

AGENDA

Planning Committee

Date: **Wednesday 15 December 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

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AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMES SUBSTITUTES (IF ANY) To receive details of any Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 24 November 2010.	1 - 8
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	9 - 14
7.	DMN/101505/F - COVENT GARDEN, BROCKHILL ROAD, COLWALL, HEREFORDSHIRE, WR13 6EY Proposed construction of 20 new dwellings and new access road and associated works.	15 - 34
8.	DMSE/100298/O - LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7QQ Light industrial units B1 use.	35 - 42
9.	DMN/102310/F - 36 CHURCH STREET, KINGTON, HEREFORDSHIRE, HR5 3BE Change of use from vacant barbers (A1), to hot food takeaway (A5).	43 - 50
10.	DMN/102035/O - HIGHTREE NURSERIES, HIGHTREE BANK, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LU Erection of an affordable dwelling.	51 - 56
11.	DMS/102193/F - LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH Forming of new access and site road. Construction of new packing shed. Erection of 2 no. polytunnels. Placing of 4 no. mobile storage units on site.	57 - 64
12.	DATE OF NEXT MEETING Site inspection [provisional] - 11 January 2011 Next scheduled Planning Committee - 12 January 2011	

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 24 November 2010 at 10.00 am

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

Councillors: PGH Cutter, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, JE Pemberton, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillor SJ Robertson

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Davies and AP Taylor.

68. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

69. DECLARATIONS OF INTEREST

9. DMS/102345/F - UPPER HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE, HR4 8AH.

Councillor JW Hope MBE, Personal, Member of the River Lugg Drainage Board.

9. DMS/102345/F - UPPER HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE, HR4 8AH.

Councillor KS Guthrie, Personal, Member of the River Lugg Drainage Board.

70. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 November 2010 be approved as a correct record and signed by the Chairman.

71. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers who were present at the meeting.

He also read out a letter received from Mr and Mrs Jones, Falcon Brook, thanking the committee for the manner in which they dealt with their recent planning application.

72. APPEALS

The Committee noted the report.

73. PROPOSED REVISED PLANNING ENFORCEMENT POLICY

Members noted the report and thanked the planning enforcement team for their recent enforcement seminar.

RESOLVED:

The Committee noted the report and requested that the Cabinet Member, Environment and Strategic Housing, approve the policy.

74. DMN/101505/F - COVENT GARDEN, BROCKHILL ROAD, COLWALL, HEREFORDSHIRE, WR13 6EY

The Team Leader (North) 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. During his presentation the Team Leader (North) addressed the key issues regarding the application, these included the principle of development; the loss of the playing field; the density and design of the development; the transportation issues; the foul drainage and surface water issues in the area; affordable housing; ecology and landscaping.

In accordance with the criteria for public speaking Mr Ashton, representing Colwall Parish Council, and Mr Hamilton, representing a number of local residents, both spoke in objection to the application, and Mr McCann, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RV Stockton, the Vice-Chairman, speaking in his capacity of local ward member, commented on a number of issues, including:

- The application had been two years in the making and was submitted following a considerable amount of work from the applicants.
- There were traffic concerns during the morning and late afternoon due to school drop offs and collections, these were no different than any other school.
- The school was trying to improve the situation through a travel plan.
- The site was an allocated housing site under the 2003 Herefordshire Council Unitary Development Plan.
- The drainage concerns were being resolved by Severn Trent.
- The Malvern Hills were subject to flooding problems due to their nature.
- Colwall needed more housing.

The local ward member also read an additional statement from his fellow ward member who echoed the views expressed.

Members discussed the application and had concerns regarding the loss of school playing fields as well as concerns regarding traffic movements in the area. Therefore they felt that a site inspection would be beneficial.

The Head of Development Management advised Members that the site was an allocated housing site under the Unitary Development Plan. He also advised members that they may wish to consider visiting the site during the morning school drop off time in order to gauge the highways issues.

Councillor Stockton was given the opportunity to close the debate in accordance with the Council's Constitution.

RESOLVED

THAT a site inspection be undertaken on the following grounds.

The character or appearance of the development itself is a fundamental planning consideration;

a judgement is required on visual impact, and;

the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

75. DMS/102345/F - UPPER HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE, HR4 8AH.

The Principal Planning Officer (Minerals and Waste) 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 Young, a neighbouring resident, spoke in objection to the application and Mr Foxley, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie, the local ward member and Councillor SJ Robertson, the neighbouring ward member, commented on a number of issues, including:

- There were concerns regarding the cumulative traffic movements to and from the site.
- Need to be mindful of the high levels of traffic using the A49 on a daily basis.
- Amey Mouchelle figures were considerably higher than the figures quoted in the report for traffic movements on the A49.
- Concern had been raised in respect of the night time food deliveries, could these be mitigated.
- There were concerns regarding odours from the site.
- The Planning Officer was thanked for arranging a visit to a similar operation in the County.
- It was noted that older poultry sheds did suffer from worse odour problems than the new ones.
- Could the roofs be coloured in such a way to negate the visual impact.
- Mature tree planting would be welcomed when screening was considered.

In response to a number of questions raised by the local ward member, the neighbouring ward member, and the two public speakers, the Principal Planning Officer made the following comments:

- There had been no objections raised by the Highways Agency or the Council's Traffic Manager regarding the A49.
- The only time that a noticeable odour would emit from the sheds would be during 'turnout time', this occurred for approximately 4 hours once every 6 weeks.
- The proposed sheds would be further away from the objector's home.
- Landscaping and the finished colour of the sheds could be agreed in consultation with the local ward member and the Chairman.
- Delivery times could not be restricted to normal business hours.
- Ammonia levels were considerably lower under the new proposal than the current levels.

Members had some concerns regarding the impact the application would have on the highways infrastructure and felt it imperative that sufficient traffic control measures were put in place. Concerns were also raised in respect of the nature of the screening proposed, Members noted that the screening could be agreed at a later date but wished

it to be recorded that the use of mature trees would be welcomed in order to mitigate any possible visual impact.

Despite these concerns Members noted that the poultry farming techniques were developing and that there was a need for modern poultry sheds. They noted the comments from the Principal Planning Officer regarding the improvement to animal welfare standards that the new sheds would offer.

Councillors Guthrie and Robertson were given the opportunity to close the debate in accordance with the Council's Constitution. Councillor Guthrie requested that as local ward member she be consulted with in respect of landscaping and the finish of the sheds. Councillor Robertson advised Members that she had been assured that Cargill's animal welfare standards were of a high standard and noted that birds were fed and watered on demand.

RESOLVED

That planning permission be granted (taking the submitted environmental information into consideration) subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C09 Details of cladding (agricultural and industrial buildings)**
- 4. Before the development hereby permitted is brought into first use, a comprehensive Method Statement for the management of waste and poultry litter shall be submitted to and approved in writing by the local planning authority. The scheme shall include in particular the recommendations and points listed in Section 4.4 and Appendix 7 (and its own appendix) of the submitted Environmental Statement and shall be implemented as approved from the first stocking cycle of the new units.**

Reason: To ensure efficient waste management and reduce the risk of odour nuisance in the interests of the amenity of the locality and to comply with Policies S2, S2, DR1, DR4, DR9 and E16 of the Herefordshire Unitary Development Plan.

- 5. I18 Scheme for foul and surface water drainage**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G13 Tree planting**
- 8. I33 External lighting**
- 9. The recommendations set out in Section 3 'Protection of Habitats and Mitigation Measures' of the submitted FWAG Report dated 26 June 2009 shall be implemented in full unless otherwise agreed in writing in advance by the local planning authority. An appropriately qualified and experienced named Ecological Clerk of Works shall be appointed (or consultant engaged in that capacity) to oversee the ecological and habitat enhancement work.**

Reason: To ensure all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and

Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to meet the requirements of PPS9 'Biodiversity and Geological Conservation' and the NERC Act 2006.

