

AGENDA

Planning Committee

Date: **Wednesday 12 May 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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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

Non Voting

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of 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 30 March and 14 April 2010.	1 - 38
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To note the attached report.	39 - 44
7.	DMNW/100261/F - LAND OPPOSITE ARROW PLANT, EARDISLEY ROAD, KINGTON, HEREFORDSHIRE, HR5 3EA Proposed medical centre to include doctors' surgery, dental facilities and dispensary, proposed vehicle access, treatment plant and landscaping.	45 - 64
8.	DMSE/100298/O - LAND OPPOSITE CATTLE ROAD, NETHERTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7QQ. Light industrial units B1 use.	65 - 72
9.	DMSE/100399/F & DMSE/100400/C - PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ. Demolition of existing residential property & construction of 14 no. apartments, associated car parking, landscaping and access.	73 - 84
10.	DMSW/100072/F - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HR2 8DL Landscape development and change of use of existing fields for educational use.	85 - 96
ADJOURNMENT OF THE MEETING		
It is proposed that the meeting be adjourned after consideration of the first 4 applications. The meeting will reconvene at 2pm.		
11.	DMCE/091754/F & 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.	97 - 106

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| 12. DMNE/092262/F - FREEMAN'S PADDOCK, BROMTREES HALL, BISHOP'S FROME, HEREFORDSHIRE, WR6 3BY | 107 - 118 |
| <p>Change of use of land from agricultural to family travellers site, plus retrospective application for construction of barn and new access.</p> | |
| 13. DMNE/092736/F - HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR1 4JQ | 119 - 136 |
| <p>Proposed conversion of redundant Mill to form live/work unit.</p> | |
| 14. DATE OF NEXT MEETING | |
| <p>Date of next Planning Committee Site Visit – Tuesday 8 June 2010</p> | |
| <p>Date of Next Planning Committee – Wednesday 9 June 2010</p> | |

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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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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 Tuesday 30 March 2010 at 10.00 am

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

Councillors: PA Andrews, DJ Benjamin, PGH Cutter, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, AT Oliver, JE Pemberton, DC Taylor, WJ Walling and PJ Watts

In attendance: Councillors MAF Hubbard and AM Toon

102. APOLOGIES FOR ABSENCE

Apologies were received from Councillors ACR Chappell, H Davies, B Hunt, AP Taylor and JD Woodward.

103. NAMED SUBSTITUTES (IF ANY)

Councillors PA Andrews, DJ Benjamin and AT Oliver were noted as substitute members.

104. DECLARATIONS OF INTEREST

5. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD. Councillor GFM Dawe, Personal.

5. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD. Councillor MAF Hubbard, Prejudicial.

5. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD. MJ Willmont (Development Control Manager), Personal.

105. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the time allocated for public speaking had been extended to 6 minutes for each party.

106. DMCE092576F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT ROAD, BLACKFRIARS STREET, CANAL ROAD, NEWTOWN ROAD, HEREFORD

demolition of existing buildings and construction of new highway, cycleway, drainage, landscaping and associated works between the a49 (t) Edgar Street and a465 commercial road, Hereford, along with a new road link to unclassified road 80332 Blackfriars Street and U80335 Canal Road, a new junction with Widemarsh Street and associated highway improvement works including to the junction of the A49(t) Edgar Street and B4359 Newtown Road and the junction of A465 Aylestone Hill and C1127 Barrs Court Road, Hereford.

The Head of Planning and Transportation introduced the application. He advised that it was vital that the application was determined with policy in mind and that the Secretary of State had not called in the application. Therefore the determination of the application fell to the Planning Committee.

The Principal Planning Officer presented the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with paragraph 5.14.6.3 of the Council's Constitution, Councillor MAF Hubbard, a Central ward member who had declared a prejudicial interest in respect of the application, addressed the Committee before leaving the Council Chamber for the duration of the item. He commented on a number of issues, including:

- The 'It's Our City' campaign had received 10000 signatures in objection to the application in just 10 weeks.
- The road is included in the saved policies of the UDP but no further detail was given for the proposal.
- Consultation for the ESG Supplementary Planning Document was flawed and generated just 38 responses with just a third in favour.
- The report stated that one of the primary functions of the road was to redistribute traffic away from the inner ring road yet the planning officer admitted in his report that the road would not do this.
- The application before the committee was premature.
- The modelling software relied on assumptions as the plans were the urban village and retail quarter were not completed.
- The application for the road should have been put on hold pending the completion of the other key plans in order to determine what facilitates the road would be serving.
- Concerns were raised in respect of the Air Quality Management Area. Allowing the application would have a detrimental effect on the AQMA.
- Herefordshire Council set up ESG Limited, surely the Council should not be permitted to determine the application.
- Natural England comments noted in respect of the canal basin and green infrastructure.
- The mixed cycleway and pedestrian footway would bring people directly into conflict with each other, this was directly against modern principles of developing urban streets.
- How would the local businesses be looked after, was there a budget in place to fund their relocation.

In accordance with the criteria for public speaking, Mr Faulkner and Mr James spoke in objection to the application, and Dr Nicholson, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors PA Andrews and AM Toon, two of the Three Elms ward members, commented on a number of issues, including:

- The improvements on the roundabouts would be welcomed.
- The application was always going to arise strong feelings within the city.
- Residents from the Three Elms Ward were generally in support of the application.
- There had been two years of consultation.
- All aspects raised by the Three Elms Councillors had been integrated into the application.
- Was the Gully on the Newtown Road roundabout being reinstated?
- Concerns were raised regarding any possible flood risk.

- Concerns were raised regarding traffic issues off Aylestone Hill and the possible 'rat runs' through Hopton Road and Southbank Road.
- The application was welcomed by the local ward members.

In response to a question from Councillor PA Andrews regarding the access to 123 Edgar Street, the Principal Planning Officer advised that Condition 33 (as amended) ensured that access issues were resolved prior to any commencement of works.

In response to a number of points raised by the Committee, the Head of Planning and Transportation confirmed that no planning applications had been submitted in respect of the Edgar Street Grid but that detailed schemes were in preparation and that he had confidence in the total package coming forward. He requested that Members determine the application on its merits and advised that it was not unusual for an application for road infrastructure to precede other aspects of a development.

A Member of the Committee asked for clarification regarding any possible consultation with the Council and the NHS regarding alternative transport methods. He felt that closer working with two of Herefordshire's lead employers could reduce highway demand and alleviate the requirement for a new road. He also expressed concerns regarding the proposed combined pedestrian and cycle paths and the footfall data inputted into the model. In summing up he felt that the application had been submitted prematurely and called for a public enquiry.

In response to these points the Head of Planning and Transportation advised that the application had not been called in by the Secretary of State and that it therefore needed to be determined by the committee with weight given to all of the material planning considerations. He added that in his opinion there was no reason to hold a public enquiry. In respect of the earlier points raised by Members he added that the application would change traffic patterns but that all aspects of travel had been investigated, He added that granting the application would not address all of the traffic problems but that it would allow a free flow of pedestrians, cycles and motor vehicles.

The Principal Planning Officer also added that both rail and bus travel had been considered in the model and that a multi-modal traffic model had been used which incorporated pedestrian, cycle and vehicular data. He also advised that the Council did have a travel plan for its own operation. In summing up he noted that the model had been calculated on a worst case traffic scenario.

In response to a question the Principal Planning Officer confirmed that 121 Edgar Street was opposite the new proposed junction. He noted the concerns raised regarding turning right from Aylestone Hill onto Barrs Court Road and stated that a scheme had been modelled with and without the right turn and that the technical experts had advised that traffic flow was improved with the restriction in place. He did note that the model could not account for driver behavioural patterns and noted the concerns raised in respect of cars using Hopton Road. He advised that a sum of £250,000 had been allocated to deal with any issues arising from the changed patterns of traffic movements.

Members also raised concern in respect of the possibility of traffic problems on Commercial Road, Edgar Street and Southbank Road as a result of the application.

A number of Members raised concerns in respect of the affect the application would have on Rockfield DIY as the application required the use of the site it currently occupied. Members discussed the merits of redirecting the road in order to preserve Rockfield DIY. It was noted that this would require the removal of a section of Morrison's car park. Members felt that Rockfield DIY was of great importance and requested that the Council work closely with the owners of Rockfield to investigate relocation options. Members also noted that a number of other businesses would be affected by the

application and felt that these businesses needed to be supported by the Council with careful thought given to any possible relocation.

In response to a number of points raised by Members, the Principal Planning Officer advised that the road could not be deviated around Rockfield and it would need a complete redesign to do so. He added that the employment generated by all affected businesses has been considered and that Rockfield DIY would be relocated to a suitable site. In summing up he confirmed that a site had not been agreed and that discussions were ongoing.

Members were also concerned in respect of the lack of a bus lane within the proposed infrastructure. Members felt that in order to complement a 'park and ride' in Hereford it was vital for busses to have a fast route into the city. The Principal Planning Officer advised Members that a bus lane had been considered but that the route did not fall within existing bus routes as the principal bus route was via the city centre. The Head of Planning and Transportation added that the bus route was important however the new road would not form the bus route for the 'park and ride'.

During the debate Members also discussed concerns regarding the possible loss of car parking spaces at Merton Meadow. It was noted that there was a lack of long stay parking within the city centre and that the Merton Meadow car park was a valuable source of low cost, long stay parking for people working in Hereford. Members debated the application fully and raised a number of points, including; the need to look closely at green infrastructure including green transport plans and sustainable water management; funding could be better spent revitalising the city centre; the number of junctions in close proximity on the new road; the benefits of the Edgar Street Grid in respect of affordable housing within Hereford; the amendments to the canal resulting in a smaller canal section with a canal basin at one end; the importance of securing funding within Herefordshire; the support that the application had received from the City Council; and the general need to make Hereford an attractive option for shoppers throughout the County.

Councillors PA Andrews and AM Toon were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated the issues raised in their opening statements and also made a number of addition points, including:

- Hereford needed to move forward and the investment in the city was welcomed.
- Improvements were needed in the city's cycle network.

RESOLVED

It be recorded that the Environmental Statement and associated documents including the consultation and other responses received on the Environmental Statement and the associated documents have been taken into account in making this recommendation.

That planning permission be granted subject to the following conditions and any additional conditions considered necessary by officers:

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 D02 Approval of details**
- 4 E01 Site investigation - archaeology**

- 5 **G01 Earthworks**
- 6 **G02 Retention of trees and hedgerows**
- 7 **G03 Retention of existing trees/hedgerows**
- 8 **G04 Protection of trees/hedgerows that are to be retained**
- 9 **G10 Landscaping scheme**
- 10 **G11 Landscaping scheme - implementation**
- 11 **G14 Landscape management plan**
- 12 **H18 Roads - engineering details**
- 13 **H19 Phasing**
- 14 **H21 Wheel washing**
- 15 **H27 Parking for site operatives**
- 16 **I16 Restriction of hours during construction**
- 17 **Prior to commencement of the development a Construction Environmental Management Plan shall be submitted for approval in writing of the local planning authority and shall include measures to minimise the extent of dust, odour, noise and vibration arising from the construction process as set out in the Environmental Statement. The construction shall be carried out in accordance with the approved Construction Environmental Management Plan.**

Reason: To safeguard the residential amenity of surrounding properties and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 18 **I25 Bunding facilities for oils/fuels/chemicals**
- 19 **I55 Site Waste Management**
- 20 **I20 Scheme of Surface Water Drainage**
- 21 **Prior to the commencement of development, an Ecological Construction Working Method Statement covering the mitigation detailed in Section 13.6 of the Environmental Statement shall be submitted to the local planning authority for the approval in writing to include a schedule of identified habitat and species, timings of demolition and construction works along with species and habitat enhancement during and post construction all overseen by a nominated ecological clerk of works. In addition, a full design details to include scale plan shall be submitted of the proposed otter underpass as identified on drawing no. Development shall be carried out and biodiversity enhancement implemented in accordance with the approved details and timings within the Method Statement.**

Reason: To safeguard the biodiversity interest of the site and comply with policies NC1, NC7 and NC8 of Herefordshire Unitary Development Plan.

- 22** Prior to commencement of development details shall be provided of the location and height of waste material to be stored on site including areas for sorting of waste on site shall be submitted for the approval in writing of the local planning authority. All waste shall be stored and disposed of in accordance with the approved details for the duration of the demolition and construction process.

Reason: To ensure appropriate storage and disposal of all waste and to comply with Policy W11 of the Herefordshire Unitary Development Plan.

- 23** Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority.

1. A site investigation scheme, based on the desk study, ref PB January 2008, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the controlled waters at this site which are of high environmental sensitivity as the site is located on a Secondary aquifer (formerly Minor aquifer) and contamination is known/strongly suspected at the site from previous land use.

- 24** Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 25** Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall

be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no remaining unacceptable risks to controlled waters following remediation of the site.

- 26 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 27 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the link road shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason: To prevent pollution of the water environment.

- 28 Prior to the commencement of development a Construction Traffic Management Plan including a scale plan identifying the principal route of construction traffic for each phase of the development shall be submitted for the approval in writing of the local planning authority. Development shall be carried out in accordance with the agreed Traffic Management Plan.

Reason: In the interests of highway and pedestrian safety and to safeguard the local amenity and to comply with Policies DR2, DR3 and T13 of the Herefordshire Unitary Development Plan.

- 29 Prior to the commencement of development a Parking Strategy shall be submitted for the approval in writing of the local planning authority. The strategy shall identify the following:

- 1) The number of long and short stay car and lorry parking spaces lost at each phase of development and the timing of loss of each parking area,
- 2) The provision of alternative temporary and/or permanent parking areas to mitigate the loss
- 3) A strategy for the redistribution of parking elsewhere within existing car parks where capacity exists throughout the year including a specific strategy for the Christmas period.

The loss of each area of parking shall be advertised in the local press in advance of its loss and details of alternative provision provided including

signage within the city. The final strategy shall be implemented as approved in accordance with timings within the strategy.

Reason: In the interests of highway and pedestrian safety to ensure adequate long and short stay parking is maintained to serve the needs of the city and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

- 30 Prior to commencement of development details to include scale plans of the proposed mitigation measures to be implemented in order to safeguard and enable the continued operation of businesses directly affected by the development (which are not to be demolished). The agreed specification and details shall be completed in accordance with the agreed programme of works and phasing of the development.

Reason: To ensure existing businesses that are not proposed to be demolished can continue to operate/trade and to comply with Policy E5 of the Herefordshire Unitary Development Plan.

- 31 Prior to commencement of development details shall be submitted for the approval in writing of the local planning authority of the means of preventing the new section of Canal Road from being a through route for vehicular traffic save for emergency vehicles. The agreed measures shall be implemented prior to the first use of the new section of Canal Road hereby permitted.

Reason: To restrict the vehicular traffic from travelling southwards along Canal Road in the interests of highway and pedestrian safety and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 32 Prior to commencement of development a strategy to facilitate off site works to mitigate any secondary impacts of the road once fully operational shall be submitted for the approval in writing of the local planning authority. The agreed strategy shall be implemented as approved in accordance with the agreed programme forming part of the strategy.

Reason: To enable the whole impact of the road to be assessed and monitored following completion and the implementation of any necessary mitigating works in accordance with an agreed timescale and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 33 No development shall take place unless and until a detached scheme of Highway Works for the proposed junction between the A49 trunk road and the ESG Link Road, broadly in accordance with drawing number HDC91362A/3 dated 18 August 2009 has been submitted to and approved in writing by the local planning authority. The scheme shall detail the traffic signalised junction between the A49 and the ESG Link Road. The scheme approved shall be implemented and completed in full according to the approved detailed scheme.

Reason: In order to ensure the safe and efficient flow of the A49 through Hereford and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 N19 Avoidance of doubt - Approved Plans

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

(Councillors RI Matthews, AT Oliver and WJ Walling asked for it to be recorded that they abstained from voting in respect of this item)

107. DATE OF NEXT MEETING

It was noted that the next meeting of the Planning Committee would take place on Wednesday 14 April 2010.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.50 am

CHAIRMAN

SCHEDULE OF COMMITTEE UPDATES

DMCE/092576/F - EDGAR STREET TO COMMERCIAL ROAD, INCLUDING BARRS COURT RD, BLACKFRIARS ST, CANAL ROAD, NEWTOWN ROAD, HEREFORD

FOR: ESG Herefordshire Ltd PER Dr David Nicholson ESG Herefordshire Ltd, 3 Blackfriars Street, Hereford, Herefordshire, HR4 9HS

ADDITIONAL REPRESENTATIONS

Letter from Herefordshire and Worcestershire Chamber of Commerce:-

The area Council of the Chamber have voted to support the application as it is critical to opening up land for development on ESG and improving access and flow to and from the station. If permission is approved, there must be a support package aided by government agencies and improved communication to help with the relocation of business near to the city centre in order to retain its vitality.

A copy of letter between Cllr Wilcox and a local resident raising concerns about traffic flows, speeds and general impact, timings of traffic lights and creation of rat runs in the Southbank road/Aylestone Hill areas.

Comments from Councils Land Drainage Engineer:

The road involves little change of impermeable area and attenuation storage is proposed where changes occur. The proposal also includes spillage containment and pollution interceptors on all outfalls due to the proximity of the site to River Wye and Widemarsh Brook. All flood risk scenarios have been considered with flood risk being significantly reduced with the implementation of Yazor Brook Flood Alleviation Scheme and longer term on site measures. Overall we raise no objection to the application subject to a robust emergency procedure plan being in place to manage flood risk.

Amended landscaping plans have been received which identify additional tree planting within areas of the highway that contain central reservations. This has been introduced to re-enforce the desired boulevard appearance of the road.

Planning Policy Guidance Note 15 – Planning and the Historic Environment and Planning Policy Guidance Note 16 – Archaeology and Planning have been replaced with a new Planning Policy Statement entitled Planning for the Historic Environment which came into effect on 23rd March 2010. The guidance contained within the new Planning Policy Statement as it applies to this application is not significantly or materially different to the previous Planning Policy Guidance notes referred to in the report.

OFFICER COMMENTS

The additional comments and representations received do not raise any new material planning issues that aren't already covered in the report and the attached conditions.

CHANGE TO RECOMMENDATION

Typo in condition 33, replace the word 'detached' in the first line with the word 'detailed'.

Discussion are ongoing with the owner of 121 Edgar Street. Following a recent meeting, options for maintaining a safe access were discussed. Therefore, it is recommended that condition 33 is amended to include a requirement that the Edgar Street junction final design shall include measures to ensure that a safe vehicular access can be maintained to number 121 Edgar Street to be approved by the local planning authority in consultation with the Highways Agency.

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 April 2010 at 10.00 am

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

Councillors: PA Andrews, ACR Chappell, PGH Cutter, GFM Dawe, PJ Edwards, JHR Goodwin, DW Greenow, JW Hope MBE, B Hunt, RC Hunt, G Lucas, AT Oliver, JE Pemberton, WJ Walling, PJ Watts, JB Williams and JD Woodward

In attendance: Councillors JA Hyde, PM Morgan and AM Toon

108. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davies, KS Guthrie, RI Matthews, AP Taylor, and DC Taylor.

109. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PA Andrews was a substitute member for Councillor AP Taylor; Councillor PJ Edwards was a substitute member for Councillor RI Matthews; Councillor JHR Goodwin was a substitute member for Councillor KS Guthrie; Councillor JB Williams was a substitute member for Councillor DC Taylor; and Councillor AT Oliver was a substitute member for H Davies.

110. DECLARATIONS OF INTEREST

9. DMNE/100188/F - HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP.

Councillor RV Stockton, Personal and Prejudicial.

11. DMNE/100235/F - LEADON COURT, FROMES HILL, HEREFORDSHIRE, HR8 1HT.

Councillor PM Morgan, Prejudicial, Councillor Morgan left the meeting prior to the application being determined.

13. DMSE/093151/F - CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS.

Councillor JA Hyde, Personal.

15. DMNC/100481/CD and DMNC/100482/L - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL.

Councillor RC Hunt, Personal.

111. MINUTES

RESOLVED: That the Minutes of the meeting held on 17 March 2010 be approved as a correct record and signed by the Chairman.

112. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised members of the public in respect of the public speaking procedure. He also advised the Committee that Agenda items 1-9 would be dealt with before lunch with the remaining items determined when the meeting was reconvened at 2pm.

113. UNITARY DEVELOPMENT PLAN - SAVED POLICIES

The Planning Policy Manager advised Members that the Unitary Development Plan had been adopted three years ago and that there was now a requirement to save a number of policies prior to the adoption of the Local Development Framework.

The Planning Policy Manager drew Members' attention to paragraph 4 of the report which confirmed that the Secretary of State had now issued the necessary direction and that the list of policies which had been saved was included in the appendix to the report. The report also stated that the full text of the saved policies and the Secretary of State's direction had now been published on the Council's website and that the effect was that the saved policies were still part of the Council's Policy Framework (as defined in the Constitution) and were still part of the Development Plan. He added that consequently regard must be had to the saved policies in the determination of planning applications.

In response to a question, the Planning Policy Manager advised that the policies that would not be saved were the ones that had been covered by other national policies.

RESOLVED

THAT Committee note the decision of the Secretary of State and continue to apply the Saved Policies accordingly.

114. 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.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

She added that a representation had been received from Bartestree Parish Council after the updates sheet had been produced. This representation reiterated the Parish Council's stance in respect of the application and raised no new material planning considerations.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, commented on a number of issues, including:

- The Parish Council had met on Tuesday and were therefore unable to register to speak, Chairman should allow late registration of speakers in these circumstances.
- The applicant had addressed all of the issues raised at the previous meeting including landscaping, colour, disabled access, and ensuring that the decking was free standing and not attached to the original building.

- Landscaping needed further discussion as oak and cherry were not ideal materials for screening, this could be addressed through a suitable condition.
- The applicant had proved that the decking had been beneficial to the trade of the public house and the application should be granted.
- The applicants were happy to move the satellite dish from the front to the side of the building.

Members opened the debate by stating that in their opinion public houses needed to remain the heart of the community, they were therefore sympathetic to the needs of the applicant in the current financial climate. They did however note the concerns raised in respect of the application and questioned whether the decking could be relocated to the side of the public house. Members also voiced their concerns in respect of the proposed screening. They felt that Oak and Cherry were not suitable materials for screening the decking but felt that this matter could be rectified through an appropriate condition.

Some members questioned the merit of the application and noted that there was a large garden area to the rear of the public house that could be used for seating. They felt that the decking was inappropriate for a grade 2 listed building and agreed with the case officer that granting the application would result in an unacceptable impact on the visual amenity of neighbouring properties.

In response to a number of questions from members, the Senior Planning Officer advised Members that there was not currently a disabled access into the premises and that the applicant had stated that the proposed ramp would ensure an easy access into the building. She added that she could not confirm if there had been an increase in trade since the decking had been in situ and she also advised Members that concerns had been raised by the Traffic Manager in respect of the vehicular access to the site.

During the debate Members noted that English Heritage had not objected to the application and that a number of other public houses throughout Hereford benefitted from exterior decking. They also raised concerns in respect of the number of public houses currently closed throughout the county.

The Development Control Manager advised Members that the Planning Department supported the need to keep public houses as a vital part of the community. He noted that the application was retrospective and that a number of the concerns could have been addressed if the applicant had consulted with the Planning Department prior to erecting the decking. In summing up he advised Members that the application was contrary to Policies HBA1 and HBA4 of the Unitary Development Plan and that it should therefore be refused in line with the Officer's recommendation.

Councillor Greenow was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated the issues raised in his opening statement and also made a number of addition points, including:

- Temporary permission could be granted.
- The decking could not be located on either side of the public house as there would be an impact on neighbouring residents.
- The decking overlooks the children's play area and enables parents to eat their meal outside whilst supervising their children.

A motion to refuse the application failed. Members were then advised by the Locum Lawyer and the Democratic Services Officer in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Development Control Manager and the Locum lawyer, representing the Monitoring Officer, both felt that there were critical policy issues at stake and therefore felt that a

Further Information Report would be required and the determination of the application would have to be deferred until the next meeting of the Planning Committee.

Members voiced their concerns in respect of the Further Information Report process as currently set out in the Council's Constitution.

RESOLVED:

That consideration of planning application DMCE/091754/F be deferred for further information.

115. DMNE/092736/F - HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR8 2HT

Proposed conversion of redundant mill to form live/work unit.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Harding spoke on behalf of the Town Council, and Mr Lewis, the applicant, spoke in support of his application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PJ Watts, the local ward member, commented on a number of issues, including:

- The topography of the site had not been considered in the flood risk assessment.
- Evidence proved that there was no risk of flood with the floor level 1.45 metres above flood level.
- There had been a mill on the site as far back as 1066.
- Restoration of the building had been required due to a fire in the 1950's.
- The production of charcoal required 24 hour supervision.
- There was an identified local housing need.
- There had been no reported accidents on the access road.
- The business plan should be viewed as an indication of the applicant's plans and not set in stone.
- The canal route did enter the site but the application site itself was not on the canal route

Some members felt that the Council had a responsibility for shaping and supporting rural enterprises and should strive to accommodate young people in the countryside. They felt that it was imperative that the proposed dwelling be tied to the farm with an appropriate condition. It was noted that there had previously been a scrap metal yard on the site and that the entrance to the site had been historically used with no reports of any accidents. Members noted that in their opinion the application was in accordance with the government guidance in relation to sustainable development (PPS1) and also accorded with national policies PPS4, PPS7, PPS9, and UDP policy H8.

Other Members agreed that the Council should support rural enterprises and recommended that the applicant contact the Council's Economic Development team who could offer guidance and advice. They also voiced concerns regarding the profitability of the enterprise and felt that the application should be refused in accordance with the Officer's recommendation. It was noted that the Committee were not trying to prevent the applicant from pursuing his career but that temporary accommodation could provide the solution to any possible functional need for a dwelling on the site.

In response to a number of points raised by Members the Principal Planning Officer advised that local and national planning policies aimed to encourage rural enterprise and that the applicant's proposed live/work unit was divorced from the woodland. He added that the functional need to live on the site could be provided through temporary accommodation. Finally he advised Members that the proposed woodland planting outlined in the application would take a number of years to mature and that there was no alternative source of timber near to the proposed dwelling.

