

AGENDA

Planning Committee

Date: **Wednesday 14 April 2010**

Time: **10.00 am**

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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If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the agenda.	
4.	MINUTES To approve and sign the minutes of the meetings held on 17 March 2010.	1 - 8
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	UNITARY DEVELOPMENT PLAN - SAVED POLICIES To note the decision of the Secretary of State on the Saved Policies of the Unitary Development Plan.	9 - 22
7.	DMCE/091754/F AND DMCE/091755/L - NEW INN, BARTESTREE, HEREFORD, HR1 4BX Erection of free standing timber deck to front of Public House, deck to include ambulant stepped access. Provision of satellite dish to building frontage.	23 - 28
8.	DMNE/092736/F - HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT Proposed conversion of redundant mill to form live/work unit.	29 - 44
9.	DMNE/100188/F - HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP Proposed erection of new linked building/extension to joinery workshop.	45 - 54
10.	DMNE/092262/F - FREEMAN'S PADDOCK, BROMTREES HALL, BISHOP'S FROME, HEREFORDSHIRE, WR6 3BY Change of use of land from agricultural to family travellers site, plus retrospective application for construction of barn and new access.	55 - 64
11.	DMNE/100235/F - LEADON COURT, FROMES HILL, HEREFORDSHIRE, HR8 1HT Erection of 11 kW masted wind turbine.	65 - 72

12.	DMCW/100454/FH - 8 LEIGH STREET, HEREFORD, HEREFORDSHIRE, HR4 9PD	73 - 76
	Single storey extension, new bay windows and hipped slate roof to replace existing flat roof.	
13.	DMSE/093151/F - CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS	77 - 90
	Erection of six detached houses (Amendment to SH940997PF).	
14.	DMNW/092650/F - THE HIGHLANDS WORKS, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LL	91 - 100
	Proposed extension to existing building and change of use from B1 (business use) to live/work unit.	
15.	DMNC/100481/CD AND DMNC/100482/L - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL	101 - 108
	DMNC/100481/CD - Proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent (amendments to previously approved planning application DCNC2009/0435/CD).	
	DMNC/100482/L - Proposed removal of existing minor extensions, internal alterations and new extensions to form offices and community rooms for rent (amendments to previously approved planning permission DCNC2009/0436/L).	
16.	DATE OF NEXT MEETING	
	[Provisional] Site Visit/s - 11 May 2010	
	Next scheduled Planning Committee - 12 May 2010	

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 17 March 2010 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: PGH Cutter, H Davies, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, G Lucas, RI Matthews, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors AJM Blackshaw, PD Price and RH Smith

93. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors ACR Chappell, GFM Dawe and PJ Watts

94. NAMED SUBSTITUTES (IF ANY)

Councillor KG Grumbley was appointed named substitute for Councillor PJ Watts.

95. DECLARATIONS OF INTEREST

Councillor KS Guthrie declared a personal interest in Agenda item 8 (**DMCW/092985/F - Land at Brook Farm, Marden**)

96. MINUTES

RESOLVED: That the Minutes of the meeting held on 10th and 24th February, 2010 be approved as a correct record and signed by the Chairman.

97. CHAIRMAN'S ANNOUNCEMENTS

The Chairman drew attention to it being St Patrick's Day.

98. APPEALS

The Committee noted the report of the Head of Planning and Transportation about the planning appeals which had been received or determined since the last meeting

99. DMSW/092133/O - LAND ADJACENT TO SUN COTTAGE, GARWAY HILL, HEREFORDSHIRE, HR2 8EZ.

The Development Control Manager advised that at its meeting on 20th January the Committee had decided to grant permission and consequently under the provisions of the Council's Constitution the Head of Planning and Transportation had requested a deferral for

a Further Information Report. The report detailed the required information and set out the suggested Section 106 Agreement and conditions.

The Development Control Manager said that the suggested agreement/conditions included a requirement for the dwelling to be tied to the business and that any future sale would need to be at an affordable level to serve local need. He said that one of the proposed conditions was that the sale price should not exceed 50% of the open market value and he explained the factors that had been taken into consideration in arriving at this percentage. He also submitted the following updates and said that a further letter of objection had been received from a local resident:

ADDITIONAL REPRESENTATIONS

A letter has been received from Herefordshire CPRE. This objects as the development is contrary to planning policy, will be prominent in the landscape and does not meet the criteria for dwellings to serve rural businesses.

OFFICER COMMENTS

There are errors in Paragraph 1.1 of the Report.

The paragraph should be deleted and replaced with the following:-

“This application was reported to the meeting on 10 February 2010 where it was resolved that it be approved subject to appropriate conditions. In accordance with Section 4.8.10 of Part 4 – Section 8 – The Planning Rules of the Constitution, the Head of Planning and Transportation and the Monitoring Officer advised that as they considered that an approval of the application raised fundamental policy issues a further information report was necessary in order to address appropriate conditions.”

In accordance with the provisions for public speaking, Mr McCrae spoke against the application and Mr Heath, the applicant, spoke in favour. Mr Heath asked the Committee to consider waiving the requirement for a future sale to reflect local need because this would adversely affect his ability to secure the necessary funding for his proposals.

Councillor RH Smith the Local Ward Member voiced concerns about the imposition of the restriction for the future disposal of the house and felt that the 50% limit was too restrictive and should be either set aside or set at no less than 75%. The permission was for an agricultural business serving the local community and the applicant should be offered every opportunity to succeed. He was also concerned that he had not been consulted about the proposed heads of terms in the Section 106 agreement and at the lengthy delay in the application being dealt with.

The Development control manager said that the suggested conditions complied with the Council's planning policies for such uses and that a previous application had been withdrawn with the current one submitted in September 2009. It had been delayed because of the Constitutional changes and the cancellation of the January meeting.

Members discussed the proposed conditions and felt on balance that the condition with regard to any future disposal of the dwelling should be removed but that the remaining conditions were acceptable. The Head of Planning and Transportation said that the recommendations reflected Council policies and had been specifically structured for this purpose as well as meeting the particular needs of the applicant

RESOLVED THAT:

(i) Section 106 Agreement – Heads of Terms

The following terms be approved

- 1. The dwelling not to be constructed until the development approved under Application DMSW/091993/F is constructed and available for use.**
- 2. The dwelling is limited to a habitable floor area of no greater than 90 sq.m.**
- 3. The occupation of the dwelling is limited to person(s) employed, last employed, or dependants, in Oldfield Forge, Oldfield Farm, Garway HR2 8HA**
- 4. If the above requirement ceases then any disposal of the dwelling shall be restricted to a person in need of Affordable Housing firstly in Garway Parish and then cascading to Herefordshire.**

(ii) Outline Planning Permission – Conditions:

The following conditions be approved:

- 1 A01 Time limit for commencement (full permission)**
- 2 A02 Time limit for submission of reserved matters (outline permission)**
- 3 A03 Time limit for commencement (outline permission)**
- 4 A04 Approval of reserved matters**
- 5 The development hereby permitted shall not commence until the development approved under Application Reference DMSW/091993/F has been constructed and is available for use.**

Reason: In order to ensure that the workshop for which the dwelling is required is available for use having regard to Policies H7 and H8 of the Herefordshire Unitary Development Plan.

100. DMCW/092985/F - LAND AT BROOK FARM, MARDEN, HEREFORD, HR1 3ET.

A report was presented by the Development Control Manager He said that the former Central Area Planning Sub-Committee had previously granted an application for polytunnels on the farm but refused an application for accommodation for up to 1000 workers. The application was now for provision for up to 850 workers. The officers felt that the application was reasonable given the undertakings by the applicants, the rearranged layout of the site and steps taken to mitigate the impact on the local community including the part-funding of a parish liaison officer to provide a link between the workers and local community. He added that the applicants had requested a ten year permission but he felt that five years was reasonable. He presented the following updates:

ADDITIONAL REPRESENTATIONS

A further letter has been received from the applicant's agent. This welcomes the recommendation but expresses concern that the permission would be limited to five years. It points out that due to the close links to the polytunnel development, for which the permission from 2009 is for ten years, it is logical for any permission for the accommodation for seasonal workers to be for the same duration. It is considered that such a short duration could cause commercial difficulties as changes need to be introduced in the layout and landscaping will hardly be implemented before the permission expires and doubt about the future will impair planning and investment.

OFFICER COMMENTS

Following negotiations between your Officers, the applicant and Marden Parish Council, the applicant has agreed to enter into a planning obligation, which will be provided through a Section 106 agreement, the Heads of Terms of which are set out below.

HEADS OF TERMS

Proposed Planning Obligation Agreement Section 106 Town and Country Planning Act 1990

Planning Application: DMCW/092985/F

Proposal: Change of use of land from agriculture to a site for the accommodation of seasonal agricultural workers in caravans/mobile homes stationed continuously on the site. Retention of demountable portable buildings used in connection with and strictly ancillary accommodation used respectively as a dormitory block, staff operations centre, health and fitness centre, staff shop, kitchen units, social units (services) shower and toilet units (retrospective).

Site: Land at Brook Farm, Marden, Herefordshire HR1 3ET

- i) The applicant covenants with Herefordshire Council to pay annually to Herefordshire Council the sum of £5500 which shall be used as a contribution towards the salary of the 'Parish Officer' who shall be employed by West Mercia Constabulary (or any successor agency), on behalf of Marden Parish Council.
- ii) The sum referred to in paragraph 1 shall be reviewed concurrently with any future application which seeks to vary or amend the planning permission to which this agreement relates.
- iii) The requirement to pay the financial contribution referred to in paragraph 1 will only be payable on the grant of planning permission for the proposal and will end on the sooner of a) the cessation of the post of Parish Officer, b) the cessation of the use of the land for the accommodation of seasonal agricultural workers, including the removal of the caravans and demountable portable buildings from the land and c) the expiry of the planning permission.
- iv) In the event that for whatever reason the post of Parish Officer remains unfilled for a period of more than 2 months, from that time until the commencement of employment of a new Parish Officer, the applicant shall

not be required to pay the financial contribution referred to above and any monies already paid shall be credited towards any future payments.

- v) The first payment of the sum referred to in paragraph 1 of this schedule shall be made within 2 months of the s106 Agreement being entered into, thereafter payments shall be received by the 28th February annually, subject to the limitation referred to in paragraph 3
- vi) The applicant covenants with Herefordshire Council to pay a surcharge of 2% of the sum detailed in paragraph 1, as a contribution towards the costs of monitoring and enforcing the Section 106 Agreement. This sum shall be subject to the limitations set out in paragraph 3.
- vii) The applicant shall pay to the Council on or before the completion of the Agreement, an agreed sum as the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the s106 Agreement.
- viii) With regard to the request to lengthen the period of duration of the permission on balance it is considered that due to the ongoing change to the labour requirements at the business that a shorter period (than for the polytunnels) is appropriate and reasonable.

CHANGE TO RECOMMENDATION

That the following condition be added to secure the planning obligation: -

1. **Within 2 months of the date of this planning permission details of a scheme for the provision of a Parish Officer for Marden, to mitigate the impact of the development shall have been certified as being completed by the local planning authority.
Reason: In order to mitigate the impact of the development, the Parish Officer being employed to help integrate the seasonal workers and the settled community, in accordance with Policy DR5 of Herefordshire Unitary Development Plan 2007.**

In accordance with the criteria for public speaking Mr Fraser a local resident spoke against the application and Mr Gregory spoke in favour on behalf of the applicants.

Councillor K S Guthrie the Local Ward Member said that she supported the view of Marden Parish Council which was in favour of the application. She felt that the applicants had taken adequate steps to minimise the impact of the business on the local community and welcomed the appointment of a liaison officer. She agreed with the officers that a five year permission was preferable subject to strict enforcement of the conditions, particularly regarding occupancy of the accommodation units. She asked about the future of the farmhouse and location of the generator. She felt that landscaping of the boundaries needed to be effective to screen the site as did the colour of fencing materials. She also said that regard needed to be had to those who had objected to the application and the impact of a large number of seasonal workers who should not be travelling to other sites and should not be permanently located there. The local community needed to be involved in the site management plan and she welcomed the applicant's attendance at parish council meetings.

The Development Control Manager said that the applicant's production season was March through to November when highest number of workers would be on site. A small work force was present from December to March for preparation and maintenance duties

for the following growing season. The generator would remain but consideration needed to be given to its location. The applicants were preparing a scheme to repair the farmhouse and this would be subject to a forthcoming application for listed building consent.

Members asked questions about the application including fencing landscaping, adequate access and safety spacing between units and occupancy. The officers explained how these matters were covered in the conditions or in the site management plan. Although it would be difficult to monitor precisely the number of workers, they were confident that steps were in place to ensure this as far as possible. Councillor RC Hunt felt that the business would have an impact on the local community but that the applicants had demonstrated at there other sites how they were prepared to minimise the impact. Councillor KG Grumbley felt that a ten year permission would be more appropriate to such a business. Councillor RI Matthews noted the improvements made by the Company but objected to the number of temporary units near to the village and impact on tourism. He was of the view that workers should be housed in better accommodation in adjoining towns and provided with transportation to work. Councillor DW Greenow felt that the company had made considerable efforts to meet the requirements since the previous application was refused by the Central Area Planning Sub-Committee. The parish council and local member were now in support and he thanked the officers and applicants for there work in arriving at an acceptable scheme. He felt that liaison proposals with the community were important and that the local member should be involved with the arrangements. He also suggested that the permission should correspond with that previously granted for the polytunnels.

RESOLVED THAT

planning permission be granted subject to the following conditions and subject to being co-terminous with that previously granted for the polytunnels at Brook Farm and subject to the Planning Obligation Agreement under Section 106 of the Town and Country Planning Act 1990 as set out above:

- 1 Within 2 months of the date of this planning permission details of a scheme for the provision of a Parish Officer for Marden, to mitigate the impact of the development shall have been certified as being completed by the local planning authority.**

Reason: In order to mitigate the impact of the development, the Parish Officer being employed to help integrate the seasonal workers and the settled community, in accordance with Policy DR5 of Herefordshire Unitary Development Plan 2007.

- 2 B01 Development in accordance with the approved plans.**
- 3 F21 Temporary permission (mobile home/caravan) - 5 years.**

Reason: To enable the local planning authority to retain effective control over the site and to re-assess the need for on-site workers accommodation and to conform with Policy H7 of the Herefordshire Unitary Development Plan.

- 4 The occupation of the accommodation hereby permitted shall be limited solely to persons employed by S&A Produce Ltd to work on Brook Farm, and shall be limited to providing accommodation for no more than 850 workers at any one time, and subject to a maximum number of 185 static caravans, supported by an accommodation block housing 110 persons being stationed on the land at any one time. For the avoidance of doubt the development hereby permitted**

shall not at any time be occupied as a sole or principal residency by any individual or group of individuals.

Reason: Planning permission has only been granted having consideration for the needs of the agricultural enterprise operating at Brook Farm, and to maintain control over the scale of accommodation provided in order to clarify the terms of this planning permission to conform with Policy H7 of the Herefordshire Unitary Development Plan.

- 5 In the event that the polytunnel development previously approved by planning permission (DCCW2009/0161/F) in the opinion of the local planning authority ceases to be functionally used, the use hereby approved shall cease. Subsequent to this and within 12 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational all units of accommodation including ancillary buildings or structures on the site shall be removed and the land restored to its former condition.

Reason: The local planning authority would not have granted planning permission for this use unless it was required in support of the lawful polytunnel development.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order with or without modification, no caravans nor any other form of habitable accommodation shall at any time be placed on the land which is under the control and/or ownership of the applicant as defined by drawing no. 1252/45C.

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

- 7 All surface water shall be dealt with in accordance with the Flood Risk Assessment (Ref: P\SAD multi (5540)\Marden Accommod.FRA/FRA v0.3.doc), dated October 2009. Details of the methods to be introduced for attenuation storage shall be submitted to and approved in writing by the local planning authority within three months of the date of this planning permission.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off and to conform with Policy DR7 of the Herefordshire Unitary Development Plan.

- 8 Within three months of this planning permission a 'Site Management Plan' which clearly sets out the arrangements for the use and occupation of the development hereby approved (to include amongst other issues; an agreed schedule for the transition of the site from its present form to that that approved in terms of the number, type and position of the accommodation units, the maintenance of buildings and common areas, litter collection and disposal, recreation and leisure provision including the control of amplified music, lighting, car parking arrangements) shall be submitted to and approved in writing by the local planning authority. The operation and use of the site shall thereafter be in accordance with the approved management plan.

Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy E13 of the Herefordshire Unitary Development Plan.

9 C96 Landscaping scheme.

10 C97 Landscaping scheme – implementation.

Informatives:

1 N02A Section 106 Obligation.

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

101. DATE OF NEXT MEETING

Additional Meeting - **Tuesday 30 March**

Provisional site inspection - **13 April**

Next scheduled meeting - **14 April**

The meeting ended at 12.23 pm

CHAIRMAN

MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	UNITARY DEVELOPMENT PLAN – SAVED POLICIES
PORTFOLIO AREA:	ENVIRONMENT & STRATEGIC HOUSING

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the decision of the Secretary of State on the Saved Policies of the Unitary Development Plan.

Key Decision

This is not a Key Decision.

Recommendation

THAT Committee:

Note the decision of the Secretary of State and continue to apply the Saved Policies accordingly.

Key Points Summary

- The Herefordshire Unitary Development Plan was adopted in 2007 and forms part of the Council's Policy Framework in accordance with the Council's Constitution.
- In accordance with the Planning and Compulsory Purchase Act 2004 old-style development plans cease to have any effect three years after they have been adopted unless the Secretary of State has issued a direction to the effect that the policies have been 'saved'.
- The relevant direction has now been issued and is appended to this report for information.
- Henceforth only the 'saved' policies can be taken into account in the determination of planning applications and any other relevant decisions under the Planning Acts.

Further information on the subject of this report is available from
Peter Yates, Planning Policy Manager on (01432) 261952

Alternative Options

- 1 There are no Alternative Options to this statutory requirement.

Reasons for Recommendations

- 2 To inform Members of the revised policy framework following the decision of the Secretary of State.

Introduction and Background

- 3 During 2009 the relevant procedures were undertaken to “Save” policies in the Unitary Development Plan. Reports were presented to Planning Committee, Cabinet and full Council because the selection of policies to be saved was a Key Decision. There is no consultation requirement in this process – the Secretary of State merely receives the list of policies which a local planning authority wishes to save, considers the list (and the reasons given) and then determines which policies shall be saved. In the case of the Unitary Development Plan the Secretary of State agreed with the list as submitted and has issued his direction accordingly.
- 4 The saved policies remain as part of the Development Plan for planning decision making purposes until such time as they are replaced by the emerging Local Development Framework. Members will be aware of the recent consultation on ‘Place Shaping’ which is an important step in the preparation of new planning policies. However, it is important to note that, at present, any emerging policies in the Local Development Framework have not yet reached the stage where they can be regarded as material planning considerations. That stage will not be reached until a new suite of policies is approved by full Council (currently anticipated towards the end of 2010). In the meantime, the saved policies in the Unitary Development Plan retain the significance accorded to them by Section 38 of the Planning and Compulsory Purchase Act 2004 and therefore retain their status in the determination of planning applications and other relevant planning decisions.

Key Considerations

- 5 As set out above.

Community Impact

- 6 Community impact was taken into account in the preparation of the Unitary Development Plan.

Financial Implications

- 7 The principal financial impact will be the need to re-publish the Saved Policies in an appropriate form with the Proposals Maps. This will be achieved from the current Local Development Framework budget.

Legal Implications

- 8 None.

Risk Management

- 9 There are no new risks raised by this report.

Consultees

10 None

Appendices

11 The decision letter of the Secretary of State.

Background Papers

- None identified.



GOVERNMENT OFFICE
FOR THE WEST MIDLANDS

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Head of Planning & Transportation
Herefordshire Council
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Email: wmpplanning@ggowm.gsi.gov.uk

24 February 2010

Dear Andrew

PLANNING & COMPULSORY PURCHASE ACT 2004 – Saved Policies

With reference to your application of 13 August 2009, applying for a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of policies in the Herefordshire Unitary Development Plan the Secretary of State's Direction and accompanying schedule is attached. Those policies not listed in the Direction will expire on 22 March 2010.

The Secretary of State's assessment of whether saved policies should be extended is based upon the criteria set out in Planning Policy Statement 12 and Communities and Local Government Protocol on saving policies.

The extension of saved policies listed in this Direction does not indicate that the Secretary of State would endorse these policies if presented as new policy. It is only intended to ensure continuity in the plan-led system and a stable planning framework locally, and in particular, a continual supply of land for development.

Local planning authorities should not suppose that a regulatory local plan style approach will be supported in forthcoming Development Plan Documents. Local Planning Authorities should adopt a positive spatial strategy led approach to DPD preparation and not seek to reintroduce the numerous policies of many local plans.

The exercise of extending saved policies is not an opportunity to delay DPD preparation. LPAs should make good progress with local development frameworks according to timetables in local development schemes. Policies have been extended in the expectation that they will be replaced promptly and

by fewer policies in DPPDs. Maximum use should be made of national and regional policy especially given the development plan status of the Regional Spatial Strategy.

After 22 March 2010 the saved policies should be read in context. Where policies were originally adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 *Housing* and Strategic Housing Land Availability Assessments in relevant decisions.

Signed by authority of the
Secretary of State



IAN SMITH
ACTING HEAD OF PLANNING AND HOUSING
GOVERNMENT OFFICE FOR THE WEST MIDLANDS

**DIRECTION UNDER PARAGRAPH 1(3) OF SCHEDULE 8 TO THE
PLANNING AND COMPULSORY PURCHASE ACT 2004
POLICIES CONTAINED IN THE HEREFORDSHIRE UNITARY
DEVELOPMENT PLAN
ADOPTED 23 March 2007**

The Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 directs that for the purposes of the policies specified in the Schedule to this direction, paragraph 1(2)(a) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 does not apply.