10. **M13 Pollution prevention**
11. **I16 Restriction of hours during construction**
12. **No waste materials arising from this development shall be transported on the public highway unless they are contained within sealed, securely covered vehicles.**

Reason: In the interests of highway safety, to safeguard the amenity of the area and to comply with Policies S1, S2, DR1, DR4 and T8 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
2. **N19 Avoidance of doubt - Approved Plans**
3. **N15 Reason(s) for the Grant of PP/LBC/CAC**
4. **The tree planting scheme required by condition 7 should include a proportion of mature specimens or at least fast-growing native species, and the list of species (and the proportions) given in the submitted Appendix 9 to the Environmental Statement may need to be reviewed. Please contact the case officer to discuss before final submission.**
5. **Any external lighting proposals to be submitted under condition 8 should be low wattage, on a timing mechanism and shaded so as to direct light downwards to avoid light pollution. Submitted details should include these precautions. Any further practical measures to reduce light emission on other parts of the farm would be welcomed.**

76. DMS/101741/O -MOREBOROUGH, LEDBURY ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7BE.

The Team Leader (South) 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 McLachlin, a neighbouring resident, spoke in objection to the application and Mr Smith, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, one of the local ward members, commented on a number of issues, including:

- The application came before Committee in October when it was deferred pending discussions with the applicant regarding the possibility of reducing the development to one dwelling.
- The concerns regarding the traffic concerns had not been resolved.
- All dwellings in the area were detached or linked properties, there were no semi detached properties in the area.

Members discussed that application and had serious concerns regarding the impact the application would have on the highways infrastructure in the area. They also felt that the application would result in over intensification of the site and felt that it was inappropriate for the area.

In response to a question the Team Leader (South) confirmed that all monies secured through the section 106 agreement would be used to contribute towards projects within the vicinity of the site.

Councillor Cutter was given the opportunity to close the debate in accordance with the Council's Constitution but chose to make no further statement.

RESOLVED

THAT the application should be refused contrary to the Officer's recommendation for the following reasons:

- 1. The proposal by reason of its scale, form and prominent location would result in an unacceptable over development of the site that would be detrimental to the character and appearance of the site and the surrounding area contrary to Policies S1, DR1 and H13 of the Herefordshire Unitary Development Plan.**
- 2. The proposal would result in the intensification of the use of the access onto Court Road which by reason of the limited visibility, unrestricted on-street parking and the well trafficked nature of the estate road would be detrimental to highway safety and contrary to Policies DR3 and T8 of the Herefordshire Unitary Development Plan.**

77. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 12.20 pm

CHAIRMAN

PLANNING COMMITTEE

24 November 2010

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

8 DMN/101505/F- Proposed construction of 20 new dwellings and new access road and associated works at Covent Garden, Brockhill Road, Colwall, Herefordshire, WR13 6EY

FOR: MR PAUL MCCANN, BANNER HOMES MIDLANDS LTD. 5 BROOKLANDS, MOONS MOAT DRIVE, REDDITCH, WORCESTERSHIRE, B98 9DW

ADDITIONAL REPRESENTATIONS

Further representation from an objector confirming that the applicants had clarified the surface water drainage would not be drained into the Downs School existing system and that they had facilitated discussions with the school to resolve problems with the existing system.

Further letter of objection to the change of surface water outflow not draining into the sports hall drainage and that the foul drainage is still a major issue.

Request for improvements to main road junction are carried out prior to the development commencing and that roads within the vicinity are made residents only parking and that sufficient parking is provided by the school.

The applicants have confirmed that Severn Trent are to undertake improvements to a manhole that is causing problems to reduce blockages and breakouts.

OFFICER COMMENTS

Foul and Surface Water drainage issues have been resolved. Highway improvements will be conditioned to be undertaken prior to the development commencing on-site.

NO CHANGE TO RECOMMENDATION

9 DMS/102345/F- Proposed poultry units extension:- 3 no. replacement units, 3 no. additional units at Upper House Farm, Moreton on Lugg, Herefordshire, HR4 8AH

For: Mr FSH Perkins per Acorus Property Services, Woodthorne Wergs Road, Wolverhampton, West Midlands, WV6 8TQ

ADDITIONAL REPRESENTATIONS

Mrs D Cooke, Yew Tree Cottage, Upper Portway, Burghill, Hereford, HR4 8NG (second letter, received 17 November 2010):

- The green waste site could contribute more buildings, vermin and spores;
- Upper House Farm also runs a B&B;
- St Donats could start quarrying and use the same entrance onto the A49;
- There are seven businesses with large transport coming onto the A49 on a very busy stretch.

OFFICER COMMENTS

The points raised have been addressed within the committee report, including additional comments from the Highways Agency.

NO CHANGE TO RECOMMENDATION

10 DMS/101741/O - Erection of 2 dwellings, construction of new vehicular access and associated works at Moreborough, Ledbury Road, Ross-on-Wye, Herefordshire, HR9 7BE

For: Mr and Mrs Davis per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL

ADDITIONAL REPRESENTATIONS

Following re-consultation upon the relocation of proposed dwellings a further 4 letters of objection have been received. Continuing concerns are summarised as follows:-

- new entrance will create additional risk due to location on inside of a sharp bend at entrance to larger development
- slight amendments do not address concerns about proximity to Meadow View and loss of daylight and sunlight
- semi-detached dwellings out of keeping and crammed in
- potential conflict when children are collected from school

NO CHANGE TO RECOMMENDATION



MEETING:	PLANNING COMMITTEE
DATE:	15 DECEMBER 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 Nos. DMN/101374/FH & DMN/101375/L

- The appeal was received on 16 November 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 Mrs L Wake.
- The site is located at Hill Cross Barn, Tedstone Delamere, Herefordshire, HR7 4PR.
- The development proposed is Single storey rear extension to existing house.
- The appeal is to be heard by Written Representations.

Case Officer: Mr C Brace on 01432 261795

Application No. DMSW/100930/F

- The appeal was received on 19 November 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 Lawrence.
- The site is located at Site between Holme Lee and New House, Cobhall Common, Herefordshire, HR2 9BW.
- The development proposed is Erection of new dwelling.
- The appeal is to be heard by Hearing.

Case Officer: Mr A Prior on 01432 261932

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

Application No. DMSE/100592/F

- The appeal was received on 17 November 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 Vodafone UK Ltd.
- The site is located at Grass Verge at the Junction of Fernbank Road & Eastfield Road, Ashfield, Ross-on-Wye, HR9 5PP.
- The development proposed is Installation of 15 Metre high Saturn 411T replica telegraph pole, housing 6 no. antennas within a GRP shroud.
- The appeal is to be heard by Written Representations.

Case Officer: Mrs CL Atkins on 01432 260536

Application No. DMNC/100521/F

- The appeal was received on 24 November 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 Thomas.
- The site is located at Cross Cottage, Upper Hill, Leominster, Herefordshire, HR6 0JZ.
- Additional use of existing building & associated site to include use for sandblasting services - retrospective.
- The appeal is to be heard by Written Representations.

Case Officer: Mr A Banks on 01432 383085

Application No. DMS/101756/F

- The appeal was received on 26 November 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 Denny.
- The site is located at Denibois, 86 Eign Road, Hereford, Herefordshire, HR1 2RX.
- The development proposed is Demolition of existing rear garage and building of one bed bungalow with solar panels on roof.
- The appeal is to be heard by Written Representations.

Case Officer: Mrs CL Atkins on 01432 260536

APPEALS DETERMINED

Application No. DMSW/100190/F

- The appeal was received on 1 June 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 Mrs Chandler.
- The site is located at The Granary, Minster Farm, Much Birch, Herefordshire, HR2 8HS.
- The application dated 25 January 2010, was refused on 14 April 2010.
- The development proposed was Revision of application no. DCSW2005/3085/F - to incorporate an existing lean-to for additional living space.
- The main issue is the effect of the proposed development on the character and appearance of the surrounding area and the property.

Decision: The application was refused under Delegated Powers on 14 April 2010.
The appeal was **Dismissed** on 4 November 2010.

Case Officer: Mr A Prior on 01432 261932

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

Application No. DMNW/092821/F

- The appeal was received on 17 May 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 Peter Evans.
- The site is located at Kingsland Baptist Chapel, Shirleath, Kingsland, Herefordshire, HR6 9RJ.
- The application dated 3 November 2009, was refused on 25 February 2010.
- The development proposed was Change of use of chapel to workshop with office/admin area above; installation of velux roof lights to use natural light; raise entrance to drive level to increase road visibility.
- The main issue is the effect of the proposal on road safety on the adjacent A4110 highway.

Decision: The application was refused under Delegated powers on 25 February 2010.
The appeal was **Dismissed** on 15 November 2010.