Members went on to discuss a number of issues in respect of the application including possible funding for woodland enterprises through English Nature; the support for live/work units as outlined in Council planning policy; the fact that the applicant had access to alternative woodland; the support being offered by the family in respect of the application and the benefit to the environment and wildlife of the proposed nine and a half acres of planting.

One Member noted that there were currently 5000 – 6000 people on the waiting list for housing in Herefordshire. He proposed that permission for the application be granted subject to the following three conditions; the removal of permitted development rights; the use of the site to be limited to a rural enterprise; a large percentage of willow be proposed for the planting to provide an earlier source of material.

The Planning Policy Manager noted that live/work sites had been mentioned in Ross on Wye but confirmed that these were on an allocated site. He advised members that planning policy did not stop the applicant pursuing his career but did not justify a permanent residential unit on the site.

The Principal Planning Officer suggested possible conditions that could be incorporated into any approval decision in order to ensure that the dwelling was only occupied by someone employed solely in the woodland industry.

Councillor Watts was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated the issues raised in his opening statement and also made a number of addition points, including:

- The applicant has access to 40 acres of woodland prior to the proposed planting scheme coming to maturity.
- The existing building could be easily converted.
- Members should be positive and encourage the acceptance of the application.

The Chairman noted that the committee were minded to approve the application contrary to the Officer's recommendation and requested guidance from the Locum lawyer in respect of the Further Information Report process.

Both the Locum Lawyer, representing the Monitoring Officer, and the Development Control Manager felt that a further information report was required due to the critical policy issues at stake and due to the fact that granting the application could leave the authority open to judicial challenge. The Locum Lawyer noted that there was a need for a functional and economical test for the application; he noted that the economical test had been met but in his opinion the functional need test had not.

Members were advised that the Constitution did not permit them to take a vote against Officer's recommendation where a Further Information Report had been requested and therefore the motion had to be withdrawn. The substantive motion to refuse the application was voted on and failed resulting in the determination of the application being deferred pending a further information report.

Members felt that a vote should be taken contrary to the Officer's recommendation. The Democratic Services Officer read out the relevant section of the Constitution to clarify the issues resulting from the Further Information Report.

RESOLVED:

That consideration of planning application DMCE/091754/F be deferred for further information.

116. DMNE/100188/F - HOE FARM, MATHON ROAD, COLWALL, MALVERN, HEREFORDSHIRE, WR13 6EP

Proposed erection of new linked building/extension to joinery workshop.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Johnson, a neighbouring resident, spoke in objection to the application and Mr Eldridge, the applicant, spoke in support.

Members discussed the application and noted the concerns of the neighbouring residents; they also noted that neither the Traffic Manager nor the local Parish Council had objected to the application. They applauded the applicant for the quality of work produced in the workshop and supported the application. They did however have some concerns in respect of possible noise disturbances to the neighbouring premises as well as concerns about the proposed screening. Members also noted the concerns in respect of external ventilation and asked for clarification as to whether the ventilation units could be moved inside the building.

The Principal Planning Officer advised Members that mature screening could be negotiated and added that consideration should be given to the density of the screening rather than the height. In reference to the possibility of relocating the extraction units to the inside of the building, the Principal Planning Officer confirmed that this would not be possible however there were no extraction units proposed on the elevation nearest to the neighbouring dwelling. He added that condition 6 addressed any concerns of noise.

In response to a question in relation to the number of objections received regarding the application, the Principal Planning Officer confirmed that objections had been received from 40 people from as far away as Malvern. It was noted that there were only two residential dwellings in the proximity of the application site.

Members praised the applicant and the neighbouring resident for their willingness to work together to overcome any issues. They added that there seemed to be a question mark over the ownership of the dividing fence and questioned whether the applicant would be willing to get the fence repaired as a gesture of goodwill if the application was approved. They also noted that there had been a breach of conditions on the site and requested that the site be monitored closely to ensure compliance.

In response to a question regarding the hours of operation, the Principal Planning Officer advised that the existing building was permitted for use until 8pm and could not be restricted to a 6pm terminal hour. It was therefore reasonable to allow the new unit the same hours of operation.

RESOLVED

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 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

117. 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.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr. Field spoke on behalf of Bishop Frome Parish Council, Mr. Mann spoke in objection to the application and Mr. Baines spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PM Morgan, the local ward member, commented on a number of issues, including:

- There were genuine local concerns about the proposal which needed to be taken seriously and in the context of the Unitary Development Plan policies.
- Referring to policies S1 (Sustainable Development), DR1 (Design) and LA2 (Landscape Character and Area Least Resilient to Change), concerns were expressed about the sustainability of the proposal and its impact upon the appearance and distinctive character of the area.
- Local residents disputed the comment of the Conservation Manager that '...there were limited views into the site from public vantage points...' and they did not consider that the proposal would safeguard landscape quality and visual amenity. It was questioned whether the proposed landscaping scheme would adequately screen the structures, particularly in winter. Landscape quality was described as the county's most valuable asset and high standards of sustainability and design should be required.
- Referring to policies H7 (Housing in the Countryside Outside Settlements) and H12 (Gypsy and Other Travellers), Councillor Morgan noted the need for sites to be in sustainable locations, with access to services and facilities. It was not considered that a case had been made for an exception site in this open countryside location. She felt that it was likely that the occupants would need to use vehicles given the distance to Bishops Frome and lack of footpaths.
- Councillor Morgan questioned the comment in the report that 'Compared to Bosbury, the applicants' current residence, Bishops Frome offers more services, facilities and is a more sustainable location to be based'. She compared the two locations and was of the opinion that Bosbury met better the infrastructure considerations identified in Circular 1/2006 (Planning for Gypsy and Traveller Caravan Sites).
- Councillor Morgan disagreed with the comment in the report that 'The agricultural building is considered of a size and scale commensurate with the landholding and agricultural activities taking place' and felt that the dimensions of the barn could conflict with policy E13 (Agricultural and Forestry Development). It was noted that Circular 1/2006 suggested that consideration be given to separate sites for residential and for business purposes if a mixed site was not practicable.
- Councillor Morgan felt that the application failed on a number of fronts and was contrary to adopted planning policies, particularly S1, LA2, H12 and E13.

Councillor JD Woodward noted that the site was outside the village settlement boundary and, referring to business case requirements in respect of live/work units, did not consider that the case had been made for this development. She noted problems with affordability but said that the acquisition of land did not necessarily mean that planning permission would follow. The sustainability of the agricultural enterprise, particularly if the occupants were employed elsewhere, was questioned. The ability of the authority to control the occupation of the site was also questioned. The Senior Planning Officer advised that the proposal had been designed as a small-scale family site and drew attention to recommended condition 16 which set out the restrictions on occupation. He also advised that Bishops Frome was a main village and, as such, was considered a sustainable location.

Councillor B Hunt made a number of comments, including:

- There were difficulties with this type of application and strong reservations were expressed about national guidance in this area.
- The relevant departments should resolve any problems experienced on Council owned sites.
- It was noted that the Parish Council, local residents and the CPRE had raised numerous objections to the proposal.
- There was concern about the lack of information about access to utility services for the development.
- It was questioned whether the controls to limit the development to two caravans and prevent further expansion were adequate or enforceable.
- Concern was expressed about the comment in the report that ‘...as with choice based letting in respect of social housing, someone should not be forced to live somewhere because there are vacancies’ given that the high levels of demand for any form of social housing in the county.
- He questioned the employment opportunities available in the immediate vicinity of the site and disagreed that public transport provided regular access between Bishops Frome and the market towns.
- He supported the views of the local ward member that Bosbury was a more sustainable location, despite the main village designation of Bishops Frome, and that the agricultural building was not commensurate with the landholding.
- He felt that the application should be refused as being contrary to policies S1, LA2, H12 and H13.

The Head of Planning and Transportation advised that the committee needed to give appropriate weight to national guidance and local planning policies which gave a degree of priority to traveller sites. It was for the committee to conclude whether all the other material planning considerations outweighed the policy considerations. He also emphasised the need to focus on this particular application.

Councillor ACR Chappell felt that there was a need to apologise to the applicants for any perceived prejudice in the comments of others. Referring to an example in his own ward, he noted that Council owned sites could be problematic and recognised the applicant's desire to live in the traditional manner. In response to questions, the Senior Planning Officer confirmed that any covenants on the land were civil and not planning matters and said that the fact that the applicant lived on a Council owned site inferred that the status requirements had been met. Councillor Chappell noted that there was a long history of travellers in Herefordshire, particularly associated with agricultural activities. He said that, as in all communities, there was only a small minority of people

that behaved anti-socially and there was no reason to believe that this site would result in any problems. Therefore, he supported the application.

Councillor DW Greenow noted the difficulties associated with identifying suitable pitches in rural locations to enable travellers to live in a traditional manner. He added that, whether close to a village or more remote, travellers often ran up against the general problem of prejudice against such developments. Although he supported the principle of the application and felt that this was a suitable site, he did consider that there needed to be proper justification for the size of agricultural building and for appropriate conditions to control its use.

In response to questions, the Head of Planning and Transportation outlined national guidance and criteria considerations and re-iterated that it was for the committee to make a judgement about the acceptability of the application given the material planning considerations.

Councillor PGH Cutter said that the committee could only consider the planning issues relevant to the determination of this application. Referring to comments about the limited amenities in the village, he noted that the occupants of dwellings in the locality managed despite the issues identified. He commented on the importance and relevance of the 'No Prejudice in HEREFordshire' campaign. He also commented that, as with any development, the authority expected developers to comply with the conditions on any planning permission granted.

Councillor B Hunt re-iterated his view that the application should be refused.

The Locum Lawyer explained the relevance of the policy considerations and commented on the authority's obligations under the Race Relations Act. In response to a comment by Councillor B Hunt, the Locum Lawyer said that there was a duty on the authority to promote good race relations.

Councillor JE Pemberton said that there was a need to respect lifestyle choices and noted that times change for all communities.

Councillor Morgan was given the opportunity to close the debate in accordance with the Council's Constitution. She commented that Bishops Frome had been a significant hop growing area historically and had a long tradition of good relations with travellers. She emphasised that the concerns of local residents related to the planning policies, including S1, DR1, DR2, H13, LA2 and E13. Given the concerns about sustainability, landscape impact and access to services and facilities, Councillor Morgan did not consider that the case for an exception site in this location had been made.

A motion to approve the application failed. Attention was drawn to section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Locum Lawyer, representing the Monitoring Officer, said that the policy considerations and recent circulars compelled closer examination and the Head of Planning and Transportation said that the detailed wording of potential reasons for refusal needed to be assessed. Consequently, a Further Information Report would be required and the determination of the application would have to be deferred until the next meeting of the Planning Committee.

RESOLVED:

That consideration of planning application DMNE/092262/F be deferred for a Further Information Report.

118. DMNE/100235/F - LEADON COURT, FROMES HILL, HEREFORDSHIRE, HR8 1HT

Erection of 11 kW masted wind turbine.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. Following the receipt of the comments of the Environmental Health Protection Manager, the recommendation was amended accordingly.

RESOLVED:

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)**

119. DMCW/100454/FH - 8 LEIGH STREET, HEREFORD, HEREFORDSHIRE, HR4 9PD

Single storey extension, new bay windows and hipped slate roof to replace existing flat roof.

The Development Control Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. Following the receipt of the comments from Welsh Water, an additional informative note was recommended and it was noted that a copy of the plan from Welsh Water would be attached to the decision notice.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, a local ward member, commented that there had been reservations about design elements of a previous submission [DMCW/093174/FH refers] but the local ward members had no objections in principle to this application.

RESOLVED:

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.**

120. DMSE/093151/F - CARADOC, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS

Erection of six detached houses (Amendment to SH940997PF).

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. He added that, since the updates sheet had been produced, two further letters had been received from a planning consultant acting on behalf of an adjacent landowner and the contents were summarised. In addition, a petition containing 318 signatures had been received.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JA Hyde, the local ward member, commented on a number of issues, including:

- The site was in a sensitive location where new residential development would not be contemplated ordinarily and there was sympathy for the views expressed by local residents and interested bodies. Nevertheless, as detailed in the Officer's Appraisal, the application derived from an approved enabling scheme to finance the restoration of Caradoc Court. Consequently, the applicant was free to implement the planning permission from 1995.
- Attention was drawn to paragraph 6.10 of the report which concluded that '...the financial evidence available confirms that the current proposal is no more profitable than the extant scheme...'
- Benefits arising from the current application included enhancements in terms of design and mitigating impact on protected trees. In respect of access and parking arrangements, it was noted that both schemes involved the use of the bridleway and it was not considered that the new proposal would generate more traffic.
- The officer's report was commended for thoroughness and the detailed background information provided. The concerns of local residents were noted but the extant planning permission remained a key factor in the determination of the current application.

Councillor PJ Watts commented on the level of investment in the restoration of Caradoc Court, that architectural design had moved on since 1995, and he did not consider that a site inspection was necessary given the extant planning permission.

Councillor ACR Chappell said that the principle of development had been established in 1995 and the Planning Committee needed to consider the comparative merits of the schemes. He concurred with the assessment regarding traffic impact, particularly given the property types proposed. Given the applicant's fallback position, he supported the recommendation of approval.

Councillor PJ Edwards noted the need for adequate consideration of the material planning considerations, particularly as development in this location was contrary to a number of adopted planning policies. Some reservations were expressed about the change of design from cottage to executive style dwellings and about the means of access for emergency, routine services and refuse collection vehicles.

In response to questions and comments:

- ♦ The Principal Planning Officer advised that dressing rooms in some of the extant scheme house types would be capable of modification to provide 4 bedrooms; it was noted that overall gross floor area was identical in both schemes. He acknowledged the concerns about vehicular access but the extant planning permission was considered a decisive factor.
- ♦ The Locum Lawyer explained the role of the local planning authority in controlling development, with particular reference to Section 55 of the Town and Country Planning Act 1990.

Councillor PGH Cutter said that local residents' concerns were understandable but the fact remained that the approved scheme could be implemented at any time. It was noted that enabling development had been considered necessary by South Herefordshire District Council to secure the restoration of Caradoc Court and the investment made had not been realised yet. He said that the case in support of the application had been well made by the local ward member and in the officer's report.

Councillor Hyde was given the opportunity to close the debate in accordance with the Council's Constitution. She reiterated the issues mentioned her opening statements,

with emphasis on the extant planning permission, and considered the current application to be more acceptable in aesthetic terms.

RESOLVED:

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**
- 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**

121. DMNW/092650/F - THE HIGHLANDS WORKS, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LL

Proposed extension to existing building and change of use from B1 (business use) to live/work unit.

The Northern Team Leader Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. He also corrected an error in paragraph 6.7 of the report.

In accordance with the criteria for public speaking, Mr. Edwards spoke on behalf of Tittley and District Parish Council and Mrs. Lloyd spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RJ Phillips, the local ward member, commented on a number of issues, including:

- It was noted that a separate residential building in this location was unlikely to be supported but this proposal would appear as an extension to an existing building and would not have any significant further impact on the landscape character of the area.
- There was genuine functional need to serve the rural enterprise and on the basis of its long term financial viability, particularly as the enterprise supported a number of important local agricultural businesses that required out of hours service. Consequently, Councillor Phillips considered that the proposal complied with policies H7 (Housing in the Countryside Outside Settlements) and H8 (Agricultural and Forestry Dwellings Associated with Rural Businesses).
- Councillor Phillips also considered that the residential element had been carefully sited within the existing unit, with the elevations softened by timber cladding, and complied with policies DR1 (Design) and LA2 (Landscape Character and Areas Least Resilient to Change).
- If members were minded to grant planning permission, he suggested that officers, in consultation with the Chairman and the local ward member, be authorised to issue planning permission subject to conditions considered

necessary by officers, to include a condition linking the residential element to the business.

A number of members spoke in support of the application, comments included:

- The live / work elements of this particular rural enterprise were closely linked.
- The enterprise supported other agricultural businesses both locally and further afield; it was noted that communication with international customers would necessarily require extended working hours.
- The proposal was considered a sustainable form of development and delegation to issue planning permission subject to conditions was proposed.
- A concern was expressed about safety for children around the building and it was suggested that this could be addressed through the conditions.
- It was not considered that landscape impact would be so significant as to warrant refusal of planning permission.

Councillor Phillips was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated the functional and financial justification for the development and considered that the scheme was in accordance with the planning policies.

As members were minded to determine the application contrary to the officer recommendation, attention was drawn to section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Head of Planning and Transportation and the Locum lawyer, representing the Monitoring Officer, both concluded that a Further Information Report would not be required given the committee's assessment of the adopted planning policies.

Councillor PJ Edwards, although supportive of the application, expressed concern about consistency in the application of the Further Information Report process. The Chairman advised that further training was to be arranged for Members and that this would provide the opportunity to clarify the procedure.

RESOLVED:

That officers named in the Scheme of Delegation to Officers, in consultation with the Chairman, Vice-Chairman and the Local Ward Member, be authorised to issue planning permission subject to conditions considered necessary by officers.

122. DMNC/100481/CD AND DMNC/100482/L - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL

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).

The Northern Team Leader gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. In response to the additional representations, amendments were suggested to require: obscure

glazing to a toilet window; to increase the height of a boundary wall commensurate with other walls; and to delete a window from the gable.

In accordance with the criteria for public speaking, Mrs. Butler and Mrs. Rulton spoke in objection to the application and Mr. Duckham spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RC Hunt, a local ward member, commented on a number of issues, including:

- Noting the concerns of the objectors, Councillor Hunt said that communication with local residents about works to Grange Court and its grounds could have been managed better.
- He supported the new drawings and considered some of the design elements to be an improvement on the original scheme, particularly to the central foyer / reception area to define the entrance better.
- He welcomed the suggested amendments to the window and wall treatments to mitigate the impact on residential amenity.
- Concern was expressed about the delay to highway works in the vicinity of the site.

In response to a question from a member, the Northern Team Leader explained that the applications were presented for consideration prior to the expiry of the consultation period given the identified urgency to comply with funding requirements. The Development Control Manager said that delegated authority was sought to approve the application but this would not be exercised if any representations raising substantially new material planning objections were received. He added that listed building consent would need to be referred to the Secretary of State in any case. The Head of Planning and Transportation said that it was regrettable that there was a perception that the scheme had not been managed as well as it could have been and that he would pass the message on to the relevant parties to urge the involvement of local residents to a greater extent.

A number of members supported the applications.

Councillor RC Hunt was given the opportunity to close the debate in accordance with the Council's Constitution. He welcomed the officer comments and commitments.

RESOLVED:

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

123. DATE OF NEXT MEETING

Members noted that the next meeting of the Planning Committee would take place on Wednesday 12 May 2010.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at Time Not Specified

CHAIRMAN

SCHEDULE OF COMMITTEE UPDATES

7 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

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

For: Ms Bird per Ms Penny Bird, New Inn (Public House), Hagley Hill, Bartestree, Hereford, HR1 4BX

ADDITIONAL REPRESENTATIONS

The Historic Building and Conservation Officer has made the following comments on the amended plans:

‘This is a fine Victorian Villa which makes a major contribution to the character of the area. It has many features of historic interest internally including tiles and fireplaces. We advised that the proposal needed consent and suggested an appropriate location. This advice has been ignored. We would still strongly object and recommend refusal. The proposal has increased the impact due to the larger ramp which is now proposed. The proposal would therefore continue to have a major impact on the character of the building as stated previously.

The timber deck 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. We therefore believe that the proposal is contrary to the Herefordshire UDP Policy HBA 4 which states that “Development proposals which would adversely affect the setting of a listed building will not normally be permitted.” It would be highlighted that we have discussed the hedge with the landscape team leader. She believes that the hedge mix would be completely out of keeping with the local area and would detract from the setting of the building. We also have major concerns about the principle of the hedge. Either the proposal should be of a high enough quality to preserve and enhance the building or it should be refused. The principle of planting the hedge accepts that this proposal would be detrimental to the appearance of the building and therefore there is a need to hide this extension behind planting. It would be highlighted that the planting could be removed after a relatively short period but the decking would be permanent.

We would strongly object and recommend refusal as the proposal has a most detrimental impact on the appearance and setting of the listed building. The team leader of landscape believes that the hedge mix is completely inappropriate and would make the situation worse rather than better. Therefore the proposal is contrary to policy. Should permission be granted contrary to our advice we would recommend that the hedge mix be changed and that an agreement be signed that the decking is removed if the business ceases to operate’.

OFFICER COMMENTS

The consultation response from the Council’s Historic Building and Conservation Officer above reinforces the assessment and recommendation contained within the report to Committee.

NO CHANGE TO RECOMMENDATION

8 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

I have received the following consultation response from the Council's County Land Agent:-

"I have looked at the proposals and make the following points:-

1. Area

The area of the woodland at the centre of the proposed business is 9.5 acres and in itself will not produce enough materials to make sufficient profit to come up to the required level of minimum agricultural wage in the foreseeable future. Extra woodland is to be managed/rented, but no details are given.

2. Financial

The proposal is for a permanent dwelling, conversion of an existing building to a live work unit rather than a temporary building, normally applied for at the start of a new business. The cash flows indicate that there is little probability of the business reaching the normally required level of profitability, which is minimum average wage at present £14,630.40, plus cost of capital on the permanent dwelling which is taken at 3% on £120,000 (£3,600) giving a total of £18,230.40.

Under PPS7, Annex A, Para 8 allows for subsistence basis financial acceptance in certain cases for example "encouraging attractive landscapes or wildlife habitats". In my opinion this would not be appropriate in this case. Therefore, in my opinion the financial case is not made.

3. Need

There is no explanation of why there is a "need" to be on site full time, none of the enterprises would appear to demand it, therefore, it would appear to be convenient rather than essential.

4. The Business Plan

Forestry report is lacking in substance/contents. There are no details of where the markets are, nor price nor cost of production, for any of the products.

There are no details of where the timber/coppice is to come from, which will start the business up and allow it to continue for the first 7 years.

There is a general shortage of necessary information with firm facts and figures.

Summary

In my opinion the report leaves too many gaps for a proper opinion of the long term viability of the enterprise to be made. In my opinion a full report/business plan is required for a fully resourced opinion to be given."

OFFICER COMMENTS

The consultation response above re-enforces the assessment and recommendation contained within the report to Committee.

NO CHANGE TO RECOMMENDATION

10 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

For: Mr Michael Freeman, 6 Tinkers Corner Caravan Site, Bosbury, Herefordshire, HR8 1HZ

ADDITIONAL REPRESENTATIONS

A further letter of representation has been received from Mr Glazzard, who is acting on behalf of an unspecified local resident. The letter further reemphasises the objector's opinion that the application should not have been validated given the 'poor technical quality' of the submission. The letter also goes on to emphasise the 'strength of feeling against the application' and that if approval is granted a legal challenge could follow.

OFFICER COMMENTS

The application was registered and validated, with additional information obtained from the applicant via their agent. This additional information was made public and an extra consultation period provided. The plans are to scale and accurate, and the Local Planning Authority considers that if approval is granted, the submitted plans are sufficient to ensure the recommended conditions can be enforced.

NO CHANGE TO RECOMMENDATION

11 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

ADDITIONAL REPRESENTATIONS

The Environmental Health Protection Manager advises:-

"I can confirm that I have had opportunity to look at the application for a Gaia 11kw wind turbine on land at Leadon Court Fromes Hill. The turbine is proposed to be located in a field north of the residential development known as the Uplands.

The noise data provided with the application follows the advice given in the British Wind Energy Association Small Wind Turbine Performance and Safety Standard (Feb 2008). Having considered the likely noise emissions as experienced at the nearest dwelling using the methodology of appendix A of the aforementioned standard I have formed the opinion that there is no reason to object to this proposal on the grounds of unacceptable noise levels."

OFFICER COMMENTS

CHANGE TO RECOMMENDATION

Amend to:-

Planning Permission be granted subject to conditions:

12 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

For: Mr R Cheasley, 8 Leigh Street, Westfields, Hereford, HR4 9PD

ADDITIONAL REPRESENTATIONS

Welsh Water – advise that the proposed development site is crossed by a public sewer and that no development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line.

OFFICER COMMENTS

It appears that the line of the public sewer passes close the proposed bay windows at the front of the house. It is recommended that the applicant be informed of Welsh Water's response by the inclusion of an informative note and a copy of Welsh Water's plan.

NO CHANGE TO RECOMMENDATION

Add Informative Note I39 and attach copy of the plan from Welsh Water to the decision notice

13 DMSE/093151/F - Erection of six detached houses (Amendment to SH940997PF) at Caradoc, Sellack, Ross-on-Wye, Herefordshire, HR9 6LS

For: Mr H Bramer per Mr D F Baume, 41 Widemarsh Street, Hereford, HR1 9EA

ADDITIONAL REPRESENTATIONS

6 further letters of objection from existing correspondents have been received. Issues raised are covered in the officer's report at paragraph 5.9 but focus upon the following:

- Concern that the proposed parking and access arrangements are unsatisfactory given the potential intensification of use when compared to the 1995 permission;
- Concern that the current proposal is more valuable to the developer than the 1995 permission, which would be contrary to guidance on enabling development;
- Concern at the impact of the proposal upon protected trees around the site periphery;
- The conditions of the listed building consent for the restoration of the Court have been breached, bringing into question the validity of the enabling development as a principle.

A further letter has been received from the applicant's consultant Arboriculturalist. He contends that the current application improves the situation in relation to the trees. There are no obligations upon the developer to use no-dig construction methods in implementing the extant scheme, whereas the current proposal would be subject to more control via planning conditions. He accepts that the "situation here is not ideal with regard to arboricultural impact" but considers that the present proposal does represent a significant improvement.

NO CHANGE TO RECOMMENDATION

14 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

For: Mr Lloyd per Mr C Campbell, 141 Bargates, Leominster, Herefordshire HR6 8QS

ADDITIONAL REPRESENTATIONS

An objection has been received from A&T Thorpe Highland, Stansbatch, Leominster, on the following grounds: - No need to live on site, the applicant does not have to live so far away at Tenbury and there have been a number of houses for sale locally.