Signed by authority of the
Secretary of State



IAN SMITH
ACTING HEAD OF PLANNING AND HOUSING
GOVERNMENT OFFICE FOR THE WEST MIDLANDS

24 February 2010

**SCHEDULE
POLICIES CONTAINED IN**

HEREFORDSHIRE UNITARY DEVELOPMENT PLAN

ADOPTED 23 MARCH 2007

Policy Number	Policy Name
S1	Sustainable Development
S2	Development Requirements
S3	Housing
S4	Employment
S5	Town centres and retail
S6	Transport
S7	Natural and historic heritage
S8	Recreation, sport and tourism
S9	Minerals
S10	Waste
S11	Community facilities and services
DR1	Design
DR2	Land use and activity
DR3	Movement
DR4	Environment
DR5	Planning Obligations
DR7	Flood Risk

Policy Number	Policy Name
DR8	Culverting
DR9	Air Quality
DR10	Contaminated Land
DR11	Soil Quality
DR12	Hazardous Substances
DR13	Noise
DR14	Lighting
H1	Hereford and the market towns: settlement boundaries and established residential
H2	Hereford and the market towns: housing land allocations
H4	Main villages: settlement boundaries
H5	Main villages: housing land allocations
H6	Housing in the smaller settlements
H7	Housing in the countryside outside settlements
H8	Agricultural and forestry dwellings and dwellings associated with rural businesses
H9	Affordable housing
H10	Rural exception housing
H12	Gypsies and other travellers
H13	Sustainable residential design
H14	Re-using previously developed land and buildings
H15	Density
H16	Car parking
H17	Sub-division of existing housing
H18	Alterations and extensions
H19	Open space requirements
E1	Rotherwas Industrial Estate
E2	Moreton on Lugg depot, Moreton on Lugg
E3	Other employment land allocations
E5	Safeguarding employment land and buildings

Policy Number	Policy Name
E7	Other employment proposals within and around Hereford and the market towns
E8	Design standards for employment sites
E10	Employment proposals within or adjacent to main villages
E11	Employment in the smaller settlements and open countryside
E12	Farm diversification
E13	Agricultural and forestry development
E14	Conversions of large dwellings to employment uses
E15	Protection of greenfield land
E16	Intensive livestock units
E17	Military development
TCR1	Central shopping and commercial areas
TCR2	Vitality and viability
TCR3	Primary shopping frontages
TCR4	Secondary shopping frontages Uses outside Class A of the Use Classes Order
TCR5	Uses outside Class A of the Use Classes Order
TCR6	Non-retail uses (Classes A2 – A5)
TCR7	Amusement centres
TCR9	Large scale retail and leisure development outside central shopping and commercial
TCR10	Office development
TCR11	Loss of existing offices
TCR13	Local and neighbourhood shopping centres
TCR14	Village commercial facilities
TCR16	Garden centres
TCR17	Farm shops
TCR18	Petrol filling stations
TCR19	Hereford livestock market – relocation
TCR20	Eign Gate regeneration area
TCR21	Canal basin and historic core

Policy Number	Policy Name
TCR22	Hereford United Football Club/Merton Meadow
TCR23	Civic Quarter
TCR25	Land for retail warehousing
TCR26	Land at Commercial Road
T1	Public transport facilities
T2	Park and ride
T3	Protection and development of the rail network
T4	Rail freight
T5	Safeguarding former railway land
T6	Walking
T7	Cycling
T8	Road hierarchy
T9	Road freight
T10	Safeguarding of road schemes
T11	Parking provision
T12	Existing parking areas
T13	Traffic management schemes
T14	School travel
T15	Air transport facilities
T16	Access for all
LA1	Areas of Outstanding Natural Beauty
LA2	Landscape Character and areas resilient to change
LA3	Setting of settlements
LA4	Protection of historic parks and gardens
LA5	Protection of trees, woodlands and hedgerows
LA6	Landscaping schemes
NC1	Biodiversity and development
NC3	Sites of national importance
NC4	Sites of local importance

Policy Number	Policy Name
NC6	Biodiversity Action Plan priority habitats and species
NC7	Compensation for loss of biodiversity
NC8	Habitat creation, restoration and enhancement
NC9	Management of features of the landscape important for fauna and flora
HBA1	Alterations and extensions to listed buildings
HBA2	Demolition of listed buildings
HBA3	Change of use of listed buildings
HBA4	Setting of listed buildings
HBA5	Designation of conservation areas
HBA6	New development within conservation areas
HBA7	Demolition of unlisted buildings within conservation areas
HBA8	Locally important buildings
HBA9	Protection of open areas and green spaces
HBA10	Shopfronts
HBA12	Re-use of rural buildings
HBA13	Re-use of rural buildings for residential purposes
ARCH1	Archaeological Assessments & Field Evaluations
ARCH2	Foundation Design & Mitigation For Urban Sites
ARCH3	Scheduled Ancient Monuments
ARCH4	Other Sites Of National Or Regional Importance
ARCH5	Sites Of Lesser Regional Or Local Importance
ARCH6	Recording Of Archaeological Remains
ARCH7	Hereford AAI
ARCH8	Enhancement & Improved Access To Archaeological Sites
RST1	Criteria for recreation, sport and tourism development
RST2	Recreation, sport and tourism development within Areas of Outstanding Natural
RST3	Standards for outdoor playing and public open space
RST4	Safeguarding existing recreational open space
RST5	New open space in/adjacent to settlements

Policy Number	Policy Name
RST6	Countryside Access
RST7	Promoted recreational routes
RST8	Waterway corridors and open water areas
RST9	Herefordshire and Gloucestershire Canal
RST10	Major sports facilities
RST12	Visitor accommodation
RST13	Rural and farm tourism development
RST14	Static caravans, chalets, camping and touring caravan sites
M2	Borrow pits
M3	Criteria for new aggregate mineral workings
M4	Non-aggregate building stone and small scale clay production
M5	Safeguarding mineral reserves
M6	Secondary aggregates and recycling
M7	Reclamation of mineral workings
M8	Malvern Hills
M9	Minerals exploration
M10	Oil and gas exploration and development
W1	New waste management facilities
W2	Landfill or raising
W3	Waste transportation and handling
W4	Temporary permissions
W5	Waste management licensing
W6	Development in the vicinity of waste management facilities
W7	Landfill gas utilisation
W8	Waste disposal for land improvement
W9	Reclamation, aftercare and afteruse
W10	Time limits for secondary activities
W11	Development – waste implications
CF1	Utility services and infrastructure

Policy Number	Policy Name
CF2	Foul drainage
CF3	Telecommunications
CF4	Renewable energy
CF5	New community facilities
CF6	Retention of existing facilities
CF7	Residential nursing and care homes



MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMCE/091754/F - ERECTION OF FREE STANDING TIMBER DECK TO FRONT OF PUBLIC HOUSE, DECK TO INCLUDE AMBULANT STEPPED ACCESS. PROVISION OF SATELLITE DISH TO BUILDING FRONTAGE AT NEW INN, BARTESTREE, HEREFORD, HR1 4BX</p> <p>For: Ms Bird Per Ms Penny Bird, New Inn (Public House), Hagley Hill, Bartestree, Hereford, HR1 4BX</p> <p>DMCE/091755/L - ERECTION OF FREE STANDING TIMBER DECK TO FRONT OF PUBLIC HOUSE, DECK TO INCLUDE AMBULANT STEPPED ACCESS. PROVISION OF SATELLITE DISH TO BUILDING FRONTAGE AT NEW INN, BARTESTREE, HEREFORD, HR1 4BX</p> <p>For: Ms Bird per Ms Penny Bird, New Inn (Public House), Hagley Hill, Bartestree, Hereford, HR1 4BX</p>

Date Received: 23 July 2009

Ward: Hagley

Grid Ref: 356039.0,241208.0

Expiry Date: 21 December 2009

Local Members: Councillor DW Greenow

Introduction

This application was deferred at the Planning Committee on 10 February 2010 to allow further discussions with the applicant with regards to the landscaping, the colour and finish of the decking and disabled access.

Amended plans have been received to incorporate a disabled access which meets the Disability Discrimination Act standards and also identifying the existing decking and hand rails will be painted a chestnut brown. The amended plans also identify further landscaping in the form of a new hedge which wraps around the decking. Further consultations are taking place and these will be reported at the meeting. The report has been updated accordingly.

Further information on the subject of this report is available from Ms R Jenman on 01432 261961

1. Site Description and Proposal

- 1.1 The New Inn is located in the heart of the village of Bartestree to the north of the A438 which runs through the village. The building is set back from the highway and is a large detached red brick building. It represents a particularly fine neo-gothic villa, and has been used as a public house since the 1950's. The building is grade II listed and has arched heads to all the windows and bands of decorative tiling. To the front and west of the building are grassed areas used in the summer as a beer garden, with car parking to the east. The site has two separate accesses from the A438.
- 1.2 This application is retrospective for the decking which has been constructed to the front of the building, which links the building to the grassed beer garden. The decking was constructed in May 2009 and since then there has been an on-site meeting between officers and the applicant. The application also seeks retrospective permission for a satellite dish which has been constructed in the middle of the front of the building.
- 1.3 The decking is raised to the porch landing level and is currently accessed on the western side by steps and the eastern side by a ramp. The existing ramp measures 3.6 metres and has a slope of 655mm, which does not meet the Disabled Discrimination Act (DDA) standards. The amended plans which have been received now show an extended ramp which extends the whole length of the deck in an attempt to meet with DDA standards. The ramp is split into 3 sections and has landing areas between each section. The decking projects 7.6m out from the front elevation of the building and extend 8.2m in width; however the amended plans show the ramp extending a further 3.1m across. The decking stands 0.7m high from the ground, with the softwood handrails having a maximum height of 3m from the ground.
- 1.4 The deck frame is currently stained blue, however it is indicated on the amended plans that the proposal is to re-stain the structure in a chestnut brown which represents a more subdued and sympathetic colour.
- 1.5 The amended plans have identified further landscaping on the site in the form of a new hedge which will wrap around the existing decking and proposed extended ramp. The hedge will comprises a mix of Holm Oak, Cherry, Flowering Semi Evergreen, Beech and Evergreen.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
H16	-	Car Parking
HBA1	-	Alterations and Extensions to Listed Buildings
HBA4	-	Setting of Listed Buildings

2.2 Planning Policy Statement 5: Planning for the Historic Environment

3. Planning History

- 3.1 DCCE2007/0086/F – Change of use of land within curtilage of public house to site 4 no. temporary touring caravans for occasional occupation. Refused 7 March 2007.

4. Consultation Summary

Statutory Consultations

4.1 English Heritage have made the following comments:

1. The satellite dish should not be on a visible part of the building.
2. If the decking is to be retained, conditions should be imposed requiring your council's prior approval to finishes and of planting to reduce its visual impact.

Comments on the revised proposals are awaited.

Internal Council Advice

4.2 Traffic Manager: No objections. Comments on the revised proposals are awaited.

4.3 Conservation Officer: Objects to the proposal and recommends refusal. The timber decking has a major detrimental impact on the main façade of this important listed building as it is completely alien, very visually intrusive and damaging to the character of the building. Its domestic, suburban appearance disrupts the entrance and is completely at odds with the high quality materials, detailing and finishing found on the rest of the façade. The proposal is therefore considered contrary to the Herefordshire UDP Policy HBA4. It should be noted that we suggested an alternative location for the decking to the west of its current location. It was also noted that the current ramp did not meet DDA standards and the agent was advised that an extended ramp to the decking to meet the standards would only add to the intrusive nature of the development.

Comments on the revised proposals awaited.

5. Representations

5.1 Lugwardine Parish Council: 'The structure as it is does not blend in with its surroundings, partly because of the colour. In addition it hardly enhances the appearance of the New Inn. On a positive note wheelchair access has now been provided, although we do not know to what extent it will be used. The committee was divided on the application. It is recognised that there is a need to support diversification and a need for change in the licensing trade, given the current climate.

With regards to the application to site a satellite dish on the front of the building we do not support this aspect. However should it be sited say on the side of the building in a discrete location, we would support that, but we would expect the site to be chosen with care.

Comments on the revised proposals awaited.

5.2 One letter of support has been received from G. Brunt, 26 Frome Court, Bartestree and a petition in support of the development has been submitted by the applicant and contains 182 signatures. The comments are summarised as follows:

- The location of the decking gives the building more presence and permits people to see the detail of the stone work features.
- The decking does not affect any neighbouring properties.
- It allows for good observation of the children's play area.
- It is easily serviced for food and drink, all being at the same level.
- The deck improves access for all into the pub.

- The decking has been a great success to the business serving both new and old customers to the building.

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

6. Officer's Appraisal

6.1 The New Inn is a designated grade II listed building and the Herefordshire Unitary Development Plan 2007 and Planning Policy Guidance 15 recognises that there is scope for alterations and extension to listed buildings providing the components which make up the special interest of the building, its features and setting are all preserved. Therefore the main consideration in the determination of this application is whether the proposal would have an adverse impact upon the listed building or the surroundings.

6.2 Following its construction in May 2009, enforcement action was commenced and there followed a site meeting with the agent and officers. At this meeting advice was given that in its existing location the decking and the satellite dish were considered detrimental to the character and appearance of the building and its setting and alternative locations were discussed. This advice appears to have been ignored, and this application proposes to keep both in their existing locations, however the design and scale of the decking is altered to incorporate a disabled ramp which meets DDA standards.

6.3 The application site is in a prominent position in the heart of the village of Bartestree, with the building clearly visible from the adjoining A438 highway. Policy HBA4 of the Herefordshire Unitary Development Plan states that 'development proposals which would affect the setting of a listed building will not be permitted'. The impact of such proposals should be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations.

6.4 The siting of both the decking and the satellite dish are in the most prominent locations being on the front elevation. Whilst an attempt has been made to reduce the visual impact of the decking by changing the blue colour to an oak stain, its location and that of the of the satellite dish is the cause for concern. Both are considered to have a detrimental impact on the main façade of the building and are visually damaging to the character of the building. The amended plans with the enlarged ramp and proposed hedge are considered to add to the overall visual intrusion of the development and its impact on the setting of the Listed Building.

6.5 Whilst all comments relating to the positive impacts the decking has had on the business have been considered, its location and that of the satellite dish is considered to have such a major detrimental impact on the important building, as to warrant a refusal, especially as there is considered to be alternative locations within the site where both could be located to minimise the impact on the building and its setting. The applications are therefore recommended for refusal for the reason given below.

RECOMMENDATION

In respect of DMCE/091754/F that planning permission be refused for the following reason:

- 1 The design, massing, scale and the siting of the development, is considered to represent a visually intrusive form of development, which is detrimental to the overall character and appearance of the Grade II Listed Building and its setting, and is therefore contrary to Policies DR1, HBA1 and HBA4 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Guidance 15.**

In respect of DMCE/091755/L that Listed Building Consent be refused for the following reason:

- 1 The design, massing, scale and the siting of the development, is considered to represent a visually intrusive form of development, which is detrimental to the overall character and appearance of the Grade II Listed Building and its setting, and is therefore contrary to Policies DR1, HBA1 and HBA4 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Guidance 15.

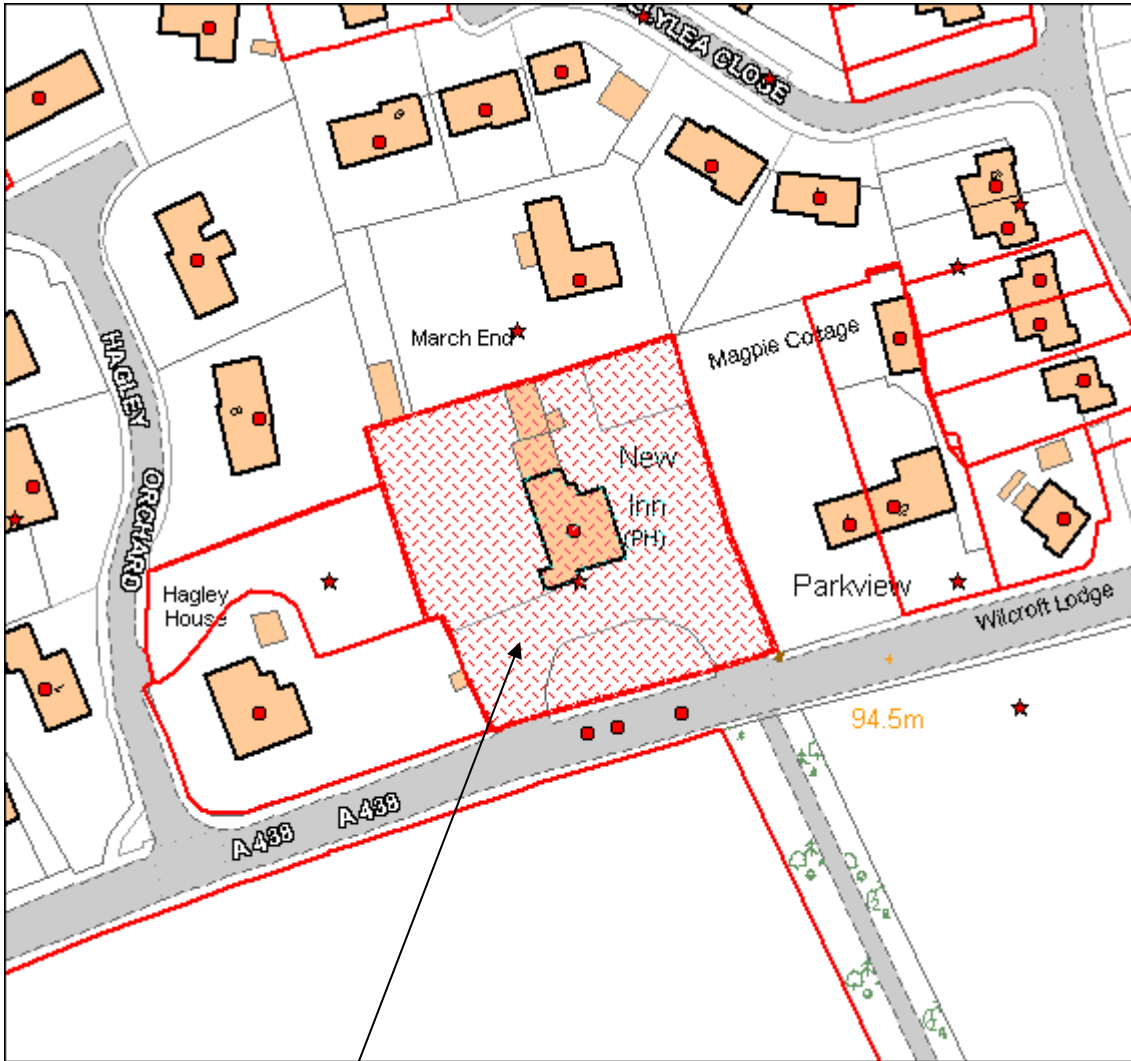
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMCE/091754/F

SITE ADDRESS : NEW INN, BARTESTREE, HEREFORD, HR1 4BX

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961



MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMNE/092736/F - PROPOSED CONVERSION OF REDUNDANT MILL TO FORM LIVE/WORK UNIT. AT HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT</p> <p>For: Mr Lewis per Nigel Teale, Bramble Farm, Naunton, Nr. Upton-Upon-Severn, Worcestershire, WR8 0PZ</p>

Date Received: 23 October 2009 **Ward: Ledbury**

Grid Ref: 370362,235959

Expiry Date: 12 January 2010

Local Members: Councillors ME Cooper and PJ Watts

1 Background

1.1 The application was reported to the meeting on 10 February 2010. A copy of that report together with the Urgent Update Report is attached as Annex 1.

1.2 At the meeting held the applicant stated that it was his intention to plant a woodland of some 9.5 acres on adjoining land. Members resolved to defer a decision upon the application to enable further information to be submitted and for discussions. Following discussions on a number of issues the applicant was requested to provide the following:-

- The matter of the proposed new woodland planting to be clarified and assessed by officers;
- For the extent of works required to the building to be clarified;
- For matters of traffic generation to be explored further; and
- The matter of flood risk to be clarified

2 Updating Members on additional information received

2.1 The applicant submitted additional information on 2 March 2010. This further information includes:-

- A business overview that includes detail as to the planting of a 9.5 acre woodland on adjoining land within the applicant's control and a business plan. The proposed operator of the business would rent the land from his father. It is anticipated that the phased planting of this woodland would be completed prior to 1 April 2012; and
- A further submission from a firm of Consulting Engineers listing the works required to facilitate conversion of the building. These works are:-

- a) Removing roof and replace structure with new structure in accordance with current Building Regulations;

Further information on the subject of this report is available from Mr R Close on 01432 261803

- b) Repair small crack extending over approximately five courses of brickwork;
- c) Re-point stonework panel;
- d) Replace foundation in small area; and
- e) Insert "Helix Bars" to form ancillary foundation beam

3 Officer Assessment

The Woodland Planting and Business Plan

- 3.1 Whilst it is accepted that if one is producing charcoal regularly it is necessary to be close by, most charcoal work is seasonal. In this case the source of the timber in the medium term is not adjacent to the proposed woodland. Whilst it is appreciated that it is proposed to plant adjacent woodland, it is considered that it would take at least six years and probably longer to get an economically viable product from the land being planted (2018). Willow is the only crop that could become more productive in a shorter time, and there is not much willow shown in the planting plan. It is considered that it would take 20-30 years (2032-2042) before the applicant's business could be solely based on the proposed adjacent woodland.
- 3.2 The proposed woodland planting and management plan does not appear realistic. It appears very complex and it would appear that the applicant is trying to get too much from the site, which may compromise his ability to produce anything well. It is considered unlikely that the applicant would get 10,000 rods per hectare from his hazel – that is the output level for the best pure Hazel coppice in Hampshire. The business plan lists a tremendously varied set of activities and income streams but fails to give any robustness to the figures contained in the subsequent cash flows.
- 3.3 In summary, it is considered that it would be at least six years until the applicant got much output from his own proposed woodland and up to 50 years, if ever, before his own woodland became the core element of his business. Thus to grant a permanent dwelling in the countryside on the basis of the proposed new woodland would be premature.
- 3.4 With regard to the detail of the business plan itself, including financial forecasts, the following observations are made:-
- The business plan appears to include grant income - however there is no evidence of such grants having been secured. One should not assume that such grants will be forthcoming.
 - The costs side of the business plan does not appear to include provision for lighting, heating, office space, legal fees, printing and stationery, postage and bank charges;
 - It is questioned whether drawings of £300 - £350 per month is sufficient to support an individual?;
 - There does not appear to be any provision for a vehicle or vehicle running expenses;
 - No costs are shown for website design/internet portal;
 - The business plan appears to show charcoal income rising as casual labour decreases – it is questioned whether this is logical considering someone has to be present at all times? Also, it is questioned whether this presents additional insurance costs re: risk of fire?;
 - The balance carried forward in September 2010 does not correspond with the balance brought forward in October 2010;
 - Much of the business plan appears dependant on the ability to contract to the supplier of Tesco and Homebase as a lot of production is dependant on charcoal production. There does not appear to be any assurance about this element;
 - There is no evidence of support from the applicant's bank;
 - There are no costs for woodland management such as fencing, replanting, tree etc.
 - There are no costs for the packaging materials for the charcoal;
 - The business plan does not appear to include the costs of repairs to and conversion of the building proposed to be used as the live/work unit;

Further information on the subject of this report is available from Mr R Close on 01432 261803

- The casual labour element appears somewhat unrealistic. Would it really be possible to employ someone on such an ad hoc basis the amount (£100) equates to only 17.25 hours a month (assuming the national minimum wage)?;
- It appears that the applicant is proposing to draw as a wage a maximum of £350 per month. When one looks at the cash flow he starts off with £8,000 and three years later has £11,075 which means that he has made £3,075 (or £1,025 per annum). It does beg the question as to whether one would work this hard to earn a maximum of £4,200 per annum and earn “interest” of 12.8% on the original £8,000.

Extent of Works Required to the Building

- 3.5 The further information supplied by the Consulting Engineers engaged by the applicant confirms that an entirely new roof structure would be required. It is therefore considered that the building is not capable of conversion without substantial reconstruction and as such is contrary to policy HBA12 (1) of the Herefordshire Unitary Development Plan 2007.
- 3.6 The Conservation Officer has also confirmed that the interior of the building has no architectural interest.

Traffic Generation

- 3.7 The agent for the applicant has failed to provide any additional information with regard forecast vehicle movements (type & numbers).
- 3.8 Members are advised that the visibility splay in the southerly direction is severely sub-standard and it is considered that any intensification of its use would increase hazards to highway safety.

Flood Risk

- 3.9 Part of the site and part of the building lies within Flood Risk Zone 2 (Medium Risk). It is understood that the flood mapping is based on recorded flood levels in the area (there are no specific records for this site) that are then modelled to the best of the Environment Agency’s ability.
- 3.10 The anecdotal evidence supplied by the applicant is that the building and the majority of the site does not flood.
- 3.11 However, it is considered that the fundamental point is that the agent for the applicant has failed to demonstrate that a suitable building could not be found in Flood Zone 1 (Low Risk). The basis of good planning advised by Central Government in Planning Policy Statement 25 is to steer new developments to areas at the lowest risk of flooding.