Case Officer: Mr P Mullineux on 01432 261808

Application No. DMNW/092730/F

- The appeal was received on 3 June 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 Chilman.
- The site is located at New House Farm, Kinsham, Presteigne, Herefordshire, LD8 2HN.
- The application dated 21 October 2009, was refused on 19 January 2010.
- The development proposed was Siting of mobile home for use as a temporary agricultural dwelling.
- The main issue is whether there is an agricultural justification for a temporary building in the countryside.

Decision: The application was refused under Delegated powers on 19 January 2010.
The appeal was **Allowed** on 16 November 2010.

Case Officer: Mr P Mullineux on 01432 261808

Enforcement Notice EN2010/001118/ZZ

- The appeal was received on 16 August 2010.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by NJ & IE Cockburn.
- The site is located at Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX.
- The breach of planning control alleged in this notice is:
Without planning permission, the erection of polytunnels and tunnel frames covered with bird netting
- The requirements of the notice are:
 - i) *Demolish the three netted tunnels*
 - ii) *Demolish the polytunnels*
 - iii) *Demolish the 'French' polytunnel*
 - iv) *Remove any materials that arise from the demolition of the tunnels and polytunnels from the land*
- The main issue is the impact of polytunnel development within the Area of Outstanding Natural Beauty.

Decision: The appeal was **Withdrawn** on 17 November 2010.

Case Officer: Mr E Thomas on 01432 260479

Application No. DMSE/100399/F

- The appeal was received on 22 July 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 MF Freeman.
- The site is located at Penrice, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ.
- The application dated 26 February 2010, was refused on 12 May 2010.
- Demolition of existing residential property and construction of 14 no. apartments associated car parking landscaping and access.

Decision The appeal was **Withdrawn** on 23 November 2010.

Case Officer: Mr A Prior on 01432 261932

Application No. DMSE/100400/C

- The appeal was received on 22 July 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 MF Freeman.
- The site is located at Penrice, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ.
- The application dated 26 February 2010, was refused on 12 May 2010.
- Demolition of existing residential property and construction of 14 no. apartments associated car parking landscaping and access.

Decision: The appeal was **Withdrawn** on 23 November 2010.

Case Officer: Mr A Prior on 01432 261932

Application No. DMNC/101271/F

- The appeal was received on 24 August 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 Charles Probert.
- The site is located at 22 Westfield Walk, Leominster, Herefordshire, HR6 8HD.
- The application dated 25 May, was refused on 12 July 2010.
- The development proposed was Proposed 2 No dwellings & access. Resubmission of DMNC/100070/F.
- The main issue is the effect of the proposed development on the character and appearance of the area and on the living conditions of residents at 22 Westfield Walk.

Decision: The application was refused under Delegated powers on 12 July 2010
The appeal was **Dismissed** on 23 November 2010.

Case Officer: Mr C Brace on 01432 261795

Application No. DCNW0009/1868/F

- The appeal was received on 2 July 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 Mrs Watt.
- The site is located at Land adjoining, The Meadows, Eardisley, Hereford, Herefordshire, HR3 6PP.
- The application dated 4 August 2009, was refused on 5 November 2009.
- The development proposed was Erection of a detached 2 bedroom 2 storey house.

- The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Decision: The application was refused under Delegated powers on 5 November 2009.
The appeal was **Dismissed** on 23 November 2010.

Case Officer: Mr P Mullineux on 01432 261808

Application No. DMSE/100420/O

- The appeal was received on 13 August 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 MF Freeman.
- The site is located at Land adjacent to Alton Business Park, Alton Road, Ross-on-Wye, Herefordshire.
- The application dated 26 February 2010, was refused on 21 July 2010.
- The development proposed was Erection of a 60 bed (maximum) care home for the elderly.
- The main issue is whether the proposal would be compatible with nearby existing employment uses in respect of providing adequate living conditions for future occupiers in respect of noise and disturbance and not harming the continued operation of those employment uses.

Decision: The application was refused by Committee contrary to Officer recommendation on 21 July 2010.

The appeal was **Allowed** on 29 November 2010.

Case Officer: Mr D Thomas on 01432 261974

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



MEETING:	PLANNING COMMITTEE
DATE:	15 DECEMBER 2010
TITLE OF REPORT:	<p>DMN/101505/F - PROPOSED CONSTRUCTION OF 20 NEW DWELLINGS AND NEW ACCESS ROAD AND ASSOCIATED WORKS AT COVENT GARDEN, BROCKHILL ROAD, COLWALL, HEREFORDSHIRE, WR13 6EY</p> <p>For: Mr Paul Mccann, Banner Homes Midlands Ltd. 5 Brooklands, Moons Moat Drive, Redditch, Worcestershire, B98 9DW</p>

Date Received: 17 June 2010

Ward: Hope End

Grid Ref: 375789,243005

Expiry Date: 16 September 2010

Local Members: Councillor AW Johnson and Councillor RV Stockton

BACKGROUND

This application was reported to the Planning Committee on 24 November 2010. After some consideration Members resolved to undertake a site visit prior to making a formal determination.

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Brockhill Road, a road with a width of approximately 5.5 metres, and currently forms part of The Downs School, Malvern College Preparatory School. It is an existing playing field which the School considers surplus to requirements. It has an area of approximately 0.832 of a hectare (2.056 acre).
- 1.2 Brockhill Road is a tree lined road accessed off Old Church Road. On the western side of Brockhill Road, in the highway directly in front of the site, are eight protected trees comprising six lime trees and two horse chestnut trees. The existing gateway into the site is towards the northern end of its eastern boundary between an existing horse chestnut tree and a lime tree.
- 1.3 At the southern end of Brockhill Road it meets Old Church Road at a recently improved junction. This junction of Brockhill Road, Old Church Road and Walwyn Road formed around "the green" had the following problems associated with it:-
- there were a proliferation of routes of multiple conflict areas;
 - the visibility from the southern arm exiting Old Church Road southbound onto Walwyn Road was sub-standard;
 - there was poor speed restraint;
 - There were no dropped kerbs to assist disabled pedestrians, parents with pushchairs, or wheelchairs crossing any arm of the junction, or to the post box; and

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

- There was potential confusion for vulnerable road users because of multiple possible vehicle routes.
- 1.4 The junction was recently the subject of a significant improvement by introducing a one-way system around the existing junction and included a series of minor works. This scheme aimed to achieve the following:-
- A reduction in conflict areas by reducing the number of possible routes;
 - All traffic travelling along Old Church Road enters Walwyn Road along the northern arm of the junction which has much better visibility than the southern arm;
 - The revised junction design should contribute to a reduction in the speed of traffic turning into Brockhill Road; and
 - The provision of dropped kerbs and the simplification of vehicle routes, thus enhancing the safety and attractiveness of the junction for vulnerable road users.
- 1.5 These works were designed without impacting upon the triangular green area thought at that time to have been a constraint.
- 1.6 Brockhill Road currently serves some ten dwellings before the School itself.
- 1.7 The playing field that is the subject of this application is set at a level approximately one metre below that of Brockhill Road and is relatively flat itself. To the north the site is bounded by the recently erected indoor sports hall of the School and a bungalow that is in the ownership of the School. Within the western boundary of the site is a woodland belt and at the boundary is an existing drainage ditch. To the south-east of the site is a pair of semi-detached houses known as 1 and 2 Downsland Cottages whilst to the south are the rear boundaries of two further dwellings, one fronting Brockhill Road and one fronting Old Church Road.
- 1.8 The trees along Brockhill Road are the subject of a Tree Preservation Order. The site lies within both the defined settlement boundary of Colwall and the Colwall Conservation Area. The special character and appearance of the Conservation Area hereabouts derives primarily from its spacious character and mature gardens rather than the buildings themselves. Within Brockhill Road itself, it is only the Edwardian School building to the north of the site that is considered to be attractive in its own right. The site also lies within the Malvern Hills Area of Outstanding Natural Beauty.
- 1.9 The proposal is to erect twenty two-storey houses upon the site comprising a variety of detached, semi-detached and terraced houses. The mix of houses proposed comprises four two-bedroomed houses, three three-bedroomed houses, ten four-bedroomed houses, two five-bedroomed houses and one six-bedroomed house. Of these, four would be affordable houses comprising two two-bedroomed houses on a social rent tenure, one six bedroomed house on a social rent tenure to meet a specific special need and one three-bedroomed house on a shared ownership tenure. Fifty-nine parking/garaging spaces would be provided.
- 1.10 All of the houses have been designed to reflect the local vernacular taking the Edwardian School building to the north as a reference. The provision of bay windows, projecting gables, the use of coloured render at first floor level, timber framing to the projecting gables and strong chimneys are all features throughout the scheme. A single vehicular access is proposed off Brockhill road utilising, albeit in a modified form, the existing access between an existing horse chestnut tree and a lime tree.
- 1.11 The basic form of the proposed layout is that the access road swings to the rear of the houses fronting the development, with garaging / parking situated at the rear of the dwellings. A second row of houses to the west of the site share the same access.