OFFICER COMMENTS

No further comment.

NO CHANGE TO RECOMMENDATION

15 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

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)

For: Mr Williams per Mr Frederick Gibson, 14 The Tything, Worcester, WR1 1HD

ADDITIONAL REPRESENTATIONS

Transportation Manager – Raises concern about apparent use of the rear entrance onto Pinsley Road due to its poor visibility and insufficient manoeuvring space within the entrance. Numerical analysis shows that insufficient parking spaces are provided but the close proximity to Etnam Street and Bridge Street car parks as alternatives is acknowledged. Finally the comments advise that a temporary Traffic Regulation Order (TRO) has been proposed to create a temporary one way system along Pinsley Road/Church Street.

The Conservation Manager advises that provided the same conditions are imposed as previously there are no further comments.

Public Rights of Way Manager raises no objection.

Leominster Town Council – Recommends approval but asks that consideration is given to replacing the hedge bordering the southern office block.

3 letters of support has been received from
Mr & Mrs Wingrave, 80 Etnam Street, Leominster
Bill Jackson, Chairman of LARC.
The Revd Michael Kneen team vicar

Seven letters expressing concern about the applications have been received from:
 Ms F Butler, Tamarisk House, 2 Pinsley Road, Leominster
 Mr J Gaunt, Pentwyn, Green Lane, Leominster
 Mrs M Howells, Pilgrims Inn, 12 Pinsley Rd.
 Mrs W Rulton, 20 Pinsley Rd.
 Mrs V Smith, Holly Cottage, 1 Pinsley Rd.
 Duncan James 37 High St Leominster.
 Peter Draper Associates on behalf Mr I Gaskin.

In summary the points raised are as follows:

- Continued concern about increased traffic movements along Pinsley Road.
- The plans are detrimental to the setting of Grange Court.
- The need for additional community facilities in questioned.
- An alternative scheme to convert Grange Court to residential apartments or other uses should be considered.
- The accuracy of the information provided on the application form is queried.
- Plans appear to show that the ridge height of part of the north elevation is to be lifted. If so this is considered to be a major structural alteration affecting the integrity of the Grade II* listed building.
- The main change is in the roof alteration making it higher and a long window overlooking the garden of No2. Pinsley Rd.
- The plans still show vehicular access off Pinsley Rd, with no mention of the proposed new one way system.
- There are 24 empty offices in Leominster, who will use it?
- Loss of trees resulting in detriment to both the setting and views of Grange Court.
- Additionally there are objections which relate to the original principles of the first application and the ignoring of advice of statutory consultees in the earlier decision.
- Loss of privacy due to window in end of south wing, although at high level its appearance over wall is invasive. Mr Gaskin requests that this end of the wing be amended to a hipped end with no window.

OFFICER COMMENTS

The principle of Grange Court being converted and extended has been established through the earlier planning permission and listed building consent. Concerns raised about the principle of the development have already been carefully considered and addressed, particularly in respect of increased traffic movements along Pinsley Road, in terms of the impact upon the setting of Grange Court as a Grade II* listed building and on the grounds of community need. The issue of alternative uses is not material to this proposal as the application simply requires the Council to consider the acceptability of the proposals before it.

The use of the rear access onto Pinsley Road is dealt with through the conditions recommended that advise the applicant that the proposal is an amendment to the original planning permission and all of the previously imposed conditions remain relevant. Condition 18 of planning permission NC09/0435/CD requires that the access is used only by pedestrians.

The changes proposed to the two single storey wings do not include an increase in their height. The increase in height relates to the parapet of the foyer element of the new build.

Since the plan was submitted the first floor window in the north elevation has been relocated to the east to avoid any chance of overlooking no2. Pinsley Rd.

The element referred to in the final bullet point has previously been approved and shows no amendment. Since this is a high level window providing additional light only if Members share the concern of the neighbour a condition can be added to require this window to be deleted from the gable.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	17 MARCH 2010
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMCW /091334/F DCCW0009/1390/F

- The appeal was received on 6 April 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr J Bishop
- The site is located at Land Adjacent To Dinham, Ryeland Street, Hereford, HR4 0LA
- The development proposed is Proposed new dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr P Clasby 01432 261947

Application No. DMNC /090776/F DCNC2009/0748/F

- The appeal was received on 6 April 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr C Brant
- The site is located at The Paddocks, Normans Lane, Stoke Prior, Leominster, Heref, HR6 0LQ
- The development proposed is Change of use of land from agriculture to a one family traveller site,
- The appeal is to be heard by Hearing

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

Case Officer: Mr N Banning 01432 383093

Application No. DMNE /091996/FH

- The appeal was received on 7 April 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Paddy Downton
- The site is located at Studio House, The Purlieu, Malvern, Herefordshire, WR14 4DJ
- The development proposed is Extension to dwelling, construction of swimming pool, carport,
- The appeal is to be heard by Householder

Case Officer: Mr R Close

Application No. DMCE /090978/F DCCE0009/1701/F

- The appeal was received on 13 April 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Ivor Brown
- The site is located at Diamond Gables, Whitestone, Hereford, Herefordshire, HR1 3RX
- The development proposed is Conversion of existing barn and workroom to form a single dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Mr R Pryce

Application No. DMNE /090743/F DCNE0009/1124/F

- The appeal was received on 26th April 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Mark Stockley
- The site is located at The Lake House, Underdown, Gloucester Road, Ledbury, Here, HR8 2JE
- The development proposed is Change of use of existing annex to single dwelling with external
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace

Application No. DMSW /092459/F

- The appeal was received on 15 April 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr S Bradley
- The site is located at 5 Great Brampton Park, Madley, Herefordshire, HR2 9PG
- The development proposed is Change of use of agricultural land to garden curtilage.
- The appeal is to be heard by Written Representations

Case Officer: Mrs A Tyler 01432 260372

APPEALS DETERMINED

Application No. DCCE0009/1505/U

- The appeal was received on 22 October 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Neil Beament
- The site is located at 16 Aylestone Hill, Hereford, Herefordshire, HR1 1HS
- The application dated 20th May 2009, was refused on 1 September 2009
- The development proposed was Lawful development certificate for an existing use

Decision: The appeal was Withdrawn on 13 April 2010.

Case Officer: Mr R Pryce 01432 261957

Application No. DMDCN/083331/F DCNW2009/0093/F

- The appeal was received on 5 January 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Miss Jenkins & Mr W.Pinkney
- The site is located at Brilley Wood, Brilley, Whitney-On-Wye, Hereford, Here, HR3 6JE
- The application dated 16th December 2008, was refused on 3 July 2009
- The development proposed was Proposed agricultural storage building and kennels.
- The main issues are 1) the effect of the proposal on the living conditions of nearby occupier in relation to noise and odour; 2) whether the proposal would have a harmful effect on the character and appearance of the surrounding area and 3) the effect of the proposal on the natural environment

Decision: The Planning Application was Refused by Committee, contrary to Officer Recommendation on 3rd July 2009 - The appeal was Allowed on 20 April 2010.

Case Officer: Ms K Gibbons 01432 261781

Application No. DMNC /091872/F DCNC0009/1764/F

- The appeal was received on 18 March 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs L Duthy-James
- The site is located at Thornfield, Ullingswick, Hereford, Herefordshire, HR1 3JG
- The application dated 4th August 2009, was refused on 5 November 2009
- The development proposed was Proposed Alterations to vehicle access, including alterations of gradient, splays and gate.
- The main issue is the implication for highway safety arising from the proposed alteration to the vehicle access.

Decision: The Planning Application was Refused under Delegated Powers on the 5th November 2009

The appeal was Dismissed on 21 April 2010.

Case Officer: Mr M Tansley 01432 261956

Application No. DMSE /093001/FH

- The appeal was received on 25 March 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr And Mrs R Brandram - Jones
- The site is located at Poulstone Farm, Kings Caple, Herefordshire, HR1 4TZ
- The application dated 7th December 2009, was refused on 1 February 2010
- The development proposed was Conversion of existing Victorian wash house to create additional self
- The main issue is the impact of the proposal upon the character and appearance of the exiting dwelling and wash-house and the surrounding area, bearing in mind prevailing planning policies.

Decision: The planning application was refused under Delegated Powers on 1st February 2010.
The appeal was Allowed on 22 April 2010.

Case Officer: Mr D Thomas on 01432 261974

Application No. DCNW2009/0650/F

- The appeal was received on 23 November 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr John Needham
- The site is located at Church Farm, Leinthall Starkes, Wigmore, Herefordshire, SY8 2HJ
- The application dated 25th March 2009, was refused on 20 May 2009
- The development proposed was Proposed dwelling.
- The main issues are a) whether the proposals make provision for an additional or replacement dwelling on the site, b) whether the proposed dwelling is of scale commensurate with the size of the holding and enterprise, c) whether there are any buildings on the site suitable for conversion and d) the effect the proposed dwelling would have on the character and appearance of the area.

Decision: The application was refused under Delegated Powers on 20th May 2009
The appeal was Dismissed on 26 April 2010. An application for the partial award of costs made by the appellant against the Council was ALLOWED.

Case Officer: Mr P Mullineux 01432 261808

Application No. DMCE /092195/F

- The appeal was received on 31 December 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Baldwin
- The site is located at Adjacent To The Cottage, West Lydiatt Withington, Hereford, HR1 3PY
- The application dated 14th September 2009, was refused on 25 November 2009

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

- The development proposed was Proposed barn for agricultural purposes.
- The main issues are a) whether the proposal would be reasonably necessary for the purposes of agriculture and b) the effect of the proposal on the character and appearance of the surrounding area.

Decision: The application was refused under Delegated Powers on 25th November 2009.
The appeal was Dismissed on 27 April 2010.

Case Officer: Ms R Jenman 01432 261961

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



MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 2010
	<p>DMNW/100261/F - PROPOSED MEDICAL CENTRE TO INCLUDE DOCTORS SURGERY, DENTAL FACILITIES AND DISPENSARY, PROPOSED VEHICLE ACCESS, TREATMENT PLANT AND LANDSCAPING ON LAND OPPOSITE ARROW PLANT, EARDISLEY ROAD, KINGTON, HEREFORDSHIRE, HR5 3EA.</p> <p>For: Kington Medical Practice per Mr R Ricks, 49 North Hill, Colchester, Essex, C01 1PY.</p>

Date Received: 5 February 2010 Ward: Kington Town Grid Ref: 3302 5629
Expiry Date: 7 May 2010

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The 0.82 hectare application site is a parcel of agricultural land that is situated to the south east of the market town of Kington. The site is located on the Eastern side of the A4111 that forms part of the bypass around Kington on the approach from the South (Eardisley).
- 1.2 The site lies outside of the defined settlement of Kington in an area of open countryside. Its boundaries are the fence that borders the A4111 to the west and stream (a tributary of the River Arrow) to the east. A public Right of way crosses to the north of the site (but is not within the site). The site lies within a Flood Zone 1.
- 1.3 The proposal is for the erection of a new medical centre and dental practice to serve the population of Kington and its surrounding area. The medical centre currently has 8500 patients registered and covers an area of 600 square miles. The existing medical centre is located at The Meads, Victoria Road, Kington.
- 1.4 The site would be accessed via a new access point from the A4111 south of the turning to the west into Arrow Plant Hire. The building that will accommodate the medical facilities would be sited to the South of this access within a T-shaped two storey building. The front elevation of this building, which would be sited on a slight slant to the line of the road, would be approximately 64.5m in length and 16m wide (at widest point). The rear projection would be approximately 27m. The proposed building would incorporate a mix of materials of facing brick and cedar wood siding (wavy edge) and concrete plain roof tiles. The rooflines and fenestration types and sizes are varied to break up the bulk of the building. Windows and doors would be polyester powder coated aluminium. The front elevation has a centrally placed entrance with feature oak framing. The front section of the building is two storeys but uses the roof space (with roof lights). The eaves height of the front elevation of the proposed

building ranges from 4.4m to 3.2m. This part of the building is predominantly two storeys with a ridge height of 9.5m.

- 1.5 The two storey rear projection that forms the 'T' has a consistent ridge height of 11.4m forming a gable end to the east. When viewed from the south the building has a more traditional two storey appearance with a constant eaves height of 6.5m and regular fenestration at both levels. From the north, the proposal is again to use some of the roof space for around half of the rear projection but maintaining the overall height of 11.4m. A second entrance is proposed into the building in this north elevation that fronts the car park and drop off area.
- 1.6 The building would have an internal floor area of 1990 square metres, over two floors and would accommodate a doctor's surgery with associated uses and a dental surgery (not connected with the Doctors).
- 1.7 The doctor's surgery facilities would be mainly accommodated on the ground floor and would include the following facilities:
 - Two waiting areas and reception with patient toilets and baby change facilities;
 - 11 Consulting rooms
 - 3 treatment rooms
 - 3 nurse rooms
 - 4 'expansion' rooms and 1 additional room for returners / part timers
 - Triage room
 - Dispensary and associated waiting area
 - Associated dirty utility / clinical waste domestic waste / staff toilets and kitchens and reception manager's office.
- 1.8 The first floor would accommodate the following facilities:
 - Community nursing and store
 - Staff room
 - 2 admin offices
 - Library
 - Toilet facilities
 - Managers offices (x2)
 - Meeting / training room
 - 2 x store rooms
 - Minor operations room
 - Recovery
 - 2 x counselling rooms
 - Waiting area
 - Clean and dirty utilities and staff and patient toilet facilities
- 1.9 The Dental surgery would include:
 - 3 surgeries (including one for 'expansion')
 - 1 Consulting room
 - Reception and waiting area
 - Store area/ sterilisation room and toilet and staff facilities
- 1.10 The car parking facilities would be located to the north of the access point. This would provide 72 staff car parking places, 14 of which would be for staff in an area separated by a vehicle barrier. The application also indicated cycle parking adjacent to the two main entrances. The application includes alterations to the A4111 through the introduction of a ghost island right turn lane and suggests a pedestrian crossing.

- 1.11 The east of the site adjacent to the brook would accommodate a series of ponds and landscaped bunds forming the sustainable drainage system and wetland area, incorporating the ecological enhancement and mitigation. A landscaping scheme is also provided including significant maintenance and planting of trees, hedgerows and appropriate shrubs, wildflowers and grassland.

2. Policies

2.1 National Planning Guidance

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS9	-	Biodiversity and Geological Conservation
PPS7	-	Sustainable Development in Rural Areas
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S5	-	Town Centre and retail
S6	-	Transport
S7	-	Natural and Historic Heritage
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR14	-	Lighting
T6	-	Walking
T7	-	Cycling
T16	-	Access for All
LA2	-	Landscape Character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of Trees, woodlands and hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and development
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
CF5	-	New Community Facilities

3. Planning History

None on site

DCNW2006/0259/O – Land south of Barton Lane, Kington – Site for proposed medical centre with associated access and car parking – Refused 15th March 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 *The Environment Agency* has no objections to the proposed development and would recommend conditions be applied to any permission granted.

- 4.2 *Welsh Water* comments that as the applicant intends utilising private drainage facilities they have no comment to make.

Internal Council Advice

- 4.3 *The Transportation Manager* made the following comments:

The need for a new surgery is not in question. The additional services proposed are welcomed for the potential reduction in journeys to more distant centres. There are, however, fundamental transport-related reasons for refusal, reflecting sustainability and accessibility arising from the location of the proposal. The proposed location is not patient-focussed, relying principally on the private motor car for access to the site.

The "Analysis of Alternative Sites" included in the application does not consider patient's needs for accessible sites, beyond un-quantified statements suggesting "traffic conflict". (The sites suggesting "traffic conflict" were in areas with quiet residential streets with no serious congestion problems. The national speed limit applies at the proposed remote greenfield site, creating greater potential for serious injury resulting from road traffic collisions.) The elderly, the infirm, socially-disadvantaged residents, the disabled, and the chronically ill are examples of segments of society less likely to own or have access to private motor cars, but have potentially greater need for GP services. These segments require good access to services that do not rely on private motor vehicles. The analysis states that land values associated with potential residential or commercial uses of the possible sites preclude their use for the surgery, but they do not appear to have considered the costs of works required to make the application site acceptable in transport terms.

The distance from town (approximately 1.3km) of the proposed site is beyond the 400m recommended by the Institute of Highway Engineers for walking. The proposed site reduces accessibility via buses and walking in comparison to the existing site, and well below the required standard. The site is more than 400m from bus routes apart from a service operating only once a day in each direction. The walking distances quoted in the Travel Plan are straight-line distances and do not reflect the actual routes taken. Walking via the A4111, Old Eardisley Road and Headbrook - the 800m walk distance (as per PPG13: Guide to Better Practice) falls on the bridge over the River Arrow and, as such, only encapsulates the Headbrook area. Similarly, via the A4111 and A44 - the 800m walk distance falls south of the "KBS" roundabout and, as such, neither Hatton Gardens or the north-eastern areas of Kington fall within this walking distance, and in any case there is no footway along the route.

Whilst the journey to work can be walked for distances up to 2 kilometres, this is too far for elderly, infirm patients, or those escorting toddlers and babes-in-arms. The pedestrian route between the town centre and the proposed surgery does not comply with the DDA, and will have to be remedied before the proposed site could be considered. The footways are too narrow and lack dropped kerbs, making access for wheelchairs and people with impaired walking very difficult. None are to the DfT recommended width of 2.0m; lighting is missing on some parts south of Old Eardisley Road; dropped crossings are sub-standard (e.g. upstands greater than 6mm) or missing; controlled crossings are absent; surfaces are poor; some sections are without footways on both sides of the road; no opportunities for resting or sitting *en route* are present. The existing site at The Mead has an excellent pedestrian modal share of 25.6% (survey on 11/8/09), which will not be replicated at the proposed site.

The bus service frequency to the site is poor. Two services a day (one in each direction) are unlikely to reduce the need to travel by car, especially for patients. Currently, patients using other bus services into Kington can walk from the terminus to the existing surgery, a distance

of around 600m. This is further than the desirable maximum of 400m, but possible, and some services pass the existing site or run nearby. The new site will require patients living on routes other than the 462 to transfer to the very infrequent Service 462 to reach the new site, but the return service runs the next day, making two-way journeys impossible. Very few will manage the 1.3+ kilometre walk to the bus terminus. Attempts to increase the frequency of services to provide an acceptable level of service are unlikely to prove viable commercially, and would require subsidising by the developer.

The future of the existing satellite surgeries in Pembridge and Eardisley is unclear. There are inferences (page 12, Para 5.2.3 in the TA) within the application that staff may be centralised to the proposed new surgery. This would be detrimental to meeting patient's needs for accessible services, and would also be detrimental because of generating increased traffic on the highway network. Closure of the satellite surgeries should not be supported.

It should be noted that there are strict requirements concerning the installation of controlled pedestrian crossings on national speed limit roads. No analysis is made of likely increased highway risk to pedestrians and resulting accident rates resulting from controlled pedestrian crossings on high-speed roads. The controlled crossing is made necessary by the poor location of the proposed surgery.

In addition, details submitted in the application are incomplete or incorrect. These include:

- a) No details of the access and related highway works have been submitted (visibility splays, road layout, lighting, pedestrian crossing arrangements, carriageway surface treatments, necessary related upgrades to pedestrian routes to town etc). This precludes assessment of the proposed access arrangements to determine if they meet required standards. The landscape proposal appears to interfere with the required visibility splay.
- b) No provision is shown for bus passengers. The existing bus service is inadequate, but there needs to be provision of a stop with lay-by and shelter for passengers, and a pedestrian route from the bus stops to the site.
- c) Cycle parking. The facilities shown are not adequate. The stands are too close together, and too close to the adjacent wall. Either inadequate, or no cover is shown. Long-term secure facilities for staff are not shown either. More details of requirements are available in the Highways Design Guide, at www.herefordshire.gov.uk/transport/27304.asp.
- d) The increased staffing levels shown in the application do not appear to reflect the inclusion of the dental practice on the site. Only 3 full-time and 3 part-time are shown, but given the proposed expansion in complementary services detailed elsewhere in the application (Planning Statement, paragraphs 1.5, 1.6, 3.3.1, 3.4.2, 3.4.2, 3.6.1, 3.7.2 and others), are the employee figures robust? Given also the expansion areas shown, and the proposed training role envisaged, it would appear likely that the employee/staffing figures require clarification and, probably, revision.
- e) The measures to encourage the use of sustainable transport modes, as set out in the Travel Plan, are very unlikely to be successful in reducing travel by private motor vehicle because of the fundamental poor position of the proposed site in relation to the town centre and 'centre of gravity' of Kington's population.
- f) The trip generation forecast in the TA Section 6.2 is based on existing employee numbers and does not reflect the proposed increase in staff, nor the proposed dental surgery. There appears to be a mis-match between the number of doctors and the proposed number of consulting rooms. In addition, several surgeries selected for the TRICS analysis appear to be near larger centres of population than the Kington site. The Kington site is likely to have different patterns of transport use, given its rural location and hinterland. The TRICS data provided in the TA relates to doctor's surgeries, not medical centres which provide a broader range of services.
- g) The Stage 1 Road Safety Audit stated that lighting was necessary at the pedestrian crossing point. See Point "a" above.
- h) The draft Travel Plan is aspirational rather than robust. The poor location of the proposal is disregarded. Some amendments and strengthening is required including:

- 1) Appointment of Travel Plan Co-ordinator needs to be defined, and at a sufficiently senior level to ensure implementation of measures.
- 2) A survey will be required within 6 months of occupation to establish base levels.
- 3) Information on the “www.twoshare.co.uk” car-sharing web site to be included in employee Travel Plan information. A firm proposal for staff car-sharing internally is required.
- 4) There is a mis-match in modal splits between the survey in Appendix G of the TA on 11/08/09, and that in Table 2 of the Draft Travel Plan.
- 5) Why have the targets in Table 4 of the Travel Plan been chosen?
- 6) How will the Travel Plan be funded?
- 7) What sanctions/remedies will apply if Travel Plan targets are not met? (4.3.3)
- 8) Why would rail services be provided? (5.3.4)

The proposal is contrary to PPG13, and UDP Policies S1 (4, 13); S2 (3, 8); S6 (1, 2, 4); DR2 (1); DR3 (2, 4, 6).

Car parking provision is nearly adequate as proposed, only assuming the employee figures are robust. Fifty-eight patient spaces and 14 staff places, totalling 72 spaces, are shown. Herefordshire’s Highways Design Guide requires 4 spaces per consulting room. There are ten rooms labelled as consulting, two surgeries (+ one expansion), one minor ops, three treatment rooms, and three expansion areas (assume at least one will become a consulting room) giving 18 rooms. This requires 72 spaces.

There is doubt about the robustness of the employee figures, given the proposed expansion and information in the Planning Statement, paragraphs 1.5 and 1.6, and 3.3.1. Fourteen employee car spaces seem a mis-match given the proposed 13 full-time employees and 20 part-timers. Assuming that there are 10 part-timers on site at any time, there will be 23 employees in total at work, of which 76.5% currently drive – this implies a need for 18 car spaces, but only 14 are proposed.

4.4 *The Conservation Manager* has made the following comments:

Landscape

Having viewed the plans for the proposed surgery, I can confirm that I consider this proposal to be unacceptable for the following reasons:

Location: The site is on the eastern side of the A4111, in what is at present a wholly rural environment. I assessed this area as part of the 'Urban Fringe Sensitivity Analysis', a technical paper produced to inform the Local Development Framework. The application site falls within a wider zone that I describe as the 'Penhros' zone. I classified this zone as having the *highest* level of sensitivity (level 5). The sensitivity classification is as follows:

1. Low: key characteristics of landscape are robust and/or of relatively low intrinsic value as a landscape resource.
2. Medium–low: key characteristics of landscape are resilient to change and/or are of limited intrinsic value as a landscape resource
3. Medium: key characteristics of landscape are susceptible to change and /or have value as a landscape resource
4. High–medium: key characteristics of landscape are vulnerable to change and/or have high value as a landscape resource
- 5. High: key characteristics of landscape are very vulnerable to change and/or have significant value as a landscape resource.**

My analysis of the Penhros area in the study is as follows:

'Penrhos area

Photographic viewpoints: 9, 12, 13, 14

Landscape character: Timbered plateau farmlands

This zone comprises the land to the south-east of Kington, which rises from the River Arrow up to a rolling plateau. The rising land is very visible from the A4111 and at present, is wholly rural in character, comprising a mix of pastoral and arable land with only sparse settlement. Visually, this zone of land is very isolated from Kington, being separated from the town by the River Arrow and the A4111 corridor.

Reasons

- *Elevated, visually prominent area*
- *Lack of visual relationship with Kington*
- *Contributes to the rural setting of Kington'*

Scale: the proposed building is very large in scale, both in plan and height and correspondingly, the car park area is also very large in scale. This development appears to be of the scale of a hospital rather than a 'doctor's surgery'. A development of this scale would be highly visually intrusive and in my view, impossible to assimilate into this rural, unsettled landscape context in any satisfactory way. I do not agree with the findings of the submitted Visual Impact Assessment that screening planting could overcome the harm that would be caused.

I consider that the proposal conflicts with LA2, Landscape character, LA3, Setting of settlements and DR1, Design.

Ecology

Note that the site is predominantly an improved pasture, although the stream along the eastern boundary is a valuable wildlife corridor - the presence of otter has been identified along the stream. The stream corridor is to be retained and enhanced; however, otter are a European Protected Species and in the event that planning permission was to be granted, an EPS licence from Natural England could be required for the development works to proceed. I also note that there was evidence of use of the site by badgers. The landscape proposals will provide ecological enhancement of the site.

If European Protected Species are present on a development site, the Local Planning Authority must also establish whether the three tests have been met prior to determining this application. If the Wildlife Licensing Unit at Natural England is also happy that these Tests have been satisfied, then an EPS development licence can be granted.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

4.5 *The Public Rights of Way Manager* raised no objection.

