Road has resulted in buses not being able to pass.

The reduction in off road parking (by conversion of the garage to living accommodation) may lead to difficulties in parking for visitors. We note that the photographs submitted with this application clearly show a vehicle adjacent to the entrance to the property which is parked on the footpath.

The proposed alterations to the vehicle entrance bring it nearer to the junction which we feel will be hazardous

The revised plans state "no tree removal" yet the drawn plan shows a tree to be retained "if possible". This is contrary to the rural nature of the local environment."

5.2 One letter of objection has been received from Mr. George, 27 Whitefriars Road, Belmont, Hereford. The main points raised are:

1. Reservations regarding the parking situation with vehicles being parked near the junction obscuring the view of traffic turning out of the junction.
2. The environmental loss of green space in a residential area.

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 single storey extension is subservient to the main dwelling, in matching external materials and has no detrimental impact on neighbours or the street scene.
- 6.2 The concerns raised by the Parish Council and local resident are noted and relate to the impact on highway safety of the enlarged parking area and access. In this respect Members will note that the Traffic Manager has raised no objection. The access will only be widened by 1.8 metres and conditions will be imposed to ensure a porous material is used to negate the loss of the green space. The proposal is therefore considered to comply with the relevant policies in the 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. **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. **H10 (Parking - single house) (Porous material for new parking area).**

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.

Informatives:

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

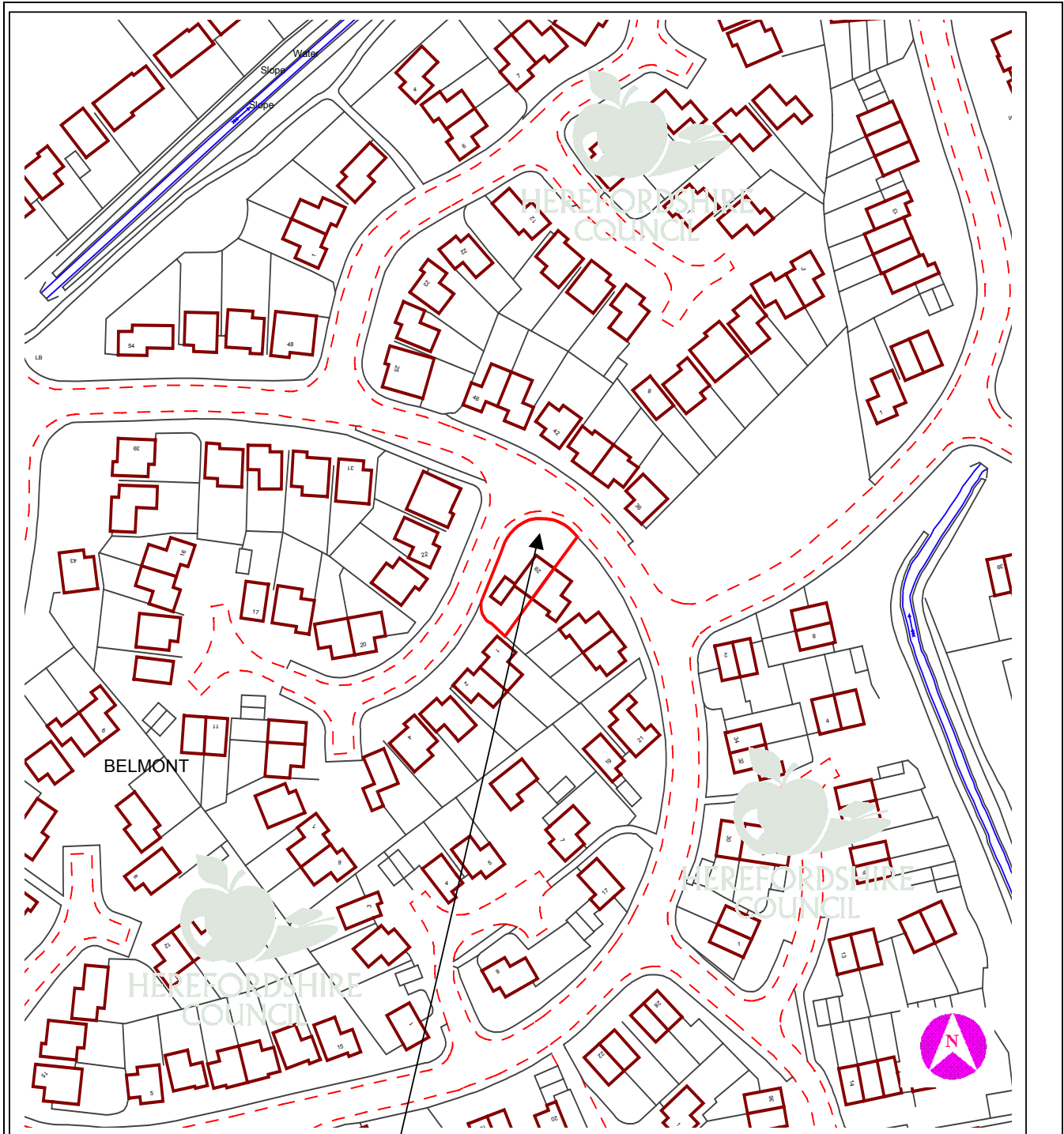
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/2775/F

SCALE : 1 : 1250

SITE ADDRESS : 29 Whitefriars Road, Hereford, HR2 7XE

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8 DCCW2009/0131/F - PERMANENT RETENTION OF FIXED (NOT ROTATED) SPANISH POLYTUNNELS FOR USE IN SOFT FRUIT GROWING (TABLE TOP METHOD) AS PREVIOUSLY APPROVED DCCW2003/2321/F & DCW2004/4212/F AT LAND ADJACENT TO BRICK HOUSE, BUSH BANK, CANON PYON, HEREFORD, HEREFORDSHIRE, HR4 8PH