- 1.12 The foul water would be disposed of via the mains drainage and the surface water would be disposed of on-site and via the drainage ditch to the west of the site that eventually drains into a watercourse.
- 1.13 The applicant proposes to enter into a Section 106 legal agreement that would provide for the summarised provisions set out in Annex 1, Draft Heads of Terms.
- 1.14 For clarification the proposed further works to the Brockhill Road, Old Church Road and Walwyn Road junction referred to in the Draft Heads of Terms are designed to create enhanced vehicle swept paths for ten metre long coaches (i.e. midi-coaches) that on occasions use this junction. This involves changes to the kerb lines and revised road markings and signage. This involves minor alterations to the triangular green island at that junction.
- 1.15 It is proposed to crown lift the frontage trees to achieve clearance over the site of five metres and clearance along the remaining open space of three metres.

2. Policies

2.1 Central Government advice

Planning Policy Statement 1	–	Delivering Sustainable Development
Planning Policy Statement 3	–	Housing
Planning Policy Statement 5	–	Planning for the Historic Environment
Planning Policy Statement 7	–	Sustainable Development in Rural Areas
Planning Policy Statement 9	–	Biodiversity and Geological Conservation
Planning Policy Guidance Note 13	–	Transport
Planning Policy Guidance Note 17	–	Sport and Recreation
Planning Policy Statement 25	–	Flood Risk

2.2 Herefordshire Unitary Development Plan 2007

S1	–	Sustainable Development
S2	–	Development Requirements
DR1	–	Design
DR2	–	Land Use and Activity
DR3	–	Movement
DR4	–	Environment
DR5	–	Planning Obligations
DR6	–	Water Resources
S3	–	Housing
H5	–	Main Villages: Housing Land Allocations
H9	–	Affordable Housing
H13	–	Sustainable Residential Design
H15	–	Density
H16	–	Car Parking
H19	–	Open Space Requirements
S6	–	Transport
T6	–	Walking
T7	–	Cycling
T11	–	Parking Provision
S7	–	Natural and Historic Heritage
LA1	–	Area of Outstanding Natural Beauty
LA5	–	Protection of Trees, Woodlands and Hedgerows
LA6	–	Landscaping Schemes
NC1	–	Biodiversity and Development

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

- NC6 – Biodiversity Action Plan, Priority Habitats and Species
- NC8 – Habitat Creation, Restoration and Enhancement
- NC9 – Management of Features of the Landscape Important for Fauna and Flora
- HBA6 – New Development within Conservation Areas
- S8 – Sport and Recreation
- RST3 – Standards for Outdoor Playing and Public Open Space
- RST4 – Safeguarding Existing Recreational Open Space

2.3 Supplementary Planning Document “Planning Obligations” (April 2008).

3. Planning History

3.1 DMNE/092822/F - Proposed construction of 20 new dwellings and new access road and associated works - Withdrawn 15 June 2010

3.2 Other recent history in the immediate vicinity

DCNE2006/1272/F - Single storey classroom to replace timber classrooms - Permitted - 9 June 2006

DCNE2007/3033/F - Junior classrooms and library and highway works - Permitted - 3 December 2007

DCNE2007/3364/C - Demolition of three temporary classroom huts to provide site for new sports facility - Permitted 18 December 2007

DCNE2007/3842/F - Provision of new sports hall facility incorporating classrooms, parking, landscaping and highway improvements to the junction of Brockhill Road and Old Church Road - Permitted 12 March 2008

4. Consultation Summary

4.1 External Consultees

4.2 Sport England does not object to the proposed development. With regard to the latest playing field assessment accompanying the application, they state:-

“The assessment which has been submitted as evidence to support the planning application has followed the methodology as set out in our document: Towards a Level Playing Field as referred to in PPG17’s Companion Guide Assessing Needs and Opportunities. This methodology is the industry standard for carrying out playing pitches assessments. It has 8 stages which include identifying teams, where they play, the quality of the pitches, the latent demand and identifying solutions and options.

I am writing to confirm that the assessment meets our planning policy exception E1.

Therefore Sport England withdraws its statutory objection to the granting of planning permission for the proposed construction of 20 new dwellings and new access road and associated works at Covent Garden, Brockhill Road, Colwall WR13 6EY.”

4.3 Severn Trent Water do not raise objection to the proposed development. Severn Trent Water has undertaken an assessment for the applicant in relation to the proposed development. They specifically state, in relation to the issue as to the pipework between manholes 6801 and 6802 that Severn Trent Water cannot request or allow the developer to fund improvements to the public sewerage system. They specifically state that any problems on the existing public system are for Severn Trent Water to determine, fund and resolve. They state that some

customers have reported problems at periods of heavy rainfall and that these issues have been dealt with by Severn Trent Water's operational team.

They go on to state that:-

"With regard to the proposed development itself, the hydraulic modelling exercise undertaken which modelled the existing foul sewerage system plus the additional foul flow from 20 new dwellings (approx only 1 litre per second peak flow rate) concluded that the foul flows from the development would not have an adverse flow on the receiving sewerage system. Given this information, along with the fact that all surface water from the site will discharge to a local watercourse (not a STW asset) we have no objection."

4.4 English Heritage has not raised any objection.

4.5 Internal Consultees

4.6 The Parks and Countryside Section do not raise any objection to the loss of the playing field.

4.7 The Transportation Section has no objection to the proposal.

4.8 The Planning Ecologist raises no objection to the proposed development.

4.9 The Land Drainage Engineer is satisfied that the calculations of run-off from the site into the watercourse show that it will be no greater than the existing run-off.

5. **Representations**

5.1 There was a degree of discussion at the previous meeting of this Committee with regard to the views of Colwall Parish Council. Colwall Parish Council have now clarified their position and state that they object to the application as, in their opinion, the matters of foul drainage and traffic congestion have not been satisfactorily resolved.

5.2 The CPRE express concern about the level of affordable housing proposed and reiterates their comments contained in letter dated 3 January 2010 in relation to DMN/092822/F in which they objected to the proposed development on the basis of an inappropriate development on one of the few remaining "green lungs" in Colwall, the loss of the playing field, traffic congestion and flooding.

5.3 Malvern Hills AONB Unit make comment upon an apparent lack of affordable housing provision, the high number of parking spaces proposed, the sustainability of the design, the need to safeguard existing trees and hedgerows and the need for the housing.

5.4 The residents of sixty-one properties object on the following summarised grounds:-

- The existing junction between Walwyn Road/Old Church Road and Brockhill Road is overloaded and dangerous, increased traffic will exacerbate this.
- No details have been provided as to how the junction will cater for farm traffic.
- The increase in traffic generated by at least 40 cars, visitors and service vehicles will increase the existing traffic congestion along the roads especially at school pick up and drop off times and when events are staged and illegal parking. All will increase dangers for traffic, pedestrians, cyclists and reduce access for emergency vehicles.
- The existing traffic calming measures for the school do not work nor does the turning area, lack of parking spaces and lack of footways.
- The proposed travel plan and analysis of the data will not in reality ameliorate these impacts and are incorrect in their data.