4.6 *The Primary Care Trust* makes the following comments:

"NHS's view is that the existing surgery is cramped and non conducive to the delivery of high quality primary care services. A new surgery is, and remains, a strategic priority for NHS and

indeed the approval by the Board, along with funding, has confirmed this. We accept that in an area like Kington that finding a suitable site is difficult and indeed there is likely to be issues with most sites that the practice has/may finds, BUT a Primary Care Service in such a rural area in premises that can ensure high quality services is absolutely key and that is why it is seen as a strategic development priority of the Board of NHH. It is important to advise that the urgency around a site is due to:- A) current practice built in 1977 occupies 310 square metres which is significantly below the recommended space for a practice of this size. B) District Nurses and Health Visitors are no longer based at the practice due to space issues. C) there is no lift in the current building so it is not DDA compliant. D) Limited parking which means that most patients have to be dropped off or park some distance away which is not helpful to those with a number of conditions. It is not in the interests of Kington residents to be without a GP practice”.

5. Representations

5.1 The applicants have submitted information supporting this application that can be summarised as follows:

5.1.1 The Design and Access Statement details the design concept, principles and constraints from conception and indicates how the proposal intends to address landscape and visual impact with the orientation of the building rotated away from the parallel of the highway, the use of topography, site levels and appropriate planting. The proposed building and drainage systems incorporate sustainable design principles to reduce resources use.

5.1.2 The Transport Assessment undertaken by David Tucker Associates (transport planning consultants) identifies traffic data in relation to speed surveys, accidents, required mitigation, assesses car parking problems and requirements and provides a draft travel plan. The report is summarised/concluded as follows:

- The development has good connections to the local highway network;
- The proposed medical centre site is in a sustainable location in terms of accessibility by public transport, cycling and walking;
- There is no evidence of a road safety problem in the vicinity of the site
- The relocation of the site will reduce the current impact arising from car parking in the vicinity of the existing site;
- The measures to encourage the use of sustainable transport modes, as set out in the attached travel plans, will seek to reduce travel by car.

5.1.3 The Flood Risk Assessment undertaken by Couch Consulting Engineers that concludes:

- There is a minimal risk of fluvial flooding to the proposed development site and providing that mitigation measures contained within this report are implemented, there will be minimum risk of pluvial flooding caused by additional run-off.

5.1.4 The Landscape and Visual Impact Appraisal undertaken by DSA Environment and Design concludes and can be summarised as follows:

- The landscape impact of the proposed development is assessed as ‘moderate adverse’ in the short term. With mitigation measures, including, importantly, the introduction of new woodland the negative impact can be reduced and landscape effects are assessed as slight beneficial. The effects are, in the context of the character area, very local.
- The Landscape proposals result from the analysis of the landscape and visual impacts and include the orientation of the building to reduce visual impact from the A4111 and retention of hedgerows, together with new hedgerow and native planting blocks to provide additional screening.

5.1.5 The Planning Statement prepared by Boyer Planning concludes the following:

- The existing medical centre is too small to meet the expanding healthcare needs whilst a dental surgery does not currently exist in Kington.
- The proposed building has been subject to public exhibition and also follows an extensive search of alternative locations within and around Kington. This is the only site that is both suitable and available.(An analysis of the 16 sites is included in the document)
- The application site lies on the edge of town but is remains within walking distance of the town centre. In addition, the existing surgery caused parking issues within the residential streets and the relocation to the new site will not impact on residential amenity.
- The landscape appraisal indicates that he site is open to localised views but retains an affinity with the built up area and commercial premises opposite. The site is not in a remote rural location.
- The need for a medical centre is clear and the application represents a positive form of development hat will provide improved healthcare facilities for the town.

5.1.6 The Statement of Community Involvements concludes that Kington Medical Practice has sought to extensively inform the local community. The application has sought to address comments received prior to submission.

5.1.7 An Ecological Appraisal undertaken by Marches Ecology fully assesses the potential for protected species and makes recommendations in relation to mitigation and enhancement measures.

5.1.8 Following receipt of the consultation responses the applicants' agent submitted some further information in support of the application. The key points are as follows:

Potential to use/relocate to Kington Court

- The Doctors decided against relocating here in 2001 because the site had own shortcomings including lack of room to expand, insufficient car parking. A move would not have solved the problems they were already experiencing at their own premises.
- The new medical centre would offer new and complementary services such a dental practice and minor operation. Currently there is only an emergency Dental Access Centre and a part time non-injuries service at Kington Court
- The policy framework (policies S11 and CF5) do not require community facilities to be provided within a defined settlement but that they are located close to the community they serve. This
- The planning judgement seems to be a case of balancing the need against the issues of accessibility and landscape impact.

Accessibility

- The Doctors are currently working with local groups to make provision for a community bus service that would circulate within Kington area to assist those without access to a car.
- The practice would be willing to provide improved lighting and footpath connections into the town.
- In terms of walking distance the site will remain within walking distance for a reasonably sizeable part of the town.
- The medical practice would be willing to appoint a travel plan Co-ordinator and discuss the detail of this if planning permission is granted.

- Some patients will have to travel further but for some the site will be closer and more accessible both in terms of walking and being able to park

Landscape Impact

- The landscape officer's comments are acknowledged and landscape appraisal proposes mitigation. The proposed building seeks to adopt traditional building characteristics essentially a farm building type. The landscape locally is characterised by very large buildings, many of which are farms and the proposal is therefore, in certain respects, not untypical.
- Acknowledge impact of the development on the local landscape but also that Kington is entirely surrounded by landscape regarded as being of high sensitivity. Having regard to all considerations, including the search for alternative sites, the only site that is suitable and available is the application site. Therefore such is the need for the healthcare improvements this should outweigh the localised landscape impact, but subject always to appropriate mitigation.
- The existing premises are currently deficient in many respects and are unlikely to pass re-examination in 2012. The implication therefore for no medical centre at all serving the area would be significant.

NHS Design Requirements

- New design guidance was implemented 6 years ago which based primary care buildings on service need. The guidance stipulations result in much larger primary care buildings with relatively large footprints due to trying to accommodate as much clinical activity on the ground floor.
- The new primary care buildings are intended to accommodate the shift of services from secondary (hospital) settings to primary care settings closer to the patients' home. This is a central core of Government Policy (including NHS Plan 2000 and reiterated in the White Paper "Our Health, Our Say" DoH 2006) and the shift in services will continue. This will include out patient appointments.
- The proposed Kington Primary Care Centre will provide more modern facilities which will enable the delivery of more specialist services to the community. This will particularly benefit those who have limited access to transport that have difficulty travelling to hospital settings outside Kington.
- The Primary Care Trust is supportive of this proposal and this is evidenced by its inclusion on the new Estates Strategy that went before the board on the 25.3.2010.

Funding Mechanism

- The Doctors fund the development via long term borrowing that they are responsible for. The repayment of this borrowing is made via rent paid by the NHS. The level of rent is decided by a Central Government surveying department (District Valuer Office) who ensures that the public purse is spent responsibly and achieves best value.
- This 3 way rental agreement system means that sites that are too expensive (e.g. those that could be developed for residential) are not viable for medical centre development as they would force the rental value to high and would therefore not be considered value for money.
- Generally speaking a minimum site area of 1 acre is required to accommodate these new primary care premises. This discounts many sites as they are too small.

5.2 *Kington Town Council* supports the provision of a Medical Centre in Kington. However, it makes the following observations:

- Potential traffic hazard for pedestrians needs full consideration as to the provision of a footpath to the Medical Centre
- Consideration for a pedestrian crossing at point of access.

- The development is in line with the UDP policy on health provision where it states it supports development proposals for new healthcare facilities
 - Promotes multiple community users of new facilities
 - Access to services
 - Another a positive note is that Kington Town Council welcomed the environmental and ecological provisions for the site
 - Another issue is the duplication of services at the Medical Centre and the Minor Injuries Unit at Kington Court until 2018
- 5.3 *Titley and District Group Parish Council* are a concerned party as our residents generally use the services of the GP's either in Kington or their surgery at Pembridge. At a recent Council meeting it was agreed that they should respond giving this Parish Councils favourable recommendation to the application.
- 5.4 *Lyonshall Parish Council* is very supportive of this well researched application. The facility is much needed.
- 5.5 *Brilley Parish Council* supports this application on the basis that a renewed doctors surgery and dental practice in Kington will serve the needs of Brilley residents who need a surgery within a reasonable distance. The application is well designed and in an appropriate location.
- 5.6 *The Campaign for the Protection of Rural England* objects to this proposal and raises the following issues:
- Location of the site is unacceptable for issues of landscape impact, access and highway issues.
 - Scale of the proposed building
 - Highways safety for pedestrians and vehicles
 - Parking Provision – under provision
 - Insufficient justification for this site above other alternative sites.
- 5.7 Letters of objection have been received from:
- Mr S Dudhill, Mount Pleasant, Kingswood
 - Susan Buckingham, The Cottage, Prospect Lane, Kington
 - Mrs Ros Bradbury, Rose Cottage, Bradnor Green, Kington
 - Judith Gardner and Mark Bradbury, The Old School House, Hergest Road, Kington
 - Esther Rolls, 9 Duke Street, Kington

These letters raise the following issues:

- The site is a green field site in open countryside, is poorly related to the built up area and is car based and unsustainable contrary to national, regional and local policies.
- There is no justification for the increase in floor area. Kington is not identified for significant growth in existing or emerging plans.
- Parking provision is inadequate for the number of consulting, treatment or related rooms and does not meet the standard of 4 per consulting room. Insufficient parking risks overspill car parking that would be detrimental to highway safety and could adversely affect the amenity of nearby properties (such as Old Eardisley Road)
- The Transport assessment overstates the accessibility of the site. Except for Headbrook, the site is not within realistic walking distance and will encourage people to drive. It is poorly related to public transport routes and services. There is no detail on the surgeries at Eardisley and Pembridge – if they close then people in those areas will also have to travel further.
- The site is not in a sustainable location. The Traffic assessment significantly underestimates the traffic impact. No consideration has been given to the potential

conflict with traffic entering and leaving the recently approved waste site to the west of the A4111.

- Highway movements would be a new hazard on the A4111 and could lead to accidents (pedestrian or vehicular)
- Pedestrian routes are limited and have significant constraints with limited width, lack of lighting, limited provision for the blind, partially sighted or mobility impaired or for people with pushchairs and toddlers.
- The FRA findings rely on existing ground levels being maintained but the Design and Access Statement indicates that the car parking would be at a reduced ground level.
- The lighting on the site would impact on residential amenity, wider environment and local landscape character.
- The scheme will adversely affect the landscape character of the area and the setting of the approach to Kington. It does not give regard to the impact of the access proposal including lighting, visibility splays, traffic signals, signage, road surfacing and use of the care park. There is no mitigation to views into the site for the A4111. The scheme is over intensive.
- Herefordshire Strategic Housing Land Appraisal and Assessment finds this site unsuitable and not achievable because it would give rise to significant landscape impact, is remote from built up part of the town and is on the wrong side of the A4111. It notes the constraints of the site and finds the site to be of high landscape sensitivity and finds that the site is in an area that has high historic environment values and where large scale new development is likely to have a significant impact on the integrity of the inherited landscape and be a visual intrusion.
- Can suitable sites not be identified through the LDF process?
- Why does the proposal have to include a Dental Surgery? Could this not be located in other premises within the town?
- Raises concern about the robustness of the analysis of the alternative sites and lack of proven research and justification for dismissing these sites. Reasons for dismissal are also constraints on this site. Sites have been too readily rejected as being not viable without actually properly establishing the cost and viability of the alternatives. No details have been provided on discussions with land owners or viability calculations.
- Discrepancies are suggested between the number of sites that are dismissed due to not being viable because they would be suitable for residential and that the target number of houses over the planned LDF period being 42. The SHLAA identifies a capacity of 96 houses therefore some of these sites could not be developed for housing and could possibly accommodate this medical centre. This has not been explored.
- Alternative site analysis is illogical as sites are rejected for reasons that also apply to this site.
- Proposed facilities seem to duplicate those at Kington Court. Query why this cannot be expanded and used. Why was this excluded from the alternative sites analysis?
- The applicants state that typically sites need to be one acre, where this site is nearly 2 acres indicating that this proposal is too large. Some of the alternative sites of about 1 acre were rejected for being too small.
- Employment figures given do not show an increase but the building would increase four fold.
- Impact on the independent local pharmacy in town and failure to protect this service.
- The design of the building is undistinguished and has scant regard to vernacular architecture of the district or to the principles of high quality modern design.

5.8 To date there have been in excess of 400 letters of support and a petition with 307 signatures that raise the following issues:

Inadequacy of the existing premises/alternative sites

- Small waiting room that is overcrowded, cramped and unpleasant.
- Unsuitable and cramped rooms and working conditions for doctors and staff (consulting/administrative and pharmacist)
- Long waiting times
- Restricted dispensary times. It is small in size and not fit for purpose.
- Inadequate car parking facilities leading to no or on road parking which causes difficulty for less mobile patients and highway safety concerns for road users and pedestrians.
- No availability or ability to expand surgery. Portacabin has made parking problems worse.
- The situation is now urgent, incredible that 16 other sites have been explored and no other sites. Ideally sites would be found within the town centre but there are no sites available and any sites they do find would come with their own problems and impacts.

Proposed New Surgery

- Range and increase in services would reduce need to travel to other places for treatments, including dental services. Less travel and less parking fees for patients. Reduction in Carbon emissions.
- Improved parking provision which improves situation for those with poor mobility
- Would mean the continuation of a GP service in this area. Without this patients without access to transport would be severely disadvantaged.
- Plans have taken into account the ecological and environmental impact using sustainable building methods and drainage solutions.
- Well positioned for easy access and parking for all of its patients
- Suggests that a bus route includes the surgery
- Suggests that footpaths are extended into Kington.
- Suggest that a 40 mph limit is imposed on this section of the road.
- The new shuttle bus seems a viable option.
- Could only offer support if they agree they will not close the surgeries at Pembridge and Eardisley
- It will benefit the retail core of the town by increasing the catchment using the new surgery facilities.

5.9 There are also several letters that express a mixed view, noting the need for a new surgery (as per the support above) whilst also noting the landscape impact and accessibility issues raised by the objections.

6. Officer's Appraisal

Introduction

6.1 The construction of a medical centre in this green field location that would serve not only Kington but the surrounding community raises some significant issues relating to the physical impact that the development would have on the landscape, highway safety but also its necessity in terms of provision, within this community of a facility to meet its health, welfare and social needs. These key considerations and their relevant policies are in some respects conflicting and will need to be carefully considered in reaching a decision.

6.2 Policies S11 and CF5 of the Herefordshire Unitary Development Plan are applicable to this development. Policy CF5 requires that new community facilities be permitted where they:

1. Are appropriate in scale to the needs to the local community and reflect the character of the location;
2. Are located within or around the settlement or the area they serve;
3. Would not significantly impact upon the amenity of neighbouring residents;

4. Incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.
- 6.3 The application site is adjacent to town. Its siting is to the south east of the town and is quite physically removed and distinctly separate from the built form of the town. The town has a well defined edge to the east, formed by the by-pass (A4111). This site breaches this distinct boundary in a particularly sensitive location and would be more associated with the open countryside than the town of Kington.
- 6.4 The surgery does however serve a wide catchment area of 600 square miles, taking in not only parishes within Herefordshire but also those in east Wales, including New Radnor. Kington Medical Centre does not exclusively serve many of these parishes as these overlap with Weobley/Staunton-on-Wye Practice catchment areas and Presteigne Health Centre catchment area. The siting of this facility is geographically centrally placed to serve its catchment community.

Sustainability:

- 6.5 National Government guidance contained within PPS1 – *Delivering Sustainable Development*, PPS4 – *Planning for Sustainable Economic Growth* and PPG13 – *Transport* along with Herefordshire Unitary Development Plan policies S1, S2, S6, DR2, DR3 and T6 all promote and require that developments provide a safe, convenient and attractive pattern of movements, particularly for pedestrians, people with disabilities and cyclists and include good links to public transport. Developments should also be sited so that they are reasonably accessible by means other than the motor vehicle and promote modal choice. Your officers conclude that this site fails to achieve these requirements. The Transportation Manager's detailed comments at section 4 of this report clearly identify these concerns.
- 6.6 There may be opportunity to improve pedestrian and cycle links to the town through a series of planning obligations. However, despite the application going to some lengths to demonstrate that a large amount of the town is within the 2km walking distance, it is realistic to assume that the majority of the visitors to this surgery will be making the journey by motor vehicle. The Transportation Manager has clearly identified the lack of choice patients will have when visiting this surgery and the constraints that they would face should they choose to walk or get public transport to the site. The applicants have indicated that they would contribute to the improvements to footpaths and cycle routes (including lighting upgrades). Nevertheless there will continue to be constraints such as crossing the busy road and crossing the Bridge over the River Arrow which is unsuitable for wheel chair users and potentially hazardous for those with pushchairs or small children. The applicants have suggested that by partnering with charitable organisations in the town a bus service may be available but no details are provided. Likewise no approach has been made to the bus companies that serve the area about revised routes or additional services that take in the Medical Centre.
- 6.7 At present Kington Medical centre also operates two satellite surgeries at Pembridge and Eardisley. No written assurances have been given that these surgeries, which have their own inadequacies, would remain. As such patients that may walk or travel to these surgeries may need to travel to Kington for appointments.
- 6.8 In summary your officers consider that the location of the site is flawed in that it is so physically removed from the town cannot realistically encourage, provide or promote a safe, convenient and attractive pattern of movements, particularly for pedestrians, people with disabilities and cyclists and include good links to public transport. As such your officers consider it fails to comply with policies DR2, DR3 and S6 of the Herefordshire Unitary Development Plan.

Highway Safety and Parking Provision:

- 6.9 The safety of highway users including cyclists and pedestrian visiting the Medical Centre (crossing the busy A4111) are of paramount importance, especially with the additional traffic movements that will be attributed to the proposed household waste site that was approved in July 2009 (not yet built) on land immediately to the south of Arrow Plant Hire opposite the application site.
- 6.10 No details of the access and related highway works have been submitted (visibility splays, road layout, lighting, pedestrian crossing arrangements, carriageway surface treatments, necessary related upgrades to pedestrian routes to town etc). This precludes assessment of the proposed access arrangements to determine if they meet required standards. The landscape proposal also appears to interfere with the required visibility splay. The application also fails to make reference to the potential impact or conflict of projected traffic movements using the household waste site opposite. This is accessed using the existing Arrow Plant Hire access. The application for the household waste site included projected movements for both the medical centre and household waste site (prior to this application even being submitted) but this application fails to make reference to the approved scheme. On this basis your officers consider that the proposal fails to demonstrate that safe vehicular access to and from the site onto this national speed limit road can be achieved, and it is therefore contrary to policies S6 and DR3 of the Herefordshire Unitary Development Plan.
- 6.11 The application shows the position of a proposed 'crossing' for pedestrians to the north end of the site. Details of this are not given, but reference is made to the potential need for lighting this pedestrian crossing. The application makes no analysis of likely increased highway risk to pedestrian and resulting accident rates resulting from controlled pedestrian crossings on high speed roads. Pedestrians, the majority of whom would be leaving the site and walking along Old Eardisley Road, would also need to cross the access road that would serve Arrow Plant Hire and the proposed Household waste plant. The additional traffic movements to both the sites could also give rise to potential accidents involving pedestrians. The application has not demonstrated that the proposal could make provision for safe pedestrian access to and from the site. As such your officers consider that the proposal fails to comply with policies S6, DR3 and T6 of the Herefordshire Unitary Development Plan.
- 6.12 One of the key themes that has come from both objectors and supporters of this application is the need for and lack of sufficient car parking on site to accommodate the staff, patients' and clients of the doctors and dental surgeries. The staff and visitor numbers have been based on figures relating to the doctors only and have failed to give any real weight to the potential demand from the doctor's surgery or for the extra staff and patients that may be visiting the site. The figures are not robust. Given the lack of choice in relation to transport type, car parking provision will be crucial. If parking provision is lacking this could easily lead to vehicles parking on the busy A4111 or on Old Eardisley Road. This would impact significantly on highway and pedestrian safety as well as on the amenities of the residents in Old Eardisley Road.
- 6.13 There are some concerns in relation to parking provision as detailed in the Transportation Manager's comments above. The Highways Design Guide for new Developments sets the standards for doctors' surgeries, dentists and health centres as being 4 spaces per consulting or treatment room and 1 ambulance space per consulting or treatment room. This figure assumes one member of staff, one person being treated or seen, one waiting and one leaving. As detailed in section 1 above there are 12 rooms labelled as consulting rooms, plus 3 dental surgeries and 3 rooms labelled as 'expansion rooms' (which could be used as consulting rooms in the future). This totals 18 that would require a minimum of 72 spaces. 72 spaces have been provided, 54 of which are for patient parking. However the application has failed to make provision for or acknowledge the 3 treatment rooms, 3 nurses rooms, 1 returners / part timers room, triage room, 2 counselling minor operations room or recovery. If these rooms were included then the minimum provision would be 124 spaces. If the additional clinical services are provided in line with the application detail then there may also be more of a requirement for ambulances providing transport for patients.

- 6.14 The application has also been based on existing staffing levels housed within the 310 sq metres of the existing surgery building. A projected increase in staff has not been addressed in this application and no acknowledgement has been given to the staff that would be required for the dental surgery. Given the numbers of rooms listed above only include clinical rooms and not any administrative facility it can safely be assumed that the 14 staff car parking spaces would be unrealistic. Given the unsustainable location of the facility and its lack of realistic 'choice' of transport mode assurances that staff would use alternative methods of transport, especially during inclement weather, would not suffice or alleviate the pressures for parking on this site.
- 6.15 Because of the remote location of the application site and its lack of links to public transport the private motor vehicle will be the predominant method of transport. However, having regard to the requirements of the Highways Design Guide for new Developments, car parking facilities are inadequate and this has the clear potential to lead to indiscriminate parking on the A4111 or Old Eardisley Road to the detriment of highway and pedestrian safety contrary to policies S6, DR3 and T6 of the Herefordshire Unitary Development Plan.

Landscape Impact

- 6.16 The application site is beyond the edge of the town. The site is much more assimilated to the agricultural land within a sensitive landscape that surrounds it than the built form of the dwellings and commercial premises to the south east. The application describes the impact as being localised, and although there are long distance views of the site it is agreed that the impact is likely to be localised. In particular the proposal would be most prominent when approaching Kington along the A4111 in either direction or from the adjacent public right of way.
- 6.17 The site is remote and rural in character and the introduction of this building and associated works will be intrusive. Its introduction would permanently alter the character of the area and the approach to the town along this primary route. The building is significant in size, scale and bulk and would be impossible to 'hide' with planting. In addition to this the proposal would require the associated car parking, access and visibility splays, pedestrian crossing with its associated lighting and additional footways to the east side of the A4111. The result would be an urbanising effect on the landscape and the regrettable break across the bypass into the open countryside. The application suggests that a robust planting scheme could soften and enhance the scheme over time. Nevertheless your officers consider that the proposal is too significant in size and scale to mitigate the harm that this would cause.
- 6.18 The application has made efforts to address the impact that the building may have including with it a comprehensive landscaping scheme, suggesting that a cut and fill principle to be applied to reduce the site level where the car parking would be sited (although it is uncertain if this would raise the height of the building) and orientating the building on a slight angle to reduce the visual bulk of the building when approaching from the South. Whilst the design concepts have been progressed to try and address some of these issues, the proposed building would be highly visually intrusive and impossible to assimilate into the rural, unsettled landscape context in any satisfactory way.
- 6.19 In summary your officers consider that the proposal is contrary to Policy LA2 of the Unitary Development Plan that seeks to protect the landscape from development that would adversely affect the overall character of the landscape and Policy LA3 of the Unitary Development Plan that also seeks to protect important visual approaches into settlements and surrounding valued open countryside.
- 6.20 It is also worth noting that the Councils Strategic Housing Land Appraisal and Assessment (SHLAA) has also made an assessment of this site for residential development but finds that this is unsuitable and not achievable because it would give rise to significant landscape

impact, it is remote from the built up parts of the town and is on the wrong side of the A4111 amongst other constraints. It finds that the site is located in an areas where high historic environment values have been identified and where new large scale development is likely to have a significant impact on the integrity of the inherited landscape.

Justification and Need

- 6.21 The existing doctor's surgery is sited at The Meads, Victoria Road, within the town of Kington. The surgery occupies 310 sq metres and is inadequate in its facilities, size and parking provision to serve its community. The existing site is too physically constrained to be redeveloped to improve these facilities in the long term and it is acknowledged that a new facility would be the only way to address these concerns. In order to secure funding for new facilities the proposed new building must provide a certain amount and type of accommodation to meet the new design guidance for primary care buildings on service needs. The size of the building and subsequent site has therefore been heavily influenced and restricted by these requirements.
- 6.22 The application not only would provide medical facilities but also a dental surgery that would use approximately 200 sq metres of first floor space. Information on this is very limited within the application in relation to how this would operate/staffing levels/patient numbers etc. It is accepted that there is no dental practice within the town and only emergency treatment is available at the Dental Access Clinic at Kington Court. Objectors query the necessity to provide this service this location. It is not a service that is linked to the Medical Centre and would not be operated by the Medical Practice.
- 6.23 The application includes information relating to the sixteen sites that have previously been investigated for this facility. The information supplied briefly dismisses each site. Whilst officers are satisfied that some of these sites have been fully explored or are not viable because they have already been developed for other purposes, the planning statement does not give sufficient information or evidence to suggest that all of these alternative sites have been given full consideration before concluding that the application site is the only 'viable' and 'available' site for development. Officers have not been involved in the assessment of the majority of these applications and would challenge some of the assertions that have been made on some of the sites. It is however acknowledged that there is no 'obvious' or perfect site in the town.
- 6.24 Your officers would not query that there is a need, in principle, for improved health care provision to serve this community. There are however, doubts, that the alternative sites have been fully explored that may well address the significant concerns relating to the sustainability of its location and the impact of the proposal on this sensitive landscape.

Flood Risk

- 6.25 The site lies partially within flood Zone 1. The Environment Agency has not raised an objection to the development but has suggested a number of conditions relating to surface water run-off and the protection of the water course. Details of drainage have not been fully supplied as part of this application but given the nature of the site it is likely that by using either sustainable drainage methods or storage facilities the 'green field run off rates can be maintained and flooding mitigated against. Safe, dry access to the A4111 can be maintained. As such this proposal would comply with policy DR7 of the Herefordshire Unitary Development Plan.