For: Mr. V. Powell per Antony Aspbury Associates, 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

**Date Received: 23 January 2009 Ward: Wormsley Ridge Grid Ref: 45241, 50661
[and adjacent to Golden Cross with Weobley]**

Expiry Date: 24 April 2009

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 Brick House Farm is located on the western side of the A4110 Hereford to Leintwardine road at Bush Bank, Canon Pyon. Pyon House is located immediately to the east of Brick House Farm buildings.
- 1.2 The proposal is to retain 4.2 hectares of permanent Spanish polytunnels on two blocks of land to the east of Pyon House and split by the drive to that property.
- 1.3 The northern block is 1.62 hectares (23 tunnels) and the southern block 2.59 hectares (28 tunnels). The polytunnels contain strawberries grown in the table top method. The tunnels run in a north south direction and measure 3.6 metres high and 8 metres wide. The tunnels are set back from the driveway to Canon Pyon House, 14 metres to the south and 10 metres to the north giving a separation distance including the road of 30 metres.
- 1.4 The nearest residential properties are Pyon House which abutts the western boundary of the northern block and The Lodge located to the east sited alongside the A4110 road. Four further dwellings are located on the eastern side of the A4110 road, Teekoy, Fair View, The Elms and Bank View. The nearest of these dwellings to the polytunnels is of a distance of approximately 110 metres.

2. Policies

- | | | | |
|-----|--------|---|--|
| 2.1 | PPS 1 | - | Delivering Sustainable Development |
| | PPS 7 | - | Sustainable Development in Rural Areas |
| | PPS 9 | - | Biodiversity and Geological Conservation |
| | PPS 25 | - | Development and Flood Risk |

2.2 West Midlands Regional Spatial Strategy

2.3 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy S10	-	Waste
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy E13	-	Agricultural and Forestry Development
Policy T6	-	Walking
Policy T8	-	Road Hierarchy
Policy LA2	-	Landscape Character
Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy ARCH1	-	Archaeological Assessments and Field Evaluations

2.4 Supplementary Planning Guidance – Landscape Character Assessment (2004).

2.5 Supplementary Planning Document - Polytunnels

3. Planning History

- 3.1 DCCW2003/2321/F Erection of 1.62 hectares of Spanish polytunnels (23 tunnels in total). Temporary Planning Permission 29 October 2003. Expires 29 October 2009.
- 3.2 DCCW2004/4212/F Erection of 2.590 hectares of Spanish polytunnels for use in soft fruit growing (table top method). Temporary Planning Permission 9 March 2005. Expires 9 February 2011.
- 3.3 DCCW2005/2947/F Removal of condition 12 from planning permission DCCW2004/4212/F to allow the retention of two Spanish polytunnels. Approved under Planning Permission DCCW2003/2321/F. Refused 24 October 2005. Allowed on appeal 20 June 2006.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency: The proposed development is located in Flood Zone 1 (low probability) based on our indicative Flood Zone Maps. Whilst development may be appropriate in flood zone 1, Table D1 of PPS25 states that a Flood Risk Assessment (FRA) is required for 'development proposals on sites comprising one hectare or above' where 'there is the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off'.

A small portion of the site (0.1Ha) lies within Flood Zone 3, the high risk zone. However the impact of this is minimal and, as the application of for the retention of polytunnels, it would seem overly cautious to move them on account on a minimal infringement into Zone 3.

We note that a FRA has been submitted in support of the proposed development which addressed the above point.

Water Resources: With regard to Water Resources and irrigation, the development utilizes a 'table-top' regime as opposed to trickle irrigation. Irrigation water is sourced from an existing on-site reservoir, negating the need for any water abstraction. This accords with Herefordshire Council's Polytunnels SPD, which states that for small scale polytunnels, not proposing to use water irrigation from low flow rivers, a brief statement of water use and efficiency could suffice.

- 4.2 Dwr Cymru Welsh Water: No comments received.
- 4.3 Hereford & Worcester Gardens Trust: The Hereford and Worcester Gardens Trust strongly object to this application.

The site occupies the lawns and parkland of Canon Pyon House (Brick House), which is described by the Trust in The Survey of Historic Parks and Gardens of Herefordshire 2001), p.94. The Victorian house, with its 17th century origins, still stands within its 19th century pleasure grounds, with part of the walled garden adjoining. Thus, it would be possible for a discriminating owner to restore the historic setting of this property by reinstating the miniature park, which stretched up to the main road. This would enhance the local countryside and improve the local housing stock, hitherto blighted by the polytunnels. Indeed, the lodge, apparently recently abandoned, at the end of the east drive, would also become a desirable residence.

If permission for the fixed polytunnels is granted these options will be negated and the house itself, together with its attractive gardens and shrubberies, will continue to decline in character. As our Survey shows, many surviving historic landscapes lack the main house, which makes their preservation more difficult, whilst here at Canon Pyon House, we have a house of some distinction, simply waiting for a rejuvenated landscape. As you well know, UDP Policy LA4 urges the Council to take account of unregistered parks and gardens in the county. Just such a landscape exists here - with its unlisted mansion - and therefore, we urge the Council to refuse this application.

Internal Council Advice

- 4.4 Traffic Manager: Has no objection to the grant of permission.
- 4.5 Conservation Manager (Landscape): The proposal has been submitted with the benefit of a Landscape and Visual Impact Assessment (LVIA), which aims to address the likely

visual impacts of the proposed development and propose suitable mitigation for any identifiable adverse impacts on the character and quality of the landscape and visual envelop. Whilst the LVIA has identified most of the issues relating to this application, there are some significant omissions that have implications on the conclusions of the report and the subsequent proposed mitigation.

The LVIA has failed to identify that the location of the application site is entirely within the bounds of an Unregistered Historic Park & Garden (Canon Pyon House). As such, consideration of the application in relation to policy LA4 of the UDP has not been made. (This matter is considered further below).