- The necessary building works and deliveries will clash with the start of the school day and result in dangerous traffic for pupils.
- The proposed access point is dangerously located.
- The resulting unsafe environment will conflict with the schools duty of care for its pupils and the associated legislation.
- The school has significantly expanded since the site was allocated for housing and will do further in the future therefore the development is no longer appropriate.
- The loss of the playing field will be harmful for the functioning of the school and the wider community. The extra information does not address the issue of lack of realistic alternative facilities in the area.
- The site is not redundant but has been used for school sports and overflow parking and should remain as such.
- The sewers in the area are already inadequate and therefore the development will add to existing health and safety problems. The additional information supplied does not adequately address this issue.
- The additional surface water created by the development will increase runoff into adjacent water courses on private land so increasing risk to property from flooding and potential pollution. The additional information does not adequately address this issue and does not detail the long term maintenance of the proposed solutions. The water table is very high.
- The loss of this green space in an AONB and village with a conservation area will be visible from the Malvern Hills and detract from the rural character of the area.
- The proposed form of development is not in keeping with the existing bungalows and their surroundings, it is over dense and the design is repetitive.
- The development will impact on existing protected trees and hedgerows, their long term maintenance is not detailed and there will be future pressure for their removal.
- The existing use of the site should be maintained for its historical links and natural flora and fauna. No details have been provided of who will provide and maintain the wildlife mitigation measures proposed.
- There may be a restrictive covenant on the land.
- The development will affect the value of properties and the goodwill of neighbours.
- It will adversely affect their outlook and overshadow their property.
- Financial incentives via the legal agreement should not result in a permission.
- There are inaccuracies on the application form.
- Private drains cross the site and will need to be diverted.
- The Coca-Cola site should be re-developed as a brownfield site instead.
- The highway works should be undertaken prior to development commencing on site.
- Additional car parking should be provided at the school and 'residents only' parking restrictions should be provided in Brockhill Road.

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

6. Officer's Appraisal

Principle of the Development

6.1 The application site lies within the settlement boundary of the main village of Colwall as defined in the Herefordshire Unitary Development Plan 2007. Furthermore the site is specifically allocated for housing development as set out in policy H5 of the Herefordshire Unitary Development Plan 2007. The policy envisaged the allocated site accommodating some 20 dwellings, although the allocated site has been reduced by the recent development of the indoor sports hall to the school which reduced the site area by approximately 0.077 hectare. It also recognised that the loss of the playing field should not result in a deficiency of recreational provision in the locality.

- 6.2 This allocation of the land for housing development was the subject of formal objections at the time that the Herefordshire Unitary Development Plan was evolving (i.e. at the Deposit Draft stage). An Inquiry into the objections was held and the Inspector reporting into those objections considered the site was a suitable site for housing development. He considered Colwall to be a suitable site for further housing development and to be in a highly sustainable location. He did not consider that there were any insurmountable infrastructure matters (e.g. transportation matters, foul sewerage capacity) that represented overriding constraints. Indeed he considered that traffic matters could be dealt with by way of “relatively modest local improvements”.
- 6.3 He acknowledged that the site was within the Malvern Hills Area of Outstanding Natural Beauty and the Conservation Area and specifically recognised the value of the peripheral vegetation but he regarded the site itself as being “rather flat, featureless and uninteresting”. He therefore considered that the site was suitable for residential development and stated that “I can conceive of a scheme at the density envisaged that would contribute positively to the character and appearance of the area and to the natural beauty of the landscape and countryside”.
- 6.4 As a consequence there is no objection to the principle of the proposed development.
- 6.5 With regard to the playing field issue the Inspector was of the view that if it was demonstrated that Colwall had an excess of provision the loss of the playing field would not be problematic but if an excess of provision could not be demonstrated, alternative provision of at least equivalent community benefit would have to be provided in a convenient and accessible location.

Loss of Playing Field

- 6.6 The application is accompanied by ‘An Open Space & Sports Assessment’. That assessment concludes that Colwall Parish is very well provided for in terms of open space and playing field provision even with the potential loss of this playing field. Furthermore it demonstrates that the quantitative requirements of policy RST3 of the Herefordshire Unitary Development Plan 2007 for the entirety of Colwall Parish are achieved even with the loss of this playing field.
- 6.7 This assessment has been the subject of extensive scrutiny from Sport England and the Principal Leisure and Countryside Recreation Officer of the Council, who do not object.

Density, Layout & Design

- 6.8 The density of the proposed development equates to 24 dwellings to the hectare. This is considered to be a low density development appropriate to this site and its surroundings. The site is well located with easy pedestrian and cycle access to the centre of the village and the railway station.
- 6.9 The site layout has in many ways evolved from an understanding of the primary constraint of the site being the trees on the western side of Brockhill Road. An assessment of these trees by a suitably qualified arboricultural consultant concluded that the optimum position to create the vehicular means of access into the site was at the position of the current gateway. An alternative location of the vehicular means of access or multiple vehicular means of accesses would likely to have created root damage to trees that are worthy and capable of retention, prejudicing their long-term health and future retention.
- 6.10 The siting of the proposed houses fronting Brockhill Road has been dictated by the root protection areas required by the aforementioned street trees and the prevailing building line. This meant curving the single access road into the site to the rear of these frontage properties. It is considered that this has led to a proposal that when viewed from Brockhill Road would

comprise of a series of well designed buildings with gaps between them and significantly not dominated by the private motor vehicle – the garaging/parking being located to the rear of these properties.

- 6.11 The remainder of the layout is considered to be spacious and logically designed.
- 6.12 The design of the two storey houses themselves is considered to be of a high quality. As described earlier they reflect architectural elements of an Edwardian School building to the north. They do reflect the local vernacular and whilst some may describe the designs as a pastiche, it is considered that there is no objection to such an approach provided that it is executed well. In this particular case the designs of the houses are considered to be of a high architectural standard with an interesting mix of hipped roofs and gables and architectural detailing.
- 6.13 The recommendation includes a condition with regard materials. In this case I would expect the use of high quality materials given the location of the site within both a Conservation Area and an Area of Outstanding Natural Beauty.

Impact Upon Residential Amenity

- 6.14 The distance from the proposed houses to neighbouring residential properties is such that it is considered that there would be no undue loss of privacy. In addition, the combination of the separation distances between buildings, the orientation and the height of the buildings are such that it is considered that there would not be an undue loss of sunlight and/or daylight to neighbouring properties.

Transportation

- 6.15 It is considered that the local highway network has sufficient capacity to cater for the additional traffic flows that the development would generate. Brockhill Road has sufficient width for two cars to pass. As explained earlier, the junction of Brockhill Road, Old Church Road and Walwyn Road has been improved significantly in the recent past from a highway safety point of view. Whilst it is currently considered to be adequate, the Transportation Section agree with the Parish Council that it could be improved further and in this respect the applicant has agreed to fund an agreed scheme of further works. The monies for these further works would be secured prior to commencement of the development and the works would be carried out by the Council as the Highway Authority.
- 6.16 It is accepted that recent developments at the School have led to an increase in vehicular movements that tend to be concentrated in two short time periods during the day. Indeed congestion has occurred. However, congestion is not itself a highway safety issue. It tends to be an inconvenience. There is no recorded accident data relating to the immediate vicinity.
- 6.17 The recent developments at the School site have included the provision of traffic calming measures in Brockhill Road, assisting with safe crossing for pupils and the provision of an additional car turning area before the main school crossing point. It is understood that the School also have a Travel Plan to encourage travel by modes other than single pupil occupancy private car. For example school buses are provided.
- 6.18 The level of car parking provision proposed is such that motor vehicles associated with the development will be able to park within the confines of the site ensuring that no overspill occurs onto Brockhill Road.

- 6.19 The Transport Statement accompanying the application demonstrates that during the morning peak (8am – 9am) the proposed development would generate some 3 trips into the site and 10 out of the site. Similarly during the evening peak (5pm – 6pm) the proposed development would generate some 11 trips into the site and 4 out of the site. The School starts its normal day at 8.30am and so a proportion (perhaps half or 6 movements in total) of these vehicle movements would occur at the time when parents are dropping off pupils in Brockhill Road. It is considered that this is an extremely low number of movements. This combined with the fact that they would not create additional parking demand on Brockhill Road means that there would not be a material impact upon the highway network. During the evening peak hour (5pm – 6pm) the combined expected vehicle movements (i.e. in and out) are fifteen. It is understood that the school finishing time is staggered throughout the afternoon from 3.30pm to 5.10pm for different age groups and hence the vast majority of all parents' vehicle movements associated with the school are completed prior to the evening peak hour trips associated with residential dwellings. As such, again it is considered that there would not be any material impact upon the highway network as a result of the proposed development.
- 6.20 With regard other transportation matters, the site is very well located to the centre of the village and is within easy and convenient walking distance of both bus stops and the railway station. The development itself proposes a pedestrian link into the site from Brockhill Road, south of the proposed vehicular access. This would encourage walking and provides permeability through the site.