Ecology and Biodiversity

- 6.26 Following discussion with the Council's Ecologist, an ecology survey was submitted as part of this application. That European protected species area present on the development site. In response to this the Local Planning Authority must be satisfied that the proposal meets the three tests identified in paragraph 4.5 of this report. It is considered that the provision of a medical facility to serve the wider population is in the public health and public interest and as

such the proposal meets the first test. The second test requires that there is “no satisfactory alternative”. The application has identified 15 other sites and has dismissed these. The concerns relating to the robustness of this submission have been explored above and concludes that the local planning authority is not satisfied that there is no satisfactory alternative. In relation to the third test, the mitigation suggested within the application proposal would ensure that the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

- 6.27 Having regard to the above, you officers conclude the proposal fails to comply with the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & c) Regulations 1994 (as amended) and policy NC1 and guidance contained within Planning Policy Statement 9 – Biodiversity and Geological Conservation.

Conclusion

- 6.28 The application has created a significant level of interest in both Kington and the wider locality. This is not surprising given the restricted nature of the existing premises, and the desire of the applicants to provide a modern facility to meet both central government policy and NHS Herefordshire requirements.
- 6.29 A new surgery would do much to consolidate the role of Kington as a key market town and service centre in the County and the wider rural locality. In a general sense the proposal relates well to the wider principles of Policy CF5 of the Herefordshire Unitary Development Plan. In particular the application proposed is appropriate in scale to the needs of the local community, and is located adjacent to the settlement the facility serves. In addition there would not be any impact on the amenity of neighbouring residents.
- 6.30 As the report has, however, identified there are several other policy issues and technical matters where, in your officer’s opinion, the application fails to meet adopted policies or normal development control considerations.
- 6.31 The application site is poorly related to the town. There are no obvious pedestrian links to the town centre, and the site is poorly served by public transport. On this basis the site will be principally served by the private car contrary to policies S1, S6 DR2 and DR3 of the Unitary Development Plan. The applicants have set out their work in identifying sixteen alternative sites that have been explored. Nonetheless your officers conclude that the lack of detail supplied to justify their dismissal is minimal and often questionable.
- 6.32 The situation is complicated given the lack of substantive detail supplied with the application on access and related highway work. They include a lack of any details on visibility splays, road layouts, lighting and any up-grade to pedestrian routes to the town centre. This has not allowed the usual assessment of these matters. It also appears that the level of parking proposed is significantly less than the Council’s adopted standards. In this context the only sensible alternative for car parking to the extent that the car park was full would be to park on the A4111 of the Old Eardisley Road. Both options would generate obvious highway and safety issues.
- 6.33 The proposed location of the surgery is considered to have a significant impact on the setting of Kington. The site is remote and rural in character, and your officers consider that the proposal is contrary both to Policies LA2 and LA3 of the Unitary Development Plan that, respectively, seek to protect the landscape from development that would adversely affect the overall character of the landscape, and which seeks to protect important visual approaches into settlements.
- 6.34 The application proposes the creation of a modern doctor’s surgery and has generated a significant amount of local support. Nevertheless your officers consider that, as currently submitted, the application fails to conform with key elements of the adopted Unitary

Development Plan, and as set out in this conclusion and elsewhere in the report. The relationship of the proposal to more general policies in the Unitary Development Plan that support the establishment of new community facilities is not considered by your officers to outweigh the locational and detailed issues that pull in the direction of a refusal of the application. On this basis the application is recommended for refusal.

RECOMMENDATION

That the application be refused for the following reasons:

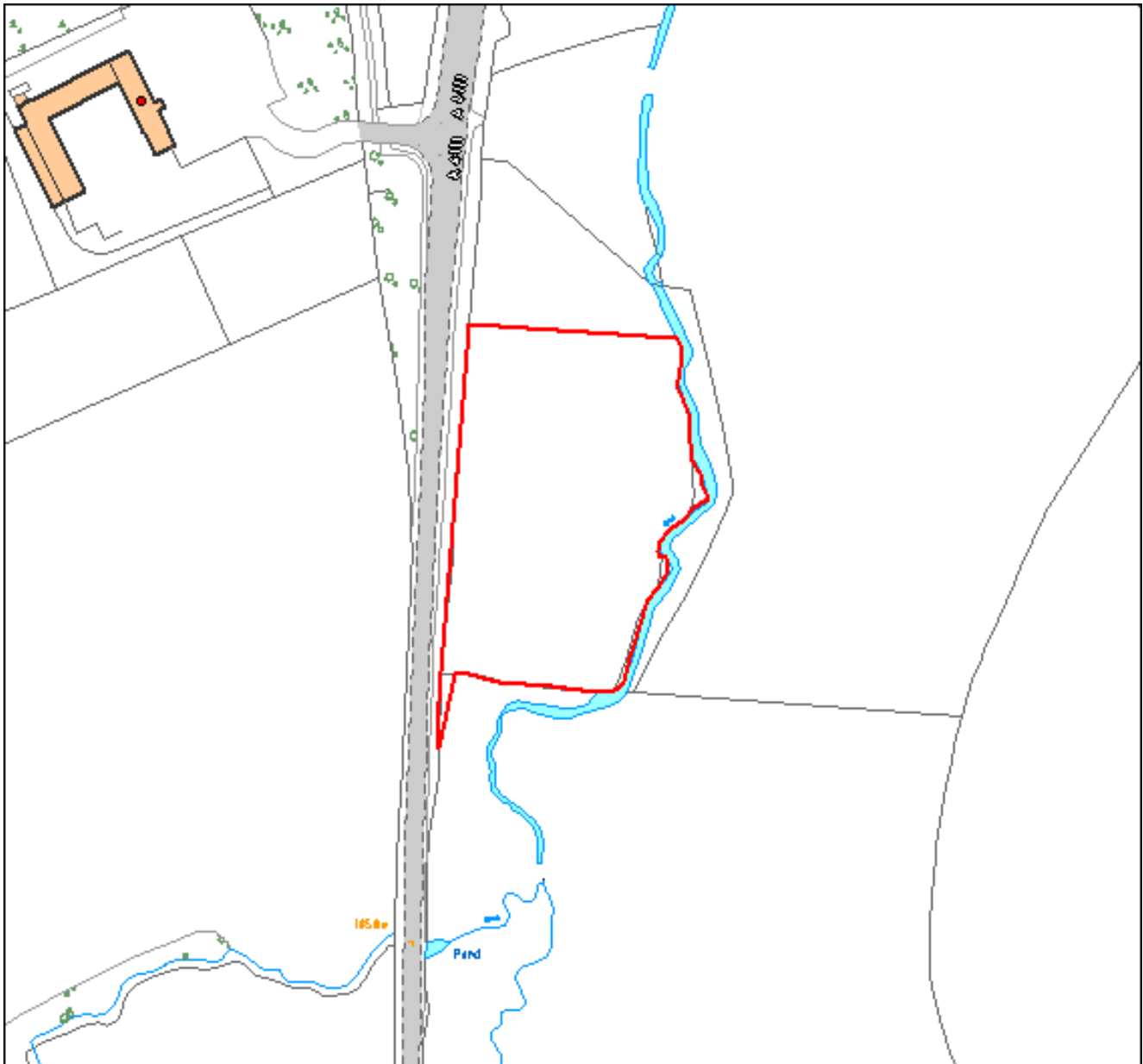
- 1. The application site, by reason of its location, remote from the town, fails to be reasonably accessible by means other than the private car, therefore failing to promote modal choice and encourage sustainable travel. The application fails to sufficiently demonstrate that a more sustainable location could not be found. As such the proposal fails to comply with policies S1, S6, DR2 and DR3 of the Herefordshire Unitary Development Plan.**
- 2. The proposal will rely heavily on the use of the private motor car, but fails to demonstrate that adequate provision is made from the highway network without detriment to highway safety or to pedestrians, cyclists or public transport contrary to policy DR3 of the Herefordshire Unitary Development Plan. In any event on the basis of the information provided, the application fails to make provision for sufficient on-site parking in accordance with the requirements of the Highways Design Guide for New Developments and policy DR3 of the Herefordshire Unitary Development Plan.**
- 3. The proposal, by reason of its size, scale, design and siting would be highly visually intrusive and difficult to assimilate into the rural, unsettled landscape context in any satisfactory way. As such the proposal is contrary to policies LA2 and LA3 of the Herefordshire Unitary Development Plan.**
- 4. The application site is a habitat for a European protected species and makes a contribution to the biodiversity of the area. The application fails to demonstrate that there is no satisfactory alternative to developing this site contrary to policy NC1 of the Herefordshire Unitary Development Plan and to the guidance contained in Planning Policy Statement 9 – Biodiversity and Geological Conservation.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMNW/100261/F

SITE ADDRESS : LAND OPPOSITE ARROW PLANT, EARDISLEY ROAD, KINGTON, HEREFORDSHIRE, HR5

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MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 2010
TITLE OF REPORT:	<p>DMSE/100298/O - LIGHT INDUSTRIAL UNITS B1 USE AT LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7QQ.</p> <p>For: Mr T Barnett per Mr M.F. Freeman, Ruardean Works Varnister Road, Near Drybrook, Gloucester, GL17 9BH.</p>

Date Received: 11 February 2010 Ward: Ross-on-Wye East Grid Ref: 360540,225736

Expiry Date: 13 May 2010

Local Members: Councillor BA Durkin, Councillor AE Gray and Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 The site is located on the northern edge of the Overross Industrial Estate, and on the northern side of Netherton Road, opposite the cattle market. UK Select Car Sales is to the west. A watercourse flows along the northern boundary of the site which is also defined by a row of willow trees. The site extends to approximately 1.6ha. It is located within the settlement boundary for Ross-on-Wye and within the Wye Valley Area of Outstanding Natural Beauty. Farmland is to the north. Public footpath BA11 is to the north of the site from where Overross Industrial Estate and the application site can be seen.
- 1.2 The site comprises a steep north facing embankment slope, which falls away from the highway barrier along Netherton Road down some 4metres to level ground bordering the watercourse on the northern boundary of the site. A number of trees within the site have been felled, leaving the trees along the immediate stream corridor only.
- 1.3 This is an outline planning application for the erection of light industrial units. The application reserves all matters; layout, scale, appearance, access and landscape for future consideration. However, a suggested layout plan has been submitted that shows 5 buildings with a gross floor area of 1008square metres will be positioned close to the road frontage, with 3 entrances off Netherton Road and an access roadway that will run along the rear of buildings B, C and D that will lead to units A and E. The plan also shows the area of fill that will be required to create a level area for the development. The area of land between the retaining wall and the watercourse will be graded to provide a wildlife corridor. Tree planting is proposed along the northern boundary of the site and on the east side of unit E.

2. Policies

2.1 Planning Policy Statements

- PPS1 - Delivering Sustainable Development
PPS4 - Planning for Sustainable Growth

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- PPS9 - Biodiversity and Geological Conservation
- PPG13 - Transport

2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S4 - Employment
- S6 - Transport
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- E7 - Other Employment Proposals within and around Hereford and the Market Towns
- E8 - Design Standards for Employment Sites
- T8 - Road Hierarchy
- NC1 - Biodiversity and Development`
- 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
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas least Resilient to Change
- LA3 - Setting of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- SPG - Landscape Character Assessment
- SPG - Biodiversity

3. Planning History

3.1	SH860642PO	10 small industrial units and use of lands as a plating field	-	Approved 20.10.1986
	SH860644PF	Distribution depot and provision of access roads	-	Approved 20.10.1986
	SH881098PM	Industrial unit with service yard and car parking	-	Approved 26.8.1988
	SH890966PF	Car body repair workshop and showroom	-	Approved 14.6.1989
	DCSE2009/0682/O	Light industrial units, B1 and B2 Uses with earth bund	-	Withdrawn

4. Consultation Summary

4.1 Statutory Consultations

Highways Agency directs that planning permission not be granted as insufficient information has been provided in support of the planning application to ensure that the A40/A449 trunk roads continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

4.2 Welsh Water has no objection subject to conditions.

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

Internal Council Advice

- 4.3 The Traffic Manager recommends refusal. Further information required; access details, layout and parking areas.
- 4.4 Conservation Manager – Landscape cannot support this application. The proposal will cause harm to the character of this part of the Wye Valley Area of Outstanding Natural Beauty.
- 4.5 Conservation Manager – Ecology requires additional information to assess the impact of the proposal on the ecological interests of the site.
- 4.6 Economic Regeneration Officer supports the application.

5. Representations

- 5.1 A Design and Access Statement has been submitted with the application. In summary it is said:
- The site is adjacent an existing commercial/light industrial landscape known as Overross Industrial Estate.
 - There is an overall strategy the now derelict site and rebuild the site into beneficial employment use. The proposal is intended to provide beneficial employment use, retail uses and provide visual amenity.
 - It is intended to provide 5 new build B1: light industrial units with parking together with disabled parking facilities. The new build will be toward the front of the site.
 - There is a range of in size of the units which will accommodate a good range of businesses.
 - The site has already 2 prospective tenants.
 - The site will require 4metres of fill to establish a useable level site.
 - It is intended together with the improvement of the development to tidy up the entrance to the development with new planting and signs.
 - Soft landscaping has been added which similar in size to the previous treed area.
 - A clearzone is provided onto the stream.
 - The site is in a natural hollow. The proposed buildings are protected by the natural crest of a hill immediately off site.
 - The main access is off Netherton Road.
- 5.2 An Employment Land Statement and Planning Statement has been submitted with the application. In summary it is said:
- The proposal is being driven by the needs of 2 local businesses, Wye Garden Services and UK Select, who will occupy 2 of the proposed units.
 - The development is critical to the future success of these businesses which provide local jobs and are important to the Ross-on-Wye economy.
 - An Employment Land Study for the Council found there was a demand for industrial units of less than 3,000 square feet.
 - The study found 55,000 square metres of vacant premises in the Eastern Corridor area, similar to our findings for the Herefordshire “south” property register area.
 - The study finds that existing sites are available to meet forecast demand.
 - Sustainable economic development is clearly a driver of planning policy. New employment development should be encouraged at Ross-on-Wye to achieve strategic planning aims, planning aims, improve the local economy and create a jobs/homes balance.

- The UDP also recognises the need to meet the expansion of requirements of existing businesses. The application is in line with this aspiration and will help retain the businesses in the local area and provide additional employment opportunities.
- 5.3 An Ecological Assessment has been provided with the application. In summary it is said mitigation measures will be put in place to protect legally protected species and prevention of pollution of the adjacent watercourse.
- 5.4 Ross Rural Parish Council has no objection.
- 5.5 Brampton Abbots Parish Council – Despite the findings of the application’s Transport Statement, the Parish Council remains concerned over the extra traffic the development will generate at Overross Roundabout. The Council also believes it is imperative that the proposals in the Design and Access Statement relating to the development’s appearance, scale, screening and landscaping, all be implemented without compromise.
- 5.6 An objection has been received from Mr J Hiram, Netherton House, Netherton, Ross-on-Wye:
- It is sited on land which is designated for important landscaping on an earlier consent. The area is therefore protected and granting permission would set a very dangerous precedent. The necessity for the landscaping buffer between town and country has not diminished.
 - The removal of the planted landscaping was illegal, damaging local flora and fauna and carried out without consultation with the appropriate bodies, including Natural England, Defra etc. It should be reinstated without further delay.
 - The existing use (vacant land) is incorrectly stated on the application. It should state: landscaping.
 - Is it light industrial? or B2? It cannot be both.
 - The land is currently steeply sloping to the nearby watercourse, which runs into the River Wye. The levels will have to be artificially altered and raised. The subsequent ridge level of the buildings on the raised ground will be visually obtrusive to the surrounding countryside to the north.
 - DTZ refer to the office market which is irrelevant. They also state that the industrial supply exceeds demand. Why are 5 buildings proposed when only 2 are apparently required? Why should the 40% of the site "drive" its development? There are numerous empty commercial buildings in Ross and further sites with extant planning consent yet to be constructed. Vehicle preparation does not have to take place in an adjoining building and could be undertaken elsewhere in the town.
 - The Design and Access Statement is inaccurate as it refers to retail use and does not refer to the historic landscape value to previous planning consents.
 - DTZ state PPS7. This is not a rural area as it is within the settlement boundary of Ross-on-Wye.
 - DTZ also state in their planning statement that the proposal "respects the open countryside to the north". This is patently untrue as landscaping has been illegally removed without permission or prior consultation exposing the existing development to the North. The new structures on the raised land will exacerbate the effect of the development into the rural landscape to the North and the adjoining AONB.
 - PPS4 paragraph EC6.1 states that any development should ensure that the countryside is protected etc. These proposals do not meet this policy's requirements.
 - In summary, irrespective of the flawed nature of much of the application which is justification in itself to refuse permission.
- 5.7 Letters in support of the application have been received from Dayla Liquid Packing Limited, Overross Industrial Park, Ross-on-Wye; Walford Timber Limited, The Sawmills, Walford and Wye Commercials Limited, Overross Industrial Estate, Ross-on-Wye:
- it will enhance job prospects

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- it will tidy up the area
- it has good access.

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 is an outline application to establish the principle of light industrial development. The application reserves all matters for future consideration.
- 6.2 Although this site is located in the town boundary of Ross-on-Wye as shown on Inset Map ROSS1 in the Herefordshire Unitary Development Plan it is not allocated for any particular use. Policies E7 and E8 are considered appropriate to the determination of this application. The policies are criterion based. These policies permit proposals for employment generating uses provided there are no suitable sites or premises available within existing and proposed employment areas and the proposal is of a scale and character appropriate to the settlement or locality.
- 6.3 The applicant has not provided evidence as to why this development cannot be located on vacant industrial allocated land in Ross-on-Wye, there is vacant land in Alton Road and Model Farm has outline planning permission for B1, B2 and B8 Uses. Notwithstanding this, the Economic Regeneration Officer considers "the proposal would appear to make more efficient use of this part of the estate, increase the type of accommodation available, whilst improving the overall appearance of this established commercial area. It is understood that two of the five units proposed would be occupied by existing businesses currently located on the estate, UK Select Car Sales and Wye Garden Services, one needing to expand and one needing to relocate. Where possible on existing employment sites, we wish to ensure a good range of units, safeguard existing jobs and encourage new ones accordingly."
- 6.4 While, the site is within close proximity to land allocated for employment purposes it is adjacent to the settlement boundary of Ross-on-Way, farmland adjoins the site on its northern side within the Wye Valley Area of Outstanding Natural Beauty (AONB). The impact and affect of the proposal on this part of the AONB needs to be considered. In this respect the Conservation Manager – Landscape comments this undeveloped site on the northern edge of Netherton Road currently allows views out from the public highway to the north, into the adjacent countryside designated as Principal Settled Farmlands in the Council's SPG Landscape Character Assessment. Distant views to the north are restricted by the undulating nature of the landform and intervening trees along the stream, and include partial views of buildings at Netherton. There are no views of the village of Brampton Abbots. Views to the west, south and east are restricted by the existing industrial development.
- 6.5 While, a 7 metre buffer zone is proposed, this does not overcome the landscape objection to the development of this site. The principle objections are that the proposed development would detract significantly from the character of the site – a stream corridor and that the stream corridor site needs to be preserved in its entirety to act as an effective buffer between the industrial estate and landscape to the north, which falls within the AONB.
- 6.6 Insofar as the issue of the change to the appearance and character of the stream corridor is concerned, the proposal does not work in harmony with the existing topography and stream corridor character – it works against it, as demonstrated by the fact that it would be necessary to make up levels by 4 metres. This infilling would detract significantly from the stream corridor character and the proposed buildings would preclude reinstating the area of trees that were originally on the site.

- 6.7 The screening effect of trees on the site has already been significantly weakened by the removal of many of the trees on the site. The removal of these trees also degraded the quality of the wildlife habitat, as stated in the Ecological Report submitted with this application
- 6.8 Insofar as the visibility of the site is concerned, it is acknowledged that distant views in and out of the site are restricted by landform. However, a negative factor is that the proposed development of buildings adjacent to the road would impinge on the current open views from Netherton Road towards the rural countryside and would restrict views of what was formerly an attractive steam corridor from Netherton Road and the inner industrial estate; views which are of value to both occupiers and users of the industrial estate. In relation to functional issues, the proposed infilling raises practical concerns about the future stability of a high steep bank close to a watercourse, particularly before it is vegetated and about the difficulties of maintaining planting on a steep sided bank.
- 6.9 The existing land form demonstrates the site is not suitable for development. It will require raising the ground level adjacent to Netherton Road by importing soil up to 4metres in depth to create a development platform and access off Netherton Road. The proposed site layout plan indicates that the base of the proposed embankment slope would extend up to the edge of the stream across part of the site. The embankment will require a retaining wall to be constructed along the length of the raised ground. The retaining wall and grading of the side will appear as a non-natural feature in the landscape.
- 6.10 The site is located in an ecologically sensitive area, adjacent to a watercourse that is a tributary to the River Wye SSSI and SAC. While, an Ecological Assessment has been provided with the application concluding pollution of the watercourse will be minimal subject to appropriate best practice mitigation measures are put in place to stop this occurring. The Assessment also comments mitigation measures will be put in place to protect a range of legally protected species, potentially dormice, badgers, common reptiles and nesting birds. However, further information is required regarding mitigation strategies for dormice, badgers, protection of the watercourse, reptiles and ensuring against the spread of Japanese knotweed. Further surveys will be required to ensure that the mitigation strategies proposed are appropriate.
- 6.11 Insofar as means of access is concerned, and notwithstanding the recommendation of refusal from the Traffic Manager, this is a reserved matter and will need to be considered as part of an application of reserved matters in the event of outline planning permission being granted. However, the proposal will lead to an increase in traffic exiting onto the A40 at Overross. While, the additional information required by the Highways Agency has now been received, their further comments are awaited. An update will be provided at the Committee meeting.
- 6.12 Mention is made of the tree felling that has taken place. The application site was originally planted as part of an approved landscape buffer to applications SH860642PO and SH881098PM. Other than requiring a 5 year maintenance period of planting that may fail during this period the planning permissions were not subject that protected the trees beyond this period. The tree felling took place after this 5 year period. Accordingly, it is considered there has been no breach of the planning permissions and there is no requirement for the reinstatement of the tree planting.
- 6.13 In conclusion it is considered in the absence of need for the development of this site for industrial purposes the proposal will cause harm to the acknowledged visual qualities of the area and is contrary to policies S2, S7, DR1, LA1 and LA2.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 Insufficient information has been provided to demonstrate there are no other sites**

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

or premises available within existing and proposed employment areas of Ross on Wye. Consequently the proposal conflicts with policies S2 and E7(1) of the Herefordshire Unitary Development Plan.

- 2 The proposed development and associated ground works required to create a development platform would form a conspicuous and prominent development in this part of the Wye Valley Area of Outstanding Natural Beauty in which the site is located. Accordingly, the proposal conflicts with policies S2, S7, DR1, E7, E8, LA1 and LA2 of the Herefordshire Unitary Development Plan.
- 3 Insufficient information has been provided to ensure the development of the site, including the extensive ground works, would not result in the loss of ecology on the site. Accordingly, the proposal conflicts with policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to the advice contained in PPS9: Biodiversity and Geological Conservation.
- 4 Upon the direction of the Highways Agency insufficient information has been submitted in support with the application to ensure that the A49 trunk road continues to serve its purpose as part of a national system of routes for through traffic. Consequently, the proposal conflicts with policies S2, S6 and DR3 of the Herefordshire Unitary Development Plan.