Conclusion

- 3.12 In conclusion, whilst further information has been submitted to seek to justify the proposal it is considered that the application should be refused for the same reasons as outlined in the original report and original urgent update report.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 **The site lies within Flood Risk Zone 2 (Medium Risk). The application fails to demonstrate that a suitable site could not be found in Flood Risk Zone 1 (Low Risk). As such, the proposal fails to address the sequential test outlined in the Central Government advice contained within Planning Policy Statement 25 entitled 'Development and Flood Risk' which has the objective of steering new development to areas at the lowest possibility of flooding. Notwithstanding this fundamental objection, the submitted Flood Risk Assessment is inadequate in terms of its detail.**
- 2 **The building is not capable of conversion without major reconstruction and as such the proposal is contrary to policy HBA12 (1) of the Herefordshire Unitary Development Plan 2007.**
- 3 **No evidence has been submitted to demonstrate that every reasonable attempt has been made to secure a solely employment re-use of the building without introducing a residential element. Furthermore the proposal fails to meet any of the four exception criterion set in policy HBA13 of the Herefordshire Unitary Development Plan 2007. As such the proposal represents new unjustified residential development within the open countryside contrary to the Central Government advice contained within Planning Policy Statement 7 - 'Sustainable Development in Rural Areas' and policy H7 of the Herefordshire Unitary Development Plan 2007.**
- 4 **The site is physically remote from the short-term and medium term timber source of the proposed business and from retail, leisure and community facilities. In addition, the site is not well served by modes of transport other than the private motor vehicle thus creating an unsustainable pattern of development contrary to the Central Government advice contained within Planning Policy Statement 1 entitled 'Delivering Sustainable Development', Planning Policy Statement 3 entitled 'Housing', Planning Policy Statement 4 'Planning for Sustainable Economic Growth', Planning Policy Guidance 13 entitled 'Transport' and policies S1, S2, S3, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.**
- 5 **The vehicular means of access onto the classified B4216 has a severely sub-standard visibility splay in a southerly direction. The intensified use of such a sub-standard access would be prejudicial to highway safety and contrary to policy DR3 of the Herefordshire Unitary Development Plan 2007.**
- 6 **The submitted ecological assessment is considered to be of an inadequate detail and as such is contrary to the Central Government advice contained within paragraph 99 of Circular 06/2005 and Policy NC1 of the Herefordshire Unitary Development Plan 2007.**
- 7 **The proposal fails to provide any legal mechanism to secure the transfer of the land within and adjoining the application site that is upon the safeguarded route of the Herefordshire and Gloucestershire Canal Trust. Nor does the proposal provide for any other mechanism to secure the restoration of canal hereabouts. As such the proposal would prejudice the long-term policy objective of restoring the canal contrary to policy RST9 of the Herefordshire Unitary Development Plan 2007.**

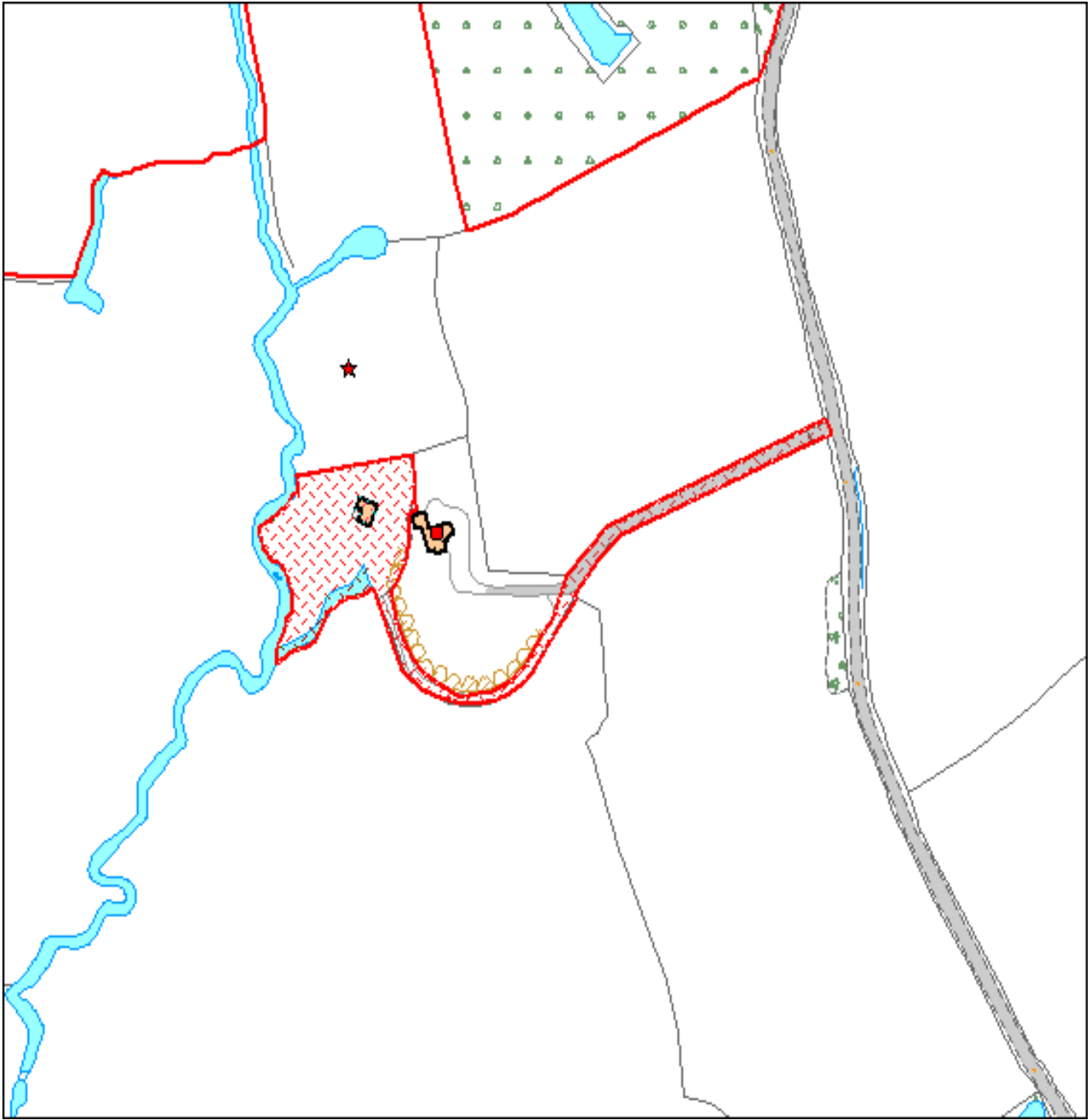
INFORMATIVE

- 1 **For the avoidance of any doubt the documents to which this decision relates are:-**
 - **Design & Access Statement prepared by Nigel J. Teale;**
 - **Flood Risk Assessment prepared by Nigel J. Teale;**

Further information on the subject of this report is available from Mr R Close on 01432 261803

- **Condition Survey prepared by A.J. Richardson & Assoc. received 23rd October 2009;**
- **Location Plan (Scale 1:2500) and Block Plan (Scale 1:1,000) - Drawing number 3231s received 23rd October 2009;**
- **Proposed floor plans & elevations - Drawing number 3231b (Scale 1:100) received 23rd October 2009;**
- **Baseline Protected Species Survey prepared by envirotech received 23rd October 2009;**
- **Existing Floor Plans & Elevations (Scale 1:100) – Drawing number 3231a received 23rd October 2009;**
- **Business Overview - George Lewis Coppice Crafts received 2 March 2010;**
- **Cash Flow Forecasts (Sept 2010 - Aug 2013) received 2 March 2010;**
- **Management Plan for Woodland at Hazle Mill received 2 March 2010;**
- **Tree Planting Scheme - Drawing number 3231s4 received 2 March 2010; and**
- **Repair Schedule – A.J. Richardson letter dated 19 February 2010 received 2 March 2010.**

Further information on the subject of this report is available from Mr R Close on 01432 261803



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APPLICATION NO: DMNE/092736/F

SITE ADDRESS : HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR1 4JQ

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Further information on the subject of this report is available from Mr R Close on 01432 261803

DMNE/092736/F - PROPOSED CONVERSION OF REDUNDANT MILL TO FORM LIVE/WORK UNIT AT HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT

For: Mr Lewis per Nigel Teale, Bramble Farm, Naunton, Nr. Upton-Upon-Severn, Worcestershire, WR8 0PZ

Date Received: 23 October 2009 Ward: Ledbury Grid Ref: 370362,235959

Expiry Date: 12 January 2010

Local Members: Councillors JK Swinburne, PJ Watts and ME Cooper

1. Site Description and Proposal

- 1.1 The application site lies outside of the defined built up confines of Ledbury, west of the Ledbury to Dymock Road (i.e. the classified B4216). This hedge lined road does not have a footway hereabouts. Immediately to the west of the application site is the River Leadon. Clearly there was a time that a Mill stood upon the site and that building would have been of both architectural and historic interest. However, the building upon the site which may have remnants of the original building primarily dates from the mid to late twentieth century. The existing building is a single storey building composed of brickwork and stonework walls with an asymmetrical corrugated asbestos cement sheeted roof. In the 1970's the site was used as a scrap yard.
- 1.2 The proposal is to convert the existing building into a "live/work" unit. The residential element would comprise a one-bedroomed unit of 58 square metres, whilst the workshop element would have an area of some 50 square metres. There would also be a timber store. It is intended that the son of the applicant would live in the unit and start a business selling products manufactured from timber sourced locally, such as barbeque charcoal, besom brooms, trellis, hurdles, fence posts, firewood, garden mulch, garden ornaments, yurts, tipi's, artisan crayons and mushroom logs. Away from the site he would also be working in woodland management local woodlands and undertaking hedge laying. No business plan accompanies the planning application. No other persons would be employed. The manufactured products would be sold from the site and on occasions educational workshops would be held.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1	- Delivering Sustainable Development
Planning Policy Statement 4	- Planning for Sustainable Economic Growth
Planning Policy Statement 7	- Sustainable Development in Rural Areas
Planning Policy Statement 9	- Bio-Diversity and Geological Conservation
Planning Policy Guidance Note 15	- Planning and the Historic Environment
Planning Policy Statement 23	- Planning and Pollution Control
Planning Policy Statement 25	- Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR2	-	Land Use and Activity
DR3	-	Movement
DR10	-	Contaminated Land
DR7	-	Flood Risk
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
HBA12	-	Re-use of Rural Buildings
HBA13	-	Re-use of Rural Buildings for Residential Purposes

3. Planning History

None relevant

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency do not make formal comment on this scale of application but draw this Authority's attention to the requisite Central Government advice with regard to developments in Flood Zone 2, namely PPS 25.

Internal Council Advice

- 4.2 Environmental Health and Trading Standards have no objections to the proposal subject to a condition being attached to address the contaminated land issue.
- 4.3 The Traffic Manager object to the proposal on the basis of the sub-standard southerly, nearside, visibility splay.
- 4.4 The Conservation Manager objects to the proposal on the basis that the building is not capable of conversion without substantial rebuilding and the building is not of architectural or historic quality.

5. Representations

- 5.1 Ledbury Town Council wish to see the application approved.

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

6. Officer's Appraisal

6.1 The site lies outside the built-up confines of Ledbury and any of the defined rural settlements. As such it lies within the open countryside in planning policy terms.

6.2 This application raises a number of matters of principle.

Flood Risk

6.3 Part of the site including part of the building lies within Flood Risk Zone 2. Members will be aware that there are in essence three categories of Flood Risk Zones, Flood Risk Zone 3 where there is a high probability of flooding, Flood Risk Zone 2 where there is a medium risk of flooding and Flood Risk Zone 1 where there is a low probability of flooding.

6.4 The Central Government advice contained within Planning Policy Statement 25 (para. 14) states that "a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied to all levels of the planning process". Paragraph 17 of Planning Policy Statement 25 makes it clear that the main aim of the Sequential Test is to steer new development to areas at the lowest possibility of flooding (i.e. Zone 1).

6.5 Only where there are no reasonably available sites in Flood Risk Zone 1 should one consider locating development in Flood Risk Zone 2. The agent for the applicant has not submitted any such sequential testing evidence and it is considered that there are clearly many redundant agricultural buildings in Flood Risk Zone 1 that could accommodate the proposed use. Presumably the site in question has been chosen as it is owned by the applicant. However, whilst this may be convenient for the applicant, the ownership of the land is not a material planning consideration.

6.6 Therefore the proposal is clearly contrary to the Central Government advice contained within Planning Policy Statement 25 and policy DR7 of the Herefordshire Unitary Development Plan 2007.

6.7 Notwithstanding this matter even if the sequential testing had been undertaken and it was proven that no sites were available in Flood Risk Zone 1, the submitted flood risk assessment is not considered to be satisfactory. It does not address the following issues:-

- a full topographical/levels survey of the site detailing the known or modelled 1% (1 in 100 chance each year) river flood level, including climate change and the existing floor level of the building. The agent for the applicant does not specify the one in a hundred year plus climate change level above ordnance datum (AOD) level;
- an assessment of the risks posed to the site including that based on 1% modelled flooding (including climate change), on any documented historic flooding and risks associated with surface water run-off from the site (including climate change);
- proposed mitigation measures to control these risks for the lifetime of the development, based on a 1% event, including climate change (e.g. setting an appropriate finished floor level), providing flood proofing; providing suitable means of surface water disposal, safe access & egress for occupiers (especially important where vulnerable users or overnight accommodation);
- Furthermore one should be able to demonstrate that the development has safe pedestrian access above the 1% river flood level plus climate change.
- The agent for the applicant does not specify the existing floor level of the building above ordnance datum (AOD).

Employment Element of Proposal

- 6.8 Clearly both Central Government advice, including the recent Planning Policy Statement 4 – ‘Planning for Sustainable Economic Growth’ and Development Plan policies wish to encourage business development in rural areas. This includes the re-use of rural buildings. However, such developments should not be at any environmental cost. In the case of the re-use of rural buildings the Council has adopted a criteria based policy to assess such proposals in full accordance with Central Government advice (i.e. policy HBA12).
- 6.9 The first criteria of this policy require the building to be capable of conversion without major or complete reconstruction. In this instance the structure has a series of defects but what is clear is that the entirety of the roof structure would require replacement. Therefore it is considered that the building is not capable of conversion without substantial reconstruction and as such the proposal is contrary to policy HBA12 (1) of the Herefordshire Unitary Development Plan 2007.

Residential Element of Conversion

- 6.10 The Council’s policy in this respect is set out in policy HBA13 of the Herefordshire Unitary Development Plan 2007.
- 6.11 Firstly, no evidence has been submitted to demonstrate that every reasonable attempt has been made to secure a solely employment re-use of the building without introducing a residential element.
- 6.12 Secondly, the original mill was basically lost in the 1950’s. The existing structure is of no architectural or historic merit. Its loss would not be of detriment to the built heritage of the County.
- 6.13 Thirdly, no evidence has been submitted to demonstrate that the applicant’s son is in housing need and importantly no legal mechanism has been submitted that would secure the affordability of any dwelling in the long-term. This would normally be secured by way of legal agreement transferring the ownership of the land to a Registered Social Landlord and controlling the tenure (e.g. shared ownership or social rent) in perpetuity.
- 6.14 Fourthly, whilst the policies would encourage the business element of the proposal in a suitable redundant agricultural building, which this is not; it is not essential to the business that the operator lives on-site. With regard the proposed charcoal burning activity it is normal practice to locate such an activity at the source of the material (i.e. the woodland(s)), not to transport the wood to a location divorced from the woodland. Indeed in the case of the “artisan charcoal” one usually uses small lengths of timber with small diameters. Of course transporting the timber from the woodland rather than the finished product is not logical, as the raw material weighs more. Furthermore it is an unsustainable form of development placing unnecessary vehicle movements on the highway network. Traditionally charcoal burning has been a transient seasonal activity with the worker often camping and moving between and within woodlands. No other part of the proposed business requires the operator to live on-site.
- 6.15 Fifthly, the proposed residential element of the proposal takes up the majority of the floorspace of the building (54%) and cannot be described as subordinate. Additionally, no part of the proposed business, other than the woodland management and hedge laying that would take place away from the site, appears to be more than a hobby. Certainly no business plan has been submitted to demonstrate the likely financial viability and sustainability of the business.

Highway Safety

- 6.16 The vehicular means of access is onto the classified B4216 that has a 60 mph speed limit. In a 60 mph speed limit one should normally have visibility splays of 2.4 metres x 215 metres. In this case the Traffic Manager believes that average speeds are in the region of 44mph. Therefore they would be willing to relax the normal standard to 2.4 metres x 160 metres. However, in this case the achievable visibility splay in the southerly direction which is the critical nearside carriageway is only in the region of 2.4 metres x 52 metres. This is seriously sub-standard (N.B. less than 25% of the standard) and its increased use would represent a significant danger to highway safety. The splay cannot be improved as the land in question is not within the applicant's control. Furthermore even if the land was within the applicant's control it appears that a significant length of mixed native hedgerow of landscape merit and possibly of ecological value would need to be removed contrary to policies LA5 and NC6 of the Herefordshire Unitary Development Plan 2007.

Ecology

- 6.17 An Ecological Assessment has been submitted with the application. However, the Planning Ecologist has concern as to the adequacy of that assessment in that the bio-diversity potential of the building and the site has not been fully examined.
- 6.18 In summary, not only is the building not considered capable of conversion without requiring substantial reconstruction and it is not worthy of conversion, its location is inappropriate being on land liable to flood and having a sub-standard access. Clearly if the applicant's son wishes to pursue his proposals further it would be more appropriate to find a structurally sound redundant rural building of architectural merit in or adjacent to woodland that he is or is proposing to manage, that is not within a flood plain and has a satisfactory vehicular means of access. In essence it appears that it is only the convenience of ownership that has led to this proposal.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The site lies within Flood Risk Zone 2 (Medium Risk). The application fails to demonstrate that a suitable site could not be found in Flood Risk Zone 1 (Low Risk). As such, the proposal fails to address the sequential test outlined in the Central Government advice contained within Planning Policy Statement 25 entitled 'Development and Flood Risk' which has the objective of steering new development to areas at the lowest possibility of flooding. Notwithstanding this fundamental objection, the submitted Flood Risk Assessment is inadequate in terms of its detail.**
2. **The building is not capable of conversion without major reconstruction and as such the proposal is contrary to policy HBA12 (1) of the Herefordshire Unitary Development Plan 2007.**
3. **No evidence has been submitted to demonstrate that every reasonable attempt has been made to secure a solely employment re-use of the building without introducing a residential element. Furthermore the proposal fails to meet any of the four exception criterion set in policy HBA13 of the Herefordshire Unitary Development Plan 2007. As such the proposal represents new unjustified residential development within the open countryside contrary to the Central Government advice contained within Planning Policy Statement 7 - 'Sustainable Development in Rural Areas' and policy H7 of the Herefordshire Unitary Development Plan 2007.**

- 4. The site is physically remote from the timber source of the proposed business and from retail, leisure and community facilities. In addition, the site is not well served by modes of transport other than the private motor vehicle. As such the occupier(s) of the residential element of the proposed development would be reliant on the private motor vehicle thus creating an unsustainable pattern of development contrary to the Central Government advice contained within Planning Policy Statement 1 entitled 'Delivering Sustainable Development', Planning Policy Statement 3 entitled 'Housing', Planning Policy Statement 7 entitled 'Sustainable Development in Rural Areas', Planning Policy Guidance Note 13 entitled 'Transport' and policies S1, S2, S3, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.
- 5. The vehicular means of access onto the classified B4216 has a severely sub-standard visibility splay in a southerly direction. The intensified use of such a sub-standard vehicular access would be prejudicial to highway safety and contrary to policy DR3 of the Herefordshire Unitary Development Plan 2007.
- 6. The submitted ecological assessment is considered to be of an inadequate detail and as such is contrary to the Central Government advice contained within paragraph 99 of Circular 06/2005 and Policy NC1 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVE:

1 For the avoidance of any doubt the documents to which this decision relates are:-

- Design & Access Statement prepared by Nigel J. Teale
- Flood Risk Assessment prepared by Nigel J. Teale
- Condition Survey prepared by A.J. Richardson & Assoc. received 23rd October 2009;
- Location Plan (Scale 1:2500) and Block Plan (Scale 1:1,000) – Drawing number 3231s received 23rd October 2009;
- Proposed floor plans & elevations – Drawing number 3231b (Scale 1:100) received 23rd October 2009;
- Baseline Protected Species Survey prepared by envirotech received 23rd October 2009; and
- Existing Floor Plans & Elevations Elevations (Scale 1:100) – Drawing number 32312a received 23rd October 2009.

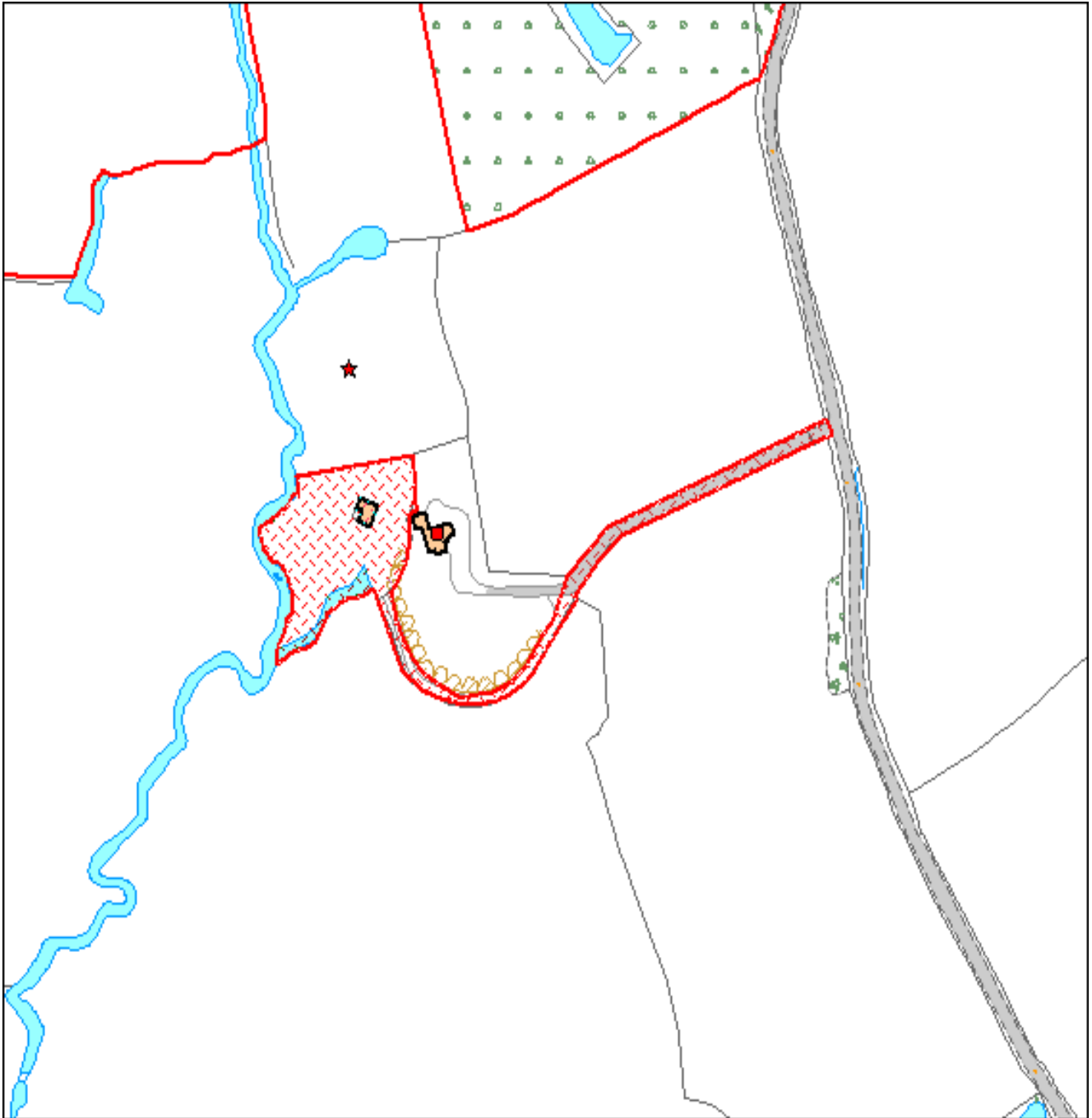
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/092736/F

SITE ADDRESS : HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR1 4JQ

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Further information on the subject of this report is available from Mr R Close on 01432 261803

URGENT UPDATE REPORT

18 DMNE/092736/F - PROPOSED CONVERSION OF REDUNDANT MILL TO FORM LIVE/WORK UNIT AT HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT

For: Mr Lewis per Nigel Teale, Bramble Farm, Naunton, Nr. Upton-Upon-Severn, Worcestershire, WR8 0PZ

ADDITIONAL REPRESENTATIONS

The Herefordshire and Gloucestershire Canal Trust state:-

“Thank you for consulting with the H&G Canal Trust over this planning application. While the proposals would not impact directly on land safeguarded for canal restoration, should the Council be minded to approve the application we would expect any of that land owned by the Applicant to be transferred to us free of charge, and for him to commit to a single access and bridge across the restored canal in the vicinity of Hazle Mill to be shared with the owners of Hazle Mill House, all by way of a s106 agreement as a condition of approval. This would be very similar to the planning obligation that you so successfully negotiated at Oaklebrook Mill. Also, should the Council be minded to grant approval then we would request that the matter be delegated to you to conclude such a planning obligation. Hence we make a holding objection to the application, subject to satisfactory negotiation of this s106 agreement.”

It is understood that the Canal Trust have attempted to negotiate with the landowner without success.

Further representations have been submitted by the agent for the applicant with regard the flooding issue. This suggests that the historic flood level is 1.45 metres lower than the floor level of the building.

OFFICER COMMENTS

The safeguarded route of the Herefordshire and Gloucestershire Canal crosses the application site (bi-sects the driveway) and traverses adjoining land within the applicant's control.

Under the provisions of policy RST 9 of the Herefordshire Unitary Development Plan 2007 the Local Planning Authority would normally require the applicant to enter into a Section 106 legal agreement securing the transfer of the land the subject of the safeguarded canal corridor to the Herefordshire and Gloucestershire Canal at no cost and in this instance to commit to a single access and bridge across the restored canal in the vicinity of Hazle Mill to be shared with the owners of Hazle Mill House.

ANNEX 1

The agent for the applicant has not submitted any form of draft heads of terms in respect of a legal agreement to address this issue. As such the proposal is also contrary to policy RST 9 of the Herefordshire Unitary Development Plan 2007 and a further ground of refusal is recommended.

With regard the flooding issue, the agent has not undertaken any modelling and relies on anecdotal evidence from the applicant. To require full modelling in such a small-scale case may be rather excessive and as no new built development (additional footprint) is proposed there would be no impact on flood storage or flood flows. However, the agent for the applicant has still not overcome the sequential test. The site remains in Flood Zone 2 (Medium Risk) and he has failed to provide any evidence that there are no suitable alternative sites entirely in Flood Zone 1 (Low Risk).

As a matter of clarification I understand that the building upon the site has no remnants of the original Mill and that the timbers within it were inserted by a person who operated a scrap yard business upon the site in the late twentieth century.

With regard the recently revised Central Government advice contained within Planning Policy Statement 4 'Planning for Sustainable Growth', there is no mention within that document of "live-work" units. Furthermore with regard the re-use of rural buildings to employment related purposes the advice remains the same. Whilst the Government continue to encourage the re-use of rural buildings for employment related purposes they advise Local Planning Authorities to adopt criteria based policies. The Herefordshire Unitary Development Plan 2007 has such criteria based policies and as such remains compliant with Central Government advice.