Disposal of Foul Sewerage

- 6.21 It is proposed to dispose of the foul sewerage arising via the mains sewerage system. Severn Trent Water has assessed this in detail and their consultation response is reported above. They are satisfied that the foul sewerage system has sufficient capacity.
- 6.22 Although the sewerage system has sufficient capacity there have been maintenance issues in the locality relating to a manhole in Old Church Lane that has been surcharging. Severn Trent Water accepts that this is their responsibility and it is understood that they will be undertaking remedial works on 21 and 22 December 2010. It is understood that the foul sewer where it traverses through the site has recently been the subject of jetting works by Severn Trent Water to clear fat build up and plaster/cement that had entered the system.

Disposal of Surface Water

- 6.23 At present the site is a green field. As in so many rural areas to the west of the site is an existing ditch that historically and currently fulfils a land drainage function. Water that drains into this ditch eventually discharges into a water course. It is for the persons whose land on which that ditch lies to keep that ditch clear and free of obstruction (i.e. to maintain it).
- 6.24 Clearly the proposed development does not in itself create a greater volume of surface water. It is the flow of water that is the critical issue. It is understood that at present the peak run-off from the undeveloped (green field) site during a 100 year storm is 9.2 litres per second. What is proposed in this case is a scheme of surface water management whereby the surface water upon the site is captured, stored and then released into this ditch in a controlled fashion. Normally one would design a balancing storage system to discharge at or marginally below this "greenfield rate" of 9.2 litres per second. However, in this case due to the sensitivity of water courses south and west of Colwall to flooding during extreme weather conditions the applicant proposes to increase the available storage volume and to reduce the peak surface water discharge from 9.2 litres per second to 5 litres per second. In this way it is proposed to reduce the peak water run-off from the proposed development by 4.2 litres per second during the critical storm. This would represent betterment of some 45%.

- 6.25 For clarity purposes, the storage would be provided in the form of oversized pipes within the adopted areas controlled by a hydrobrake within a control chamber. The remaining volume would be provided in the form of a tanked porous paving system in conjunction with cellular storage. The surface water from these areas would be controlled via a sump unit with an orifice control. These would in turn outfall to the oversized storage pipes within the adopted areas.
- 6.26 Therefore it is considered that the proposed surface water drainage arrangements are satisfactory. Indeed they would represent an enhancement over the existing scenario.
- 6.27 For clarification, the landowner(s) of any drainage ditch have the riparian responsibilities for maintenance of ditches on their land. If such ditches are not maintained, action can be taken under the provisions of the Land Drainage Act. This is not a planning matter.
- 6.28 Similarly, if water is discharged onto another persons land, that is not a drainage ditch that is a civil matter between the two landowners. It is understood that in this area one local resident claims that the School is discharging surface water onto a neighbouring field in her ownership without consent. This is not a planning matter.

Affordable Housing

- 6.29 The level of affordable housing provision is considered to be acceptable in this case. A six bedroomed dwelling has been specifically designed to accommodate a local family in local need that also includes children with special needs due to physical disabilities. It is also welcomed that three of the four affordable houses would be on a social rent tenure.
- 6.30 The level of affordable housing provision has been considered acceptable given the exceptional circumstances in meeting the specific needs of a local family requiring a larger property, with adaptations to meet the physical disabilities of younger members of the household. Also taken into account was the viability of providing additional units on site and the proposed development elsewhere in Colwall which would potentially deliver the additional units to meet the overall identified need for affordable housing. It is noted that neither the developer nor the Registered Social Landlord will rely upon public subsidy to support the scheme, and this will ensure delivery is not dependent upon uncertain external funding. In addition the Homes and Communities Agency core standards will be met which include high quality internal specification, Housing Quality Indicators Space Standards and Code for Sustainable Homes Level 3 all of which would normally only be provided where public subsidy is invested by the Homes and Communities Agency.

Ecology & Landscaping

- 6.31 An ecological assessment has been carried out of the site that has been audited by the Planning Ecologist. An appropriate condition is recommended.
- 6.32 A fully detailed landscaping scheme has been submitted. The detail contained within that scheme is considered to be entirely appropriate.
- 6.33 The Parish Council have raised the issue as to whether a separate Tree Preservation Order application is required to crown lift the street trees as outlined above. That crown lifting is designed to prevent damage from high vehicles and is considered both appropriate and acceptable in amenity terms. However, the position is that a separate consent from the Local Planning Authority is not required to carry out tree works included in a planning application, if planning permission is granted.

Conclusion

- 6.34 Therefore in conclusion the principle of the development is acceptable primarily because the site is allocated for residential development by virtue of policy H5 of the Herefordshire Unitary Development Plan 2007. The loss of the playing field would not lead to a deficiency of such recreational facilities within the Colwall Parish and in fact the proposed “dual-use” agreement in relation to the retained outdoor sporting facilities at the School is welcomed.
- 6.35 The proposed housing layout and design is of a low density and of a quality that would respect both the Conservation Area and the Area of Outstanding Natural Beauty. The sylvan character of the area would be safeguarded. It is considered that neighbouring residents would not suffer any undue loss of privacy, sunlight and/or daylight.
- 6.36 The site is in a highly sustainable location. Minor local highway improvements are proposed as envisaged by the Inspector in relation to objections to the Unitary Development Plan and it is not considered that any highway safety issues arise.
- 6.37 The proposed arrangements for foul and surface water drainage are considered to be acceptable.
- 6.38 As a consequence it is recommended that full conditional planning permission be granted.

RECOMMENDATION

1. **The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as an annex).**
2. **Upon completion of the abovementioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**
 1. **A01 Time limit for commencement (full permission)**
 2. **Notwithstanding the detail upon the submitted planning application form, prior to the commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**
 - **Written details and samples of all external materials in respect of the buildings;**
 - **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning/manoeuvring areas, driveways, car parking areas and pedestrian pathways;**
 - **Details of the solar panels**
 - **Details of the rooflights**

The development hereby permitted 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 detail and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies DR1, LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.
3. **Prior to commencement of the development hereby permitted full written details of all proposed boundary treatments (i.e. fences, gates, walls or other means of enclosure) shall be submitted to the Local Planning Authority for their written**

approval. The approved boundary treatments for each plot shall be fully implemented prior to the first occupation of the house upon that plot and thereafter maintained as such. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and any order revoking and re-erecting that Order, no other boundary treatments shall be erected without the express consent of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development within the Conservation Area and the Area of Outstanding Natural Beauty and to safeguard the privacy of the occupiers of the houses hereby permitted in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

4. All planting, seeding and turfing in the approved details of landscaping (i.e. drawing number BAN17092-10 Rev E. received 13 October 2010) shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (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 in accordance with policy LA6 of the Herefordshire Unitary Development Plan 2007.

5. Prior to the first occupation of the dwellings hereby permitted the vehicular means of access, car parking/garaging, turning and manoeuvring areas for vehicles shall be implemented. Thereafter these areas and facilities shall be kept available for the manoeuvring and garaging/parking of motor vehicles.

Reason: To ensure adequate on-site car parking provision thus preventing additional parking on Brockhill Road in accordance with policies T11 and H16 of the Herefordshire Unitary Development Plan 2007.

6. Prior to commencement of the development hereby permitted full details of all external lighting (if any) shall be submitted to the Local Planning Authority for their written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rural character of the area, the Conservation Area and the Area of Outstanding Natural Beauty in accordance with policies LA1 and HBA6 of the Herefordshire Unitary Development Plan 2007.

7. Prior to the commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Full details of the surface water drainage design (including the requisite calculations of the balancing storage volume) such that peak surface water discharge from the development site during a 1 in 100 year storm (plus 30% for climate change) does not exceed 5.0 litres per second. These details must include a monitoring and maintenance plan in relation to these surface water drainage arrangements.

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved surface water drainage

arrangements shall be fully implemented prior to the first occupancy of any of the houses hereby permitted and thereafter maintained in accordance with the approved maintenance plan.

Reason: To ensure that the land drainage arrangements are satisfactory and do not exacerbate the risk of flooding in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

8. The finished ground floor levels of the houses hereby permitted shall be set 0.15 metre above finished ground level.

Reason: To ensure that the houses are not affected by overland flow of surface water that does occur in accordance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

9. Prior to the commencement of the development, an ecological protection and enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with policies NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and to meet the requirements of Planning Policy Statement 9 and the NERC Act 2006.

10. The existing hedgerow along the Brockhill Road frontage (i.e. the eastern boundary of the site) shall remain in-situ and none of it shall be removed other than at the approved vehicular means of access and two pedestrian pathways hereby permitted.