The LVIA identifies that the application site is located in a complex landscape, at the intersection of a number of landscape types. The assessment relies heavily on National Character Area descriptions and the Herefordshire Landscape Character Assessment; the relevant parts of the documents are correctly identified. The assessment was carried out at a time of year (May) when visibility would have been restricted by vegetation, although this is noted in the study. If the Council is minded to approve this application, but condition a time period when plastic should be removed from the site (different from that expressed in the D&AS) then the type and extent of mitigating landscaping may be affected.

The LVIA repeatedly makes reference to 'well maintained hedgerows'; however, the majority of hedgerows in the vicinity have been over-maintained, are 'gappy' and low. The management and maintenance of hedgerows can be regulated through the application of conditions I believe already addressed by the Councils Ecologist.

The LVIA identifies that the Zone of Visual Influence is relatively limited and I would confirm that the extent of visibility is constrained to a degree by the local topography; however, this can also serve to concentrate the impact of a development as well as limit its visibility. Certainly this is the case when approaching the site from the south along the A4110 where the application site is in view and the visual envelop is confined to not much more than the site by the topography and vegetation. The application site becomes a prominent feature in the local landscape.

Viewpoints and photographs of the site are presented in the LVIA. The viewpoints where not agreed in advance with myself and whilst being generally representative, have been selected to present the site in a 'good' light (consider the view angle of viewpoint 13 and compare it to the actual view that some one travelling along the A4110 would have). The inclusion of two viewpoints where the site is not even visible is not considered as good practice.

Although making reference to the Guidelines for Landscape and Visual Impact Assessment, (2002) the LVIA fails to reasonably establish a baseline assessment for the character of the site and surroundings and whilst this and the limited assessment of viewpoints does not materially effect the overall assessment of impact, does have a bearing on the proposed mitigation strategy.

Development in open countryside brings about an inevitable change; however, positive contributions can be acquired by mitigating adverse impacts. In this case I am satisfied that the landscape has the capacity to accommodate the degree of change presented by the proposed development, subject to securing substantial landscaping and landscape management of the site and surroundings. As the assessment of the site has failed to identify the significant historic component of the site - the un-registered

historic park and garden - and has failed to fully address the local impact on the character of the landscape and visual sensitivity of the area, I do not consider the mitigation strategy proposed sufficiently robust. As such it is essential that a condition is attached to any planning permission given that requires the submission and approval of both a scheme of landscaping for the land within the applicant's ownership and a long-term (25 years) management plan.

As an example, the structure of the historic landscape should be restored and reinforced to an extent that goes beyond the replanting of recently lost hedgerows. Probably the most significant visual impact - the view from the south travelling along the A4110 (viewpoint 13) - should be mitigated through the planting of a woodland block, or belt, adjacent to the road. It should be noted that the planting of a block of woodland is alluded to in the proposed mitigation strategy, but the location and size of the block is not identified. Additional planting to the southern boundary, along the Wellington Brook, has already been identified; however, the extent of planting is insufficient (viewpoint 14). Substantial additional planting should be provided to the east of the site to mitigate identifiably negative views from Westhope and Westhope Wood (viewpoints 5 & 11).

In relation to Policy LA4 of the UDP it is arguable that the proposed development should not be considered acceptable, having a clear and demonstrably negative impact on an historic designed landscape; however, I would suggest that attaching a condition requiring the preparation and delivery of a management strategy, in conjunction with a landscaping scheme and management plan, which addresses the historic environment will be sufficient and reasonable in this case.

I do not consider the application of standard conditions to be appropriate in this situation, but that we should endeavour to be more specific in our requirements. It is questionable whether, with the limited information relating to landscaping provided, the application should be considered as addressing the contents of policies LA2 and LA6 of the UDP.

- 4.6 Conservation Manager (Ecology): I note that there is no ecological assessment of the site included within this application, but appreciate that there has been a previous permission for polytunnels on the site and that the tunnels have been in place for some time. I understand that there will be no rotation of the tunnels.

There are opportunities for enhancing this site for biodiversity. It is unfortunate that non-native species have been planted (as a windbreak or screening?) along the central track. I recommend that much greater emphasis be put upon strengthening the hedgerow and wildlife corridors around the site (notably the Wellington Brook along the south of the site) and extra planting of native species within the site. A habitat management scheme is required.

- 4.7 Conservation Manager (Historic Buildings): Given that Pyon House is set in extensive garden grounds, screened to the east by mature trees and the house is orientated to the south, its setting will not be affected by the proposed development.
- 4.8 Public Rights of Way Manager: The proposed permanent retention of Spanish polytunnels would not appear to significantly affect the use and enjoyment of public bridleway CP10, which passes along the outside of the north boundary of the application site, or public bridleway CP9, which passes along the outside of the west boundary of the site. However the following points should be noted:

The description of public rights of way in the Landscape and Visual Impact Assessment is inaccurate. In particular, the two bridleways passing along the boundaries of the site are described as footpaths, and also public bridleway KP7 runs west from Brick House.

A plan is attached to show the legal alignment of the public footpaths and bridleways recorded on the current definitive map in the vicinity of the site. For the avoidance of doubt, this should be the reference document when assessing visual impact on users of public rights of way when making a determination of this application.

In particular, it is noted on page 15 of the Assessment that 'Height of eye', is a principal factor which affects visual impact. The 'height of eye' of a rider on a horse is considerably greater than that of a pedestrian.

The proposals to mitigate close distance elevated view by reinstating historic hedgerows is noted, and presumably mitigation of visual impact will form part of the conditions attached to any approval for this application.

The loss of visual amenity is not significant from the highway authority's perspective, and the PROW Manager does not wish to object to this application, but any other opinions you receive on loss of visual amenity from public rights of way in the area should be taken into account when making a determination.