CHANGE TO RECOMMENDATION

Amend reason for refusal 1 by deleting its last sentence only.

Add a further ground of refusal:-

7. The proposal fails to provide any legal mechanism to secure the transfer of the land within and adjoining the application site that is upon the safeguarded route of the Herefordshire and Gloucestershire Canal to the Herefordshire and Gloucestershire Canal Trust. Nor does the proposal provide for any other mechanism to secure the restoration of canal hereabouts. As such the proposal would prejudice the long-term policy objective of restoring the canal contrary to policy RST 9 of the Herefordshire Unitary Development Plan 2007.



MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMNE/100188/F - PROPOSED ERECTION OF NEW LINKED BUILDING/EXTENSION TO JOINERY WORKSHOP AT HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP</p> <p>For: Mr Eldridge per Mr Nigel Teale, Bramble Farm, Naunton, Upton-upon-Severn, Worcestershire, WR8 0FZ</p>

Date Received: 29 January 2010 **Ward: Hope End**

Grid Ref: 375211.0,243801.0

Expiry Date: 26 March 2010

Local Members: Councillors RV Stockton

1. Site Description and Proposal

- 1.1 The application site lies on the north-western side of a private driveway accessed off the Mathon Road within the Parish of Colwall. The private driveway serves two residential properties (i.e. a chalet-bungalow known as 'Fox Grove' and a two-storey house known as Hoe Farm), the business premises the subject of this application and agricultural land. This private driveway is also a public right of way (i.e. public footpath).
- 1.2 Upon the site at present is a workshop that is used to manufacture furniture. The existing workshop measures some 30 metres in length and 13.4 metres in width with a modest open frontage projection. This workshop has two dust extraction units and an extractor to an existing spray booth on its side, south-western, elevation. It is understood that the current workshop employs some 10 full time and 1 part-time staff.
- 1.3 The proposal is to extend the existing workshop to its south-west within the existing lawful site. A new parallel building would be built with a covered way between the two buildings. The new building would measure 15.2 metres in width and 31.2 metres in length with a height to eaves of 3 metres and a height to ridge of 4.6 metres. The metal sheeting to the elevations would be a dark brown and the metal sheeting to the roof a slate grey colour. Within the area of the proposed new building two nissan huts exist that would be demolished. Whilst it is anticipated that in the medium term four further full-times jobs would be created, it is understood that the primary purpose of the extension is to engender an enhancement of working conditions facilitating enhanced finishing of the furniture.
- 1.4 In addition, it is proposed to sound proof by way of enclosure the existing dust extraction units.
- 1.5 It is proposed to provide fourteen car parking spaces, a lorry parking space and a lorry waiting space to the front of the building. In addition a mixed native hedgerow would be planted along the south-western and north-western boundaries.

Further information on the subject of this report is available from Mr R Close on 01432 261803

2. Policies

2.1 National Guidance

Planning Policy Statement 1	-	'Delivering Sustainable Development'
Planning Policy Statement 4	-	'Planning for Sustainable Economic Growth'
Planning Policy Guidance Note 7	-	'Sustainable Development in Rural Areas'
Planning Policy Guidance Note 13	-	'Transport'

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
S4	-	Employment
E8	-	Design Standards for Employment Sites
E11	-	Employment in the Smaller Settlements and Open Countryside
LA1	-	Areas of Outstanding Natural Beauty
LA6	-	Landscaping Schemes
T6	-	Walking

3. Planning History

3.1

- DCNE2005/0084/F- Retrospective application for change of use of former agricultural buildings for furniture manufacture - Permitted 28/02/2005
- DMNE/092470/F - Proposed extension to joinery workshop - Withdrawn 8/12/2009

4. Consultation Summary

Internal Council Advice

4.1 The Environmental Protection Manager states:-

"I understand that concerns have been raised as regards noise pollution and air pollution due to smoke and dust emissions.

The applicant has submitted a noise assessment which concludes that the new building with suitable noise insulation will not produce noise levels that would be likely to give rise to complaints and will make a marginal improvement to existing noise levels. It further demonstrates that with suitable attenuation of dust extractors that there will be a significant improvement to the noise levels experienced by neighbours. I am satisfied with the methodology and conclusions of this assessment.

Dust emissions can be controlled by proper use of dust extraction and arrestment plant and by restricting all dusty work to the inside of the building. The applicant advises that a new housekeeping regime is now in place as regards the maintenance and inspection of dust extraction units. If however nuisance is caused by badly maintained equipment the Council can require that remedial action is taken by use of the powers available to it by the Environmental Protection Act 1990.

Smoke is caused by both the burning of wastes on bonfires and by the use of wood burner to provide heating. Nuisance caused by bonfires can be adequately controlled by the above mentioned legislation and controls also exists in the form of waste management regulations enforced in the main by the Environment Agency.

The applicant advises that it is proposed to install a new more efficient wood burner and to discontinue the use of green water resistant MDF which has been problematic. The Environmental Protection Act 1990 also provides the Council with controls in this situation.

In conclusion I would have no objection to an application for this extension but would recommend that conditions are attached to any permission requiring adequate insulation of the new building, restricting hours of work to daytime and to normal work days, and prior approval of a scheme of dust and fume extraction to be used in the new building with a restriction on working in the open air”.

And further states:-

“I can confirm that I have no objection to the proposal. I would add that the new wood burner is of sufficient capacity to fall within the remit of the requirements for prior authorisation under the Control of Pollution Act 1993 which will ensure that it is capable of operating in an acceptable manner”.

4.2 The Transportation Manager has no objections.

4.3 The Public Rights of Way Section has no objection.

5. Representations

5.1 Colwall Parish Council has no objections.

5.2 The Malvern Hills AONB Partnership are concerned as to the visual impact of the proposal and consider that if permitted the development should be the subject of an appropriate landscaping scheme.

5.3 Objections have been received from the occupiers of forty dwellings on the following summarised grounds:-

- The impact of odour from smoke;
- Noise impact;
- Unacceptable levels of dust;
- The proposal goes against the permission granted in 2005 which only allowed the Nissan huts to be used for storage and not used for manufacturing processes;
- Visual impact of the development from the public footpath and upon the Malvern Hills Area of Outstanding Natural Beauty generally;
- Undue levels of traffic generation and damage to verges;
- Burning of waste on the site;
- Inadequate turning/manoeuvring areas;
- Impact of parking on residential amenity;
- The proposal is contrary to policy LA1 of the Herefordshire Unitary Development Plan 2007; and
- The local highway network is not adequate to cater with the traffic generation.

5.4 Twenty-one letters of support from local residents, employees and suppliers have been received on the following summarised grounds:-

- Expression of support for a successful local business that creates employment and high quality craftsman;
- The plans would reduce noise;
- No problems have been experienced with regard deliveries;
- The business provides skilled employment opportunities within Herefordshire;
- The current business should be encouraged to expand – it exemplifies the skills we once excelled at;
- The extension will assist in facilitating more efficient productivity the current workspace is cramped and achieving high quality finishes is difficult when the cabinet makers are creating dust.

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

6. Officer's Appraisal

6.1 The application site lies outside of the defined village envelope of Colwall within the open countryside. However, the site is in relatively close proximity to the village within reasonable walking and cycling distance.

6.2 For some considerable period of time both Central Government advice and Development Plan policies have encouraged the re-use of rural buildings for employment related purposes. This not only provides employment to rural areas but assists in creating a sustainable pattern of development where employment opportunities are relatively close to a residential workforce. Rural areas not only require housing but also employment opportunities. It was under the auspices of this general policy approach that the original planning permission was granted.

6.3 The business that occupies the building has proved a success and provides valuable employment opportunities. Indeed given the scale of the existing building employment densities/ratios are high.

6.4 The operator of the business now wishes to extend the building. It is stressed that it is understood that there would not be a corresponding increase in activity (e.g. vehicular movements). The need for the extension primarily arises from a need to improve the existing working conditions (i.e. areas) and to facilitate the high quality finishing of the furniture. It is understood that at present conditions are so restricted that it can prove challenging to finish furniture to an adequate standard when furniture is being lacquered/varnished and dust created in close proximity. In the medium - term it is anticipated that a further 4 full-time members of staff may be employed. In that respect the proposal is small scale in character.

6.5 Both the proposed extension and the resultant building are not of a major scale, being less than 1,000 sq metres.

6.6 Critically the proposed extension lies within the existing lawful site boundaries and as such does not involve any extension upon the open countryside. This accords with the thrust of Planning Policy Statement 4. The siting of the building parallel to the existing building is logical with its ridge running in the same direction. Whilst the floorspace of the building may not be considered small in scale the building's height and mass is considered to be modest in scale. Its height to ridge of some 4.6 metres is less than many bungalows and akin to the eaves height of many two storey houses.

6.7 Given the limited height of the proposed extension and the intervening distance with the front elevation of the dwelling known as Hoe Farm, which is in excess of 17 metres, it is considered that there would be no undue loss of sunlight and/or daylight to habitable rooms within that property. Whilst the building would be visible, it would be single storey. The proposed colour of materials is also considered to be appropriate to the countryside setting.

- 6.8 In addition, it is proposed to plant a native hedgerow running in the gap between the boundary with the dwelling known as Hoe Farm and the proposed extension. Furthermore it is proposed to plant a hedgerow to the rear of the proposed building softening any impact visual impact from the countryside to the north-west.
- 6.9 It is my view that the visual impact upon the Area of Outstanding Natural Beauty would be limited and acceptable. Furthermore it is considered that the proposal will assist in facilitating the economic well-being of this designated area and its community.
- 6.10 The occupiers of the dwelling known as Hoe Farm have legitimate concerns with regard potential noise impact. It is for that reason that the applicant was required to submit a full noise assessment. That report, audited by the Council's Environmental Protection Manager demonstrates that the proposed extension would provide an acoustic barrier to any existing noise break-out from the existing building and that the new building will be constructed in such a manner that the occupiers of the dwellinghouse known as Hoe Farm would not suffer any undue loss of amenity by way of noise. Critically no opening is proposed in the south-western side elevation facing the dwellinghouse known as Hoe Farm. In addition, the walls will be insulated internally by 60mm Kingspan composite plus 18mm ply whilst the roof would be insulated with 80 mm Kingspan Composite plus 15 mm plasterboard. The provision and subsequent maintenance of this acoustic protection is crucial and as a consequence an appropriate condition is attached.
- 6.11 Objectors have stated that condition 6 of the original permission that stated:-
- “The use of the Nissan huts; shown as buildings C on the plans hereby approved, shall be used for storage purposes only and shall not be used for the manufacture of furniture:
- Reason: To protect the amenities of adjacent dwellings.”
- somehow precluded any form of manufacturing process being carried out in this area in perpetuity. That is not the case. A planning condition can only be used to control the development before the Local Planning Authority at that time. It cannot be used to form decisions upon any future application that an applicant may make. My interpretation of the condition was due to the light-weight construction of the Nissan huts and the fact that they probably had poor noise insulation properties, a condition was imposed to effectively prevent their use by potentially noise generating processes. Clearly what is now proposed is materially different; being the demolition of the Nissan huts and the erection of a purpose built building incorporating appropriate acoustic protection.
- 6.12 Local residents have raised concern as to odour arising from incineration of wood off-cuts and carrying forms of medium density fibreboard (mdf) within the existing building. This incinerator is used as a heat source to the existing building. Being within the existing building this is not a matter under consideration. Furthermore any suggested odour nuisance is a matter to be controlled by the Environmental Protection Act 1990 (as amended). This has been confirmed to me by the Environmental Protection Manager. The applicant has confirmed that no moisture resistant mdf will be incinerated on the premises and no waste products arising from sources other than these premises will be used. Furthermore it is the applicant's intention to install a new wood burner in the existing building in the short-term. The Environmental Protection Manager has confirmed that the new wood burner will be of sufficient capacity to fall within the remit of the requirements for prior authorisation under the Control of Pollution Act 1993, which will ensure that it is capable of operating in an acceptable manner. It is a fundamental premise of Planning Law that planning legislation should not be used to control matters controlled by other legislation.

- 6.13 It is understood that the majority of the employees arrive by car in the morning and depart by car in the evening. One employee may go out at lunchtime. The operator of the business may go out twice a day. With regard to service and delivery vehicles it is understood that there are on average 24.5 such movements a week. Of these there are only some 3 vehicle movements per week of vehicles in excess of 7.5 tonnes. References to movement numbers include in and out – therefore one delivery of timber equates to 2 movements. The local highway network is considered to be adequate to cater with the number of vehicles generated by the existing and proposed business. It should be stressed that the proposed building would allow the business to stock a greater amount and range of timber, veneers, sheet materials, abrasives, fittings and packaging materials thus leading to a reduction in the number of deliveries. However, a forecast increase in sales and staff is anticipated such that the net effect would mean no material change in the number of vehicle movements. However, there should be lesser heavy/large vehicle movements. The visibility splays are good at the vehicular means of access onto the Mathon Road. The Transportation Manager considers the vehicle parking and manouvering areas to be satisfactory.
- 6.14 The Public Rights of Way Section has not objected on the basis of the enjoyment of the public footpath being adversely affected.
- 6.15 In conclusion, the proposal represents an extension to an existing rural business that provides valuable high skilled employment opportunities. The development is confined to the existing planning unit and it is considered that the environmental impact can satisfactorily controlled by way of appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**
 - Written details including a colour chart and the appropriate British Standard Paint number of the paint colours to be used on the wall and roof materials**

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 3 Prior to the first use of the extension hereby permitted, its south western elevation shall be constructed in full accordance with the recommendations as set out in the Noise Assessment dated 22 January 2010 and shall include the further specified noise insulations measures comprising 60mm Kingspan composite plus 18mm ply to the walls and 80 mm Kingspan Composite plus 15 mm plasterboard to the roof unless otherwise agreed in writing by the local planning authority. Thereafter the noise insulation measures shall remain in-situ and be maintained to the satisfaction of the Local Planning Authority;**

Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.

- 4 No additional doors, windows, openings or voids of any kind shall be inserted, placed or formed in the south-western elevation of the building hereby permitted**

Further information on the subject of this report is available from Mr R Close on 01432 261803

without the prior written consent of the Local Planning Authority;

Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.

- 5** Prior to the first use of the new building hereby permitted the dust extraction units upon the existing workshop building shall be sound proofed in accordance with the scheme detailed upon the relevant drawing received on 29 January 2010 and shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the dwelling currently known as Hoe Farm to the south-west.

- 6** 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:-

- 8am - 8pm Mondays to Fridays
- 8am - 1pm Saturdays

Nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of the dwelling known as Hoe Farm and 'Fox Grove'.

- 7** The resultant building shall be used for the manufacture and finishing of furniture and as a joiners workshop only (including any other purpose in Class B2 of the Town and Country Planning (Use Classes Order) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reasons:

- a) To safeguard the occupiers of the dwelling currently known as Hoe Farm to the south-west; and
- b) To ensure that the level of parking provision is sufficient and that the local highway network is adequate to cater with the level and type of vehicular movements.

- 8** Prior to the first use of the building hereby permitted the vehicle parking, turning and manoeuvring areas for vehicles shall be laid out with appropriate markings and fully implemented. Thereafter these areas shall be kept available for such use.

Reason: In the interests of highway safety.

- 9** Prior to the first use of the building hereby permitted the new septic tank detailed in the application submission shall be installed and thereafter maintained.

Reason: To ensure adequate non-mains sewerage arrangements.

- 10** There shall no open storage outside the confines of the building:

Reasons:

- a) To safeguard the visual appearance of the area; and
- b) To ensure that the occupiers of the dwelling currently known as Hoe Farm to

the south-west do not suffer an undue loss of amenity.

- 11 The landscaping shown upon the approved plans shall be fully implemented in the first planting season following completion or first use of the building hereby permitted (whichever is the sooner). Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 12 B01 - Development in accordance with approved plans

INFORMATIVES:

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

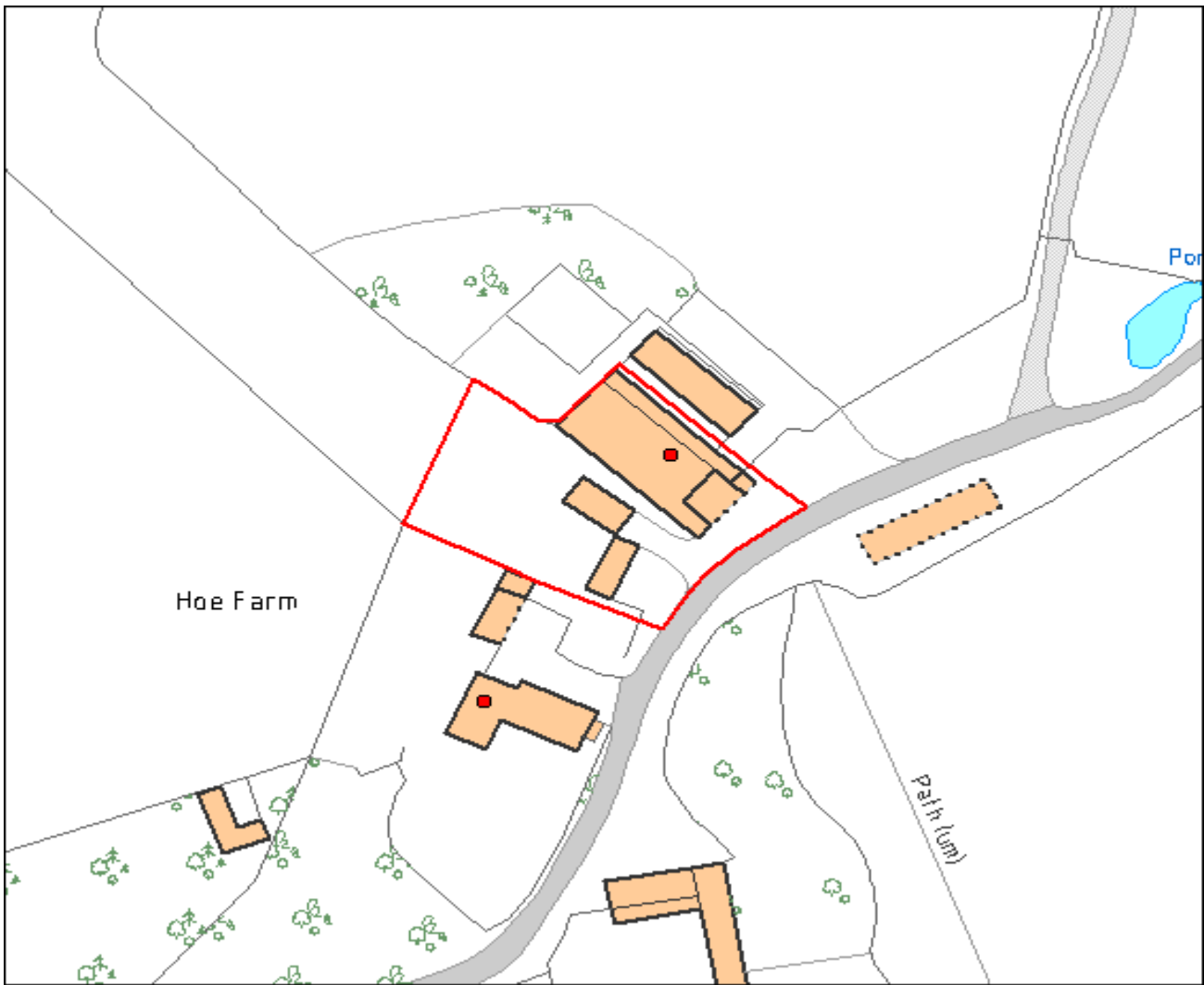
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/100188/F

SITE ADDRESS : HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP

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MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMNE/092262/F - CHANGE OF USE OF LAND FROM AGRICULTURAL TO FAMILY TRAVELLERS SITE, PLUS RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF BARN AND NEW ACCESS AT FREEMAN'S Paddock, BROMTREES HALL, BISHOP'S FROME, HEREFORDSHIRE, WR6 3BY</p> <p>For: Mr Michael Freeman, 6 Tinkers Corner Caravan Site, Bosbury, Herefordshire, HR8 1HZ</p>

Date Received: 1 September 2009

Ward: Frome

Grid Ref: 364877,248357

Expiry Date: 10 December 2009

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site comprises an agricultural field located in open countryside within 1.6 km (1 mile) of the main village of Bishops Frome, accessed from the C1133. The field has a mature hedge line along the road frontage and is a clearly defined rectangle of some 0.35ha. A ditch and verge separates the road and field hedge boundary.
- 1.2 The proposal is for the change of use of the agricultural field to a family traveller site with new vehicular access and a retrospective application for an agricultural barn.
- 1.3 The pitch comprises two number caravans measuring 8.80 x 3.15 metres and are of a typical style and metal construction.
- 1.4 The barn measures 8.16 x 7.43 metres with a maximum height of 4.20 metres. The road facing elevation has a height of 3.25 metres.

2. Policies

2.1 National Planning Guidance

- PPS7 - Sustainable Development in Rural Areas
- Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites

Local Authorities and Gypsies and Travellers: A Guide to Responsibilities and Powers, DCLG, 2007

Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008

Further information on the subject of this report is available from Mr C Brace on 01432 261795

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H7	-	Housing in the Countryside Outside Settlements
H12	-	Gypsy and Other Travellers
H13	-	Sustainable Residential Design
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change

2.3 Other Planning Documents:

Herefordshire Council Travellers' Policy, 2008

Gypsy and Traveller Accommodation Assessment Shropshire, Herefordshire, Telford and Wrekin and Powys revised final report July 2008.

3. Planning History

None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Transportation Manager makes no objection to the proposal, as the new access achieves enhanced visibility over the existing access arrangements. The applicants' traffic and speed results demonstrate that the 85th%ile is 30 mph or below, so visibility splay distances necessary can be as low as 2.0 by 45m. The proposed access exceeds this requirement. A number of conditions are recommended if approval is granted. These are included in the recommendation.

4.3 The Conservation Manager makes no objection to the proposal. There is no detrimental impact upon Grade II listed Hall Court.

There is no objection to the proposal on landscape grounds as there are limited views into the site from public vantage points, and in any event, the site is well screened by the network of field hedgerows and trees. The proposed mitigation through a landscaping scheme is considered to adequately screen the proposed structures and enhance the site.

Similarly in terms of ecology there is no objection on the basis of the removed hedgerow to create the new access being mitigated through appropriate new planting on the site. A number of conditions are recommended if approval is granted. These are included in the recommendation.

4.4 Environmental Heath and Trading Standards Manager makes no comment on the application.

4.5 The Building Control Manager confirms that the drainage proposals are satisfactory.

- 4.6 The Drainage Engineer confirms the use of a septic tank and soak away in this location is acceptable and appropriate.
- 4.7 The Head of Strategic Housing states that a total of 83 additional Gypsy and Traveller pitches are required in the period 2007 – 2012. It is emphasised that vacancies on Council owned pitches does not indicate a lack of demand in the same way a ‘hard to let’ affordable housing unit does not indicate a lack of demand for affordable housing. It is confirmed that there are difficulties in securing exception sites in rural locations.
- 4.8 The PROW Officer makes no objection to the proposal.

5. Representations

- 5.1 The applicants have applied for planning permission following their acquisition of this parcel of land, and the opportunity this affords them to set up their own site and subsequently live on and work on the small holding it creates. The applicants have found living on a Council owned site has proved problematic and not allowed them to live in the traditional manner to which they aspire. The applicant has pursued this opportunity for a number of years, denied by the inability to find an affordable parcel of land that also meets local and national planning policies.
- 5.2 Bishops Frome Parish Council objects to the planning application on the following summarised grounds:
- The report on Bishops Frome is inaccurate in regards facilities available
 - The site is outside the settlement boundary of Bishops Frome
 - As the applicant lives on a Travellers site the application is not justified
 - The applicant has ignored planning directions
 - There is a covenant on the land which prohibits development on or of the land
- 5.3 Seventeen representations of objection have been received from local residents. These are summarised as:
- Inaccuracies regarding Bishops Frome
 - The site is visible
 - Questions the applicants’ status as a Gypsy or Traveller
 - Questions need for 2 number mobile homes
 - Concern over drainage
 - Application is vague
 - Applicant has ignored planning rules and an enforcement notice
 - There is a covenant on the land prohibiting development on or of the land
 - Concerns over expansion in the future
 - Need and justification as applicant lives on a traveller site
 - Questions the original Design and Access statement
 - The submitted plan is not to scale and is inaccurate
 - More than one property is affected
 - The barn is not used for animals but storage of building materials
 - Spoil the setting of the village
 - Concern over crime
 - Highway safety
 - The site is outside the settlement boundary
 - Questions the need
 - Negative impact on area
 - Impact upon Hall Court, a Grade II listed building
 - Lack of a tree survey
 - Drainage

- No utilities serve the site
- Development of a Greenfield site
- Impact on residential amenity

5.4 One letter of support has been received from a local resident who comments the proposal will have minimal impact upon the area and adds to the social mix of the community.