Reason: To ensure that the hedgerow along the road frontage that makes a positive contribution to the character and appearance of the area is retained in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

11. All works on-site shall be carried out in full accordance with the Arboricultural Method statement prepared by ACD Arboriculture dated 22/10/2009 received on 17 June 2010.

Reason: To safeguard all trees of amenity value that are worthy and capable of retention in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

12. Prior to commencement of the development hereby permitted the protective fencing as detailed upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 and according with the advice in section 9.2 of BS5837:2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005 shall be erected in the positions shown upon that plan. Once these protective measures have been erected but prior to the commencement of the development a suitably qualified arboricultural consultant shall inspect the site and write to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in-situ until completion of the development.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not

prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

13. All of those parking areas, pedestrian pathways and parts of the vehicular means of access that are shaded in blue upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 shall be constructed in full accordance with the "no-dig" method as set out in para. 11.8 of BS5837:2005 and thereafter maintained in accordance with that detail.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

14. During the course of development and thereafter there shall be no excavation (including pipework and other excavation for services) within those areas of land that are shown upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 to be enclosed by tree protection fencing and marked as exclusion zones.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

15. That part of the vehicular means of access to the site shown upon drawing number BAN17092-03C (Scale 1:250) received 17 June 2010 to be constructed using a "no-dig" method as advised in BS5837:2005 shall be constructed in full accordance with that detail prior to any construction traffic entering the site. Thereafter that access detail shall be maintained in-situ in accordance with that detail.

Reason: To ensure that the trees of amenity value that are worthy and capable of retention are not damaged and their long-term health and future retention not prejudiced in accordance with policy LA5 of the Herefordshire Unitary Development Plan 2007.

16. H27 - Parking for site operatives

17. H18 - On site roads - submission of details

18. I55 - Site Waste Management

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

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

20. Prior to commencement of the development a timetable shall be submitted, for approval in writing of the Local Planning Authority, agreeing deliveries taken at or despatched from the site during the construction phase to ensure no conflict with school traffic and development carried out in accordance with this condition.

21. All construction deliveries related to the development hereby permitted, including preparation prior to building operations, shall only take place outside the hours of

08:30 and 09:30 and 15:00 and 16:00.

Reason: In the interest of highway safety.

INFORMATIVES:

1. Reason for approval:- The development accords with the provisions of the Development Plan in that it involves house building upon a site specifically allocated for housing development. The detail of the development is considered to preserve the character and appearance of the Conservation Area and Area of Outstanding Natural Beauty. It is not considered that any unacceptable risk to highway safety would arise and both the foul and surface water drainage arrangements are considered to be acceptable. There would not be any adverse impacts upon trees the subject of a Tree Preservation Order nor would there be any undue loss of amenity to neighbouring residents. The loss of the playing field would not lead to a deficiency of open space and recreational provision within the locality. There are no other material planning considerations that would justify a refusal of planning permission.
2. N19 Avoidance of doubt - Approved plans
3. HN08 Section 38 Agreement & drainage details
4. HN01 Mud on highway
5. HN04 Private apparatus within highway
6. HN05 Works within the highway
7. HN28 Highways Design Guide and Specification
8. I13 - This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

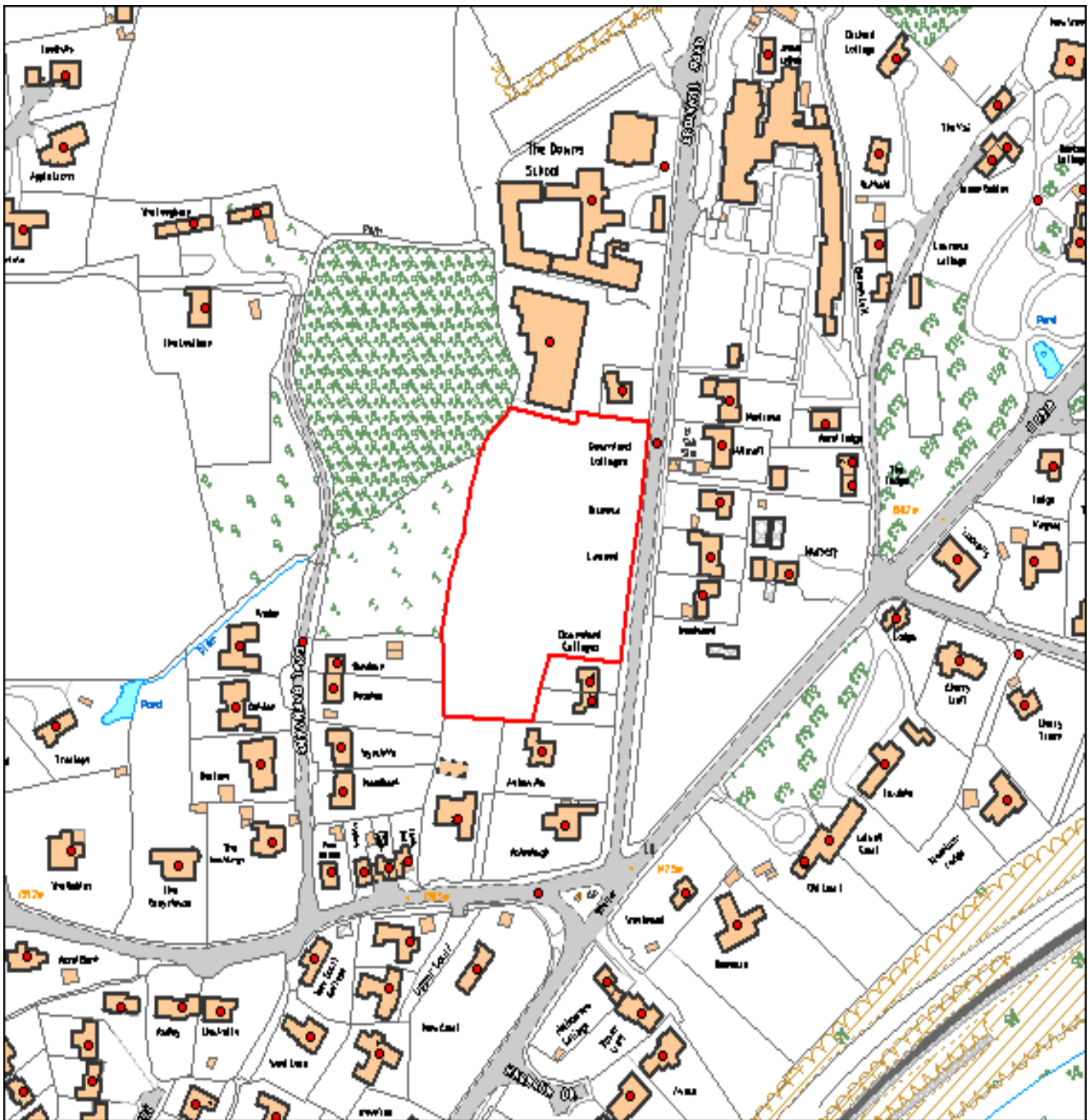
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMN/101505/F

SITE ADDRESS : COVENT GARDEN, BROCKHILL ROAD, COLWALL, HEREFORDSHIRE, WR13 6EY

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

ANNEX 1

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990 (as amended)

Planning Application: - DMN/101505/F

Site:- Covent Garden, Colwall, Herefordshire, WR13 6EY

Applicant:- Banner Homes (Midlands) Ltd

Proposal:- Construction of new access and erection of 20 houses

1. The developer covenants with the Herefordshire Council, in lieu of the provision of on-site children's play equipment and open space, the sum of £39,267 (index linked). The sum shall be paid prior to the first occupation of any of the dwellings.
2. The monies shall be used by Herefordshire Council for-
 - The provision and/or upgrading children's play equipment and/or open space within the Colwall Parish area.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purpose specified in the agreement in Clause 2 within 5 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with the Herefordshire Council, in lieu of the provision of on-site youth and adult sports provision, the sum of £12,152 (index linked). The sum shall be paid prior to the first occupation of any of the dwellings.
5. The monies shall be used by Herefordshire Council for:-
 - Sporting provision at priority facilities in Ledbury including the swimming pool and/or local sports club facilities in Colwall and the surrounding parishes.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purpose specified in the agreement in Clause 5 within 5 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £68,956 (index linked) to provide and/or improve education facilities. The sum shall be paid prior to the first occupation of any of the dwellings.
8. The monies shall be used by Herefordshire Council for-
 - £43,298 (index linked) towards improvements to Colwall Primary School;
 - £5,042 (index linked) towards infrastructure/facilities for Colwall 'early years' pre-school;
 - £1,392 (index linked) towards infrastructure/facilities improvements for post 16 education at John Masefield High School (Sixth Form);