4.9 Land Drainage Engineer: Comments awaited.

5. Representations

5.1 Pyons Group Parish Council: Pyons Group Parish Council objects to the planning application for the following reasons:

1. It does not adhere to Supplementary Guideline 9: Residential Amenity - Distance from Dwellings. The proposed permanent polytunnels go right up to the boundary of Canon Pyon House on the east curtilage, whereas the Supplementary Planning Guidance stipulates "a minimum distance of 30 metres of the boundary of any residential curtilage and 50 metres of any dwelling whichever distance is the greater".
2. Although the Planning Inspector supported an appeal to DCCW2004/4212/F that then permitted the polytunnels to go to the boundary, there are now two significant material considerations that apply since that appeal:
 - i) The polytunnels at that time were to be a temporary structure and were to have been removed in October 2009. The application now is for a permanent structure, which is a different consideration;
 - ii) Herefordshire Council has developed a new Supplementary Planning Document, adopted on 5 December 2009, which is based on extensive consultation with the industry (agricultural), parish councils and residents of Herefordshire.
3. Further, the people living in Canon Pyon House have reported pesticide drift on a number of occasions from the polytunnels that abut their boundary. This has been of particular concern during the summer when the garden of Canon Pyon House is most affected. The buffer zone stipulated in the Polytunnels SPD is required for reasons of health and safety of the residents.

4. Permanent polytunnels right up to the boundary of Canon Pyon House will lead to a devaluation of the property without recompense, and the rights of this property owner should be protected.

Pyons Group Parish Council is supportive of the role of polytunnels. However, the Parish Council believes that this application for permanent polytunnels takes insufficient account of the impact on the residential amenity of Canon Pyon House.

5.2 Ten letters of objection have been received, the main points raised are:-

1. The development goes against the long term interests of Herefordshire as a growing and vibrant tourist industry and therefore sets a precedent for the further destruction of the English countryside.
2. SPD confirms that polytunnel development will not be permitted on registered parks and gardens and the same approach will apply to unregistered parks and gardens such as the grounds on which this application is sited.
3. The polytunnels have a hugely detrimental effect on the visual landscape and tarnishes the reputation of the county.
4. The abundance of polytunnels across the county cannot be argued to boost the local economy; no local employment, itinerant workers.
5. Herefordshire will become a plastic wilderness.
6. The original applications were granted without the benefit of the SPD and without the knowledge of the unregistered park and garden.
7. The landscape mitigation advised seven years ago remains inadequate.
8. Pyon House is overwhelmed by two large blocks of tunnels standing either side of its approach drive.
9. Pyon House should be a listed building and treated with appropriate protection against this development.
10. Nothing more ugly and alien to Pyon House than swathes of sagging plastic tunnels.
11. The Council should consider the loss of commercial asset if the activities and interest of Pyon House are forced to close. Its attraction to tourism, its reputation as a food gourmet centre, its services to surrounding schools and visiting children.
12. The amenity of Pyon House is downgraded due to its close proximity with noise, due to machinery, pickers and health risk due to spraying.

5.3 Sixteen letters of support have been submitted, the main points raised are:-

1. We would prefer that English supermarkets purchase their produce from English farmers rather than import.

2. Provides work for local pack house and the community.
 3. The land is well maintained.
 4. The countryside is a workplace and should not be treated merely as a tourist attraction.
 5. The polytunnels are essential due to the unreliable weather to ensure good quality fruit.
 6. The polytunnels ensure that Brick House Farm is a viable concern.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The application proposes the retention of 4.2 hectares of permanent polytunnels to be used for the table top production of soft fruit contained within two blocks located either side of the driveway to Pyon House.
- 6.2 The main issues in the consideration of the application are:-
1. Landscape Impact
 2. Impact on Pyon House and Unregistered Park and Garden
 3. Flood Risk and Surface Water
 4. Highways
 5. Economic Contribution
 6. Benefit of Polytunnels

Landscape Impact

- 6.3 The site and surrounding landscape does not form part of any national landscape designation. It is an unregistered park and garden and this is dealt with in the following section. 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. The site falls into two landscape classifications divided by the driveway to Pyon House. The north block is located within the Principal Settled Farmlands, which is the predominant landscape type in the lowland areas of central Herefordshire. The key element 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 field margin hedges. Tree cover is most notable along stream sides and hedgerows. The mixture of agricultural use make up a rich patchwork which is typical of Principal Settled Farmlands. The intensification of agricultural practices has determined the landscape character over the last century by changing the historic field pattern through the removal of hedges. However the landscape character assessment indicates that this landscape type can accommodate some change.
- 6.4 The proposed tunnels are located within two distinct blocks. The northern block adjoins the eastern boundary to Pyon House where there is substantive tree and hedge coverage. The Inspector stated in the allowed appeal for retention of the tunnels on this boundary that the existing landscaping mitigated any impact. Additional

landscaping has been undertaken along the southern boundary adjacent to the driveway.

- 6.5 The southern block is located within the Wet Pasture Meadows classification. These landscapes are characterised by a regular pattern of hedges, fields and ditches fringed by lines of willow and elder. These landscapes have often been protected from change by the difficulty of cultivating soils with such poor drainage. However they are vulnerable to changing agricultural practices and should be retained or converted back to wet pasture. However in this instance only part of the area is being utilised on the upper slopes. Furthermore as the crops are grown out of the soil there is no change/detriment to the pasture meadow. The southern block adjoins the south side of the driveway and have also received landscaping together with enhancement of the adjacent hedgerows. However both blocks of tunnels are located within the pasture fields and do not overwhelm the fields but provide a distinct patchwork within the complex of field patterns in the area particularly when viewed from a distance.
- 6.6 Public vantage points are available from the A4110 road and footpath CP8 that runs north south to the west of the site and bridleway CP10 located to the north and east. Members will note that the Public Rights of Way Manager has raised no objections.
- 6.7 The Landscape and Visual Impact Assessment (LVIA) submitted with the application has been assessed by the Conservation Manager who is satisfied that subject to justification of the enhanced landscaping through the use of suitable conditions that the proposal is acceptable, particularly given the local topography of the site.
- 6.8 There are no other polytunnel developments in the area and therefore the development will not have any cumulative landscape impact. In fact polytunnels have been removed from other parts of the holding to concentrate on this site. Therefore, whilst the proposal will have an impact on the wider landscape this is mitigated by the local topography, existing landscaping together with enhanced landscaping which will form a requirement of this proposal.