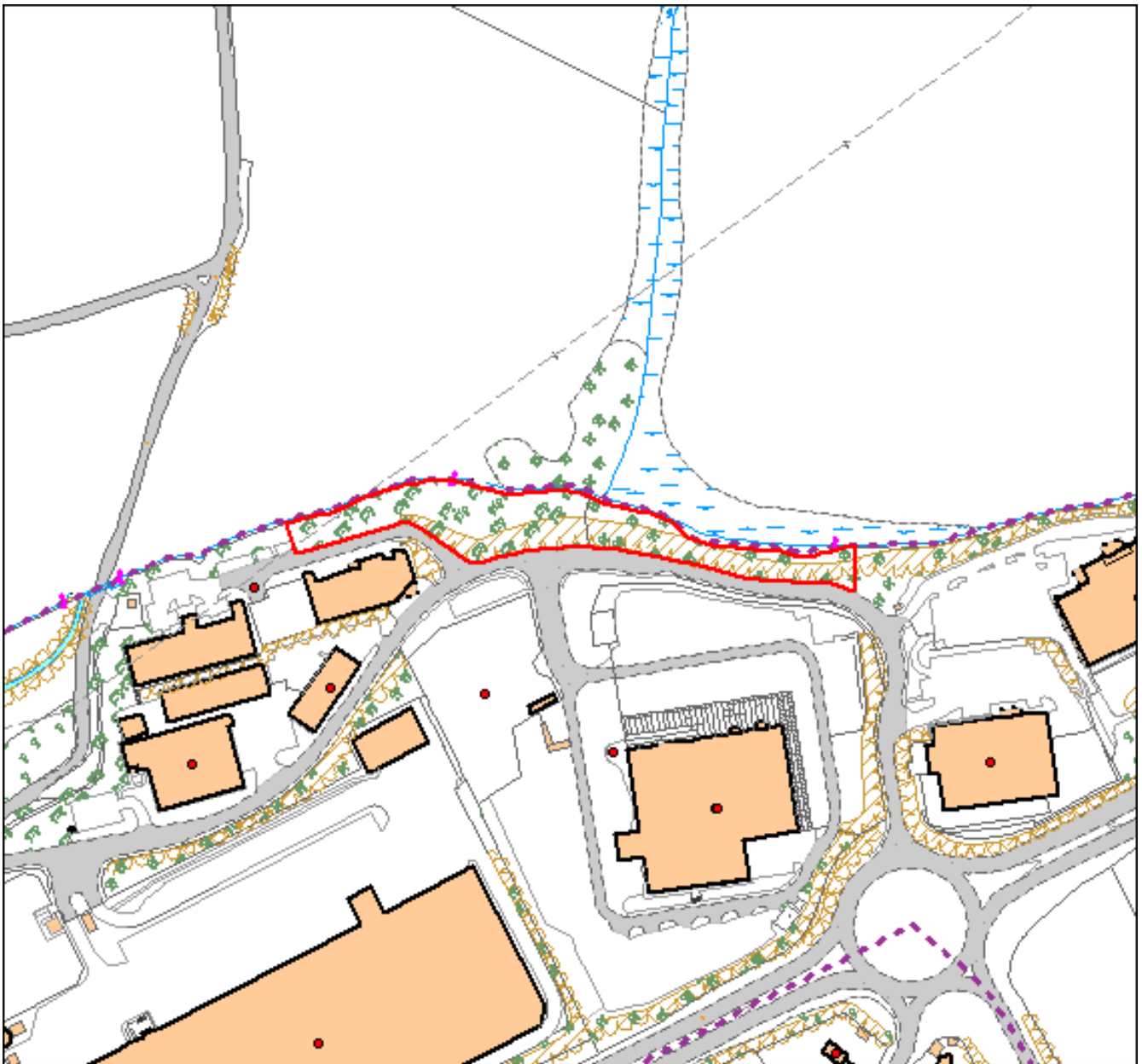
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMSE/100298/O

SITE ADDRESS : LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE,
HEREFORDSHIRE HR9 7QQ

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974

MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 2010
TITLE OF REPORT:	<p>DMSE/100399/F - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY & CONSTRUCTION OF 14 NO. APARTMENTS, ASSOCIATED CARPARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</p> <p>DMSE/100400/C - DEMOLITION OF EXISTING RESIDENTIAL PROPERTY & CONSTRUCTION OF 14 NO. APARTMENTS, ASSOCIATED CARPARKING, LANDSCAPING AND ACCESS AT PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.</p> <p>For: Mr MF Freeman, Ruardean Workshops, Varnister Road, Near Drybrook, Gloucestershire, GL17 9BH.</p>

Date Received: 26 February 2010 **Ward: Ross-on-Wye East** **Grid Ref: 359823,223347**

Expiry Date: 28 May 2010

Local Members: Councillor AE Gray and Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 The application site is located on the east side of the B4234 Walford Road some 800 metres south of Ross-on-Wye town centre. The site comprises Penrice, a large inter-war detached dwelling, set within a curtilage that extends to 0.28ha. The site is within the settlement boundary of Ross-on-Wye in the Wye Valley Area of Outstanding Natural Beauty and within the Ross-on-Wye Conservation Area.
- 1.2 The site is rectangular in shape with a frontage onto the Walford Road. The existing vehicular access is towards the northern end of the frontage with the driveway running diagonally and to the south of Penrice to a flat roofed garage and large parking area. The site is currently screened from Walford Road by a stonewall, wooden fence and mature roadside planting.
- 1.3 The southern perimeter is defined for much of its length by a 3 metre high stone wall, which also forms part of the north elevation of Chasedale Cottage, which as a consequence forms part of the southern site boundary. Westwood is a detached dwelling to the immediate north, with the remainder of the northern boundary formed by the playing fields to St. Joseph's primary school. Residential properties on Eastfield Road are found to the east.

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

- 1.4 The application is for the demolition of the existing dwelling and erection of two blocks of apartments containing a total of 14, 2-bed apartments arranged over 3 floors with 8 in the roadside block and 6 apartments in the rear block. A Conservation Area Consent application covering the demolition of Penrice accompanies the planning application. The roadside block would occupy the land vacated by the demolished dwelling with the rear block located in the eastern portion of the site. It is proposed to move the vehicular access to the south-west corner of the site moving through to a parking court set between the two blocks. The roadside block is 3-storey throughout. The rear block is 3-storey at the front, descending to single-storey at the rear in response to concerns regarding the potential overlooking of properties in Eastfield Road.
- 1.5 The 3-storey blocks have an overall height of 10.3m, which is 1.5 metres taller than the existing dwelling. The proposal promotes a contemporary design approach but with a palette of materials intended to reflect the surrounds, including panels of red brick, render and glazing under a traditional slated roof with chimney stacks to provide vertical emphasis.
- 1.6 The apartments range in size from 82 to 123 square metres and contain an open plan living/dining/kitchen area with two bedrooms (one en-suite) and a separate bathroom. The Design and Access statement affirms that orientation is designed to benefit from passive solar gain, whilst the roof design creates a number of south facing roof slopes that would be suited to the use of solar panels.
- 1.7 Chasedale Cottage and Westwood are the two dwellings in closest proximity to the application site. At it's nearest the roadside block is 12 metres from Westwood and 6.5 metres from Chasedale Cottage. The rear block has a different design with the 3-storey block at the front, with a single-storey 'garden' flat nearest the eastern boundary, beyond which are the gardens to Eastfield Road properties. This apartment lies within 5 metres of the site boundary but is more than 45 metres from the actual dwellings on account of lengthy rear gardens. The 3-storey element of the rearward block is a further 13 metres away, such that it is nearly 60 metres distant from the property in Eastfield Road.
- 1.8 The application is accompanied by a topographic survey, ecological report, tree survey and Conservation Area Appraisal. A report into the impact of the proposal upon the provision of daylight and sunlight to Chasedale has also been submitted.
- 1.9 A draft heads of terms accompanies the application the content of which is attached to this report.

2. Policies

2.1 National Planning Guidance

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR3	-	Movement
H1	-	Hereford and Market Towns: Settlement boundaries and established residential areas
H13	-	Sustainable Residential Design

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

H14	-	Re-using previously developed land and buildings
H16	-	Car parking
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of trees, woodlands and hedgerows
NC1	-	Biodiversity and development

3. Planning History

3.1	SH87/1589/PO	Erection of a dwelling for veterinary surgery assistant to live on site.	-	Refused
	SH89/0095/PO	Three houses to rear of Penrice	-	Refused 01.03.1989
	DCSE2007/1955/O	Outline application for the erection of a detached dwelling with ancillary works on land adjoining Penrice:	-	Refused and dismissed on Appeal 28.02.2008
	DCSE0009/1972/F & SE0009/1973/C	Demolition of existing residential property and construction of 14 no. apartments, associated car parking landscaping and access	-	Withdrawn 18.12.2009

4. Consultation Summary

- 4.1 Welsh Water: No objection subject to the imposition of standard conditions relating to the treatment of foul and surface water drainage.

Internal Council Advice

- 4.2 Conservation Manager: Ashfield is an area of relatively high status detached villas set in spacious plots and this low density is a key characteristic of this part of the Ross conservation area. Although its site was formed by the subdivision of the Chasedale Hotel's garden, Penrice fits this pattern in term of scale and density, but as an interwar building it does not match the architectural quality of some of its earlier neighbours, and is not considered to be of any particular local interest. Therefore there is no conservation objection to its demolition,

The current application increases the density of units per hectare, but has acknowledged the prevailing grain of development in the area. The massing and scale of the two blocks is comparable to many of the neighbouring buildings. A contemporary approach has been taken to the design, although this does take some cues from its context in terms of form, massing and materials. The use of stucco render, fair-faced sandstone masonry natural slate all reflect the prevailing palette of materials and will help the scheme integrate with its context.

It is considered that the scheme will have a positive impact on the character of the Ross conservation area in accordance with Policy HBA6.

- 4.3 Traffic Manager: The vehicular access arrangements have been the subject of objection from most of the respondents on this application. However, the proposals comply with the Council's Design Guide for New Developments in terms of layout and visibility. The requisite visibility of 2.4m x 90m can be achieved and allows for motorists travelling 10kph over the speed limit. The junction will afford pedestrians priority by taking the form of a crossover

rather than a dropped crossing. Conditions are recommended in relation to the formation of visibility splays, vehicular access construction and the closure of the existing access.

5. Representations

5.1 Ross Town Council: Objection. The committee has concerns over access and traffic on the Walford Road, the infrastructure (sewage in particular) and the impact on the amenity and privacy both at the back (Eastfield Road) and the front (Walford Road).

5.2 19 letters of objection have been received from local residents, one accompanied by a 44 signature petition. The content of the letters is summarised as follows:

- The erection of 3-storey flats and the demolition of a detached dwelling would be out of keeping with the prevailing character of the conservation area and would neither preserve or enhance the character or appearance of the area;
- The proposed buildings are of an inappropriate scale and type;
- The buildings would be overbearing in relation to their neighbours, with first and second floor balconies overlooking properties at the front and rear and to both sides. The loss of residential amenity and privacy is unacceptable;
- The buildings are taller and wider than adjacent properties and would reinforce the linear development along Walford Road rather than keeping a suitable margin around the buildings as is characteristic of the area;
- 3-storey buildings are inappropriate in a high quality residential suburb, but may be more suited to a town centre;
- There are lots of unsold/un-let flats in Ross. The demand would appear to be for low cost, family homes rather than luxury flats;
- 14 apartments would result in the creation of a busy junction onto the already busy Walford Road. There have been accidents locally. The high demand for parking associated with these properties could result in additional parking on Walford Road, restricting road width and the free flow of traffic;
- Although not of architectural interest in its own right, Penrice and other late C20 dwellings do contribute to the pleasant mixture of well proportioned houses that are appropriate to their sites. The proposal is disproportionately large in relation to both the surrounding area and the plot;
- Because they are over one floor, the accommodation will be occupied all day long, unlike traditional dwellings, where the first floors are typically only inhabited at night. Overlooking and the consequent loss of privacy will therefore be particularly severe;
- Permitting this development would result in an unwelcome precedent for similar redevelopment proposals that result in the loss of large gardens;
- A proposal for the erection of a single, detached dwelling within the grounds of Penrice was rejected and dismissed on appeal (DCSE2007/1955/O). To permit a much larger, more obtrusive scheme would be illogical.

5.3 Wye Valley Society: Objects. The massing and footprint of these buildings is too large in relation to the conservation area and Area of Outstanding Natural Beauty. The demolition of Penrice is not warranted and contrary to policy HBA7 (demolition of unlisted buildings within conservation areas) of the Unitary Development Plan.

5.4 Herefordshire CPRE: Penrice is a 4-bedroomed detached dwelling set in a large garden, which is characteristic of this part of Ross-on-Wye. The letter objects to the proposal on the basis that it promotes 'garden grabbing' and contrary to PPS3 Housing puts forward a design that is inappropriate to its context. Concern is also expressed at the potential conflict between vehicles and school children on what is a busy route to local primary schools. The CPRE considers the proposal contrary to Policies HBA6, HBA7 and DR1 of the Unitary Development Plan.

- 5.5 The submitted Design and Access Statement describes how the buildings have been designed to take account of the context, utilising a palette of traditional materials whilst ensuring that the existing mature planting is retained. Although the front building is nearer to Walford Road than Penrice, it is contended that the existing mature trees will ensure that only glimpses of this building are visible from public vantage points, whilst the rear block will be largely obscured by the roadside block.
- 5.6 The submitted Conservation Area Appraisal identifies that Penrice was constructed between 1928 and 1937 on a site formed by the sub-division of the Chasedale Hotel's grounds. By reference to English Heritage guidance, the appraisal concludes that Penrice does not make a positive contribution to the character of the conservation area and demolition is thus justified. By contrast it considers the proposed buildings would respect the character of the conservation area and would be in keeping with their context, thereby enhancing the character and appearance of the area in accordance with Policy HBA6 of the Unitary Development Plan.
- 5.7 The tree report commissioned by the applicant identifies only two trees of note actually present within the site. In order to ensure that no damage is caused to the Black Pine during the construction of the proposed new access, a no-dig method construction method is recommended. The existing access should be removed without causing disturbance to the underlying soil which is home to existing roots.

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 key issues in the determination of this application are as follows:
- An assessment of the principle of redevelopment of this site;
 - Consideration of the scale, massing and design of the proposed apartment buildings in relation to the Conservation Area;
 - An assessment of the impact of the proposal upon the residential amenity of adjoining residential development;
 - Consideration of the suitability of the means of vehicular access onto Walford Road having regard to intensification of use, parking and pedestrian safety.

The principle of development and appropriateness within the Conservation Area

- 6.2 The site forms part of the Ross conservation area and the Area of Outstanding Natural Beauty. It is also, however, within the Ross settlement boundary and forms part of an established residential area. Policy H1 of the UDP supports the principle of residential development within Hereford and the market towns and there is a presumption in favour of better utilising, where appropriate, previously developed land (policy H14). Within Conservation Areas local planning authorities are also under a statutory duty to ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals. In other words, development that would neither preserve nor enhance the character or appearance of the conservation area ought to be refused.
- 6.3 With this in mind the principle of development has been questioned by objectors on the basis that the scheme promotes the erection of apartments in what is an area typified by traditional dwellings. Moreover the justification for demolishing Penrice has been questioned. Whilst recognising that it is not a building of any particular architectural merit, objectors consider Penrice a well proportioned dwelling in large surrounds - a form of development that is characteristic of the wider area.

- 6.4 However, the advice of the Conservation Manager is that as an interwar building, Penrice does not exhibit any significant architectural or historic features that could underpin its retention. The Conservation Manager considers that the building does not contribute positively to the character or appearance of the area and given that the demolition is accompanied by a redevelopment proposal that in his view accords with HBA6, the demolition of Penrice is acceptable in accordance with Policy HBA7 – demolition of unlisted buildings in conservation areas. It is also the officer's opinion that although the proposal increases the density of units per hectare, it does acknowledge the prevailing grain of development in the area. The massing and scale of the two blocks is considered comparable to many of the neighbouring buildings, whereas the contemporary design approach does take cues from its context in terms of form, massing and materials. The use of stucco render, fair-faced sandstone masonry natural slate all reflect the prevailing palette of materials and will help the scheme integrate with its context.
- 6.5 The scheme promotes what are undeniably large buildings. The height of the 3-storey elements is 1.5 metres taller than the existing dwelling and the footprint of each building is also significantly larger. However, the Conservation Manager advises that the buildings are commensurate in terms of scale and massing with some nearby buildings, most notably Chasedale Hotel and in the wider context would not appear incongruous. It is also the case that the rear block will be obscured in views from Walford Road by the roadside block, whilst retained mature planting will ensure that only glimpsed views are possible.
- 6.6 It is therefore considered that the form, massing and detailed design of the buildings is appropriate within the conservation area and the scheme would preserve and arguable enhance the character and appearance of the area in accordance with Policy HBA6.

The impact upon neighbouring residential amenity

- 6.7 Whilst the massing and scale of the buildings is considered appropriate in the context the detailed design does incorporate balconies to first and second floor flats, where they are recessed beneath the eaves. Given the height of the building relative to the neighbours, and the position of certain parts of the buildings in close proximity to the site boundary, this is an issue that requires careful consideration. On the rear block privacy screens have been shown to the northern and southern ends of the first and second-storey balconies in order to prevent overlooking in these directions, effectively giving only an aspect towards the east. On the roadside block, whilst obscure glazing is proposed to the north elevation of the block closest to Westwood, privacy screens have not been incorporated to the balconies. In your officer's view, the resultant overlooking from both first and second floors balconies would amount to an unacceptable loss of privacy and residential amenity to the occupiers of Westwood both in terms of loss of privacy to the garden and insufficient window-to window distances.
- 6.8 If unaddressed, this issue would be sufficient to warrant refusal of the application. However, at the time of writing the applicant has indicated a willingness to address this issue through the omission of the offending external balcony areas and this is reflected in the wording of the recommendation, with the grant of planning permission conditional upon the receipt of amended plans that satisfactorily overcome the stated concern.
- 6.9 Some residents living in Eastfield and Walford Road remain concerned at the potential for overlooking irrespective of the privacy screens and suggested revisions set out above. However, the second floor balconies in the rear block are 17 metres from the boundary with the properties in Eastfield Road and nearly 60 metres from the buildings themselves. Although the balconies will afford views over the rear gardens of the properties to the east, the distances involved are considered sufficient by your officers. Moreover the second floor of the rear block is occupied by a single penthouse apartment (although 2-bedroomed as per the rest of the scheme), a level of occupation that will reduce the propensity for overlooking.

- 6.10 The submitted daylight and sunlight analysis concludes that the proposal will have no impact upon the available sunlight to Chasedale Cottage. This is due to the fact that Chasedale Cottage is located to the south of the proposal. The same study confirms that daylight to the first floor east-facing window at Chasedale Cottage will also remain within acceptable parameters. In conclusion, officers consider the relationship between the proposed buildings and the existing neighbours to be acceptable subject to the receipt of amended plans in relation to the first and second floor balconies on the roadside block in relation to Westwood.

Highway Safety

- 6.11 Concern has been expressed at the level of vehicular movements that will be associated with the erection of 14 apartments at this location on Walford Road. This is a busy road, well used by vehicles and pedestrians alike.
- 6.12 The Traffic Manager has been involved in the formulation of the proposed access arrangements. It is considered that the means of vehicular access is acceptable in the context, with the requisite visibility splays capable of implementation. Likewise the parking provision of 22 spaces (a ratio of 1.5 spaces per apartment) is considered acceptable, with a condition recommended to ensure that the parking areas are constructed prior to the first occupation of any of the apartments.
- 6.13 The draft Heads of Terms includes a contribution towards sustainable transport improvements in the locality (£23,436), which if permission were granted, would help secure the installation of a formal pedestrian crossing point at a position to be agreed on Walford Road.

S106 – Head of Terms

- 6.14 The draft Heads of Terms makes provision for contributions towards sustainable highway infrastructure (£23,436), play space and sports facilities (£17,417) and the improvement of educational facilities within the vicinity of the application site (£29,535). These contributions are in accordance with the adopted Supplementary Planning Document: Planning Obligations.

Summary and Conclusions

The application proposes the erection of two, comparatively large apartment blocks, which will change the character of the site and the immediate area. However, officers consider that this change preserves the character and appearance of the conservation area in accordance with Policy HBA6 and subject to the receipt of amended plans demonstrating that outstanding overlooking issues have been addressed, recommend that planning permission be granted.

RECOMMENDATION

In respect of DMSE/100399/F:

That subject to amended plans addressing the outstanding overlooking issues, officers named within the scheme of delegation be authorised to grant planning permission subject to the conditions outlined below and any other conditions considered necessary by officers:

- 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 **H03 Visibility splays**
- 7 **H02 Single access - footway**
- 8 **H06 Vehicular access construction**
- 9 **H08 Access closure**
- 10 **H13 Access, turning area and parking**
- 11 **H21 Wheel washing**
- 12 **H27 Parking for site operatives**
- 13 **H29 Secure covered cycle parking provision**
- 14 **F17 Obscure glazing to windows**
- 15 **The privacy screens shown on the approved plans shall be installed prior to the first occupation of any of the apartments hereby approved and shall be retained in perpetuity.**
- Reason: In the interests of preserving residential amenity so as to comply with policy H13 of the Herefordshire Unitary Development Plan.**
- 16 **G02 Retention of trees and hedgerows**
- 17 **G04 Protection of trees/hedgerows that are to be retained**
- 18 **G10 Landscaping scheme**
- 19 **G11 Landscaping scheme - implementation**

INFORMATIVES:

- 1 **HN01 Mud on highway**
- 2 **HN04 Private apparatus within highway**
- 3 **HN05 Works within the highway**
- 4 **HN10 No drainage to discharge to highway**
- 5 **HN28 Highways Design Guide and Specification**
- 6 **N15 Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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

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In respect of DMSE/100400/C:

That Conservation Area Consent be granted subject to the following conditions:

- 1 D01 Time limit for commencement (Listed Building Consent)**
- 2 D13 Signing of contract before demolition**

INFORMATIVE:

- 1 N15 Reason(s) for the Grant of Conservation Area Consent**

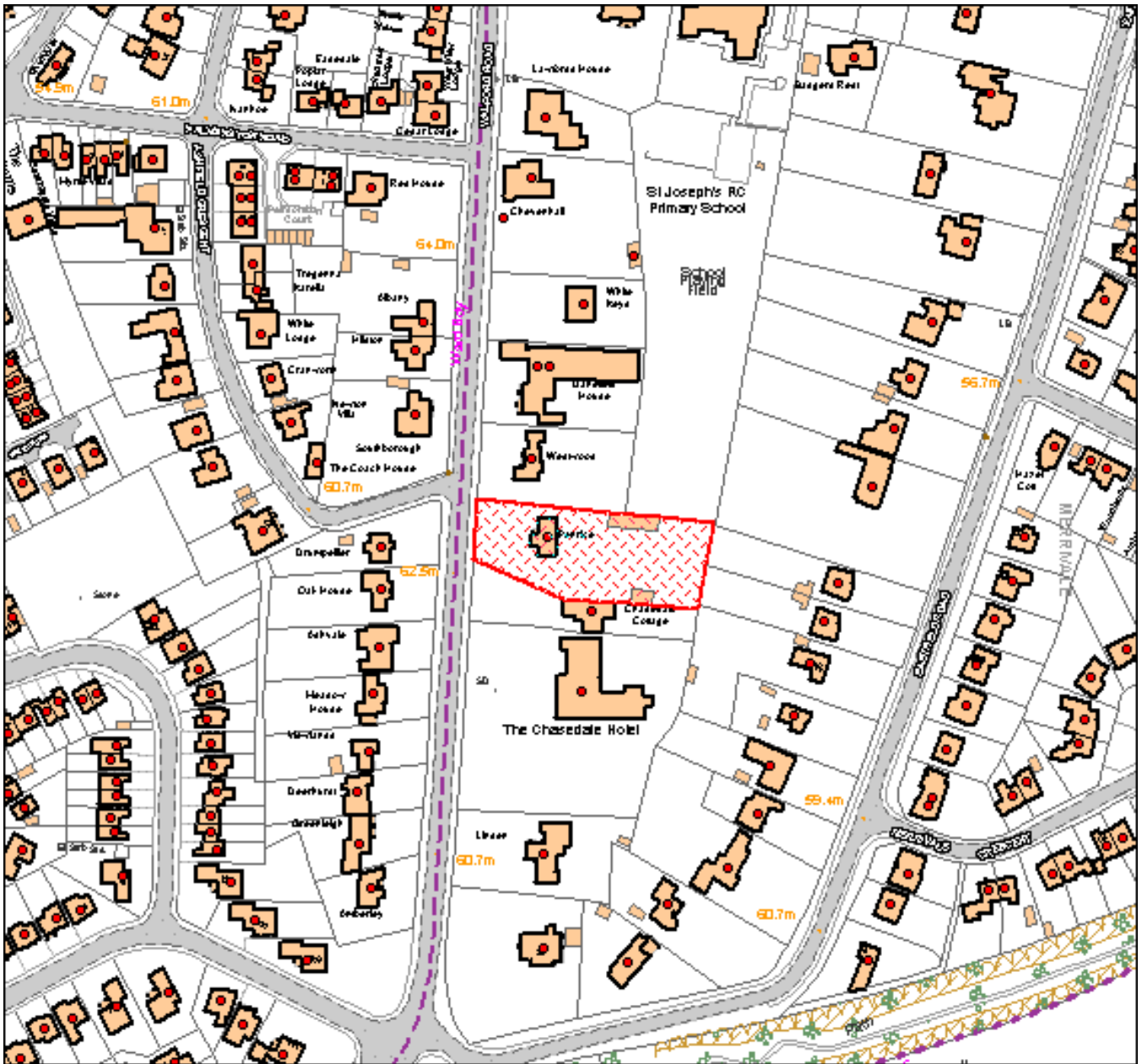
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DMSE/100399/F & DMSE/100400/C

SITE ADDRESS : PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ

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**DRAFT HEADS OF TERMS
PROPOSED PLANNING OBLIGATION AGREEMENT
SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990**

**REDEVELOPMENT OF EXISTING RESIDENTIAL PROPERTY TO FORM 14 NO.
APARTMENTS ASSOCIATED CAR PARKING AND LANDSCAPING**

PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE HR9 5PQ

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £23,436 for off-site highways 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:
 - a) Improvements to pedestrian crossings in the locality of the application site
 - b) Safe routes to School.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £11,291 for the improvement of play space in the vicinity.
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £6,126 for the improvement of sports facilities in the vicinity.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £29,535 towards the provision of school capacity in the vicinity.
5. In the event that Herefordshire Council does not for any reason use the said contributions (in paragraphs reference above) 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 or such part thereof, which has not been used by Herefordshire Council.
6. 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.
7. All the financial contributions shall be Index-linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council.
8. 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.



MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 2010
TITLE OF REPORT:	<p>DMSW/100072/F - LANDSCAPE DEVELOPMENT AND CHANGE OF USE OF EXISTING FIELDS FOR EDUCATIONAL USE AT HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HR2 8DL.</p> <p>For: Steiner Academy per Mr J Renshaw, 86 Constitution Street, Leith, Edinburgh, EH6 6RP</p>

Date Received: 13 January 2010 **Ward: Valletts**

Grid Ref: 348218,231006

Expiry Date: 10 March 2010

Local Member: Councillor Mrs MJ Fishley

1. Site Description and Proposal

- 1.1 Much Dewchurch is located some 7 miles south of Hereford and lies astride the Class II road (B4348) that connects Wormelow and Allensmore. The school is located on the southern side of the village. The school site covers a substantial area of land which encompasses the school buildings, pastureland to the south, the existing outdoor play areas to the south of the Grade I listed St. David's Church and an area of undulating pastureland to the east, known as Dewchurch Meadow which adjoins the B4348.
- 1.2 In broad terms the application seeks to change the use of agricultural land to the south and east of the established school complex to provide additional recreational and educational facilities.
- 1.3 More specifically the application principally relates to the southern field which is to the south west of St David's Church and entails extending the school grounds southwards. This will provide extended treed curtilages for the kindergarten and adjoining Church Farm and a hard surfaced playing area immediately to the south of the Eurythmy building. The extended school grounds will provide a new car-parking area and to the south west of this area a multi-games area (MUGA) surfaced with a porous bitmac. It will have a 3.6 metres high perimeter fence. There will also be a grass running track immediately to the east of the car parking area and to the east of the running track will be a sewage treatment area comprising a ditch and outer filter drain. This new drainage area which replaces the existing septic tank arrangement will be screened by trees on the western and eastern sides. It is also proposed to erect a potting shed/classroom area to the north of the grass running track. This structure will be open on the southern side, and covered in Douglas Fir weather boarding on the northern flank wall and east and west gable ends. It will have a rectilinear form under a natural slate pitched roof. The new car park area will be serviced by a track, which already provides a right of way along the western boundary of the school site. This existing track will be covered in bitmac with a spray and gravel finish. The right of way also provides access to agricultural land to the south of the

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

school. The existing car-park at the front of the school will provide a disabled dropping off point, two disabled and visitor parking spaces. The existing hedge lined boundary on the northern side of this car park will be upgraded with the planting of native trees species and herbaceous plants.