5.5 Following the submission of further information from the applicant, a second consultation period was held. No objections were withdrawn, and the additional comments received from 6 of the original commentators is summarised as:

- Inaccuracies still have not been addressed
- The barn details are lacking
- The caravan illustrated is described as 'probable' therefore concern is raised over what could result or be enforced
- No details of who carried out or what criteria were used in respect of the survey
- Questions the suitability of the mobile homes to provide adequate accommodation to the family unit
- The child aged 21 is not a child

5.6 The CPRE object to the proposal on the following summarised grounds:-

- Open countryside location
- Impact on high quality landscape
- Obtrusive development
- Applicant has contravened planning control

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

6. Officer's Appraisal

Introduction

6.1 The application follows an enforcement investigation and subsequent pre-application discussions in which the principle of the proposal were discussed in regards local and national planning policy and the site constraints and history.

6.2 The field subject of this application has previously been subject to an enforcement investigation regarding the unauthorised agricultural building on the north part of the site. Following a meeting with the applicant, his intention to apply for change of use to Traveller site with the retrospective application for the barn, formal enforcement action was held pending the determination of this application. The welfare of the livestock as the winter period was approaching, was also taken into account when reaching this decision. It is emphasised that the applicant and his family have not moved onto or are living on the application site.

6.3 Two rounds of public consultation have taken place. The second round followed the submission of additional information, including dimensioned scaled drawing of the existing agricultural building and photographs and dimensions of the proposed static caravans. An independently commissioned professional traffic and speed survey was also submitted.

Legislative Context

6.4 The Local Planning Authority is mindful of the guidance set out in Circular 1/2006 on the European Convention on Human Rights, and its obligations under the Race Relations Amendment Act 2000.

Further information on the subject of this report is available from Mr C Brace on 01432 261795

- 6.5 The Housing Act 2004 requires Local Authorities to include the accommodation needs of Gypsies and Travellers in their Local Housing Assessments.
- 6.6 The principal Unitary Development Plan policy against which this application is assessed is H12 Gypsy and Other Travellers. This is a criteria based policy which assesses traveller sites on their individual merits having regard to the issues of sustainability, size and scale, landscape impact, and the provision of suitable residential amenity. No traveller sites are allocated in the Unitary Development Plan thus the provision of new sites in the county is through compliance with this policy. Regard is made to other relevant policies in respect of local and site specific issues of highways, design, access, amenity and conservation.

The Applicant

- 6.7 The applicant is considered to meet the definition of a Gypsy or Traveller as defined in Circular 1/2006. The family unit comprises the applicant, Mr Freeman, his wife and four children aged 12 – 20 who live within the current family unit. Mr and Mrs Freeman and a daughter all work in the general locality. The family currently live on the Council owned site 'Tinkers Corner', Bosbury.
- 6.8 It is considered on the basis of the size of the immediate family unit that two number static caravans is appropriate and acceptable subject to other material planning considerations, set out in this report. A condition restricting the occupancy of the two number caravans to a family with defined dependants, i.e. children and or grandparents of the owner, is recommended to secure the long term viability of the pitch whilst also preventing its expansion, including other relatives or additional families. This condition addresses local concerns over future expansion of the site for use by other Gypsies or Travellers outside of the applicant and his immediate family.

Need

- 6.9 A Gypsy and Traveller Accommodation Assessment for Herefordshire was completed in July 2008. This report identified a shortfall in provision for 2007 - 2011 of 83 Gypsy Traveller pitches within the county. Herefordshire has no Gypsy and Traveller site allocations within the Unitary Development Plan and instead uses the criteria based approach of the UDP policy H12, along with National guidance contained in Circular 1/2006
- 6.10 Notwithstanding the vacant pitches on council sites, National guidance indicates that small private pitches have a significant role in reducing shortfall. Furthermore, as with choice based letting in respect of social housing, someone should not be forced to live somewhere because there are vacancies.

Sustainability

- 6.11 The site is located within 1.6 km (1 mile) of Bishops Frome, a main village which as such, is considered a sustainable location for housing and economic development in the wider rural area. The location of the site is considered to be in accordance with UDP policy S1 and H12 and paragraph 54 and 64 of Circular 1/2006, which acknowledge the difficulties for securing such a land use, whilst also recognising in the interests of sustainability and access to services, regard must be given to the location of such development.
- 6.12 The village has, notwithstanding errors in the application supporting documents, a range of facilities, services and employment opportunities all of which are within a reasonable distance of the site, on foot or by bicycle. The services include public transport opportunities, which comprise regular access to Hereford, Ledbury, Worcester, Ross and Bromyard. Compared to Bosbury, the applicants' current residence, Bishops Frome offers more services, facilities and is a more sustainable location to be based.

Highways

- 6.13 The applicants' commissioned a traffic flow and speed survey which confirmed that C1133 in this area records low volumes of hourly traffic, which travels at or around 30 mph, significantly below the 60 mph national speed limit of this stretch of road.
- 6.14 This demonstrates the proposed access arrangements, which relocate from the existing access point to a new position offering greater visibility, exceed the required splay dimensions. The proposed splays provide approximately 70 metres visibility in each direction from a point 2 metres from the edge of carriageway, whilst given the traffic data, such splays could be as short as 45 metres in each direction. In this regard, UDP policies DR3 and T8 are satisfied, as is paragraph 66 of Circular 1/2006 which refers explicitly on the issue of potential impact upon minor roads.

Setting of Hall Court

- 6.15 Hall Court, a Grade II period country house is approximately 308 metres from the application site, separated by mature hedgerows and a tree line on both sides of the C class road. Hall Court also sits on significantly higher ground. Given these distances, and the approved stable block unscreened and approximately 71 metres from Hall Court, in the foreground of the principal elevation, the application is considered to have no impact upon the setting of the listed building.

Landscape

- 6.16 The prevailing development pattern in this area outside of the Bishop Frome settlement boundary is that of sporadic and isolated development, which in the main, fronts onto the highway. The position of the caravans and agricultural building follows this principle.
- 6.17 The proposed buildings are sited so to be screened by the existing mature hedgerows. Further additional planting and landscaping mitigation is proposed. The site is well screened from public view, including from the public highway C1133, the nearest Public Right of Way and Hall Court, by this vegetation and the site and areas natural topography. In order to protect the landscape position and allow some flexibility, a defined area in which the residential caravans can be stationed is attached as a condition. This prevents the caravans being positioned in such a way which would create an alien pattern of development. Conditions regarding existing hedgerow and tree protection and a new planting scheme, including species, are attached to safeguard the area. Furthermore a condition is recommended preventing open storage of non agricultural materials and machines in order to safeguard the character and appearance of the area.

Amenity

- 6.18 There are 19 residential properties within a 1 km radius of the application site, however no residential properties or their curtilages adjoin the site. There are no residential properties either side of the application site within the immediate area. The nearest residential property is 'West Lodge' which is 88 metres away, separated by three established hedgerows and a C class road. It is considered that the proposal has no undue impact upon the residential amenity of any property in the immediate area, or on other land uses. National guidance and UDP policies DR1, DR2, and H12 are satisfied.
- 6.19 In regards the residential amenity provided within the proposal, it is considered ample 'domestic curtilage' is provided separate from the agricultural use on the land. This provision provides adequate vehicular parking and turning areas as well as safe play areas and work storage areas, which are separated from each other, as required in policy H12.

Drainage

- 6.20 The Council's Building Control and Land Drainage departments have assessed the application and both make no objection on drainage grounds. The installation of the septic tank and soak away units are considered appropriate and would be assessed by Building Control during the building phase.

Agricultural Need

- 6.21 The agricultural building is considered of a size and scale commensurate with the landholding and agricultural activities taking place. A condition restricting its use to agricultural purposes is recommended to allay concerns raised by local residents over the storage of inappropriate materials.

Conclusion

- 6.22 The Council acknowledges that there is a shortfall in the provision of Gypsy and Traveller sites within the county and that individual, suitable private pitches can help meet that need. The UDP supports the development of sites for Gypsies and other travellers through a criteria based approach set out in policy H12. This application is considered to meet those criteria, along with the policies regarding highways, landscape and amenity. In addition, UDP Policies DR1, DR2, DR3, H7, H13, T8 and LA2 are considered to be satisfied.
- 6.23 The proposal meets the guidance and criteria set out at national level in Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites, Local Authorities and Gypsies and Travellers: A Guide to Responsibilities and Powers, DCLG, 2007, and Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 H01 Single access - no footway**
- 3 H05 Access gates**
- 4 H08 Access closure**
- 5 H13 Access, turning area and parking**
- 6 G02 Retention of trees and hedgerows**
- 7 G09 Details of boundary treatments**
- 8 G10 Landscaping scheme**
- 9 G11 Landscaping scheme - implementation**
- 10 G12 Hedgerow planting**
- 11 G13 Tree planting**
- 12 F34 Numbers limitation – 2 static, 2 touring**

- 13 **F35 Caravan colours**
- 14 **I45 Restriction of open storage**
- 15 **I42 Scheme of refuse storage (residential)**
- 16 **The occupation of this hereby permitted Gypsy and Traveller site is restricted to the owner or tenant of the pitch, their partner and immediate family, defined as children and parents.**

Reason: To restrict the pitch to one family unit, in order to protect the locality, amenity and quality of provision in accordance with Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites, Designing Gypsy and Traveller Sites, Good Practice Guide, DCLG, 2008 And Herefordshire Unitary Development Plan policies DR1, DR2, H7, H12 and LA2.

- 17 **The siting of the hereby permitted static caravans is limited to the area hatched red on the attached plan titled 'Annex A'.**

Reason: To allow flexibility in the siting of the static caravan(s) whilst protecting the character and appearance of the open countryside in accordance with PPS7, Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites and Herefordshire Unitary Development Plan policies DR1, DR2, H12 and LA2.

- 18 **The agricultural building hereby approved shall be used strictly for agricultural use and storage only.**

Reason: To protect the character and appearance of the open countryside and prevent the introduction of non-agricultural materials onto the site in accordance with Herefordshire Unitary Development Plan policies DR1, DR2 and LA2.

INFORMATIVES:

- 1 **N15 Reason(s) for the Grant of Planning Permission**
- 2 **N19 Avoidance of doubt - Approved Plans**

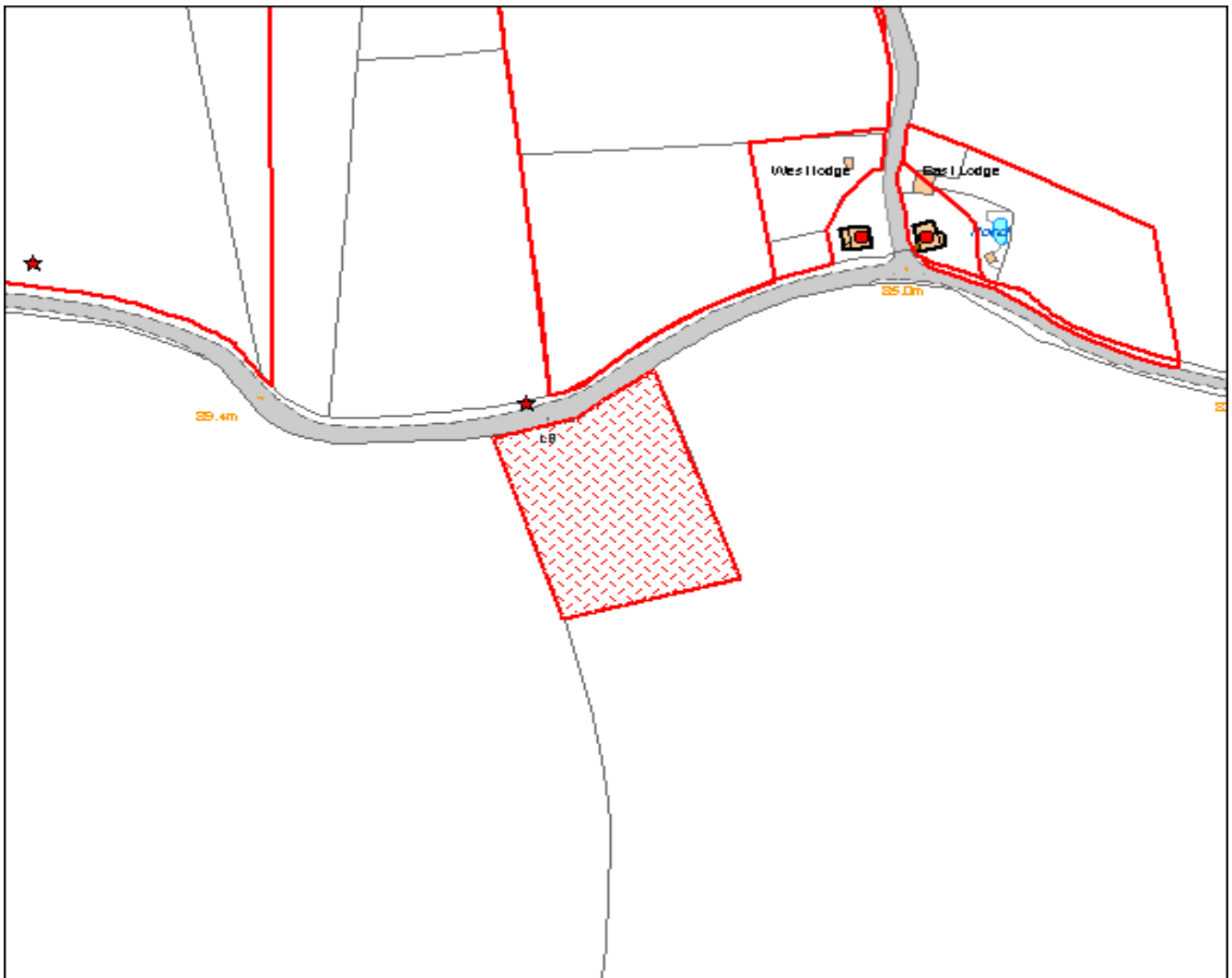
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/092262/F

SITE ADDRESS : FREEMAN'S PADDOCK, BROMTREES HALL, BISHOP'S FROME, HFDS, WR6 3BY

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MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	DMNE/100235/F - ERECTION OF 11 KW MASTED WIND TURBINE AT LEADON COURT, FROMES HILL, HEREFORDSHIRE, HR8 1HT For: Mr Morgan Per Mr Julian Morgan, Leadon Court, Fromes Hill, Herefordshire, HR8 1HT

Date Received: 3 February 2010 **Ward: Frome**

Grid Ref: 368458,246639

Expiry Date: 12 April 2010

Local Members: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site relates to part of Leadon Court that is situated on the northern side of Fromes Hill north of the A4103.
- 1.2 The proposal involves the erection of a wind turbine that would have a ground to hub height of 18.3 metres and a blade length of 6.7 metres giving a total height of some 25 metres. There would only be two blades. The mast would be a galvanised steel/silver in colour and the blades a pale grey colour. The rated output of the turbine is 11kW and it is likely to generate 30,000 kWh per year.
- 1.3 This proposal is a substitution for a wind turbine previously permitted under permission DCNE/0009/1841/F. That turbine had a hub height of 15 metres with three blades each with a length of 4.82 metres giving a total height of some 19.82 metres. However, it became apparent to the applicant late last year that this turbine was no longer available for sale and even if it were, the applicant had become aware of some significant technical issues. It became apparent that some 160 such turbines had been recalled after installation due to a problem with the blade hinges. As a result these turbines are no longer for sale until the problem has been resolved.
- 1.4 The proposed wind turbine under consideration is in the same location as that previously permitted and is in effect a substitute.
- 1.5 The proposed location of the wind turbine is approximately 250 metres north of the A4103 road and 100 metres east of the road leading from the A4103 to Halmonds Frome. Access to the site is via a private track heading from Leadon Court in a north westerly direction towards the site.
- 1.6 The site is located at approximately 180 metres AOD (Above Ordnance Datum), on land rising from east to west. The highest point is 193 metres AOD approximately 490 metres west of the site. To the north-west of the site is Halmonds Frome. The land falls away to the north-east of the site towards Evesbatch where it reaches a low point in the River Leadon valley before rising to 172 metres AOD near Ashen Coppice, approximately 1.8 kilometres north-east of the

Further information on the subject of this report is available from Mr R Close on 01432 261803

site. Immediately south of the site the land falls to 176 metres AOD in the residential area known as Uplands, before rising to 181 metres AOD approximately 590 metres south of the site. The landform towards the east and south-east of the site falls away towards the River Leadon before rising to 146 metres AOD at Beacon Hill, approximately 2.3 kilometres distant from the site.

1.7 The nearest residential properties are at Uplands, with the closest house at number six approximately 89 metres away. The rear garden boundary of number 6 Uplands would be some 69 metres distant. Further, to the west of the site is a property known as 'Greenfields' whilst slightly north of that is 'Homestead'.

1.8 In the Herefordshire Council's Landscape Character Assessment the area is designated as 'Timber Plateau Farmlands'.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1	-	'Delivering Sustainable Development'
Planning Policy Statement 7	-	'Sustainable Development in Rural Areas'
Planning Policy Statement 22	-	'Renewable Energy'
Planning for Renewable Energy	-	A Companion Guide to PPS22

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR4	-	Environment
DR13	-	Noise
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
CF4	-	Renewable Energy

3. Planning History

3.1 DCNE0009/1841/F – Proposed erection of 15 metre wind turbine and associated works. Approved with conditions on 23 October 2009.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

- 4.2 The views of the Environmental Health Section are awaited.
- 4.3 Transportation: No objection
- 4.4 The Planning Ecologist has no objections to the proposal subject to an appropriate condition and informatives.

5. Representations

- 5.1 The Bishops Frome Parish Council state:-

“As it is very similar to the previously approved DCNE2009/1841/F, with no change to the location, and only slight changes to the height of the turbine, Councillors had no objections. They have noted that the new turbine will probably be quieter than the one originally proposed”.

- 5.2 The Ministry of Defence has no objection to the proposed development.

- 5.3 The applicant has explained the purpose of the development as follows:-

“The Morgan Farming Partnership farms 316 acres in East Herefordshire, near the Worcestershire border. The farm is a mixture of grass, top fruit, arable fields and woodland that undulates with a height above sea level ranging from 110m to 180m. The main enterprises are arable, sheep, blackcurrants and cider fruit. There are a variety of agricultural buildings on site including animal housing, farm workshops and stores.

The business also operates a commercial letting enterprise with 5 commercial/light industrial units (total 3344 m²) and a traditional building let out for workshop facilities.

The business has chosen to undertake this project because they wish to minimise their reliance on fossil fuels and conventional electricity. They have researched a number of technologies and having analysed their business energy usage have chosen to install a photo voltaic array and wind turbine. These technologies will contribute a large proportion of the electrical energy used on site and form the basis of a renewable demonstration site complementing biomass and solar thermal technology that are already pre-installed.

The business currently uses up to 80,000kWh of electricity each year and is actively committed to reducing the amount it uses from the National Grid through the installation of this turbine and other renewable measures.

The turbine is predicted to generate 30,000kWh of green electricity for the business each year, which the business will not need to import from the National Grid. Due to the constant site demand, all of the turbine’s output will be used on site to maximum benefit. This is equivalent to a saving of 12.9 tonnes of carbon dioxide every year that the turbine is operational.

Project Objectives:

- To reduce the businesses overhead spend on electricity by at least 25% by 2011
- To generate 30% of the businesses electricity demand from on site renewable sources in the financial year 2010-2011
- To lower the carbon footprint of the business and save 12 tonnes of CO₂ in the financial year 2010-2011
- To provide a demonstration site for renewable technology and welcome 5 visitor groups in the financial year 2010-2011

Project Outcomes:

- Increased knowledge of renewable energy within the business and the business tenants
- Secure electrical energy supply for the business
- Greater awareness and promotion of commercial solar and wind generation technology in North/East Herefordshire”

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

6. Officer’s Appraisal

6.1 The Central Government approach to such renewable energy developments is made clear in the introduction to Planning Policy Statement 22 that states:-

“The Government’s energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies. The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power, will make a vital contribution to these aims. The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper set out the Government’s aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date. The White Paper sets out policies to stimulate the development of new technologies to provide the basis for continuing growth of renewables in the longer term, to assist the UK renewables industry to become competitive in home and export markets and in doing so, provide employment.

Increased development of renewable energy resources is vital to facilitating the delivery of the Government’s commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government’s sustainable development strategy:-

- social progress which recognises the needs of everyone – by contributing to the nation’s energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;
- effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;
- prudent use of natural resources – by reducing the nation’s reliance on ever-diminishing supplies of fossil fuels; and,
- maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies. In rural areas, renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies.”

6.2 These objectives are reflected in policy CF4 of the Herefordshire Unitary Development Plan that generally supports the provision of renewable energy developments. It is considered that this wider strategic picture needs to be fully recognised as does the individual contribution of each such development, however small, as each development makes a positive contribution to that wider objective.

- 6.3 Nevertheless, each renewable energy development needs to be carefully considered, as they should not be accepted at any environmental cost. In the remainder of this report each of the environmental impacts will be addressed.

Visual Impact

- 6.4 Due to the undulating nature of the landscape, mature hedgerows and trees, views of the site are restricted at both close and long range distances. Views from the road leading to Halmonds Frome are screened by the roadside hedgerow and trees. Properties located to the east and north of the site are also screened by vegetation. Views from the public highway within the residential development at Uplands are screened by terraced buildings and intervening trees, vegetation and overhead wires. Standing on the site views of the housing within Uplands are screened by trees and hedgerows. The copse to the north screens views from the north and north-east. Views from Leadon Court and the track to the site would be broken by intervening buildings, trees and hedgerows. There is a view from the path immediately north of the site where there is a gap in the hedgerow to access the field, but this view would only be brief. Part of the A4103 is visible in the distance to the east but traffic travelling the road would only have a glimpse view of the site in the context of the surrounding landscape with trees and hedgerows. There are distant views from the site to the Malvern Hills, but at distances of approximately 8 to 10 kilometres, views of the site in the context of the surrounding landscape would be insignificant.
- 6.5 It is considered that the proposed wind turbine would not have a significant visual impact on the landscape, in the context of restricted viewpoints, existing trees in the vicinity, and the fact that it is located on the highest point in the area. Also, to the north-east of the site on higher ground is an existing telecommunications mast which has a greater visual impact than the proposed wind turbine would have.

Noise

- 6.6 The views of the Environmental Health Section upon the issue of noise are awaited. The recommendation reflects this.

Shadow Flicker

- 6.7 Given that only one turbine is proposed, that the closest neighbouring properties are to the south-west, the distance to the closest residential property and the limited height of the wind turbine, it is considered that the matter of shadow-flicker would not create any problem in this case.

Ecology

- 6.8 There is knowledge of a bat roost in the area and there was concern at the pre-application stage as to the applicant's initial proposal to site the mast in close proximity to a hedgerow that may be being used as a foraging corridor. Negotiations secured the re-siting of the mast some 60 metres distant from that hedgerow thus overcoming the concern. There remains a lack of evidence as to the impact of wind turbines upon bats and birds and it is for that reason that a monitoring condition is recommended.

Other matters

- 6.9 It must be stressed that the proposed location of the wind turbine has not been driven by any desire of the applicant to site the turbine away from his own house. The location has been determined by wind speed tests and choosing the optimum location with regard wind speeds. Indeed the location of the wind turbine distant from the applicant's dwelling increases cabling costs.

Conclusion

- 6.10 In conclusion, the principle of the proposed development is acceptable and its environmental impact is considered to be acceptable.

RECOMMENDATION

Subject to no objections being received from the Environmental Health Section on the issue of noise the Head of Planning and Transportation be delegated powers to grant full planning permission subject to the following conditions:-

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 An annual report detailing any bat or bird fatalities associated with the domestic wind turbine hereby permitted shall be submitted to the Local Planning Authority for a period of three years after the installation of the wind turbine. Monthly checks shall be made from 1 May to 31 October in each calendar year as a minimum and the report shall include dates, times, location and condition (dead or injured, and type of injury where identified) of all bats and birds found within a 5 metre radius of the domestic wind turbines.**

The landowner shall afford access at all reasonable times to any ecologist nominated by the Local Planning Authority for monitoring purposes, between May and September each calendar year for a period of 3 years from completion of installation.

Reason: To provide information on bats and birds affected by domestic wind turbines to Herefordshire Council for research purposes, in the interests of biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006. To comply with Herefordshire Council's UDP Policies NC5 and NC6 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 3 The wind turbine hereby permitted shall be removed from the land within six months of it no longer being required for harnessing wind energy or no longer fulfilling its purpose due to it having reached the end of its useful life.**

Reason: To safeguard the open countryside from structures that no longer have a useful function/purpose.