Impact on Pyon House and Unregistered Park and Garden

- 6.9 Pyon House is the nearest residential property to the proposal and its drive dissects the two blocks of polytunnels. The impact of the tunnels on the amenity of the property was fully considered by the Inspector into the allowed appeal for retention of the two rows of polytunnels adjacent to the eastern boundary of Pyon House. The Inspector stated:

“The 2 tunnels subject to this appeal stand hard up against the boundary of Pyon House. They are formed of a tubular frame which is covered in polythene during the growing season. They measure about 4 metres in height, and have a span of about 8m and a length of some 100 metres. The tunnels are some 60 metres from the house itself and, although there are secondary windows on the eastern flank of the house which face the tunnels, the principal windows of the house face south. Because of this orientation and the separation distance, there would be no loss of privacy or loss of light within the house to the occupiers, and I am satisfied that the distance between the house and the tunnels is sufficient to mitigate any visual impact from inside.”

- 6.10 He subsequently confirmed that there was no significant harm. In addition the polytunnels are sited in accordance with the SPD Supplementary Guideline 9 being

more than 50 metres from the dwelling. Concern has been raised relating to spray drift from the tunnels. However the tunnels contain the spray and prevent drift.

- 6.11 The grounds on which the polytunnels are located are identified as an unregistered Park and Garden where Policy LA4 of the Herefordshire Unitary Development Plan confirms that they are afforded similar protection to a registered Historic Park and Garden. This protection seeks to ensure that development will not destroy damage or otherwise adversely affect the historic structure, character, appearance its features or setting. The Conservation Manager has assessed this aspect and his report clearly confirms that the degree of change created by this development can be accommodated within the Park subject to substantial mitigation over and above that proposed within the supporting documents. This can clearly be framed within appropriate conditions. References have been made to the Pennoxstone Court Appeal decision in relation to Poulstone Court, an unregistered Park and Garden. The Inspector found that polytunnels located in a field adjoining had a moderately adverse effect on the landscape. However each application must be considered on its own merits and whilst they are both unregistered Parks and Gardens it has now been confirmed that on this site a degree of change as proposed can be accommodated.
- 6.12 Finally, reference has been made to the setting of Pyon House and its potential to be identified as a Listed Building. The Conservation Manager has assessed the application and is satisfied that the proposal will not impact upon the setting of Pyon House.

Flood Risk and Surface Water

- 6.13 A flood risk assessment (FRA) has been submitted with the application it follows the guidelines of PPS25 and sets out calculations that were undertaken to assess 'Greenfield' run-off rates for the polytunnel areas and to then compare the predicted run-off rates to that of the polytunnel scenario. This comparison is based on the whole polytunnel growing area. It includes consideration of areas covered and not covered in polytunnels; drainage channels through the system; and storage in the form of ponds before the run-off exits down slope at the farm catchment boundary or into the local water course.

The emphasis is that the polytunnel drainage at Brick House is an agricultural drainage issue and not an urban drainage issue. Polytunnel drainage will be actively managed with appropriate placement of polytunnels to allow rainfall to be dispersed and infiltration to occur beneath the polytunnel cover along with wide buffer zones to aid control of run-off and mitigate erosion

The data has been assessed by the Environment Agency who have not objected to the proposal. They have advised consultation with the Council's Land Drainage Engineer whose comments are awaited. However, subject to these it would appear that the FRA is acceptable and that the ten polytunnels will not adversely impact drainage or flooding on or off site.

Highways

- 6.14 Access to Brick House Farm is by means of the access road to the north and not the drive to Pyon House. The Traffic Manager has confirmed no objections to the proposal. No objections are therefore raised on access grounds.

Economic Considerations

- 6.15 No economic impact assessment has been submitted with the proposal. However the holding provides permanent employment for three full time jobs and four part time jobs. These jobs are enhanced with the use of a seasonal workforce for preparation and picking of the crop.
- 6.16 It is recognised that 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.
- 6.17 The development will also help achieve wider sustainability objectives in producing large quantities for 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 Supplementary Planning Document, is a matter which can be given considerable weight in the assessment of the application.

Benefits of Polytunnels

- 6.18 It is necessary to weigh against the harm to the landscape the benefits of the use of polytunnels. There is no dispute that they have enabled greater quantities and better quality of soft fruit to be produced, nor that the success and viability of the business has made a positive contribution to the rural economy.
- 6.19 Planning policies at national, regional and local levels recognise the importance of the agricultural sector. PPS7 advises authorities to support development proposals that enable farming to become more competitive, sustainable and environmentally friendly and to adapt to changing markets. Herefordshire is part of a Rural Renaissance Zone defined by the Regional Spatial Strategy for the West Midlands (RSS), Policy PA15 seeks to promote agriculture and farm diversification, including new and innovative crops, on-farm processing and local marketing.
- 6.20 UDP Policy E13 deals with agricultural development and the supporting text refers to the need to balance landscape impact against the operational needs of agriculture, recognising that necessary developments are often prominent in the rural landscape.
- 6.21 Clearly, the recent development of large-scale polytunnel use has brought into stark opposition the aims of protecting the landscape, whilst supporting a viable farming industry.
- 6.22 There are two main benefits of polytunnels for British growers. They protect the developing fruit from rain damage, thereby greatly reducing losses from rot and fungus, whilst allowing continual picking at harvest time, unconstrained by the weather. It estimated that the wet summer of 2007 would have resulted in the loss of about 50% of crops without polytunnels. Secondly, they extend the growing season, allowing fruit

to be harvested from May to November, instead of being limited to extend the growing season.