- 1.4 Lower Field is immediately to the south of St David's Church, it has historically provided the play area for the school and provides an area also used for outdoor teaching. There is a temporary classroom in the south eastern corner of Lower Field. The former meadow declines from the listed church towards Worm Brook and inclines westwards to the south field which is well treed on the western boundary of the site. There is play equipment and a volley ball court here as well as raised beds and boulders to the north and west of the area. These will be removed and the area opened up for use. There are a line of trees along the Worm Brook which forms the boundary to this enclosed and screened area. There is a fence along the southern boundary of the site which it is proposed to be removed once the new facilities are available for use to the west in the south field. There is a landscaped area on the western side of the Lower Field which consists of boulders and stones. A cycle path of 1.8 metres in width crosses the northern portion of this paddock and will link up with a proposed cycle way which will skirt the western side of Dewchurch Meadow. This cycle way eventually links up with the B4348 road immediately to the north of the bus shelter on the class II road and just south of a proposed new pull in for buses and coaches. This route will provide a pedestrian and cyclists' route from the eastern side of the village to the school seeking to reduce the amount of westbound traffic associated with the school.

2. Policies

2.1 National Planning Policy

PPS1	-	Delivering sustainable development
PPS5	-	Planning for the historic environment

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water resources
DR7	-	Flood risk
DR11	-	Soil quality
DR13	-	Noise
DR14	-	Lighting
HBA4	-	Setting of listed buildings
LA2	-	Landscape character
LA3	-	Setting of settlements
CF5	-	New Community Facilities

3. Planning History

3.1	SH950413PF	Extend temporary permission for two portakabins and a timber storage shed.	-	Approved 21.06.95
	SH950448PF	Kindergarten block, workshops and hall complex, altered and extended toilet block and	-	Refused 20.09.95 Appeal dismissed

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

	hard play area.		04.10.96
SH970543PF	Retention of two portakabins and storage shed.	-	Approved 03.09.97
SW2000/2970/F	Change of use to educational premises with extension and alteration and erection of garage workshop (Church Farm).	-	Approved 18.04.01
SW2003/3461/F	New assembly hall, new classroom block and ancillary buildings. Removal of temporary buildings and sheds.	-	Approved 09.01.04
DCSW2005/3136/F	Change of use from agricultural use to overspill car parking in part of field on temporary basis.	-	Deemed withdrawn 23.03.07
DCSW2006/3430/O	Site for new school buildings and new access to extend school facilities.	-	Refused 24.01.07 Appeal dismissed 11.03.08
DCSW2007/1091/O	Site for new school buildings and new access to extend school facilities.	-	Refused 20.06.07 Appeal dismissed 11.03.08
DCSW2008/1702/F	Siting and erection of prefabricated classrooms, w.c. and kitchen facilities to provide temporary accommodation during rehabilitation and extension of existing school premises.	-	Approved 17.09.08
DCSW2008/2378/F	Erection of field hut for temporary planning permission (retrospective) for a period of 5 years.	-	Approved 05.11.08
DCSW2008/2972/F	Amendments to planning permission for new assembly hall, classrooms and ancillary buildings.		Approved 15.04.09
DCSW2009/1921/F	Erection of replacement workshop building.	-	Approved 29.10.09
SW/100073/F	Alterations and extension to attic floor of Church Farm.	-	Approved 10.03.10
SW/100074/F	Kindergarten classroom.	-	Approved 10.03.10

4. Consultation Summary

Statutory Consultees

- 4.1 The Environment Agency was consulted following objections to the drainage system proposed. The Environment Agency states it has been in regular contact with the applicants and has no concerns regarding foul drainage on site. The applicants need to ensure there is no pollution of the site. The Environment Agency has also spoken to Much Dewchurch Society to allay their concerns.

4.2 Natural England has no objection to the proposed development subject to satisfactory surveys being undertaken.

Internal Council Advice

4.3 Transportation Manager's formal response is awaited.

4.4 The Conservation Manager supports the planting of trees and hedging for ecological value. It is also stated that the application comprises three distinct elements the South Field, Lower Field and Dewchurch Meadow. There are views in and out to the south although vantage points to the south are limited to public footpath MD13, which contours around Bryngwyn Hill. Lower Field is well screened. A public footpath MD12 runs along the eastern side of the church yard and Lower Field across Worm Brook and continues southwards along Much Dewchurch Meadow. The car-parking area and multi-use games area are considered to be well sited on the western side of South field and screened by the raised land form. There is a stronger visual link between the south field and existing buildings comprising the existing school than on the other two fields. It is considered that works which have been undertaken in Lower Field are unacceptable. Although, the games area will be removed and some boulders on the northern side, other boulders and structures should be removed. The field should be restored to pastoral meadow. This would enhance the setting of Worm Brook and the Church. Permeable fencing should be used adjacent to the brook. An outdoor structure on the Dewchurch Meadow would detract from the character of the field. The landscaping needs to address the relationship between the application site and the Worm Brook corridor and St. David's Church. The Building Conservation Officer has stated that the works proposed to the South Field and the Lower Field will not detract from the setting of the grade I listed church.

4.5 Building Control Manager verbally confirms no objection in principle to the foul drainage soak away system proposed.

5. Representations

5.1 Much Dewchurch Parish Council raise concerns relating to the proposed sewerage treatment system, drainage and flooding. Out of control of applicants need to reduce/prevent flooding otherwise system could be submerged in silt and mud. Concerns about volume of traffic through village; in spite of measures taken it is still not an acceptable situation for vehicle movements and parking. Landscape development plan did not raise objections, however the south field is low lying and has been under water in the past. No indications for drainage detailed for this field.

5.2 A Design and Access Statement has been submitted with the application:

- Steiner Academy (formerly Hereford Waldorf School) lies on south edge of village of Much Dewchurch, adjoining St David's church and graveyard. It comprises Church Farm, stone barns, former Victorian school. Site for Hereford Waldorf School for 25 years.
- It is considered that northern car-park is no longer suitable. Academy's new status also has brought new responsibilities including need for informal play and games as per DCSF guide.
- 'Designing School Grounds' has influenced development of site revolving around the curricula, community use and sustainable outcomes. Curriculum emphasises understanding of ecology.
- Landscape objectives are creating a suitable and sustainable setting for school and community and meeting educational needs.
- Design brief: improve paths, vehicular movement and parking, playgrounds and play equipment, outdoor teaching spaces, gardens/orchards and recreational gardens

- and crops for materials.
- Circulation – paths: will be laid in different materials depending on use.
- Circulation – vehicles: dropping off point at school entrance, 3 disabled parking spaces and deliveries. Staff and parking for parents in South Field, 22 spaces for staff and 5 mini-bus spaces and 38 spaces for parents parking and drop-off. Alternative access to service court for fuel deliveries.
- Traffic is a concern of local residents and the Academy. Objectives are to reduce car journeys, provide a safe area for dropping off and collecting, provide discrete parking.
- Will purchase new mini buses, encourage car-sharing, introduce traffic calming measures, improve cycle path provision, relocate parking and introduce a remote drop-off area and share parking provision with village.
- Playgrounds: range from traditional paved spaces to trails.
- Sports and games: multi-use games area (MUGA) proposed in south field suitable for basketball, 2 volley-ball pitches. Running track of 100 metres straight in South field.
- Outdoor teaching spaces, meeting areas and quiet areas.
- Productive gardens and orchards/recreational gardens: there will be a main allotment garden, in west of South field.
- Woodland structure planting and wildlife habitats will be created. Woodland planted around drainage area.
- Sustainable drainage and sewage treatment: Will minimise discharge and prevent further discharge of effluent into Dingle and Worm Brook.
- Mains drainage is not economically viable nor is secondary treatment prior to discharge to Worm Brook. Chosen extensive planted soil filter or living soak away.
- Living soakaway replaces two existing septic tanks with a Zbel effluent filter and extensive soil filter soakaway and very shallow trenches improved by soil improvers.
- Community Consultations: Academy committed to public consultation. Three separate meetings throughout 2009 carried out. This has influenced the location and design of car parking, alternative access route and siting of MUGA.

5.3 Objections have been received from the following:

N Bright, 1 The Pippins, Much Dewchurch HR2 8DL
 Mr and Mrs J Taylor, Stone House, Much Dewchurch HR2 8DL
 A Godwin, 6 Pool Meadow, Much Dewchurch HR2 8BG
 G N Cowan 11 Pool Meadow, Much Dewchurch HR2 8BG
 Much Dewchurch Society c/o B Brown, The Old Vicarage, Much Dewchurch HR2 8DH
 Mr C Powell, The Old Vicarage, Much Dewchurch HR2 8DH

5.4 The objections are summarised as follows:

1. Drainage

- Discharge Consent acquired from the Environment Agency is based upon incorrect information regarding flooding. The school grounds and adjoining properties flood.
- Land to be used heavy sub-soil and thin top soil. System proposed depends on efficient infiltrating, evaporation and plants taking up liquid. What happens if this does not happen? Particularly when ground is saturated.
- Connection to mains sewer optimum solution.
- Use of woodchip and agricultural gypsum may work in Australia not guaranteed to work in Herefordshire.
- Needs more maintenance than reed bed system, odours will result. No record of wood chip reducing pollution levels.
- Technical appraisal of site, soil structure and hydraulic conductivity by Dr P Grubb concludes that the proposed scheme is not suitable for this site.

2. Setting of village and listed buildings

- Extended area goes beyond settlement boundary. Car parking, MUGA, sports circuit, landform and teaching areas detracts from setting of Much Dewchurch as viewed from public footpath and Herefordshire Trail.
- Expansion of site will affect setting of a grade I listed building, St Davids Church, and grade II listed ones such as Stone House, Old Vicarage and the Lych Gate.
- 1996 Appeal decision is still relevant. The setting of the Church and Churchyard paramount as is the setting of the church in the wider countryside.
- In 2008 Appeals, the appointed Inspector stated issues related to buildings projecting beyond settlement boundary causing harm to church, character of village and character and appearance of countryside.
- Policy LA3 is also relevant as regards views of key buildings, green corridors, ridge lines and valued open countryside will be protected.

3. Car park and access

- Car park is too large. Would not discourage use of motor vehicle and is therefore not sustainable. Contrary to Travel Plan and PPG13. and at odds with Policy CF5 (1) in the UDP.
- Limited car parking has been an incentive for action.
- Traffic Manager in 2007 stated as regards a planning proposal that access is below standard, conflict occurs between vehicles and vulnerable road users (pedestrians and cyclists). Volume of traffic will impact upon traffic accessing the Pippins.
- Why encourage use of narrow single lane track with single passing place.
- Probably be concentrated traffic movements exacerbating access arrangements.
- Light, noise and car fumes up to 11 p.m and at weekends

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 It is considered that the first main issue relates to the principle of extending the school grounds beyond the defined settlement boundary. This issue is addressed by Policy CF5, LA2 and LA3 of the Unitary Development Plan. Policy LA3 allows for development which is in and around the settlement or area the facility serves, which is the case in this instance, subject to more detailed criteria concerning scale and impact which seek to preserve the setting of the village, which are addressed by Policies DR1, LA2 and LA3 of the Unitary Development Plan. The next issue relates to the impact upon the setting of the grade I listed St David's Church and other listed buildings, this issue is addressed within Policy HBA4. The issues raised relating to enlarging the car parking facilities, providing a new access for motor vehicles in association with the new car park and replacing the existing foul drainage system with a new soakaway system are addressed by Policies CF4, DR2 and DR4 of the Unitary Development plan. The submitted plans included details for outbuildings such as outdoor classrooms and cycle shelters. These individual structures do not form part of this application which is essentially to extend the school playing facilities, car parking and improved access for pedestrians and cyclists across the site, and details for a new drainage system to replace the existing septic tank. Therefore, the submitted plan which outlines outdoor classrooms in the South Field and Lower Field will need to be deleted from the scheme.
- 6.2 The first issue relates to the expansion of the school beyond the identified settlement boundary of Much Dewchurch. Policy CF5 of the Unitary Development Plan is concerned within the provision of new community facilities. This policy allows for new development in and around the area or settlement served by the particular facility. It needs though to reflect the

character of the location and not significantly impact upon the amenity of neighbouring residents, a requirement also of Policy DR2. It is considered that the main criterion here is the one relating to the location of the development proposed. Policies LA3 and CF5 (1) of the Unitary Development Plan are concerned with development, in this instance new community facilities, which would have an adverse impact upon the setting of the settlement concerned. There is also within this particular policy support for complementary planting and open space provision. The Conservation Manager has considered the proposal by breaking it up into three distinct constituent parts. The South Field which is tree lined but otherwise featureless, the Lower Field and on the eastern side Dewchurch Meadow, which is undulating and affords glimpsed views from the B4348 road of the grade I listed church above the tree line. An outbuilding was proposed in this location but was removed given concerns in relation to the visual impact it would have in the landscape. This field will have a new cycle path/footpath leading from the bus shelter, which will provide alternative access for cyclists and pedestrians from the eastern side of the Academy site. The provision of the new surfaced route is supported by the Traffic Manager and more importantly in the context of objections received it is supported by the Conservation Manager. The Lower Field which is immediately south of the churchyard has provided a surfaced volley ball court and areas for recreation and play. Whilst some stone boulders were proposed to be removed, the Conservation Manager recommends this area of well screened paddock being returned to its former condition. This requirement is supported given that there is scope for re-siting materials to the South Field. The works include not only a multi games use area (MUGA), and grass running track, but also the new car-park and dropping off facilities. The provision of new sporting facilities which is a Government requirement for this new academy is on the only realistic area of land available to the school. The only areas previously used were the courtyard area and Lower Field, which are of limited scale. Therefore, it is considered that the provision of new sporting facilities can be supported. The car parking area which is on the western side of South Field has a backdrop of trees on the western side. The car parking area will also be screened by comprehensive tree planting along the southern and eastern sides of the new area proposed. There are no immediate views of the school from around the site. The nearest vantage point is from a public footpath over one kilometre away, this public footpath which skirts around Bryngwyn Hill. This vantage point is to the south east of the school. The public footpath (MD12) which skirts the eastern side of Lower Field has restricted westward views of South Field given the extent of existing tree planting in and around Lower Field. This remains the case as the same footpath inclines southwards from Worm Brook across Dewchurch Meadow.

- 6.3 The other issue relates to concerns the perceived impact that the proposals would have on the setting of the Grade I listed church and other Grade II listed buildings in the vicinity. The Conservation Manager has considered this aspect also and does not object as it is considered that the change of use of land and provision of footpaths/cycleways and car parking areas will not materially impinge upon the setting of the listed church in particular. This conclusion is reached having regard to the distance from the church, the change in land form proposed and the landscaping proposed. The proposal will indeed enhance Lower Field to the south of the church yard. The proposal accords with Policy HBA4 of the Herefordshire UDP and Government advice set out in PPS5 'Planning for the Historic Environment'.
- 6.4 The next issue raised relates to the means of access and the provision of car parking facilities in the South Field. It is understood that this matter has been the subject of preliminary discussion between the applicants, the Parish Council and local residents. It was initially proposed to provide a parking area/dropping off area close to the existing bus shelter on the B4348 road east of the school. However, this was not supported locally or indeed by the Council's Traffic Manager given the limited visibility available along this stretch of the B4348. Therefore, the approach has been to look further west by either improving the existing parking facilities to the front or north of the school which are shared with visitors to St David's Church or look at alternative sites. The submitted proposal is to maintain the front carpark for disabled users and as a drop off point for disabled visitors and deliveries. The new car park will provide for 32 spaces for teachers including 5 mini bus spaces and 37 spaces for parents and drop-off

for the main school and kindergarten. The car parking areas would be reached off an existing unsurfaced track which is also used as an access to fields to the south west. The track which is 4.2 metres at its narrowest widens to 4.5 metres. This access road will also provide access for mini buses dropping off children. Whilst, it is acknowledged that ideally the track could be wider, it is not considered as stated in objections that this will encourage more visitors to arrive by private motor vehicle. There is provision for car sharing and the use of mini-buses already and this will be combined with improved facilities for buses pulling off the B4348 road close to the bus shelter. There will be peaks and troughs in vehicle movements as presently. It is not considered that the amenities of local residents will be materially impacted by general disturbance, car fumes and lighting given there are already two well established hedgerows between the proposed car parking area and dwellings in the Pippins. The car parking area is also not adjacent to dwellings in the Pippins. Management of different visitors to the school is important now, but is compromised by the limited area available for carparking, deliveries and manoeuvring. The proposed car park will be in a distinct area away from cyclists and pedestrians crossing the site. It is considered that this element of the scheme satisfies the requirements of Policies CF5 and DR2 of the Unitary Development Plan in respect of impact on the amenity of residents in the vicinity of the application site. The Traffic Manager has requested that trees be removed from around the car parking areas which could potentially overhang parked cars and obstruct visibility, this is a matter which can be clarified by imposition of a planning condition. It is considered on balance that that the new car park can be supported subject to the applicant adhering to the Travel Plan relating to the Academy, which will need to be updated in the light of the changes proposed relating to traffic movement and the use of new footpath and cycleways across the site.

- 6.5 The final issue relates to the new means of foul drainage disposal proposed by the applicants, which has been devised in conjunction with a local drainage engineer and has been the subject of preliminary discussion with the Environment Agency. Local objectors have been raised relating to the suitability of the system proposed, described as a living soakaway. The applicant's agent states that the school has explored connecting to the mains drainage system, however this approach is prohibitively expensive, The approach adopted is considered to be a low impact one which addresses their philosophy on ecological matters. It should be noted that the Environment Agency has been consulted, together with representations received from local residents and Much Dewchurch Society. The Environment Agency maintain their support for the system proposed and the Council's Building Control Manager who has no objections to the principle of the submitted soakaway system. The Design and Access Statement accompanying the application also states that the school will be endeavouring to reduce the amount of foul water going into the system by using water economy measures. Therefore there are not considered to be any reasonable grounds for withholding planning permission on the basis that a soakaway system may not function as stated. Therefore, the proposal satisfies the requirements of Policy DR4 of the Unitary Development Plan.
- 6.6 This application will have an impact upon the setting of Much Dewchurch. It is however not considered such that planning approval could reasonably be withheld. The prominent and most accessible views are from the south and east and these will not materially alter. Indeed the western boundary of Dewchurch Meadow which affords the most striking views of the Grade I listed church, will have more landscaping. Lower Field will alter but in a way which will enhance the setting of the aforementioned church and churchyard. South Field will be affected the most by new development which it is considered can be mitigated by additional landscaping. The development proposals will over time be appropriately screened by new planting on the southern boundary of the field, along the eastern side around the proposed soakaway system and on the western side around the car parking area. The Travel Plan will need to reflect the changes being made in relation to how people will arrive and leave the site particularly as regards the dropping off point close to the bus shelter and the linking footpath/cycle route. The proposals do not though undermine the existing scheme relating to the operation of car sharing and the use of public transport including buses and mini buses.

- 6.7 The school has opted for a soakaway system which has been the subject of a local objections. However, the Environment Agency has no objections and nor does the Building Control Manager whom has been working with the school on this and other matters. The soakaway is on school grounds some distance away from local residents and will be subject to monitoring by the drainage consultant and the school whom are responsible for the well being of pupils and staff. The application can be supported subject to the removal of proposed new buildings from the plan, together with boulders and logs submitted and clarification of conditions recommended by the Transport Manager relating to the new bus lay by near to the bus shelter and the planting of trees around the car parking area.

RECOMMENDATION

That subject to the receipt of suitable revised plans detailing all new buildings and associated ancillary structures, the officers named in the Scheme of Delegation to Officers be authorised to grant detailed planning permission subject to the following conditions:

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 F01 Restriction on hours of working**
- 4 G01 Earthworks**
- 5 G02 Retention of trees and hedgerows**
- 6 G04 Protection of trees/hedgerows that are to be retained**
- 7 G10 Landscaping scheme**
- 8 G11 Landscaping scheme - implementation**
- 9 G14 Landscape management plan**
- 10 G15 Landscape maintenance arrangements**
- 11 H15 Turning and parking: change of use - commercial**
- 12 I32 Details of floodlighting/external lighting**
- 13 The foul drainage system (EHSA 004,005 and 008) proposed shall be installed prior to the first use of the extended school grounds or as otherwise agreed in writing with the local planning authority.**
Reason: In order to ensure that that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.
- 14 H30 Travel plans**
- 15 Details for the footpath link off Dewchurch Meadow, including any provision for works to the highway shall be the subject of the prior written approval of the local planning authority before the new footpath crossing Dewchurch Meadow is first brought into use. The details as approved shall be implemented prior to the first use of the extended school grounds or as otherwise agreed in writing with the local planning authority.**

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

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

- 16 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A and B of Part 32 of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the locality and to comply with Policies LA2, LA3, DR1 and CF5 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 2 N11C General**

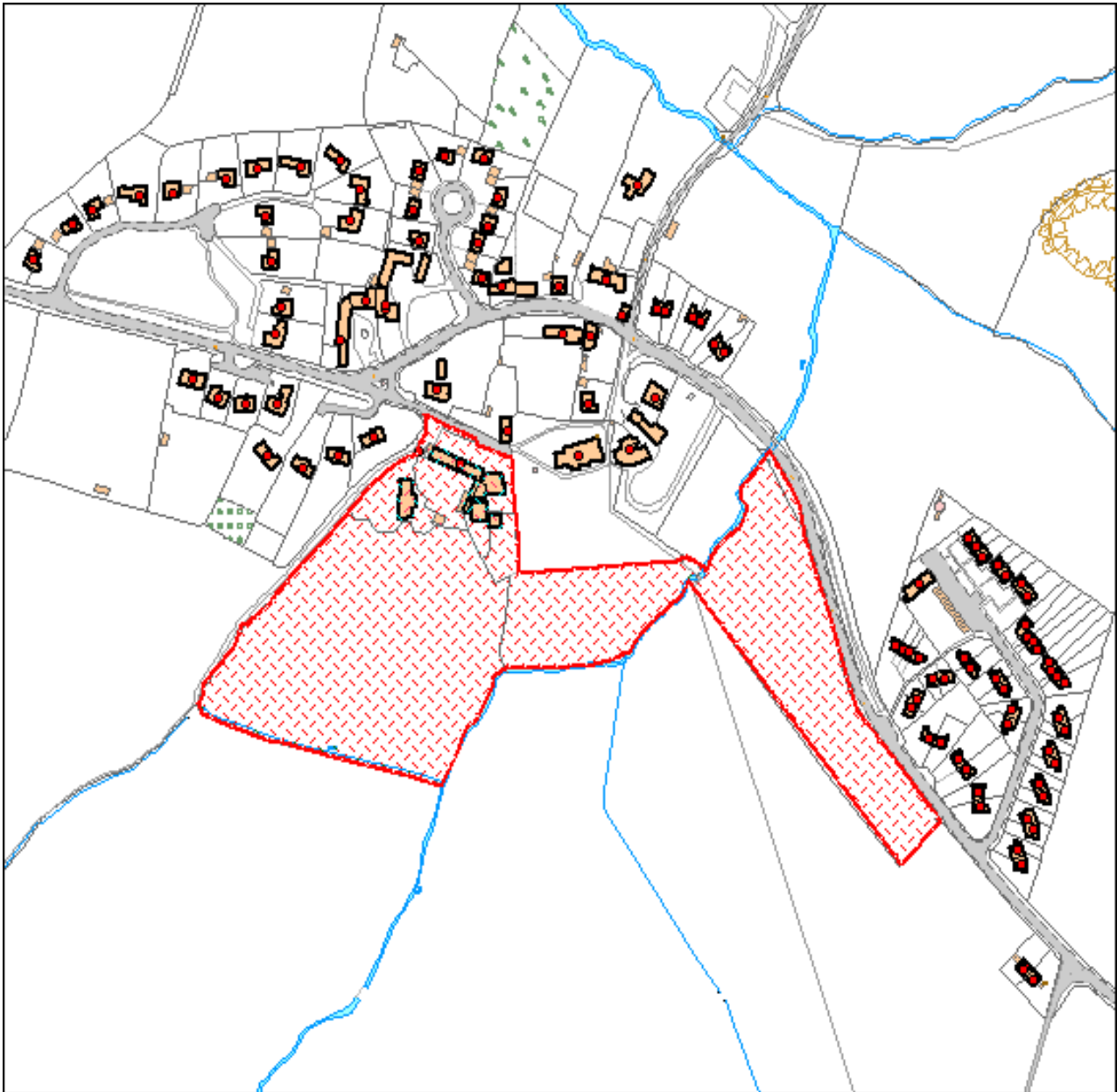
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMSW/100072/F

SITE ADDRESS : HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HR2 8DL

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



MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 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: 356038,241207

Expiry Date: 21 December 2009

Local Members: Councillor Cllr DW Greenow

FUTHER INFORMATION REPORT

1. Background

1.1 These applications were reported to the meeting on 14 April 2010 when the Committee were minded to approve the applications contrary to the recommendation. The Development Control Manager and the Monitoring Officer advised that such a decision raised major policy issues. In accordance with the Constitution, Section 4.8.10 of Part 4, Section 8 – The Planning Rules, determination of the applications was deferred.