INFORMATIVES:

- 1 N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2 N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 3 N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. Hab Bat)**

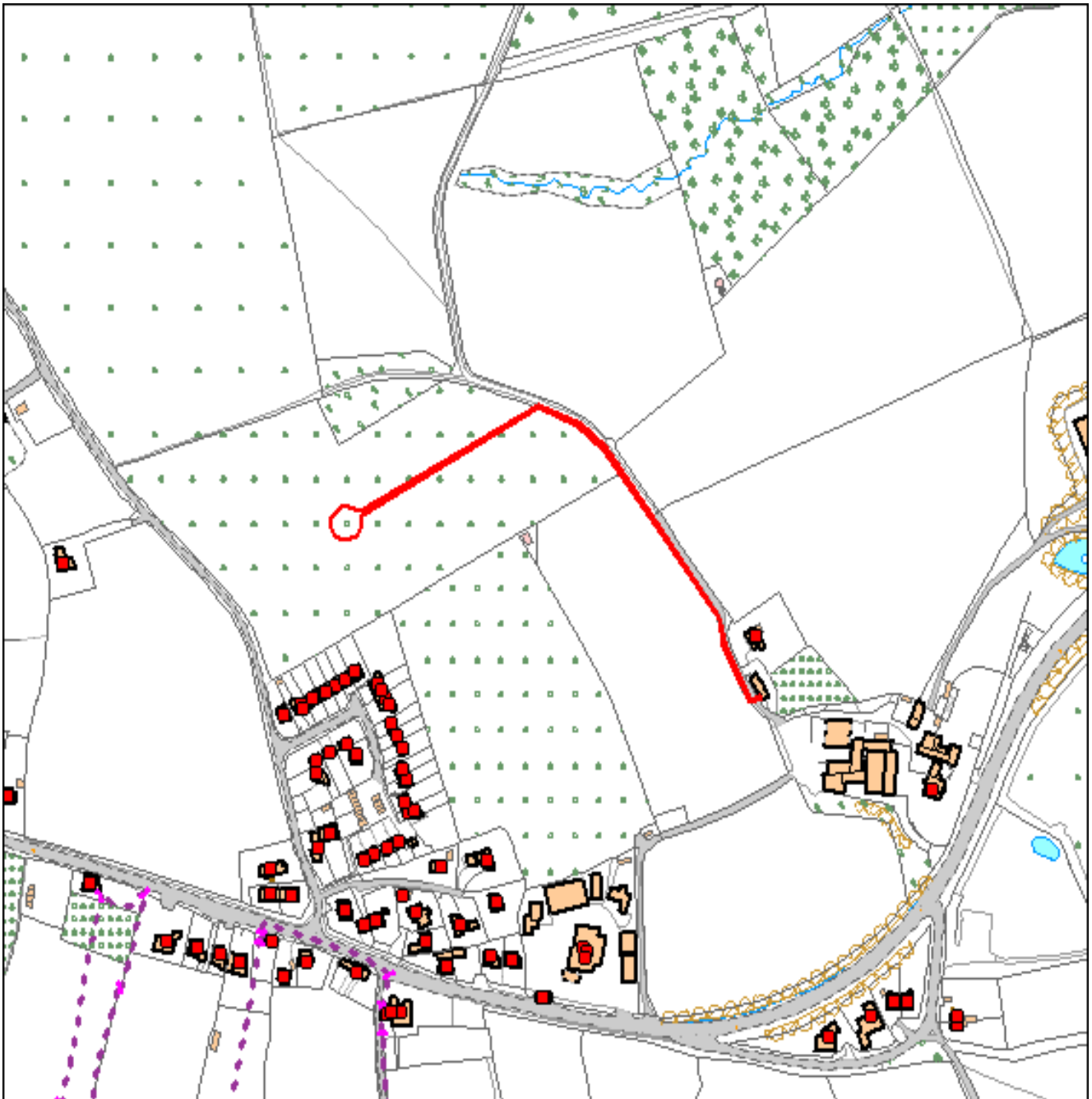
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNE/100235/F

SITE ADDRESS : LEADON COURT, FROMES HILL, HEREFORDSHIRE, HR8 1HT

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Further information on the subject of this report is available from Mr R Close on 01432 261803



MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMCW/100454/FH - SINGLE STOREY EXTENSION, NEW BAY WINDOWS AND HIPPED SLATE ROOF TO REPLACE EXISTING FLAT ROOF AT 8 LEIGH STREET, HEREFORD, HEREFORDSHIRE, HR4 9PD</p> <p>For: MR R CHEASLEY, 8 LEIGH STREET, WESTFIELDS, HEREFORD, HR4 9PD</p>

Date Received: 4 March 2010

Ward: Three Elms

Grid Ref: 349445,241598

Expiry Date: 29 April 2010

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

1. Site Description and Proposal

1.1 The application site is a 1930's style two storey semi detached house fronting the turning head of a short cul-de-sac within an established residential area off Grandstand Road. The external appearance of the house is characterised by a slate covered hipped roof a half width, two storey, gable fronted projecting bay with pseudo timber framework and like the neighbouring house and the other terraced houses in Leigh Street the external walls are faced with red brick at ground floor level and roughcast render at first floor level. A flat roofed two storey extension projects 3.60 metres from the rear wall of the house at a distance of 1.40 metres from the side boundary with the adjacent semi. Attached to the rear of the extension is a short flat roofed single storey projection.

1.2 It is proposed to carry out the following alterations:-

- a) Construct two chamfered bay windows with brick plinth and flat roofs. around the two existing ground floor front windows.
- b) Construction of a hipped roof over the existing two storey rear extension using Welsh slates to match existing.
- c) Erection of a single storey lean-to style extension between the west facing side wall of the existing two storey rear extension and the rear main wall of the house. It would have full length folding patio doors to the side elevation and three roof lights. Facing materials would be facing bricks and Welsh slates to match existing.
- d) Replace the existing windows with small pane glazing.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- H13 - Sustainable Residential Design
- H18 - Alterations and Extensions

3. Planning History

- 3.1 DMCW/093174/FH Single storey extension to kitchen, new bay windows to front and timber weather boarding to replace existing roughcast render. Withdrawn 01/03/2010.

4. Consultation Summary

- 4.1 None.

5. Representations

- 5.1 Hereford City Council: No objection.

6. Officer's Appraisal

- 6.1 The applicant is an employee of Herefordshire Council and holds a politically restricted post.
- 6.2 This proposal differs from the previous withdrawn application in that it is no longer proposed to clad the first floor external wall surfaces of the house with timber weather boarding or clad the existing and proposed roof with concrete interlocking tiles.
- 6.3 The streetscape character of the surrounding area is derived from the simple and homogenous elevational character and scale of the mature two storey dwellings. In this context it is considered that the proposed hipped roof addition over the existing two storey rear extension and the proposed single storey extension are in keeping with the character of the existing dwelling in terms of scale, mass, siting, detailed design and materials and would not have an adverse impact on the amenity of neighbouring residents.
- 6.4 The other alterations are of a relatively minor nature and are reasonably in character with the surrounding area.
- 6.5 In the circumstances it is considered that the proposals will not conflict with the design requirements of the relevant Herefordshire Unitary Development Plan policies and are acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission).**
- 2 B01 Development in accordance with the approved plans (drawing nos. RAC/1, RAC/2, RAC/3).**
- 3 C03 Matching external materials (general).**
- 4 I16 Restriction of hours during construction.**

Informatives:

- 1 NC01 Alterations to submitted/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: DMCW/100454/FH

SITE ADDRESS : 8 LEIGH STREET, HEREFORD, HEREFORDSHIRE, HR4 9PD

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Further information on the subject of this report is available from Mr D Dugdale on 01432 261566



MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMSE/093151/F - ERECTION OF SIX DETACHED HOUSES (AMENDMENT TO SH940997PF) AT CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS</p> <p>For: Mr H Bramer Per Mr DF Baume, 41 Widemarsh Street, Hereford, HR1 9EA</p>

Date Received: 17 December 2009 **Ward: Llangarron**

Grid Ref: 355730.0,227418.0

Expiry Date: 11 February 2010

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 The development proposed comprises the erection of six detached dwellings and the construction of a new access point and driveway on land approximately 400 metres north-east of Caradoc Court, a Grade II* listed building located on flat land at the top of a steep, north-facing wooded slope, rising up from the River Wye. The woodland is called Castlemeadow Wood, which is designated as a Special Wildlife Site (SWS). The application site comprises an open grass field, which slopes gently down to the east. The site is bounded to the north by Castlemeadow Wood and to the south by a tree-lined bridleway SK6, which traverses through the parkland and terminates at St. Tysilio's Church to the east. East Lodge cottage is found to the west of the application site.
- 1.2 The application site falls within the Wye Valley Area of Outstanding Natural Beauty and within the unregistered historic parkland associated with Caradoc Court. The historic character of this area is reinforced by the presence and form of the bridleway, an ancient route between the Court and the Church. It is over the bridleway that vehicular access to the development would be obtained.
- 1.3 Such development would ordinarily be contrary to adopted national and local planning policies and the application has been advertised as a departure from the development plan. In this respect the planning history associated with Caradoc Court and its environs is a crucial material consideration.

Background

- 1.4 In 1986 Caradoc Court, a Grade II* Listed building of national importance, was severely fire damaged. In 1994 an application to restore the fire damaged Court to a single residence, together with enabling development comprising six houses was received by the then South Herefordshire District Council (SH94/0997PF & SH94/0998/L). The case for the enabling development was accepted on the basis that restoration of the nationally important Caradoc Court would not otherwise be financially viable. Following the advice of English Heritage the application was approved on 24 February 1995. The planning permission was subject to a

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

planning obligation stipulating that work on the enabling development could not commence until a specified proportion of the works of restoration of the Court had been carried out.

- 1.5 The previous owner was unable to complete the restoration of Caradoc Court in accordance with the terms of the planning obligation leading to the sale of the Court. Subsequently the restoration of Caradoc Court has been completed and it has been sold separately. A Certificate of Lawfulness (DCSE2006/1684/V) confirms that the planning permission for the six 'enabling' houses remains extant.
- 1.6 The current application is to vary the design, layout and point of vehicular access associated with the enabling development in the context that the applicant could, if so desired, revert to the extant planning permission.

The proposal

- 1.7 As per the extant permission, this application is for the erection of six detached dwellings that would be east/west aligned parallel to the bridleway. The front elevation of units 1-4 would face south towards the bridleway, with units 5 & 6 found at the terminus of the private drive. At its closest the most westerly unit (1) would be 15 metres from the east elevation of East Lodge. The proposed point of access is taken from the bridleway at the south-western corner of the site. Access to individual plots would spur off the driveway to parking areas of bound gravel, located where appropriate to the side of rather than in front of the dwellings.
- 1.8 The dwellings are of fairly consistent design, comprising, with the exception of unit 1 a T-shaped plan with gables projecting forward and rear. The overall heights range from 7.0m to 7.35m, which is broadly commensurate with the extant scheme. Materials proposed are stone facing and painted render under natural clay tile roofs, with painted timber joinery. Following the receipt of amended plans the gross external floor area of the scheme is equivalent at 1100 square metres to that of the extant permission.
- 1.9 The submitted Design and Access Statement accepts that there is no directly relevant design context for a scheme of six detached dwellings grouped in such proximity within what is an otherwise open rural setting and that the proposal is contrary to a number of Unitary Development Plan policies. However, the extant scheme is capable of implementation and as such is a significant material consideration.
- 1.10 In contrast to the extant scheme, the current application is accompanied by a tree constraints survey and report, topographical survey and an accurate block plan. An ecological survey and financial appraisal have also been submitted. Notwithstanding the relative merits of the current application when compared to the 1995 permission, it does present an opportunity to review areas where the extant permission is deficient and impose new planning conditions where appropriate.
- 1.11 The application is also accompanied by a Draft Heads of Terms which provides for a contribution towards public open space, children's and young people's services and local sustainable transport infrastructure. The Draft Heads of Terms is attached to this report.

2. Policies

2.1 Planning Policy Statements

PPS 1	-	Delivering sustainable development
PPS 5	-	Planning for the historic environment
PPS 7	-	Sustainable development in rural areas
PPS 9	-	Biodiversity and geological conservation

Other guidance: Enabling Development and the Conservation of Historic Places (English Heritage, 2008)

BS2005:5837 – Trees in relation to construction
Circular 03/99: Non-mains sewerage systems

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
H16	-	Car parking
T6	-	Walking
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape character and areas least resilient to change
LA4	-	Protection of historic parks and gardens
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development

3. Planning History

SH83/0803PF	Change of use from agricultural and residential to health and leisure complex (including hotel) at Caradoc Court, Sellack	-	Approved 09.11.83
SH84/020PF	Change of use to a residential home for the elderly/nursing home at Caradoc Court, Sellack	-	Approved 25.04.84
SH89/0963PF & 0964L	Restoration and extension to form 20 apartments and erection of 5 cottages in walled garden at Caradoc Court, Sellack	-	Deemed withdrawn
SH94/0997PF	Rebuild fire damaged house to original state as single residence with outbuildings and six houses on adjoining land at Caradoc Court, Sellack	-	Approved 24.02.95
DCSE2006/1684/V	Certificate of lawfulness for six new houses (approved on Planning Permission SH940997PF), Caradoc Court, Sellack	-	Approved 06.12.06
DCSE2007/0330/U	Certificate of lawfulness for existing use as a residential unit, The East Wing, Caradoc Court, Sellack	-	Withdrawn 27.11.08
DCSE2007/1771/G	Variation of Section 106 Agreement Ref: SH940997PF at Caradoc Court, Sellack	-	Refused 12.09.07
DCSE2008/3078/F	Erection of 6 detached dwellings: Land adjacent to East Lodge, Caradoc, Sellack	-	Withdrawn 30.3.09
DMSE2009/2727/F	Change of use of East Wing to form two holiday lets	-	Approved 23.12.09
DMSE2009/2850/F	To hold a limited number of wedding/functions (no more than 25 per annum) at Caradoc Court, Sellack	-	Approved 5.3.10

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage: The Council should satisfy itself that the financial justification for this enabling development complies with the methodology set out in the English Heritage publication 'Enabling Development and the Conservation of Historic Places' (2008).
- 4.2 Forestry Commission: No objection.

Internal Council Advice

- 4.3 Conservation Manager (Landscapes and Biodiversity): The officer concludes that both the extant and current schemes are equal in terms of their adverse impact on the trees adjacent to the application site. For both schemes there is direct conflict between unit 1 and tree 12 (an oak in Castlemeadow Wood covered by the TPO). It is noted, however, that the current scheme has been modified to ensure that unit 6 is removed from the root protection area of tree 7 (an oak on the bridleway), although secondary impacts such as overshadowing, resulting from the proximity of the tree to the house, will remain. This may lead to future pressure for the removal of trees 7 and 12 in particular. The officer expresses concern in relation to unauthorised excavations that were undertaken in early 2009 and does not agree that the omission of turning heads in the northern part of the site is a material improvement against the extant scheme, as they could be constructed using a no-dig method which should not prejudice the trees in Castlemeadow Wood. The officer does acknowledge that the movement of the access point will retain at least two trees that would have to be removed were the extant scheme implemented, but considers that this benefit is offset by the necessity for the construction of the turning head, the southern portion of which is within the Root Protection Area of tree 6.
- 4.4 Conservation Manager (Ecology): The officer is satisfied with the findings of the submitted report in relation to the potential impact upon protected species and agrees with the surveyor's observations regarding the importance of the surrounding hedgerows and trees. The provision of bat and bird boxes within the development is supported and it is recommended that these be built in to the houses. Conditions are suggested in relation to the implementation of the recommendations set out in the consultant ecologist's report and the submission of a management plan for the Castlemeadow Wood Special Wildlife Site.
- 4.5 Conservation Manager (Historic Buildings): No objection.
- 4.6 Conservation Manager (Archaeology): There is nothing significant about this specific location that would lead me to believe that there are likely to be particularly archaeological risks associated with its development. In the circumstances it is not necessary to require an archaeological field evaluation report. Recommends the imposition of standard condition E03 (site observation).
- 4.7 Traffic Manager: The Traffic Manager has recommended a scheme to require the provision of a passing place along the proposed private drive, which could be achieved by extending the width of the driveway northwards in front of units 3 and 4 without causing any further impact on any of the protected trees. It is also recommended that on-plot parking areas are enlarged to ensure that 3 spaces are provided per dwelling and that a scheme requiring visibility over plot frontages be submitted. This should be designed to enable individual accesses to plots to double as informal passing places. It is considered that these measures will combine to address some of the concerns expressed by objectors in relation to the provision of on-site parking and the associated threat of indiscriminate parking on the bridleway.
- 4.8 Public Rights of Way Manager: No objection. The applicant should ensure that contractors are aware of the line of the public right of way and that the right of way must remain at its

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

historic width and suffer no encroachment or obstruction during the works or at any time thereafter. The applicants should also ensure that future occupants will have legal authority to drive motor vehicles over the bridleway.

- 4.9 Building Control Manager: Either a single treatment plant or individual septic tanks would be an acceptable means of handling foul drainage providing adequate percolation testing can be demonstrated.
- 4.10 Countryside and Leisure Development Manager: No objection.
- 4.11 Planning Obligations Manager: The S.106 should be worded to require payment prior to first occupation of any of the dwellings hereby approved.

5. Representations

- 5.1 Sellack Parish Council: There is concern that the proposal is for 4-bed rather than 3-bed dwellings. This is pertinent to the number of vehicles potentially accessing the site. Units 5 & 6 both touch the boundary of the root protection areas. Will building works impinge on these trees? The alternative site offered by the adjoining landowner has not been fully explored. Will future occupants enjoy a lawful right of access over the bridleway? Concern is also expressed at the position of the vehicular access, which although preferable to the former position further to the east, is still considered unsafe in relation to East Lodge.
- 5.2 Open Spaces Society: Does the developer have the legal authority required to allow prospective occupants to drive over the bridleway?
- 5.3 Ross-on-Wye and District Civic Society: Objection. The proposal will have a visually damaging effect upon a sensitive landscape. The commercial use of the Court is not within the spirit of the original S.106.
- 5.4 Wye Valley Area of Outstanding Natural Beauty Unit: Objects to the development on the grounds that it will be detrimental to the character and landscape of the AONB. It is in an area of open countryside within a nationally important landscape and close to a building and estate of significant historic and landscape importance. The office disagrees with the implication that the restoration of a Grade II* listed building is of greater national importance than the AONB. Notwithstanding the presence of the extant permission, the design and layout of the proposed houses is not appropriate to this location. If housing is to take place here it should either seek to match the scale and form of traditional estate houses or should be of a design that becomes a distinct feature in itself.
- 5.5 Hereford and Worcester Gardens Trust: The landscape and heritage issues raised in the response to the withdrawn application have not been addressed. The requirements of the S.106 agreement linked to the 1995 planning permission have not been fulfilled properly and this application should be withdrawn as a consequence. 4-bed dwellings are proposed and the houses are thus more bulky and visually intrusive than the 1995 proposal. The proposal will be detrimental to the historic bridleway and is clearly contrary to a number of key policies within the Unitary Development Plan.
- 5.6 Campaign to Protect Rural England: The proposal will have an adverse effect on the historic landscape in this sensitive area, located within the Wye Valley Area of Outstanding Natural Beauty. This application appears to be quite separate from the enabling permission granted in 1995 and should therefore, in our opinion, be treated as another application. The provisions of the Unitary Development Plan should be applied, particularly as this application has been made since this plan came into force.
- 5.7 Wye Valley Society: The proposal will adversely affect the visual beauty of the Wye Valley Area of Outstanding Natural Beauty and the sensitive and historic area around the Grade II*

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

listed Caradoc Court. Concern is also expressed in relation to the impact of the proposal upon the ancient bridleway and the trees on its borders.

5.8 A letter has been submitted alongside a 57 signature petition. The letter summarises the concerns of the signatories as follows:

- The proposal promotes 4-bed not 3-bed dwellings and thus represents an unacceptable intensification of use of the bridleway in an unsustainable location;
- The private drive is too close to the protected bridleway trees and will cause damage. There are insufficient turning areas and none of the houses have garages;
- The foul treatment plant is likely to be inappropriate in this location and result in foul water run-off down the bridleway;
- The access drive needs to be 4.5m wide and incorporate a 2m service corridor to one side. This will prevent the build up of vehicles using the bridleway.

5.9 Letters and emails of objection have been received from 24 further individuals, some of whom have written on more than one occasion to comment upon amended plans and issues arising. One of the letters refers to an online petition containing 317 'signatures', although this has not been submitted to the local planning authority. The content is summarised as follows:

- The proposal will be detrimental to the visual amenity of the AONB;
- The proposal will adversely affect the landscape character of the area, which forms part of the unregistered historic park and garden associated with Caradoc Court;
- The development will be visually intrusive and of inappropriate design in this rural context. The houses will be prominent when viewed from Kings Caple. Existing screening is insufficient and likely to come under further pressure for removal once the dwellings are occupied;
- The proposal will result in conflict between vehicles, walkers and horse riders on what is presently a tranquil and historic route linking Caradoc Court to the Church;
- Intensified traffic and the development itself will have a considerable negative effect upon the perception of the area, negatively affecting tourism revenue;
- The potential of relocating the development to an alternative site offered by the neighbouring landowner has been too easily discounted;
- The S.106 agreement governing restoration of the Court and the enabling site are indivisible. Given that the Court has not been restored in strict accordance with the terms of the S.106, how can the associated requirements be said to have been discharged? Until the Court is restored in accordance with the agreed schedule of works, this application should not be considered;
- The proposal is for 4-bed properties which will have a higher re-sale value than the 1995 scheme. Enabling schemes should not profit the developer, but should be the minimum necessary to bring about the conservation objective;
- It is clear that the intention in restoring the Court was to enable it to be used as a commercial venue, which is contrary to the original statement that it would be restored as a single residence. Were commercial use envisaged it is unlikely that the enabling development would have been approved;
- The laying of services will ruin the surface of the bridleway. Who will be responsible for maintenance? It is understood that the Council will only undertake to maintain bridleways to a standard fit for pedestrians;
- The current scheme is sufficiently different from the 1995 permission to necessitate a decision based on its own merits and an application of current planning policies. Too much weight is being attached to the fallback position;
- The site is part of the former pleasure grounds associated with the Court, the Wye Valley being the birthplace of English scenic tourism. Unattractive houses will ruin this sensitive site and damage the relationship between the Court and its setting;
- The wider community interests should take precedence over an individual's business interests;

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- This is a unique and timeless landscape, which will become ruined. Without the landscape the Court is devalued;
- The vehicular access onto the Hoarwithy Road is inappropriate for the volume of traffic that it will have to accommodate, particularly given the recent planning approval to hold weddings and functions at Caradoc Court.

5.10 The applicant has submitted a revised Tree Constraints Report and Arboricultural Impact Assessment (Jerry Ross Arboricultural Consultancy) which outlines what are perceived by the applicant as the improvements that the current scheme offers in relation to the impact upon the trees. These are summarised as follows:

- The 1995 scheme approved a layout that involved significant encroachment into the Root Protection Areas (RPAs) of a number of trees, notably 6, 7 and 12;
- The entrance point is moved westwards, thereby avoiding conflict with at least two trees in TPO group 1, which would be removed were the extant scheme implemented;
- To offset damage caused by the unauthorised excavations it is proposed to backfill with good quality topsoil those areas to the south of the drive so that it can be re-colonised by roots from nearby trees;
- The proposal obviates the requirement for parking and turning areas that would disturb the RPAs of protected trees to the north of the site. As a consequence, however, a turning head is required that will affect the RPA of tree 6. The southern section of the turning head will make use of cellular confinement load support systems as advocated by BS5837;
- The current proposal allows for unit 6 to be set significantly further to the north so that no direct conflict arises between its footprint and the RPA of trees 6 and 7;
- The degree of encroachment into the RPA of tree 12 is significantly reduced. Some encroachment still occurs with respect to unit 2 and tree 12, but this is partly off-set by the removal of the parking areas shown on the 1995 layout.

5.11 The applicant has also provided a financial appraisal that demonstrates that the current proposal is no more profitable than the extant scheme. This is based on build costs per square foot and resale value for the two schemes being equivalent.

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

6. Officer's Appraisal

6.1 This application derives from the approved enabling scheme to finance the restoration of Caradoc Court, a Grade II* listed manor house gutted by fire in 1986. The enabling scheme remains valid and is capable of implementation at any point henceforth. It is thus a significant material consideration to be weighed against adopted planning policies that normally preclude residential development in the open countryside.

6.2 Policy requires that residential development in the open countryside is normally only permitted where it accords with the exceptions defined within Policy H7 (Housing in the countryside outside settlements). However, in this instance the original enabling development was granted in connection with the restoration of a Grade II* listed building which warranted a departure from planning policies and it was determined at the time that the erection of 6 dwellings would be the most appropriate way of securing restoration of the listed building - notwithstanding the fact that the site is prominent within a nationally important landscape. As described in section 5 there are a number of other perceived adverse consequences that have been identified by respondents and it is accepted that by definition the proposal will adversely affect the intrinsic natural beauty of the AONB in a manner contrary to Policy LA1 of the Unitary Development Plan. Likewise the proposal will adversely affect the historic structure, character and appearance of the unregistered historic park and garden, contrary to Policy

LA4. This notwithstanding the key issues in the determination of this application revolve around a comparison of the extant and current scheme in relation to the following issues:

- An assessment of the respective impacts upon the protected trees surrounding the site;
- An assessment of the respective access and parking arrangements;
- An assessment of the respective profitability of the extant and current scheme, on the understanding that enabling development should be the minimum necessary to secure the future of the listed building;
- An assessment of the two schemes in respect of the design and layout of the dwellings in relation to the landscape.