- 6.23 Soft fruit growing, picking and packing is a labour intensive activity and this business makes a positive contribution to the rural economy. The farm employs 3 full time staff, 4 part time and 50 seasonal workers. By contrast an arable farmer will only employ himself for a holding of this size. The seasonal workers are mostly recruited from the Eastern European countries. It has generally been accepted at appeals that the seasonal workers spend about two thirds of their wages locally and save about one third to be spent in their home countries. Brick House is therefore an example of a reversal of the trend of following agricultural employment that has changed the character and demographics of the countryside.

Conclusion

- 6.24 The development will have a localised impact on the landscape and setting of the unregistered Park and Garden. However, through mitigation and enhancement the impact can be satisfactorily reduced to a level considered acceptable as identified by the Conservation Manager.
- 6.25 Impact on Pyon House is reduced due to distances involved, orientation of the building together with existing landscaping. This conclusion is compatible with the recent appeal decision. In addition spray drift is considered to be contained within the polytunnels.
- 6.26 Whilst the enhancement and mitigation will assist in the amelioration of the impact on the landscape and Pyon House they will still have an impact. However, this reduced harm is outweighed by the benefits of polytunnels.
- 6.27 Therefore the impact of the development together with the proposed mitigation and enhancement is considered to comply with the policies of the Development Plan. However, due to the changing nature of agriculture a permanent permission cannot be justified. The tunnels, whilst extensive, are of a temporary nature that warrants control within this sensitive landscape. This, however has to be balanced against the investment which in this instance has already been undertaken. Therefore a temporary permission of 10 years from the expiry of the existing temporary planning permission is considered appropriate.
- 6.28 It is therefore concluded that the benefits of polytunnels in enabling the production of increased quantities and quality of soft fruit, the sustainability benefits of reducing food miles and positive contributions made to the rural economy are all matters to which considerable weight should be accorded in the balance of contributions.

RECOMMENDATION

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

- 1. F20 (Temporary permission and reinstatement of land) (ten years).**

Reason: In order to clarify the terms under which this permission is granted and in accordance with Policies DR1, LA4 and E13 of the Herefordshire Unitary Development Plan.

2. **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.

3. **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.

4. **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.

5. **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.

6. **In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit the polytunnels including support structure and tables shall be permanently removed from the application site within a period of 6 months.**

Reason: To ensure the removal of the redundant structures in accordance with Policy LA4 of the Herefordshire Unitary Development Plan.

7. **Within 3 months of the granting of planning permission, a scheme for habitat enhancement and management, including all adjacent hedgerows and Wellington Brook shall be submitted to the local planning authority for written approval. The scheme shall be implemented as approved.**

Reason: To comply with Herefordshire Council's Unitary Development Plan Policies NC6, NC8 and NC9 in relation to Nature Conservation and Biodiversity Action Plan habitats and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

8. **None of the polytunnels hereby permitted shall be covered with polythene from November until December in any calendar year nor during the month of January and February in any calendar year unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing period in accordance with Policy LA2 of the Herefordshire Unitary Development Plan.

Informatives:

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

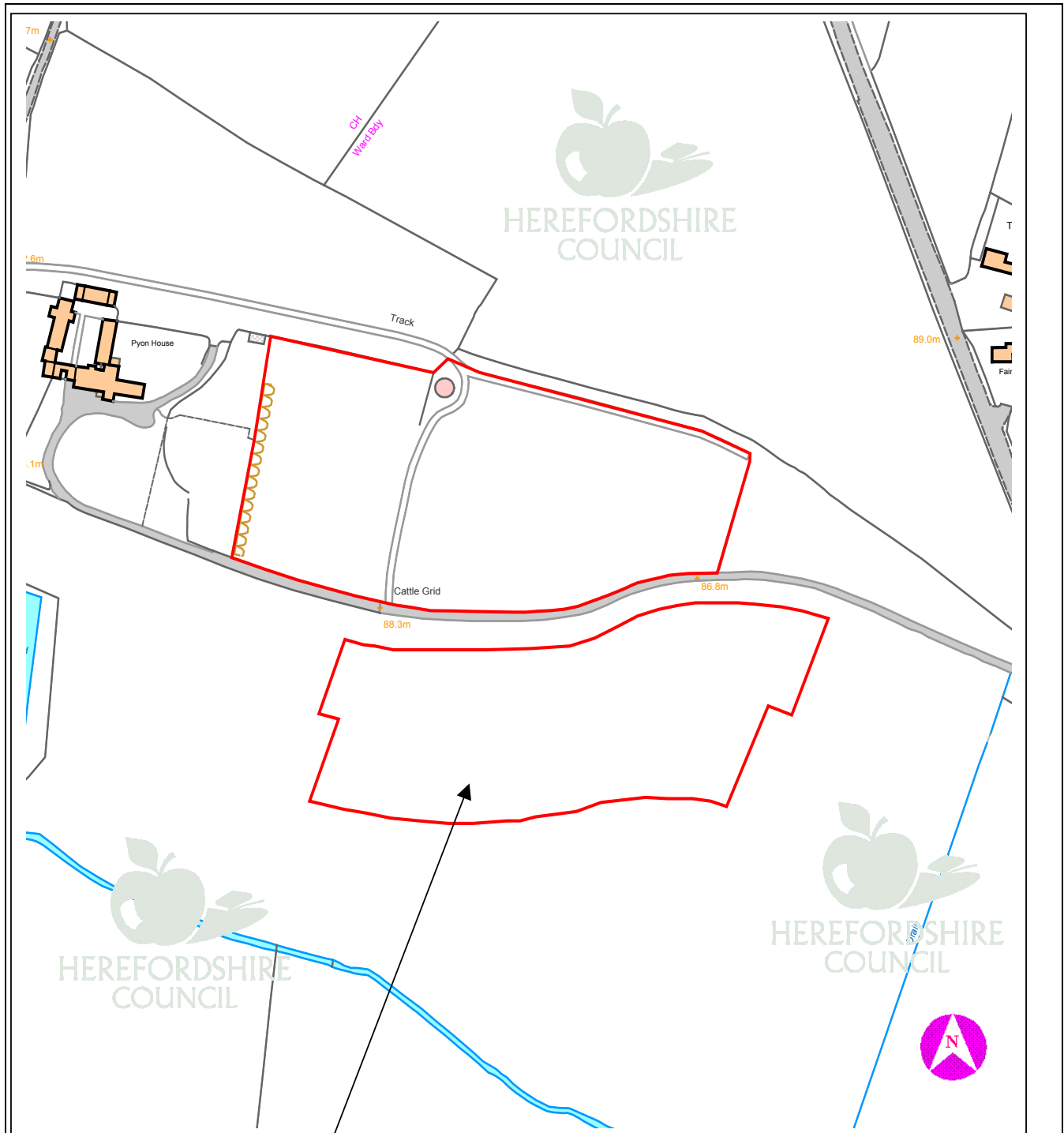
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0131/F