1.2 The updated report to that meeting is attached as an appendix.

2. Further Information

Further information on the subject of this report is available from Mike Willmont on 01432 261782

- 2.1 The Constitution in Section 4.8.10.2 of the Planning Rules sets out the requirements for the contents of this report.
- 2.2 Updating Members on any additional information received
- It has not been necessary to seek any.
- 2.3 Reporting on any discussions that have taken place with the applicants/objectors since the initial meeting.
- It was not considered necessary for further meetings or discussions with the applicant.
- 2.4 Setting of the legal procedure and likely financial implications of proceeding with the initial resolution
- 2.4.1 When determining applications for planning permission and listed building consent the law requires that special regard is had to the desirability of preserving the building or its setting or any features of special architectural interest it possesses. National policy advice is now set out in PPS5: Planning for the Historic Environment which advises that when determining applications the significance and value of the building should be taken into account and whether the new development makes a positive contribution.
- 2.4.2 The most applicable Unitary Development Plan policies and those set out in Policies DR1, HBA1 and HBA4. These reflect the law and national policy and set out criteria on which the proposals should be assessed.
- 2.4.3 The Officer recommendation remains that the decking has a major harmful impact on the building and its setting and that the amendments do little to ameliorate this harm.
- 2.4.4 In this case the Committee considered the proposed decking, as detailed in the revised scheme with the alterations to meet DDA requirements and the landscaping, would not harm the building or its setting. Additionally the Committee were of the view that the development would make a positive contribution to the business.
- 2.4.5 Having regard to these views in the event that the Committee approve the applications the following conditions would be appropriate.

Planning Permission and Listed Building Consent:

1. The decking hereby permitted shall be removed and the land returned to its former condition on or before 1 June 2015, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: To enable the local planning authority to retain control over the appearance and condition of the decking having regard to Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

2. Within three months of the date of this planning permission the decking shall be reconstructed and re-painted in accordance with the detail shown on drawing number 5798-1-4a received by the local planning authority on 24 March 2010.

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

3. Within four months of the date of this permission the landscaping/hedge as detailed on drawing number 5798-1-4a shall be completed. The landscaping shall be maintained until 1 June 2015, or until the decking is removed. During this time any trees or shrubs which are removed, die or are seriously retarded shall be replaced during the next planting season.

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

4. Within three months of the date of this planning permission the satellite dish shall be removed from the front elevation of the building and re-sited in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the safeguarding of the special architectural or historic interest of the building and to comply with Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

2.5 Any Monitoring Officer Advice

Although the proposal is contrary to the gist of the relevant policies in the Unitary Development Plan it cannot be said that any decision to grant would be unreasonable in the light of the PPS5 which is guidance issued by the Government well after the provisions of the Unitary Development Plan were confirmed.

Paragraph HE3.1 (ii) specifically states one consideration should be a proposal's 'potential to be a catalyst for regeneration in an area, in particular through leisure, tourism and economic development.' Similarly paragraph HE7.4 states that it is important to have cognizance of 'the positive contribution that conservation of heritage assets...can make to the establishment and maintenance of sustainable communities and economic vitality by virtue of factors set out in HE3.1.'

As the Committee place significance on the proposal being a positive economic benefit to the area and a means of bringing the community together to grant this application would not be unreasonable.

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 Cllr 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 Acts 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.

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 ramp 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 comprise 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 15: 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

Further information on the subject of this report is available from Mike Willmont on 01432 261782

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:

1. Conditions should be imposed requiring your council's prior approval of all constructional and landscape details, materials and finishes.
2. Consent should not be granted for a satellite dish on the frontage, but another location at the rear may be acceptable.

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 are as follows:

This is a fine Victorian Villa which makes a major contribution to the character of the area. It has many features of historic interest internally including tiles and fireplaces. We advised that the proposed needed consent and suggested an appropriate location. This advice has been ignored. We would still strongly object and recommend refusal. The proposal has increased the impact due to the larger ramp which is now proposed. The proposal would therefore continue to have a major impact on the character of the building as stated previously.

The timber deck has a major detrimental impact on the main front elevation 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. We therefore believe that the proposal is contrary to the Herefordshire Unitary Development Plan Policy HBA4 which states that 'Development proposals which would adversely affect the setting of a listed building will not normally be permitted'. It would be highlighted that we have discussed the hedge with the landscape team leader. She believes that the hedge mix would be completely out of keeping with the local area and would detract from the setting of the building. We also have major concerns about the principle of the hedge. Either the proposal should be of a high enough quality to preserve and enhance the building or it should be refused. The principle of planting the hedge accepts that this proposal would be detrimental to the appearance of the building and therefore there is a need to hide this extension behind planting. It would be highlighted that the planting could be removed after a relatively short period but the decking would be permanent.

We would strongly object and recommend refusal as the proposal has a major detrimental impact on the appearance and setting of the listed building. The team leader of landscape

believes that the hedge mix is completely inappropriate and would make the situation worse rather than better. Therefore the proposal is contrary to policy. Should permission be granted contrary to our advice we would recommend that the hedge mix be changed and that an agreement be signed that the decking is removed if the business ceases to operate.

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 a 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 are as follows:

As per the discussion which took place regarding the original retrospective application, the committee was again divided.

On one hand it was felt that the application should be supported for the sake of the local community and business.

Alternatively it was felt that the provision of decking in front of this Grade II listed building was unacceptable.

An alternative suggestion was made that should improved quality materials, say in a similar construction of the main building be used, then it would be a different matter.

Re the satellite dish, the Committee accepted the dish would need to be positioned some where on the building but not on the front elevation. This location would be unacceptable.

- 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 services 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 A 438 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 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:

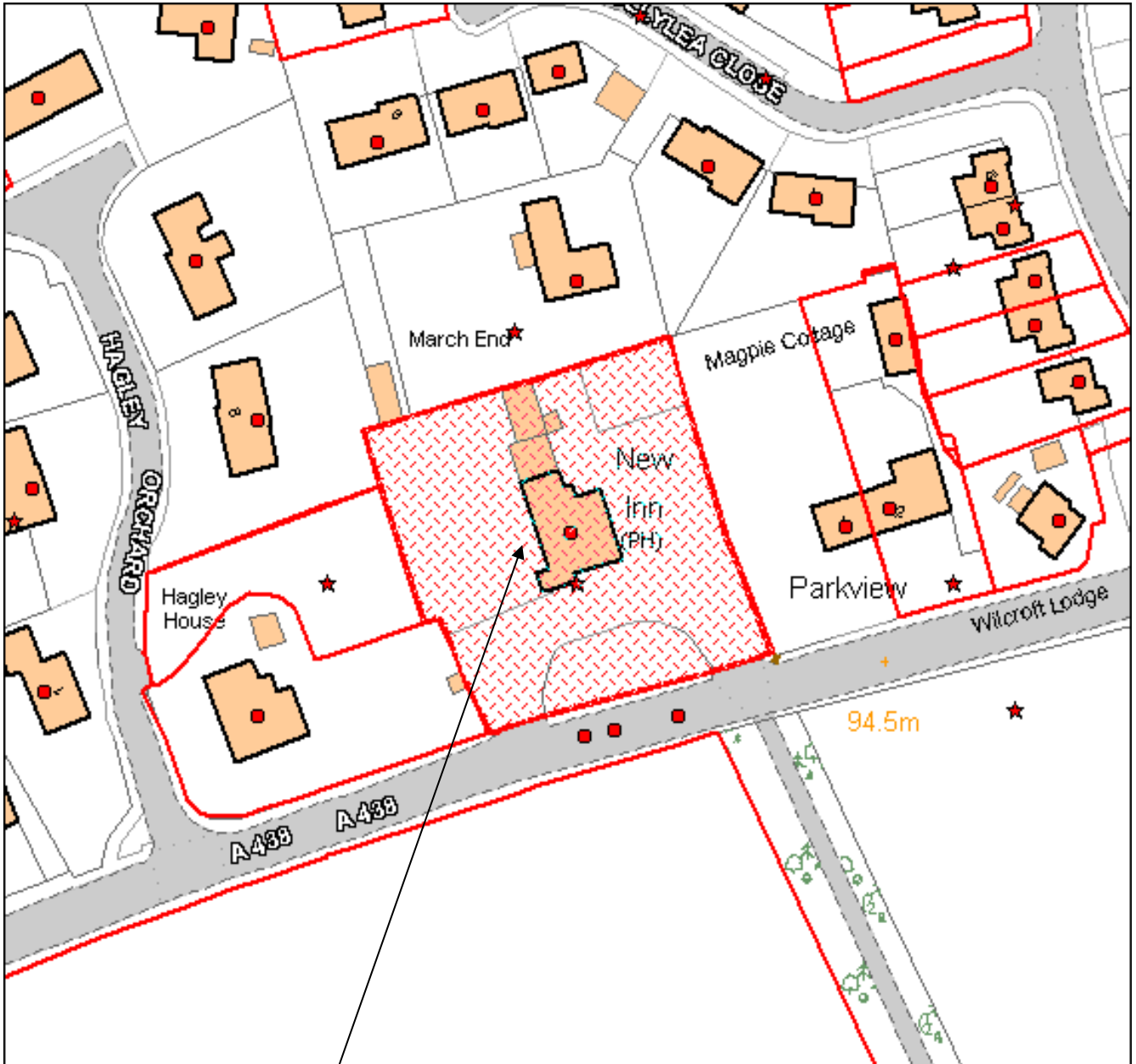
Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mike Willmont on 01432 261782



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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 Mike Willmont on 01432 261782



MEETING:	PLANNING COMMITTEE
DATE:	12 MAY 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, BROMTRES 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 Members: Councillor PM Morgan

FURTHER INFORMATION REPORT

1. Background

- 1.1 This application was reported to the meeting on 14 April 2010 when the committee were minded to refuse the application contrary to the recommendation. The Head of Planning and Transportation and the Monitoring Officer advised that such a decision would be difficult to defend if challenged. In accordance with the Constitution: Section 4.8.10 of Part 4 – Section 8 – The Planning Rules, determination of the application was deferred.
- 1.2 The updated report to that meeting is attached as an appendix.

2. Further Information

- 2.1 The Constitution, in Section 4.8.10.2 of The Planning Rules, sets out the requirements for the content of this report.
- 2.2 Updating Members on any additional information received
- It has not been necessary to seek any additional information.
- 2.3 Reporting on any discussions that have taken place with the applicant/objectors since fees initial meeting.
- It was not considered necessary for further meetings or discussions with the parties.
- 2.4 Setting out the legal procedure and likely financial implications of proceeding with the initial resolution.

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

- 2.4.1 National planning policy provides that there should be provision of caravan sites for gypsies and travellers. National policy as most recently set out in Circular 01/2006 expects the development plan to identify specific sites and to include policies to deal with windfall sites.
- 2.4.2 The Unitary Development Plan relies solely on a criterion based policy for exception sites. Sites for such uses are one of the few exceptions to the restriction on new development in the countryside, for which the primary aim is to protect it for its own sake against unnecessary development. Policies H7 and more specifically H12 set out the circumstances under which applications will be considered.
- 2.4.3 A number of individual sites have been approved under this policy. There have additionally been refusals with the subsequent success on appeal being mixed. The Officer recommendation remains that the proposal, subject to conditions, is acceptable in policy terms.
- 2.4.4 With regard to the specifics of this case the Committee were minded to refuse planning permission having regard to the location of its site, the impact on the landscape and the justification for the agricultural building. The specific policies mentioned were S1, H12, LA2 and E13.

In these circumstances the following reasons for refusal could reflect Member debate at the last meeting:-

1. The proposal would represent an uncharacteristic form of development which would be out of keeping with, and be detrimental to, the established landscape character of the area. As such the development would be contrary to Policies S1, LA2, H7 and H12 of Herefordshire Unitary Development Plan 2007.
 2. The provision of a family travellers' site in this location is considered to be unacceptable as it would be remote from local services and facilities and it would not be readily accessible to a choice of modes of transport. As such the development would be contrary to Policies S1, H7 and H12 of Herefordshire Unitary Development Plan 2007.
 3. The Local Planning Authority is not satisfied, having regard to the size of the holding and the nature of the proposal that the barn is reasonably required for the purposes of agriculture. As such the development would be contrary to Policy E13 of Herefordshire Unitary Development Plan 2007.
- 2.4.5 The Council has a duty to determine the application in accordance with the Development Plan. The above reasons are based on the Committee's assessment of the proposal. However having regard to the context as set out in the report to the April meeting it is advised that defending the decision at any resulting appeal may prove to be difficult. Member involvement in the process would be essential, particularly if the case was dealt with either by public inquiry or a hearing.
- 2.5 Any Monitoring Officer advice
- 2.5.1 The legal position has been accurately described elsewhere in this report. Most of the requirements for this proposal in the Unitary Development Plan and other policies and guidance have been met. The decision not to follow officer recommendation when the application is so strong with raise the possibility of appeal.
- 2.5.2 This is particularly so in view of Circular 01/2006 specifically requiring local authorities to have a development plan document which would deal with the issues of allocating such sites in their areas. The Local Development Framework Core Strategy will ultimately include such provision but the relative document is not programmed until 2013.

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, BROMTRES HALL, BISHOP'S FROME, HEREFORDSHIRE, WR6 3BY</p> <p>For: Mr Michael Freeman, 6 Tinkers Corner Caravan Site, Bosbury, Herefordshire, HR8 1HZ</p>

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

West Midlands Regional Spatial Strategy

2.2 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development

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

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

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

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 are 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 sites' 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.
- 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 principle 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 & Traveller Accommodation Assessment for Herefordshire was completed in July 2008. This report identified a shortfall in provision for 207 – 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 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 principle 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**

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

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

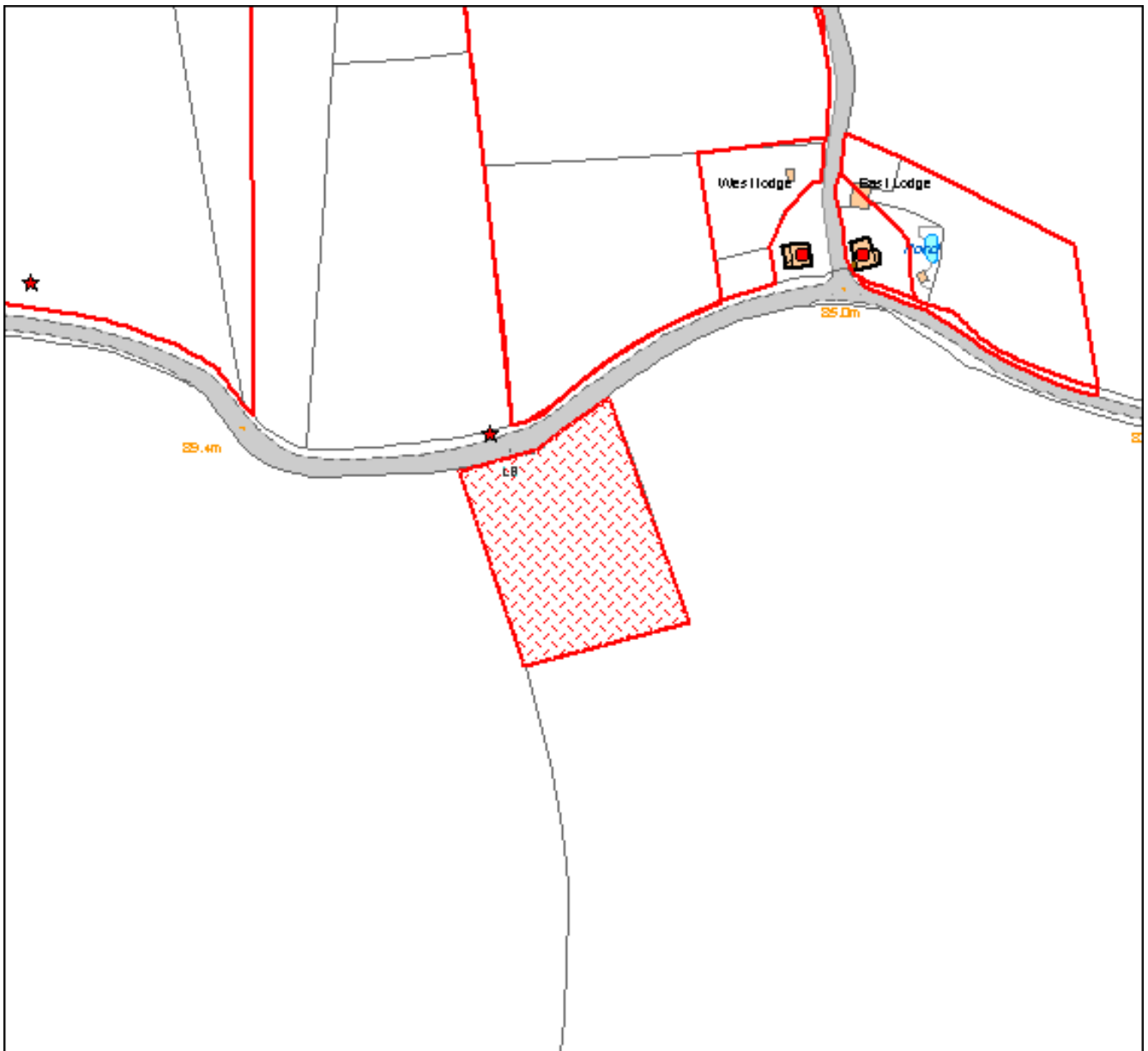
Decision:

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:	12 MAY 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, HR1 4JQ</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: Councillor ME Cooper and Councillor PJ Watts

FURTHER INFORMATION REPORT

1. Background

- 1.1 This application was reported to the meeting on 14 April 2010 when the Committee were minded to refuse the application contrary to the recommendation. The Development Control Manager and the Monitoring Officer advised that such a decision raised major policy issues. In accordance with the Constitution Section 4.8.10 of Part 4 – Section 8 – The Planning Rules, determination of the application was deferred.
- 1.2 The up-dated report to that meeting is attached as an Appendix.

2. Further Information

- 2.1 The Constitution in Section 4.8.10.2 of The Planning Rules, sets out the requirements for the content of this Report.
- 2.2 Up-dating Members on any additional information received
- It has not been necessary to seek any.
- 2.3 Reporting on any discussions that have taken place with the applicant/objectors since the initial meeting
- It was not considered necessary for further meetings or discussions with the applicant.
- 2.4 Setting out the legal procedure and likely financial implications of proceeding with the initial resolution
- 2.4.1 National planning policy with regard to the countryside continues to be that it should be protected from unnecessary development. Planning Policy Statements 4 and 7 set out advice

as to the framing of policies in the development plan and how individual proposals should be approached.

- 2.4.2 The UDP contains a range of primarily criteria based policies which adapt national policy to our local circumstances. The most pertinent policies are S1, H7, HBA12, HBA13, DR7 and DR3.

The officer recommendation remains that the proposal is contrary to policy for a number of reasons primarily related to the suitability of the building for conversion, the functional case for the business and the vehicular access.

- 2.4.3 The committee concluded on the basis of the detail as set out in the application, the additional supporting information and following the formal site visit that the proposal was acceptable, subject to conditions.

In the event that the Committee approved the application the following conditions would be appropriate:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be carried out strictly in accordance with the approved plans [(drawing nos.)] and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. The business floorspace of the live/work unit hereby permitted shall be made available and ready for occupation prior to the first occupation of the residential accommodation and the residential use shall not precede commencement of the business use.

Reason: To ensure that a new unrestricted dwellinghouse is not permitted in the open countryside contrary to both Central Government advice and Development Plan policies. The only reason for granting permission for the residential use is that it is considered to be a necessary accompaniment to the establishment of a rural based business.

4. The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the occupiers of the residential floorspace enjoy a satisfactory level of amenity and to ensure that the type of vehicular traffic using the access driveway and means of access onto the public highway is of an appropriate type not prejudicing highway safety.

5. The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.

Reasons:

a) To ensure that the occupiers of the residential floorspace enjoy a satisfactory level of amenity and;

b) To ensure that the one of the reasons of allowing a live/work unit being the creation of a sustainable pattern of development where a person lives where they work thus reducing reliance on the private motor vehicle is adhered to.

6. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and the Town and Country Planning (General Permitted) (Amendment) (England) Order 2010 no development normally permitted by Classes, A, B, C, D, E, F and G of Part 1, Classes A, B, C and D of Part 8 and Classes A and B of Part 41 of Schedule 2 of Article 3 without the express consent of the Local Planning Authority.

Reason:

a) To ensure that the building remains in its original form in compliance with Development Plan policy and the Council's Supplementary Planning Guidance entitled 'Re-Use and Adaptation of Rural Buildings' (July 2004) and;

b) To ensure that the footprint of the building does not increase that would impact on flood storage or flood flows.

7. The woodland planting shown upon drawing number 3231s4 received 2 March 2010 shall be planted in the first planting season following the first use of the business floorspace hereby permitted or the first occupation of the residential floorspace hereby permitted, whichever is the sooner. Any trees which within a period of five years from the first use of the building 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 long-term timber source to sustain the enterprise in the long-term is made available adjoining the site, thus creating a more sustainable pattern of development.

INFORMATIVES:

1. The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 01905 763355.

The attention of the applicant is also drawn to the provisions of the Conservation (Natural Habitats & c.) Regulations 1994 (as amended). European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal.

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

2. This permission is for conversion of the building only and if at any time during the course of the works the building is substantially demolished or dismantled the local planning authority will consider any further work to be unauthorised by this planning permission.
3. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
H7	-	Housing in the Countryside Outside Settlements
HBA12	-	Re-Use of Rural Buildings
HBA13	-	Re-Use of Rural Buildings for Residential Purposes
DR7	-	Flood Risk
DR3	-	Movement

In reaching this decision the local planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of environmental impact and highway safety were addressed and concluded that planning permission should be granted.

This informative is only intended as a summary of the reasons for grant of [planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (tel: 01432 261563).

2.5 Any monitoring officer advice

The proposal is not only contrary to elements of the UDP identified elsewhere in this report but is also contrary to national policies contained in PPS4 and PPS7.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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 2nd 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 1st 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 & 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 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 & 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;

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

- The business plan does not appear to include the costs of repairs to & conversion of the building proposed to be used as the live/work unit;
- 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.
- 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;
- 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

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

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 2nd March 2010;
- Cash Flow Forecasts (Sept 2010 - Aug 2013) received 2nd March 2010;
- Management Plan for Woodland at Hazle Mill received 2nd March 2010;
- Tree Planting Scheme - Drawing number 3231s4 received 2nd March 2010; and
- Repair Schedule - A J Richardson letter dated 19th February 2010 received 2nd March 2010.

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.

1.3 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

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

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 Summary

Statutory 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

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

- 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 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 Zone 1 should one consider locating development in Flood 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 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.

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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**

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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.

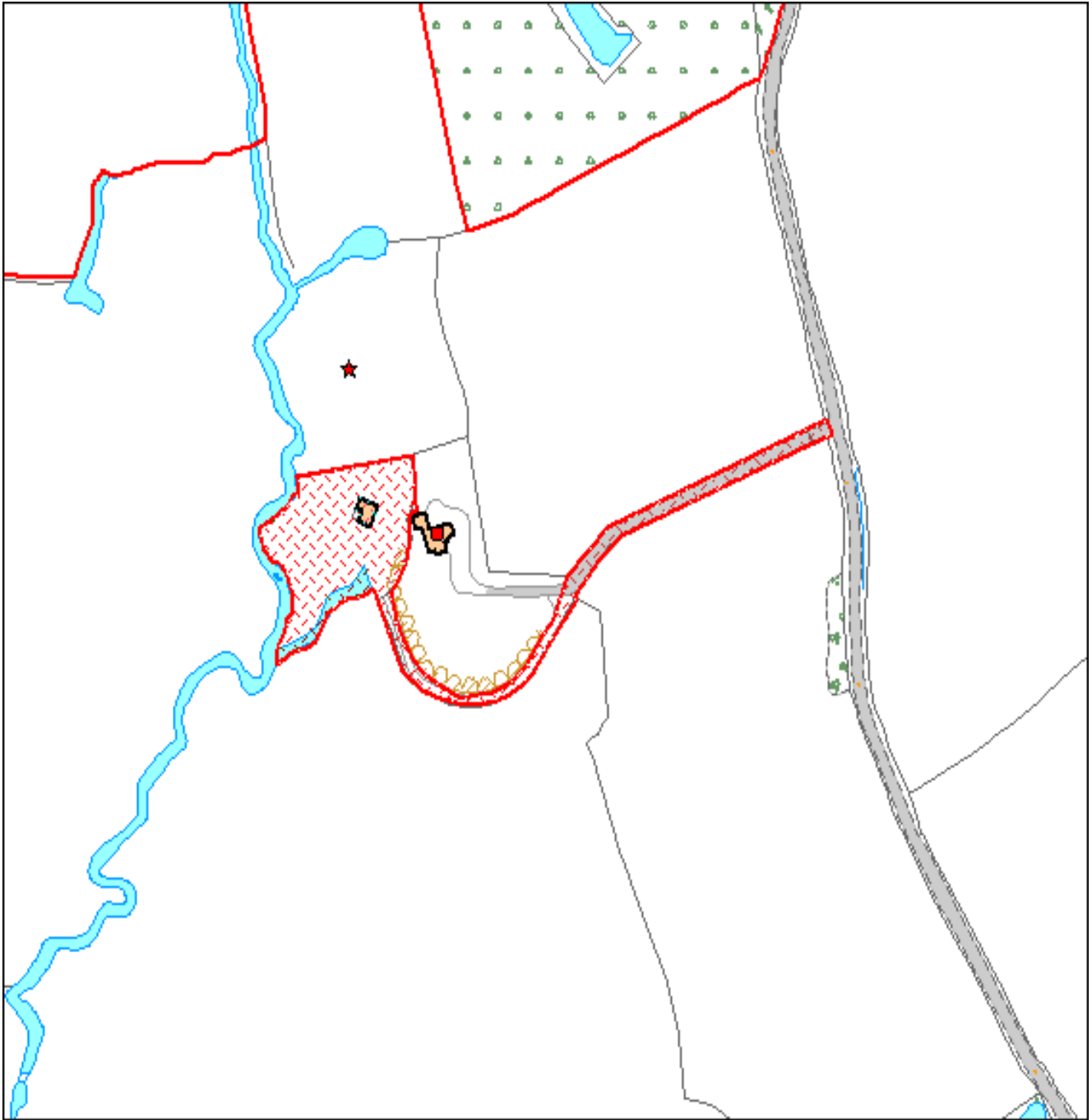
Decision:

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.

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

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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.