Comparative impact in relation to trees

- 6.3 Subsequent to the approval of the 1995 scheme the Council in 2009 made a Tree Preservation Orders in relation to the trees surrounding the site. Whilst this does not prevent the implementation of the 1995 permission, it is a material consideration.
- 6.4 It is clear that both schemes impose themselves upon the Root Protection Areas (RPAs) of certain trees upon the site, a situation that would be unlikely to be sanctioned if designing a layout from first principles. However, it is considered, on balance, that the current proposal improves the situation in relation to the trees, most obviously by removing unit 6 from the RPA of trees 6 & 7, which are large mature oaks on the bridleway, and by also moving the point of access so as to enable the retention of at least two further trees within TPO group 1. In addition the current layout does not involve the provision of turning and parking areas to the north of the dwellings and less excavation is therefore required within the RPAs of protected trees lining the northern boundary.
- 6.5 There were unauthorised excavations within the RPAs of the bridleway trees in early 2009, but the opportunity remains for restoration of the ground conditions where this has taken place, and a scheme will be required via condition to ensure that this restitution is carried out.

Access and parking arrangements

- 6.6 Vehicular access to the site is via a combination of the private drive to Caradoc Court (taken from the Hoarwithy Road) and then the bridleway, an ancient route linking Caradoc Court to the Church. As objectors have commented, this is a quiet route with traffic currently limited to residential traffic associated with Caradoc Farm, Caradoc Court and East Lodge, farm vehicles, pedestrians, cyclists and horse riders. However, the owner of the application site is also understood to retain rights of vehicular access over the drive and bridleway and these rights can be conferred to prospective occupants.
- 6.7 The use of the bridleway as a means of accessing the development site is clearly less than satisfactory. It is narrow and without passing places for much of its length. The case officer considers that the potential for conflict between vehicles and other users is substantial. It is clear, in your officer's opinion, that introducing additional traffic to the bridleway will be detrimental to its character and utility. However, the extant planning permission is again the decisive factor, and the extant proposal utilises precisely the same means of access to the site, albeit the actual point of access into the site has been moved so as to enable the retention of trees.
- 6.8 Once within the site alignment of the drive has been amended so that for much of its length it corresponds with the extant permission. Parking areas are contained in areas immediately adjacent to the dwellings rather than in parking courts to the north. So long as the plots remain open planned, the level of parking is appropriate in accordance with Policy H16 of the Unitary Development Plan. Some objectors assert that this proposal is for 4-bed and not 3-bed plans as proposed under the extant scheme and the concomitant intensified use of the

bridleway that this might bring about as a consequence. However, it is clear that with the exception of one house type, all of those approved under the extant scheme are capable of modification to provide 4-bedrooms, with examples of “dressing rooms” being significantly larger than the third bedroom. Given that the scale of the respective schemes in terms of gross external floor area is now equivalent, the case officer considers the view that the current scheme will generate more traffic than the extant permission cannot be substantiated.

A comparison of the respective profitability of the extant and current schemes

- 6.9 Following from the above the Council has to be satisfied that the current proposal is not more profitable to the developer than the extant permission. This is on the basis that enabling development should never amount to more than the minimum necessary to meet the overriding objective – in this case the restoration of Caradoc Court. This principle derives from English Heritage guidance on enabling development, recognising the enabling development will only be permissible in exception circumstances and should not benefit developers above and beyond that necessary to fulfil the conservation objective. Whilst the objectors have queried whether the restoration of Caradoc Court at all costs is appropriate, this is not an issue for debate under this application, but was a decision undertaken in 1995 to which the Council is still bound.
- 6.10 Evidence has been sought to demonstrate that the current proposal is no more profitable than the extant scheme. Development appraisals have been provided for each scheme and conclude that the net profit from both schemes is comparable and in fact slightly less than for the extant scheme. On this basis the financial evidence available confirms that the current proposal is no more profitable than the extant scheme and satisfies the English Heritage requirement to demonstrate accordingly.
- 6.11 It is proposed to remove permitted development rights in order that future extensions and/or the erection of outbuildings cannot be undertaken constructed without planning permission, which would have implications for the development value.

Comparative design and layouts of the two schemes relative to the landscape

- 6.12 The current proposal is for 6 detached 2-storey dwellings. In this respect it is the same as the extant proposal. The basic layout is again similar, although as referred to above the precise location of individual units has been amended in the current proposal to take account of the now accurately plotted position of the protected trees. The current proposal promotes a more consistent design approach utilising a combination of stone and render and a generally uniform appearance. Whilst this uniformity may be read by some as uninspired, it is arguably more appropriate in this context than an approach that promotes variety for variety's sake.
- 6.13 It is the case officer's opinion that there is no marked difference between the two schemes in terms of the wider impact upon the landscape and particularly in views from Kings Caple. Unit 1 is one metre closer to East Lodge than in the extant scheme, but this is still considered to represent an acceptable relationship.

Other issues

- 6.14 The representations section above refers to a number of objections that have been received. It is beyond the scope of this report to address each directly and a number of the objections relating to the adverse landscape and visual impact are acknowledged and accepted as fact. Further issues such as bridleway maintenance are understood, although ultimately this is an issue for the interested parties. Again the fact that the extant permission is capable of implementation renders these issues beyond redress.
- 6.15 Concern has also been expressed at the proposed use of a foul drainage treatment plant as opposed to individual septic tanks. Circular 03/99 Non mains sewerage systems, advocates

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

the use of package sewerage treatment plants in favour of septic tanks and as such the current proposal is consistent with Government advice. However, given concerns expressed relating to local geology and the implications relating to the appropriateness of a treatment plant it is proposed to impose a condition requiring further investigation of the alternative options to be examined in conjunction with the Building Control section and Environment Agency as appropriate.

- 6.16 A common theme of the objectors' correspondence has been that the Council has not enforced the terms of the original S.106 in relation to the restoration of the Court and that this application is invalid as a consequence. Objectors have criticised subsequent decisions of the Council that have allowed an element of commercial use of Caradoc Court, whereas the S.106 intended the Court to remain as a single residence. Although the substance of the objections is understood, it is maintained that the enabling development served the purpose of securing the restoration of the building to a point whereby it became capable of occupation as a single residence. An objective that has been satisfied. It is not inappropriate to consider alternative uses of Caradoc Court in accordance with currently adopted policy.

Summary and conclusions

- 6.17 This application has been highly controversial. The restoration of Caradoc Court is seen by many of the local objectors as scant justification for what is considered destruction of this part of the countryside, which is part of a nationally important landscape. Many have criticised the Council for its approach to accepting this application to vary the enabling development. However, it is the view of officers that provided the Council is satisfied that the proposal is superior to the extant and implementable planning permission from 1995 *and* it is demonstrated to not benefit the developer to any greater extent than the existing permission; the correct course of action is to make a choice between the two schemes based upon the available information.
- 6.18 Neither scheme would obtain planning permission if assessed against currently adopted planning policies. Both proposals conflict with a variety of Unitary Development Plan documents and national planning guidance. However, these conflicts are immaterial given the context provided by the extant permission.
- 6.19 On balance, your officers consider that the designs promoted by the current scheme are superior to the extant scheme and that there are benefits in relation to the protected trees surrounding the site. The means of access and use of the bridleway by motor vehicles has already been accepted and cannot be revisited.
- 6.20 The application is recommended for approval subject to the following conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B03 Amended plans**
- 3 B07 Section 106 Agreement**
- 4 C01 Samples of external materials**
- 5 D04 Details of window sections, eaves, verges and barge boards**
- 6 D05 Details of external joinery finishes**

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- 7 **D10 Specification of guttering and downpipes**
- 8 **E03 Site observation - archaeology**
- 9 **F14 Removal of permitted development rights**
- 10 **I16 Restriction of hours during construction**
- 11 **H03 Visibility splays**
- 12 **H04 Visibility over frontage**
- 13 **H13 Access, turning area and parking**
- 14 **H27 Parking for site operatives**
- 15 **H29 Secure covered cycle parking provision**
- 16 **I18 Scheme of foul drainage disposal**
- 17 **G04 Protection of trees/hedgerows that are to be retained**
- 18 **G05 Pre-development tree work**
- 19 **G06 Remedial works to trees**
- 20 **G07 Protection of trees covered by a Tree Preservation Order**
- 21 **G09 Details of boundary treatments**
- 22 **G10 Landscaping scheme**
- 23 **G11 Landscaping scheme - implementation**
- 24 **Prior to commencement of the development, a full biodiversity protection and enhancement strategy should be submitted to and approved in writing by the local planning authority. This scheme should incorporate the recommendations as set out in the ecologist's report dated December 2008, with the work implemented as approved and maintained thereafter as such. An appropriately qualified ecological clerk of works should be appointed to oversee the ecological protection and enhancement work.**
- 25 **Within 3 months of the date of this planning permission. A management plan for Castlemeadow Wood Special Wildlife Site shall be submitted to the local planning authority for written approval. This shall be implemented as approved.**

INFORMATIVES:

- 1 **HN01 Mud on highway**
- 2 **HN04 Private apparatus within highway**
- 3 **HN05 Works within the highway**

4 HN28 Highways Design Guide and Specification

5 N11C General

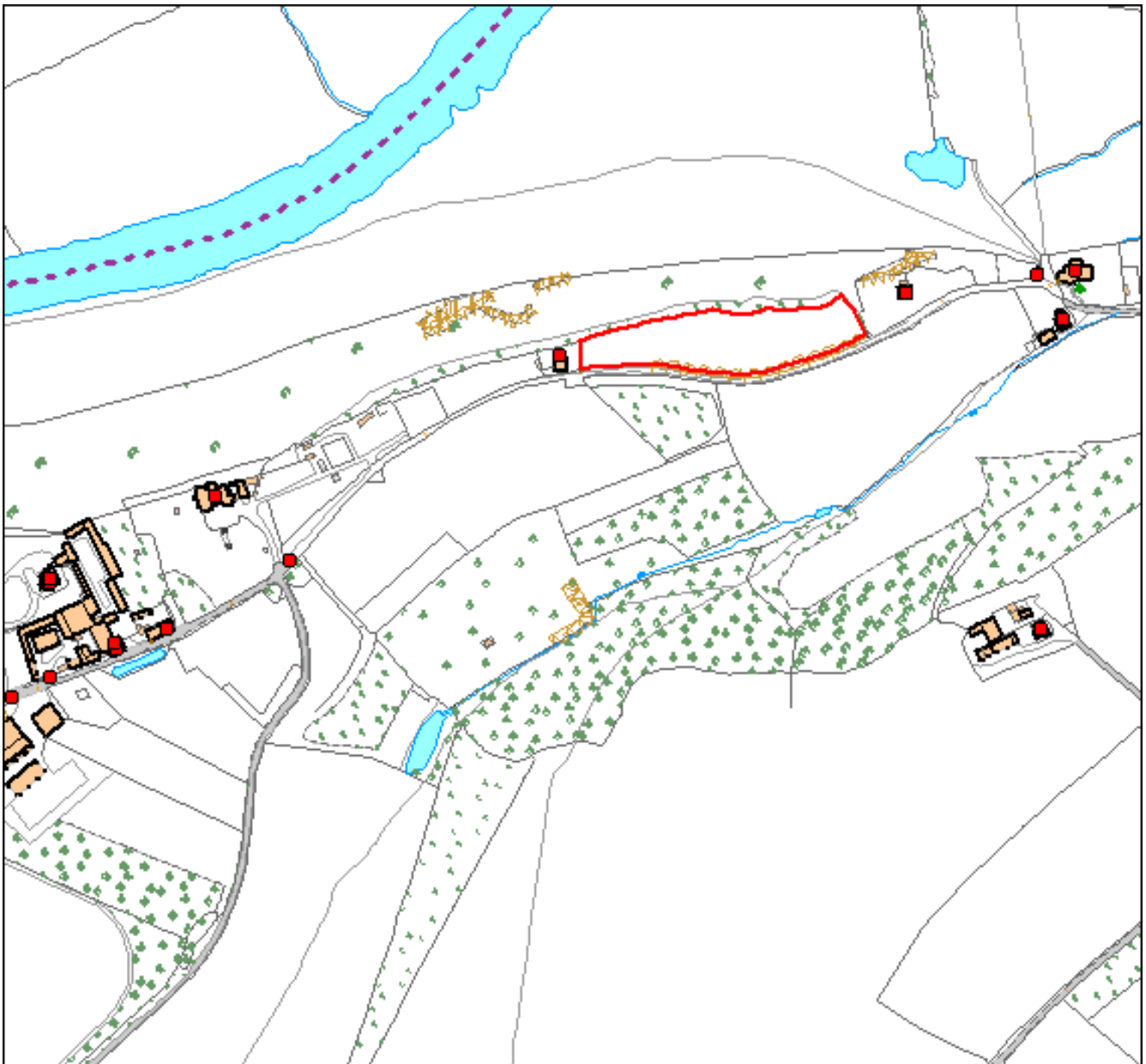
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMSE/093151/F

SITE ADDRESS : CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS

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Further information on the subject of this report is available from Mr E Thomas on 01432 260479

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

Planning Application DMSE/093151/F

Erection of six detached houses (amendment to planning permission SH94/0997/PF) on land adjacent to East Lodge, Caradoc, Sellack, Herefordshire HR9 6LS

1. The developer covenants with Herefordshire Council to pay £1,075 towards the cost of new or enhancement of existing open space, play, sport and recreation facilities in lieu of such facilities being provided on site, to be used in the locality of the development or other location as may be agreed in writing with Herefordshire Council.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,010 to provide enhanced educational infrastructure allocated as follows: £645 early years element; £6,060 primary element; £3,140 youth element and £165 special educational needs element.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4,915 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - Improved bus shelters/stops in the locality of the application site;
 - Safe routes for schools;
 - Improved lighting and signage to existing highway/pedestrian and cycle routes;
 - Improved pedestrian and cyclist crossing facilities;
 - Traffic calming measures.
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. In the event that Herefordshire Council does not for any reason use the said contributions for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum of such part thereof which has not been used by Herefordshire Council.
6. All of the financial contributions shall be Index linked and paid prior to the first occupation of any of the completed dwellings within the development.
7. The developer shall pay to the Council, on or before completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Edward Thomas
30 March 2010



MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMNW/092650/F - PROPOSED EXTENSION TO EXISTING BUILDING AND CHANGE OF USE FROM B1 (BUSINESS USE) TO LIVE/WORK UNIT AT THE HIGHLANDS WORKS, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LL</p> <p>For: Mr Lloyd per Mr C Campbell, 141 Bargates, Leominster, Herefordshire HR6 8QS</p>

Date Received: 18 October 2009 **Ward: Pembridge and Lyonshall with Titley** **Grid Ref: 333860,261411**

Expiry Date: 15 December 2009

Local Members: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The application site is located in open countryside to the south east of Presteigne and West of Staunton-on-Arrow. The site currently comprises an existing workshop, used by the applicant for the purposes of agricultural engineering and manufacture of prototype machinery. A new building is currently being erected (DCNW20011472/F amended by DM092002F) which would continue this use. The existing building would revert to an agricultural use only. Access to the site is from the unclassified road (91607) approximately 600m from the junction with the B4356 that connects Kington to Presteigne via Titley.
- 1.2 The application site occupies a low lying position which benefits from mature landscaping between the site and the Unclassified 91607, along its southern and western boundaries.
- 1.3 The building that is currently being erected (in its amended form) is proposed to be used for the purposes of agricultural engineering and manufacture of prototype machinery. This application seeks permission to extend this building to include living accommodation in connection with the adjoining business in the form of a 'live/work' unit.
- 1.4 The building currently under construction would be 16m by 25m with an eaves height of 7m and ridge height of 8.6m and is sited to the west of the site. Amended plans have recently been received and the proposed extension would be sited to the south of the building, projecting southwards by 7m (including roof overhang) with a width of 15m at ground floor level, reducing to 10.9m at first and second floor levels. This element would therefore be three storey, making use of the change in ground levels across the site. The south elevation would have an eaves level of 8.2m and ridge height of 9.6m. The building would be a steel frame, clad in green profiled metal sheeting, utilising a facing brick plinth to the ground floor area of the proposed extension, to match that of the brick plinth to the already approved building. The proposed extension would introduce windows into each of the three storeys.

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

- 1.5 The ground floor accommodation would provide for a design office and meeting room, reception area and display space, mess room, utility, shower and wc with access and stairs to the first and second floor residential accommodation. This residential accommodation would consist of a kitchen/diner living room, WC and stairs to the second floor that would accommodate three bedrooms, two bathrooms a linen cupboard. This would total 149.6 square metres (11m x 6.8m x 2) of residential accommodation (measured externally).
- 1.6 Access and turning areas have been provided as you enter the site to the south. Access to the reception area would be to the south or east elevations. Access to the residential accommodation would be from the south or west elevations. The area to the South and west of the building would provide an enclosed garden area to serve the residential element of the proposal.
- 1.7 The application includes details of the justification for the applicant to be 'on site' and expands on the justification for a live work unit. This background and need is summarised in Section 5.

2. Policies

2.1 National Planning Policy

- PPS1 - Delivering Sustainable Development
 PPS4 - Planning for Sustainable Economic Growth
 PPS7 - Sustainable Development in Rural Area

2.2 Herefordshire Unitary Development Plan (2007)

- S1 - Sustainable Development
 S2 - Development Requirements
 S3 - Housing
 S6 - Transport
 DR1 - Design
 DR2 - Land Use and Activity
 DR3 - Movement
 DR4 - Environment
 H7 - Housing in the Countryside Outside Settlements
 H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
 H13 - Sustainable Residential Design
 LA2 - Landscape Character and Areas Least Resilient to Change

3. Planning History

- 3.1 NW09262002 – Variation of condition 3 of NW2001/1472/F – Approved 2 March 2010.
- 3.2 DCNW0009/1130/F – change of use from B1 (Business) to live/work unit – Withdrawn 3 July 2009.
- 3.3 NW2001/1472/F – Change of use from agricultural to B1 use (offices) with ancillary open storage, erection of (B2) workshop – Approved 29 August 2001.

4. Consultation Summary

4.1 Statutory Consultations

No Statutory or Non-Statutory Consultations required.

Internal Council Advice

- 4.2 The Head of Environmental Health makes the following comments and recommends conditions:

According to our records the site had a former railway running through the southerly part of the site. The site is currently used for engineering purposes and the proposal is for the site to become a live/work unit. Residential land use is more sensitive land use in terms of contaminated land assessment.

Engineering works are included in the list of uses in Planning Policy Statement 23 which may historically have contaminated, or have the potential to contaminate the land they are sited upon. Therefore a contaminated land investigation should be required to assess the nature and extent of any contamination and propose any remedial works to ensure that the site will be made suitable for use.

I would therefore recommend that should planning permission be granted a contaminated land condition should be applied to the permission to require a phased contaminated land assessment should be undertaken in accordance with good practice guidance.

- 4.3 The Transportation Manager raises no objection to the grant of permission.

5. Representations

- 5.1 A Design and Access Statement accompanied the application that can be summarised as follows:

The application included details on the 'need / justification' for the proposal as follows:

- The lack of a design office available out of hours is holding back progression and development of the business. It would make it more efficient which is the key to success.
- The growth and success of the business is dependent upon new and innovative designs, often responding quickly, overnight, to customer demand or issue.
- Ideas do not always come between the hours of 6am and 6pm. As an inventor and entrepreneur, Mr Lloyd has a multitude of ideas that he is developing and design issues that he is trying to resolve. Conceptual design work is best done uninterrupted and during the working day this is not always possible due to customer meetings, calls, and business demands. Having living accommodation attached to the design office will allow him to work uninterrupted in the right environment and with the right resources and equipment.
- Living off-site and trying to split home and work sites is not efficient. Mr Lloyd has to constantly transfer equipment and data between work and home which is impractical and not always possible. It leads to a duplication of office equipment, stationery and software and it is not possible to have all the same resources and information available at home to support the design work.
- Time spent travelling, unlocking and locking security gates and not having the correct resources is restricting the growth of the business. Being on site would give the applicant more time to spend on the business.
- Equipment reliability and performance testing also needs to be carried out and by its nature this needs to continue for long continuous periods (eg 24 hours).

- Work is commissioned and executed at short notice. Owing to the creative nature of the work, issues arising during the day must be resolved overnight in order not to encroach on production time the next day.
- Marketing and enquiry follow-up occupies evenings and weekends. Mrs Lloyd is involved in this work in producing marketing materials, operator manuals and certification and also as a French translator, dealing with European Union enquiries. Sales are being made in and commissions received from the UK, USA the Czech Republic and Ireland: enquiries are regularly received from other countries, including Canada, France, Spain and Portugal. Telephone conversations and email exchange with differing time-zones are facilitated by the live/work concept.
- A brief overview the accounts have been provided.
- The existing use generates 4 to 6 visits per fortnight from clients for the purpose of commissioning engineering work, viewing progress and discussing design ideas
- This firm (since 1998) specialises in profiling, welding, fabrication and agricultural engineering. It served a number of regular local customers and has recently developed new products for use in the recycling and geothermal heat source industries.
- The firm has devised a rotary screening-bucket/riddle-bucket primarily for recycling construction waste materials and is developing a range of “star” screening buckets that are commonly used for compost and topsoil. These share technology with agricultural de-stoning equipment, and build upon his agricultural engineering background in developing these new applications.
- This proposal reads as a rural building in terms of scale, mass, height and design and materials. The building under construction remains the dominant feature. The proposals provides a garden that is well screened from distant neighbouring properties.

5.2 Titley and District Group Parish Council make the following comments:

- The proposals to do not appear to make any significant visual or environmental impact above and beyond the existing structures which have already been supported by the PC and previously approved.
- If anything the proposals are both a tidying up exercise and will provide better working conditions for all concerned.
- As with the original application, the Parish Council wishes to endorse the County Council’s principles of promoting local people trying to make their businesses sustainable provided that there are no adverse attributes affecting the community.
- It is understood that there may be one or two objections, although the substance of these is not known – all residents within the area have been contacted (although only two properties can be seen from the site) as is usual.

5.3 Letters of objection have been received from Mr Douglas Crowley whose comments can be summarised as follows:

- Buildings and businesses of his nature should be situated on one of the nearby industrial estates which are expressly for the purpose with relevant transport and security facilities.
- Works have been undertaken already not in accordance with the permission and retrospective planning sought (building in different place and higher)

- A building of this nature is out of place in the open countryside
- The family currently live in Tenbury wells. This is their choice. They do not have to live there and could live closer in Shobdon, Kington, Presteigne, Pembridge? These would reduce travelling and opening up time.
- We all live in an international environment and have to deal with different time zones. We all take work home with us and wake in the night with inspiration and need to jot things down. There is nothing unique to Mr Lloyd in this. There is no need to live on site to do this. It is the 21st century and have access to laptops, internet and networking in the home/office or other.
- The business is already viable and successful without being on site.
- If 24 hour testing is required (as suggested) then the operation should be moved. The hours of use under the current planning application restrict such activity.
- The nature of Mr Lloyd's business does not justify that there is a need to be on site.

5.4 Letters of support have been received from:

- WB and AD Morgan (Water Resource Development)
- Mr John Weaver, Bramley, Staunton-on-Arrow
- Mr Andrew Burton, Old Court Farms, Staunton-on-Arrow
- Mr AJ Norman, The Leen, Pembridge
- P R Sankey, Oatcroft, Titley

These letters can be summarised as follows:

- Clients of Mr Lloyd providing examples of the work he undertakes for them e.g. – Designing and developing new and innovative drilling techniques and equipment; fabrication of bespoke rescue tools to recover lost machinery from bore holes; design and manufacture plant or machinery needed ensuring critical planting and harvesting operation; has great skill at problem solving.
- We expect short lead times and immediate service. With Matt living on site he will be more able to design and produce such items at very short notice, whilst still being able to maintain a good work / life balance.
- This will give the business greater capacity to fulfil the orders he receives and do smaller jobs on the side.
- Give him greater flexibility to run the business and have time outside of his work commitments.
- The building is appropriate in design and size for the setting and cannot envisage any impacts on the local area. The building would be small in comparison to many agricultural storage buildings seen across Herefordshire.
- Mr Lloyd and his family would be valuable members of the community. Young people are needed to live and work in the area.

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

6. Officer's Appraisal

6.1 The application is for the erection of an extension to a business premises that is currently under construction to provide living accommodation in conjunction with the business use. The application site lies outside of any defined settlement boundary and as such lies within the open countryside in planning policy terms.