SCALE : 1 : 2500

SITE ADDRESS : Land adjacent to Brick House, Bush Bank, Canon Pyon, Hereford, Herefordshire, HR4 8PH

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9 DCCW2009/0382/F - PROPOSED HOUSE AT LAND TO THE REAR OF 103 KINGS ACRE ROAD, HEREFORD, HEREFORDSHIRE, HR4 0RQ

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

Date Received: 24 February 2009 Ward: St. Nicholas Grid Ref: 48630, 40945

Expiry Date: 21 April 2009

Local Members: Councillors DJ Benjamin and JD Woodward

1. Site Description and Proposal

- 1.1 The application site is comprised of the southern half of the domestic curtilage, which serves a detached dwelling known as 103 Kings Acre Road, located within an established residential area of the City of Hereford.
- 1.2 Although the application site is addressed as Kings Acre Road, access to it is afforded from Huntsmans Drive, which forms the eastern boundary of the application site.
- 1.3 The application seeks permission to erect a detached 2-bedroom dwelling within the sub-divided curtilage, which is orientated to front onto Huntsmans Drive. The proposed dwelling has an asymmetric roof providing a two storey main façade, and two roof lights (serving the stairwell and bathroom) on the rear elevation. The dwelling will be constructed from brick beneath a slate roof.

2. Policies

- 2.1 Planning Policy Statement 3 - Housing
- 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development	
S2	-	Development requirements	
S3	-	Housing	
DR1	-	Design	
DR2	-	Land use and activity	
DR3	-	Movement	
DR4	-	Environment	
DR5	-	Planning obligations	
H1	-	Hereford and the market towns: settlement boundaries and established residential areas	
H13	-	Sustainable residential design	
H15	-	Density	
T11	-	Parking provision	
CF2	-	Foul drainage	

3. Planning History

- 3.1 CW2004/0810/O - Erection of a dwelling. Refused 26 June 2004.
- 3.2 CW2004/4033/O - Erection of a dwelling. Refused 21 December 2004. Appeal dismissed 7 June 2005.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: No objection subject to the use of standard highway conditions.

5. Representations

- 5.1 Hereford City Council: Comments awaited.
- 5.2 Four letters of objection have been received from Mr. Pugh, 1 Huntsmans Drive; Mr. Lewis, 18 Huntsmans Drive; Mr. Griffiths, 107 Kings Acre Road and Mr. Elis, 105 Kings Acre Road which are summarised as follows:
- Building will look like a ski-slope, and is out of character with the area
 - Too close to the boundary
 - Loss of privacy/overlooking
 - Loss of light
 - Property values will be harmed
 - Increased traffic movements would be a danger to highway safety
 - No vehicles should be allowed to park on Huntsmans Drive.
- 5.3 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

Principle of Development

- 6.1 The application lies within the settlement boundary for the City of Hereford and the Herefordshire Unitary Development Plan 2007 recognises that there is scope for appropriate residential development within this area providing that the character and appearance of the wider locality is not adversely affected by the proposed development. Therefore, the proposal to erect a single dwelling is acceptable in principle, subject to other material considerations being satisfactorily resolved.

The Previously Dismissed Appeal

- 6.2 Members will note that planning permission was refused and an appeal dismissed in June 2005 for a single dwelling on the site. In dismissing the appeal the Inspector stated that whilst the principle of development was acceptable in so far as a new dwelling would not harm the character and appearance of the wider locality, the impact arising from overlooking on the amenity of the adjoining properties was held to be sufficiently detrimental to substantiate the appeal being dismissed.

- 6.3 In making the present application the applicant's agent has addressed the issue of overlooking by opting for a design that omits first floor windows on the rear elevation, save for two roof lights serving the stairwell and bathroom.

Visual and Residential Amenity

- 6.4 Having regard for the pattern and density of residential development in the wider locality, the design, scale and massing is considered to be appropriate, and the siting and orientation has taken appropriate account of the position and orientation of the adjoining properties.
- 6.5 Although it is noted that one letter of objection comments that the proposed development is out of keeping with the character of the wider locality, there is no strong defining architectural form, the wider locality being comprised of older interwar properties fronting Kings Acre Road, with a more modern housing estate access via Huntsmans Drive. Therefore the design of the proposed development will not be read as a discordant against the background of such a diverse townscape.
- 6.6 Although the concerns about overlooking and loss of light are noted, having regard to the design of the dwelling as well as the separation distances involved it is not considered that the proposed development will materially alter the level of residential amenity presently enjoyed, to a degree, which would give rise to any sustainable ground for refusal.
- 6.7 More specifically the design of the proposed dwelling has taken onboard the grounds of concern identified by the Planning Inspector, the flanks being planned without windows, whilst the rear roof slope only contains two small roof lights which don't serve habitable rooms therefore there should not be any significant potential for overlooking. However to ensure that a satisfactory relationship is maintained between the existing properties and the proposed development, conditions are recommended removing permitted development rights to extend or alter the property, and/or insert any new windows including dormers at first floor level.
- 6.8 Overall the proposed development is not considered to give rise to any harm to the visual or residential amenity of the wider locality. However in order to protect the amenity of the area during the construction phase, standard conditions are recommended to control the hours of operation during the construction phase.

Access and Highways

- 6.9 In the absence of any objection from the Traffic Manager, it is not considered that the concerns raised in the letters of objection can be substantiated as grounds for refusal on highway safety grounds.

Planning Obligation

- 6.10 The proposed development falls within the terms of the adopted Planning Obligations SPD and as such is liable for a range of Section 106 contributions.
- 6.11 However in accordance with the decision of the Cabinet Member for Environment and Strategic Housing to suspend the requirement for residential schemes for 5 dwellings or less which came into effect on the 1 April 2009, the proposed development is exempt subject to its commencement being limited to within 12 months of planning permission being granted.

Conclusion

6.12 Overall the proposal complies with the relevant development policies, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)) (12 months).**

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

2. **B02 (Development in accordance with approved plans and materials).**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 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. **F16 (No new windows in specified elevation).**

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

5. **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.

6. **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.

7. **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.

Informatives:

1. **N01 - Access for all.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

3. N19 - Avoidance of doubt - Approved Plans.

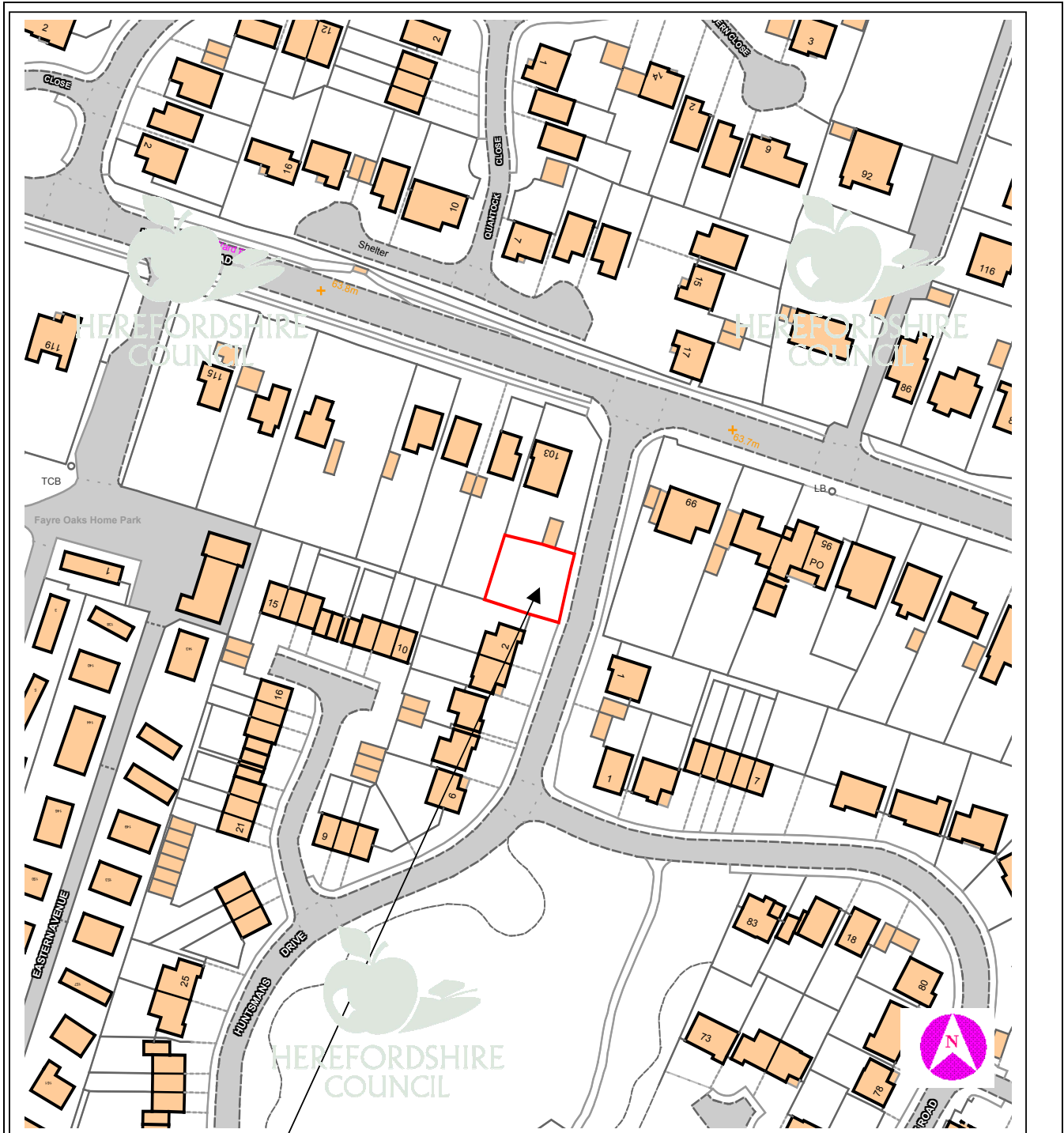
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0382/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of 103 Kings Acre Road, Hereford, Herefordshire, HR4 0RQ

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