Principle of development

6.2 The introduction of a residential use in this location raises matters of principle.

6.3 Policy H7 of the Herefordshire Unitary Development Plan requires that new residential development in open countryside locations meet one of the specified exceptions. This proposal falls to be considered having regard to whether the accommodation is a necessary accompaniment to the established or growth of a rural enterprise, and is compliant with Policy H8. Policy H8 relates to agricultural and forestry dwellings and dwellings associated with rural businesses.

6.4 Policy H8 requires that it be demonstrated that a long term genuine need exists for the dwelling and as an essential part of a financially viable business. PPS7 requires that dwellings associated with rural enterprises are assessed in the same rigorous way as proposals for agricultural workers dwellings.

6.5 The applicant has expressed his 'need' for this residential unit that would be associated with his business that is located in a rural area. The new business premises, will be used for agricultural engineering (profiling welding and fabrication) and manufacture of prototype machinery for local, national and international customers. The justification is set out in Section 5 of this report.

6.6 On the basis of this information, there appears to be no demonstrated need to be on site. The applicant's justification relates predominantly to the need to be near to his design office at all times of day to allow for the growth of the business. It also focuses on the convenience of working next to his place of residence to allow a reduction in the time he spends travelling to and from his home which is in Tenbury Wells. This additional time could be spent working.

6.7 It is not demonstrated that much of his work is local or agriculturally based or that there is any call for the applicant to be 'on call' or to have to be in his office or visit local sites as a matter of course. The application makes no reference to his need to access the associated building out of 'office hours' and in any case there is condition that states that 'No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the site outside the following times 8.00am – 6.00pm Mondays to Fridays and 8.00a.m and – 1.00p.m. on bank holidays more at any time on Sundays, Bank or Public Holidays'.

6.8 It is not explained why a design office cannot be accommodated into the applicant's home except for the inconvenience of the transfer of equipment and data between two sites and the need for the duplication of office equipment, stationery and software. This would seem to be an inadequate reason to allow a new residential property in this open countryside location.

6.9 On the basis of the above the application fails to demonstrate a clearly existing functional need for the proper functioning of the enterprise for one of more worker to be readily available at most times. It is therefore considered contrary to policies H7 and H8 of the Unitary Development Plan and guidance contained within PPS7.

6.10 The application has also failed to demonstrate that the applicant has looked for properties closer to the business. At present he travels from Tenbury Wells, approximately 20 miles from the site (approximately 45-50 minute drive). The site is just 3 1/2 – 4 miles from the town of Presteigne, 4 miles from Shobdon and 5 miles from Kington. These are all areas with a range of dwellings in differing price ranges that would provide more convenient access to the site and a significant reduction in travelling time and potential to provide a design / home office.

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

- 6.11 The application provides a brief overview of the business accounts since 2004. The information provided does not adequately demonstrate that the business is financially sound and has a clear prospect of remaining so. Nor do the accounts demonstrate that the business could maintain a dwelling of this size (approximately 150 sq m) As such the proposal for a permanent unit of residential accommodation fails to comply with policies H7, H8 and guidance contained within PPS7.
- 6.12 The provision of a design office and associated display space in relation to the building does not in principle raise any concerns.

Landscape Impact and Design

- 6.13 The premises currently under construction (approved in 2001) are already of a significant size and scale. Its slight enlargement (footprint), and reposition has recently been given planning permission. The proposed extension would appear, in character, as an extension to this building. The additional bulk and scale of the building would be unlikely to have any further impact on the landscape character of the area than the building that is under construction. The design of the building however, with the use of significant amount of windows, would alter the appearance of the building from one that could be considered agricultural to one more attributed to offices or industrial buildings within an industrial estate or built up area. As such the proposed extension, by virtue of its design would fail to enforce the distinctive character and appearance of the locality contrary to policy DR1 of the Unitary Development Plan.

Conclusion

- 6.14 The introduction of a residential use in this location, in association with the existing business, fails to demonstrate a satisfactory functional need for the residential use. In addition to this the application does not satisfactorily demonstrate that it can meet the financial test. As such the proposal fails to comply with policies H7 and H8 of the UDP and the guidance contained within PPS7 – Sustainable Development in Rural Areas. The proposed building, by reason of its design and appearance be an uncharacteristic addition, failing to respect the rural character of the area contrary to policies DR1 and LA2 of the UDP. On this basis the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The proposal is contrary to policies H7 and H8 if the Herefordshire Unitary Development Plan and the guidance contained in PPS7: Sustainable Development in Rural Areas. It is not considered that a justification for a permanent new dwelling has been made in either terms of a functional need to serve the rural enterprise or on the basis of its long term financial viability.**
- 2 The proposed extension, by virtue of its design and appearance would be uncharacteristic in its localilty and would fail to respect the rural character of the area contrary to policies DR1 and LA2 of the UDP.**

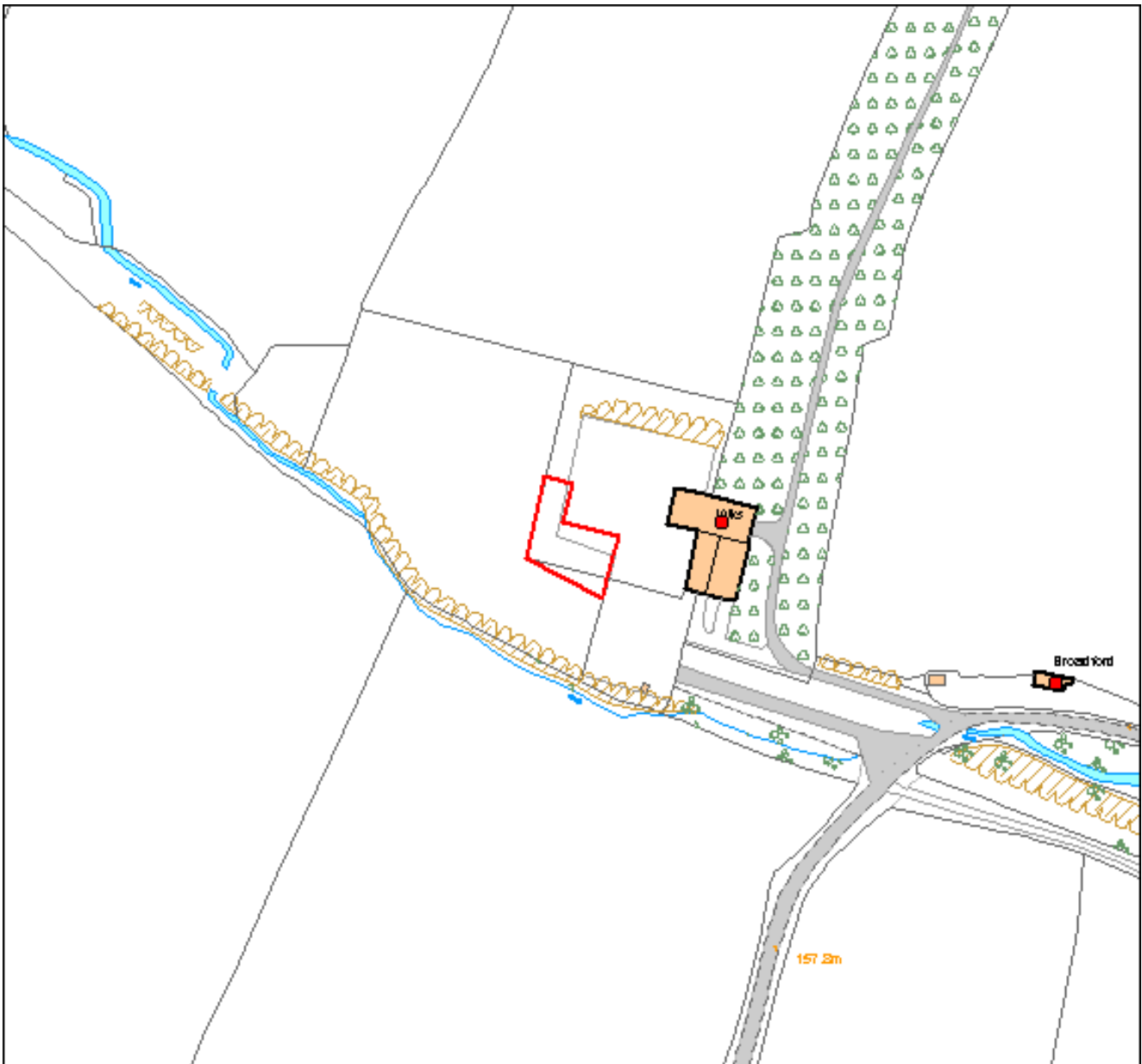
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNW/092650/F

SITE ADDRESS : THE HIGHLAND WORKS, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LL

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MEETING:	PLANNING COMMITTEE
DATE:	14 APRIL 2010
TITLE OF REPORT:	<p>DMNC/100481/CD - PROPOSED REMOVAL OF EXISTING MINOR EXTENSIONS, INTERNAL ALTERATIONS AND NEW EXTENSION TO FORM OFFICES AND COMMUNITY ROOMS FOR RENT (AMENDMENTS TO PREVIOUSLY APPROVED PLANNING APPLICATION DCNC2009/0435/CD) AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL</p> <p>DMNC/100482/L - PROPOSED REMOVAL OF EXISTING MINOR EXTENSIONS, INTERNAL ALTERATIONS AND NEW EXTENSIONS TO FORM OFFICES AND COMMUNITY ROOMS FOR RENT (AMENDMENTS TO PREVIOUSLY APPROVED PLANNING PERMISSION DCNC2009/0436/L)</p> <p>For: Mr Williams per Mr Frederick Gibson, 14 The Tything, Worcester, WR1 1HD</p>

Date Received: 5 March 2010 **Ward: Leominster South** **Grid Ref: 349916,259074**

Expiry Date: 12 May 2010

Local Members: Councillor RC Hunt and Councillor PJ McCaull

1. Site Description and Proposal

- 1.1 Grange Court is a Grade II* listed building and is very much a landmark in the town. It is located on the eastern side of The Grange, a large open space at the heart of Leominster and set within a mature landscape. The area is also within Leominster's Conservation Area and the outer precinct of Leominster Priory, which is the town's only Grade I listed building and also a Scheduled Ancient Monument.
- 1.2 The building, now vacant, was used by the Council as office accommodation. This use diminished over recent years as the Council sought to rationalise the disparate nature of its services. Limited car parking is provided through an area of tarmac directly in the foreground of the building and is accessed via an existing entrance onto Pinsley Road. A large public car park is located approximately 100 metres to the west of the site where parking is free for a limited period. A second free car park is located at the bottom of Broad Street, approximately 300 metres away, where all day parking is available.

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

- 1.3 The building is also within 200 metres of the town's main shopping area and the area is generally one of frequent public activity with pedestrians either using The Grange as an informal open space or as a through route to and from the town centre.
- 1.4 The history of Grange Court is unusual, and it is this which has brought about its Grade II* listed status. It was originally erected in 1633 at the top of Broad Street in the town and was used as its market hall. The building was designed by John Abel, who later went on to become the King's Carpenter, and features particularly fine carvings throughout the timber frame. Like those in Ross on Wye and Ledbury, it is typically a timber framed structure with panelling and was originally designed with a completely open ground floor.
- 1.5 During the 19th century the building was considered to be a traffic hazard and was dismantled. It was eventually bought by John Arkwright, grandson of the famous industrialist Richard Arkwright, who was also responsible during the same period for the renovation of Hampton Court at Hope Under Dinmore. The building was reconstructed in its current location in 1853 with the purpose of being used as a Victorian gentlemen's residence. At this time the building was to undergo some significant alterations. The ground floor was enclosed to create two rooms and a central stone staircase added. The previously open space at first floor was subdivided to create smaller private rooms and significant one and two storey brick extensions added to the side and rear, whilst a detached coach house was newly constructed to the north east.
- 1.6 This application follows recent planning permission and listed building consent for the adaptation and extension of Grange Court, including some elements of demolition, to provide a range of uses for community and voluntary organisations and local businesses. The proposal is for a number of amendments to the design of the approved scheme, but its fundamental principles remain the same.
- 1.7 Central to the originally approved scheme was the provision of an extension to Grange Court. This takes the form of a single storey 'L' shaped addition attached to the southern elevation of the host building with wings projecting in both southerly and easterly directions. The design is of a contemporary style with flat roofs concealed behind a steep mono-pitched roof facade running as a band along both wings. Such an arrangement provides an opportunity for high level glazing, ventilation and the installation of solar energy collectors.
- 1.8 The wings are linked by a central foyer/reception that gives access to all parts of the building. This attaches directly to the two storey Victorian brick extension which is to be adapted in order to incorporate a new lift and staircase and this gives access in turn to the upper floor of the original timber framed building.
- 1.9 The basic premise of the scheme described above remains unchanged, but it is to these elements of the proposal that the amendments primarily relate. The design of the foyer is to be simplified with its west elevation being fully glazed, realigned and slightly reduced in floor area, from 59.4m² to 57.6m². The height of the parapet has increased from 3.5m to 4.2m in order that it appears as a more dominant element in relation to the new wings. The design of the canopy over the main entrance has also been simplified with column supports previously approved being completely removed.
- 1.10 The east wing has been handed so that the corridor is now on the north side and allows office space to look into an enclosed garden area created by the wings. The fenestration of the east wing has been amended to include high level windows, but the roof height remains the same. Timber louvers are to be used to create shading on the west elevation of the south wing. A timber pergola supporting horizontal louvers will create shading for both wings on their respective elevations facing onto the enclosed garden. The 'Green Roof System' previously proposed for flat roofed parts of the scheme is to be replaced with a more cost-effective sedum roof, and those parts previously to be finished with lead will now be so with a 'Terne' coated stainless steel.

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

- 1.11 The only change to the arrangements for Grange Court relate to part of the brick element to the rear of the building that is to be retained. A second floor window shown in the east elevation is to be omitted and replaced with a combination of a new rooflight in the eastern roof slope and a new dormer window in the north elevation.

2. Policies

Herefordshire Unitary Development Plan

- 2.1
- | | | |
|--------------|---|--|
| Policy S7 | - | Natural and historic heritage |
| Policy S11 | - | Community facilities and services |
| Policy DR1 | | Design |
| Policy DR3 | - | Movement |
| Policy E7 | - | Other employment proposals within and around Hereford and the Market towns |
| Policy E8 | - | Design standards for employment sites |
| Policy TCR10 | - | Office development |
| Policy T8 | - | Road hierarchy |
| Policy LA5 | - | Protection of trees, woodlands and hedgerows |
| Policy LA6 | - | Landscaping schemes |
| Policy NC1 | - | Biodiversity and development |
| Policy HBA1 | - | Alterations and extensions to listed buildings |
| Policy HBA4 | - | Setting of listed buildings |
| Policy HBA6 | - | New development within conservation areas |
| Policy ARCH3 | - | Scheduled Ancient Monuments |
| Policy CF5 | - | New community facilities |

National Guidance

- 2.2 PPS 5 - Planning for the Historic Environment. This a new document published on 24 March 2010, and replaced the previous PPG15.

3. Planning History

- 3.1 DCNC2009/0435/CD and 0436/L proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent. Planning Permission granted 7 August 2009, listed building consent granted by Sec/State 1 September 2009.
- 3.2 92/0007 – Proposed construction of council chamber and office wing joining on to Grange Court – Planning permission and listed building consent were approved following referral to the Secretary of State. This permission has not been implemented.
- 3.3 77/0893/L – Demolition of buildings to the rear of Grange Court – Withdrawn.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage – comments awaited.
- 4.2 Victorian Society – comments awaited.
- 4.3 Society for the Protection of Ancient Buildings – comments awaited.
- 4.4 MADE – Design Review West Midlands – comments awaited.

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

Internal Council Advice

- 4.5 Conservation Manager - comments awaited.
- 4.6 Transportation Manager - comments awaited.
- 4.7 Manager of Environmental Health and Trading Standards - comments awaited.
- 4.8 Economic Development are supportive of the development as it allows for a number of small/incubator businesses to grow and establish themselves in the town centre.

5. Representations

- 5.1 Leominster Town Council – comments awaited.
- 5.2 At the time of preparing the report the publicity period has not expired. The last of the various dates is 22 April.
- 5.3 To date one letter of representation has been received from Revd Michael Kneen, The Rectory, Church Street, Leominster who strongly supports the application.
- 5.4 Any other representations received prior to the meeting will be reported to the meeting.
- 5.5 The applicant's agent has provided a detailed statement to describe the proposed amendments to the scheme. Aspects of this are reflected in the description of the proposal at paragraphs 1.9 to 1.11 above. Other points that are raised can be summarised as follows:

The configuration of the flights of the new main stairs has been changed. This is considered to improve the efficiency of the layout and to make the new main stair, hall and landing a more open and imposing space. The internal alterations have also led to some associated changes to the positions of windows, kitchen and toilet areas.

The size of the foyer is slightly reduced and the design of the west wall of the foyer has been made much more simple and refined, the height of the parapet has been raised, the porch roof has been reduced in size and its columns have been eliminated. The changes to the plan of the foyer have also enabled the elimination of two flat roofed porches at the south east and north east corners of the foyer. The result of these changes is that the foyer and new main entrance become the dominant part of the 'L' shaped new range.

It is now understood that the originally proposed 'Green Roof System' requires relatively expensive maintenance and, therefore, if a green roof is to be provided, the amended proposals are based on using a Sedum instead of wild flowers. The project is subject to an environmental assessment and is required to achieve a "very good" rating under the authoritative BREEAM system. When the original applications were prepared it was thought that green roofs were an essential part of compliance which was the principal reason this roof finish was proposed. Now it is found that it is not essential to incorporate a green roof to comply with a 'very good' BREEAM rating.

The original design included panels of horizontal metal louvers projection from the walls of the office wings to reduce glare and overheating. These were supported on cantilever brackets fixed to the top of the walls above the heads of the windows. Partly because of the change of handing of the east wing, it is thought that the character of the enclosed courtyard would benefit from a more traditional system for shading. Therefore, it is proposed to achieve this by horizontal louvers supported on a timber framed pergola rather than on cantilevered metal brackets.

The glazing of the southern office wing has been fitted with external vertical timber louvers. These maintain views out of the corridor whilst providing small 'architectural scale' and also means that the entrance doors to the foyer will be the focus for people approaching this side of the building.

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

6. Officer's Appraisal

- 6.1 The application raises a variety of material planning considerations. These were dealt with at length in respect of the previous applications. This was reflected in the variety and nature of public comment. It is not expedient to consider all these issues again since these matters have been addressed. Consequently this appraisal will deal only with those elements of the scheme which are different to that previously approved.

Design and Appearance

- 6.2 It is considered that the proposed amendments are improvements upon the original design and offer significant benefits over the original scheme. In particular, the changes to the appearance of the foyer give a clearer focus in terms of identifying the entrance to the building. The junction between Grange Court and the new extensions was previously rather awkward. The amended scheme makes this abutment simpler and pays greater regard to its relationship with Grange Court itself, and especially the first floor dormer window above.
- 6.3 The handing of the internal floor area of the east wing will make for a more pleasant environment as work spaces will look out onto the enclosed garden area as opposed to the car park. The change will have no effect in terms of the buildings relationship with neighbouring residential properties.
- 6.4 The introduction of timber louvers on the west elevation of the south wing offer a contemporary solution to issues of glare and overheating and sit comfortably with the overall design. Similarly the timber pergolas on the respective elevations of both wings within the enclosed garden reflect the slightly more informal sense of this part of the scheme.
- 6.5 The internal alterations proposed to Grange Court itself will not cause any demonstrable impact to the fabric of the building over and above that which has already been approved. The positioning of a new dormer window in the north elevation will not cause any demonstrable harm to the residential amenity of 2 Pinsley Road as it is over ten metres from the boundary with intervening mature trees and shrubs.

The Loss of Important Trees

- 6.6 The amendments proposed have no additional impact on the issue of the trees.

Highways and Other Matters

- 6.7 The amendments proposed have no additional impact on highway issues.

Summary

- 6.8 The proposal will secure a long term use for a building with an uncertain future. The minor changes referred to above are considered to improve the utility of the building, increasing the likelihood of a secure future and on balance, the scheme is considered to conform to the spirit of PPS5 and the Council's own policies regarding listed buildings and conservation areas.

6.9 As the building is Grade II* listed the determination of the listed building consent application falls to the Secretary of State for the Department of Communities and Local Government. The same requirement does not apply to the application for planning permission.

RECOMMENDATION

In respect of application for planning permission DMNC/100481/CD:

a) **Subject to the receipt of no representations raising substantially new issues not previously considered by the end of the statutory consultation period, that the Head of Planning and Transportation be delegated to grant planning permission subject to the following condition:**

1. **B04 amendment to existing permission**

INFORMATIVES:

1. **N15 – Reason(s) for the Grant of Planning Permission**

2. **N19 – Avoidance of doubt – Approved Plans**

In respect of application for listed building consent DMNC/100482/L:

b) **That the application for listed building consent is referred to the Secretary of State for the Department of Communities and Local Government with a recommendation that the Council is minded to approve the application subject to the following condition:**

1. **B04 listed building consent**

INFORMATIVES:

1. **N15 – Reason(s) for the Grant of Listed Building Consent**

2. **N19 – Avoidance of doubt – Approved Plans**

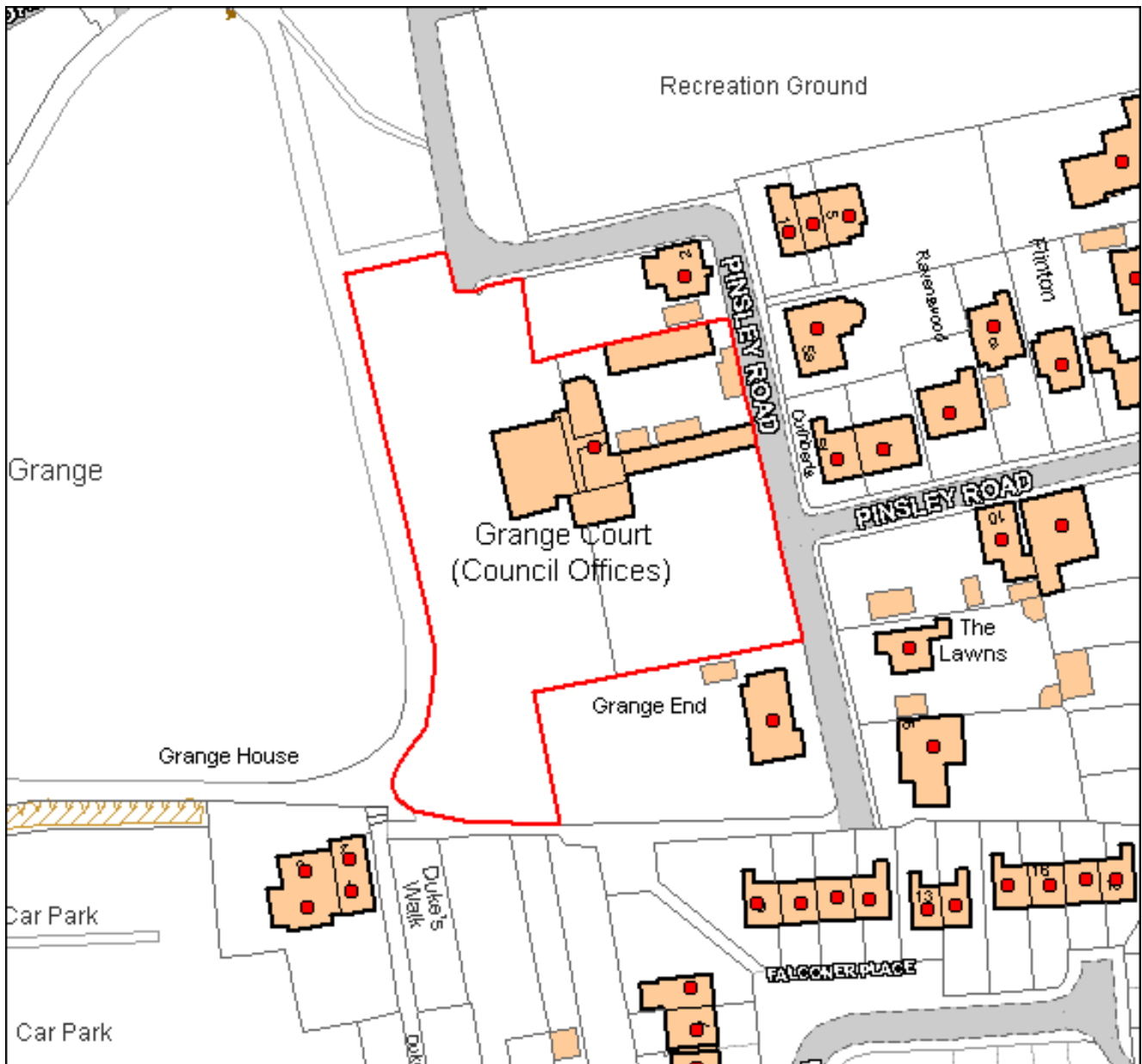
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNC/100481/CD

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