- £15,806 (index linked) towards improvements to existing facilities for the Hereford Youth Service;
 - £3,418 (index linked) towards additional facilities for special educational needs at Blackmarston and Barr Court Road schools.
9. In the event that Herefordshire Council does not for any reason use the said sum of Clause 7 for the purpose specified in the agreement in Clause 8 within 5 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 10. The developer shall construct and complete four 'Affordable Housing Units' (Plots 1, 2, 10 and 11), which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan and related policy H9. These five 'Affordable Housing Units' shall be transferred to a Registered Social Landlord prior to the occupation of the tenth other (i.e. 'open market') dwelling upon the site. Three (Plots 1, 10 and 11) of the four affordable Housing Units' shall be subsidised housing for rent and one (Plot 2) shall be in the form of shared ownership.
 11. The developer covenants to pay Herefordshire Council the sum of £57,039 (index linked) towards highway improvements/sustainable transport initiatives. £15,000 (index linked) of the sum shall be paid prior to commencement of the development and the remaining £42,039 (index linked) shall be paid prior to the first occupation of any of the dwellings.
 12. The monies shall be used by Herefordshire Council for:-
 - works to further revise the Old Church Road, Walwyn Road and Brockhill Road junction (n.b. the £15,000 (index linked) to fund these works to be paid prior to commencement of the development);
 - street lighting improvements and dropped kerbs between the application site and the junction of The Crescent and Walwyn Road and between Colwall Primary School and Walwyn Road; and
 - improvements and additions to existing bicycle parking and storage facilities adjacent to Colwall Railway Station.
 13. In the event that Herefordshire Council does not for any reason use the said sum of Clause 11 for the purpose specified in the agreement in Clause 12 within 5 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 14. The developer covenants to pay Herefordshire Council the sum of £1,920 (index linked) towards local recycling and household waste reduction facilities and initiatives. The sum shall be paid prior to the first occupation of any of the dwellings.
 15. In the event that Herefordshire Council does not for any reason use the said sum of Clause 14 and for the purpose specified in the agreement in Clause 14 within 5 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 16. The developer covenants to pay Herefordshire Council the sum of £3,580 (index linked) towards improving library services in Colwall and the mobile library service. The sum shall be paid prior to the first occupation of any of the dwellings.
 17. In the event that Herefordshire Council does not for any reason use the said sum of Clause 16 and for the purpose specified in the agreement in Clause 16 within 5 years from the date of this

agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

18. The developer covenants to pay Herefordshire Council the sum of £3,658.28 (index linked) towards the monitoring of this Agreement. The sum shall be on completion of the Agreement.
19. In the event that Herefordshire Council does not for any reason use the said sum of Clause 18 and for the purpose specified in the agreement in Clause 18 within 5 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
20. A “dual-use” agreement that would allow community use of the retained outdoor sporting facilities of the School (i.e. a synthetic hockey pitch & tennis courts, a senior rugby pitch, cricket nets, a cricket pitch (summer months), an athletics track (summer months), two senior football pitches and a synthetic cricket wicket.



MEETING:	PLANNING COMMITTEE
DATE:	15 DECEMBER 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 PGH Cutter, Councillor AE Gray and Councillor BA Durkin [adjoining ward]

Introduction

This application was considered by Planning Committee at its meeting on 12 May 2010 when Members resolved to defer determination pending further discussions with the applicant in respect of the possible loss of ecology on the site and the availability of other sites as outlined in refusal reasons 1 and 3 of the previous Officer's report.

This report is an updated version of the report to the meeting on 12 May 2010.

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 4 metres 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 1008 square 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

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

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
- 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 land as a playing 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 has no objection.

4.2 Welsh Water has no objection subject to conditions.

Internal Council Advice

4.3 The Traffic Manager recommends refusal. Further information required; access details, layout and parking areas (see paragraph 6.12 below).

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: Cannot support this application. The proposal will harm 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 for the now derelict site to 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 in size of the units which will accommodate a good range of businesses.
- The site has already 2 prospective tenants.
- The site will require 4 metres 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.

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

- 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, 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 updated Ecological Assessment has been provided. In summary it is said that 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
- 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 At the time of the original report to Members, the applicant did not provide sufficient evidence as to why this development cannot be located on vacant industrial land elsewhere in Ross-on-Wye; there is vacant land in Alton Road and Model Farm has outline planning permission for B1, B2 and B8 Uses. The applicant has provided further information in the way of a land availability study that concludes there is no land available to accommodate the proposal in Ross-on-Wye, vacant premises currently available are not suitable for the requirements of the two businesses and the overall supply of vacant premises is not sufficient to meet short to medium term demand in Ross-on-Wye. The development is required in order to meet the immediate requirements of the two businesses and to secure their future success. The Economic Regeneration Manager confirms the proposal will safeguard existing jobs as well as providing other job opportunities. Consequently, it is considered the proposal will assist in the economic well being of Ross-on-Wye and the particularly pressing needs of the businesses involved.

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-Wye. Farmland adjoins the site on its northern side which is 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 that 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 the site has already been significantly weakened by the removal of many of the trees. 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 stream 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. Consequently, from a landscape perspective, fundamentally, this stream corridor site is not a suitable site for built development, regardless of the form of the built development or the type of landscape scheme proposed. To retain the whole of this area as a stream corridor is the appropriate use for this piece of land, in order to provide an adequate buffer between the industrial estate and the AONB rural landscape, to maintain the spatial character of the stream corridor and to retain adequate stream side habitat. I assume these are the reasons why this area was not developed when the industrial estate was established. The removal of trees and stream side vegetation that has already taken place is very undesirable. However, retaining this area as an undeveloped piece of land and allowing it to naturally regenerate would have a positive outcome - maintaining the spatial character, increasing the amount of screening and providing wildlife habitat.
- 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. An Ecological Assessment was provided concluding pollution of the watercourse will be minimal subject to appropriate best practice mitigation measures being put in place to stop this occurring. The Assessment also comments that 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 was considered to be required regarding mitigation strategies for dormice, badgers, protection of the watercourse, reptiles and ensuring against the spread of Japanese knotweed with further surveys required to ensure that the mitigation strategies proposed are appropriate. This has now taken place. The applicant has provided additional ecology reports that conclude that the dormice are confined to the eastern most part of the site and there is no evidence of reptiles. The report concludes that provided appropriate mitigation and precautionary measures are taken the proposal would not harm the interests of ecology. The Council's Ecologist is satisfied with the update assessment of the site and notes that further feeding evidence of dormouse was found during the summer, but that no evidence of occupation of the nest tubes was found. This indicates a low population of this species on and adjacent to the site. The clearance of vegetation on the site prior to the ecological assessment

is unfortunate and inappropriate, especially given the nearby presence of European Protected Species. No reptiles were recorded during the survey period.

However, the Ecologist remains concerned about the capacity of this site to accommodate the proposed development whilst also retaining a nature conservation and landscape buffer zone along the stream corridor. Steep slopes will be created in order to build up the ground for the new buildings and will be extremely close to the stream. The proposed buildings at the western and eastern ends of the site (Units A and E) will lie within 5m of the stream and it is not clear how the proposed embankment can be accommodated in this narrow space whilst retaining the stream, trees and nature conservation interest of the site. The section drawing that was submitted with the application does not include a scale so it is not possible to assess whether the proposals are feasible.

- 6.11 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 trees were not subject to protection 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.
- 6.12 Although the Traffic Manager has recommended refusal for further information insofar as means of access, layout and parking areas, this is an outline application that reserves all matters for future consideration. In the event of outline planning permission being granted, these matters will be considered as part of an application for the Approval of Reserved Matters. Consequently, it is not considered the objection raised by the Traffic Manager is a reason to refuse this application.
- 6.13 In conclusion it is considered that the development of this site for industrial purposes will cause harm to the acknowledged visual qualities of the area and harm the ecology and biodiversity of the site. The proposal is considered contrary to policies S2, S7, DR1, LA1, LA2, NC1, NC6, NC7, NC8 and NC9.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. **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.**
- 2. **The proposed development of the site would result in the loss of ecology and biodiversity of 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.**

Decision:

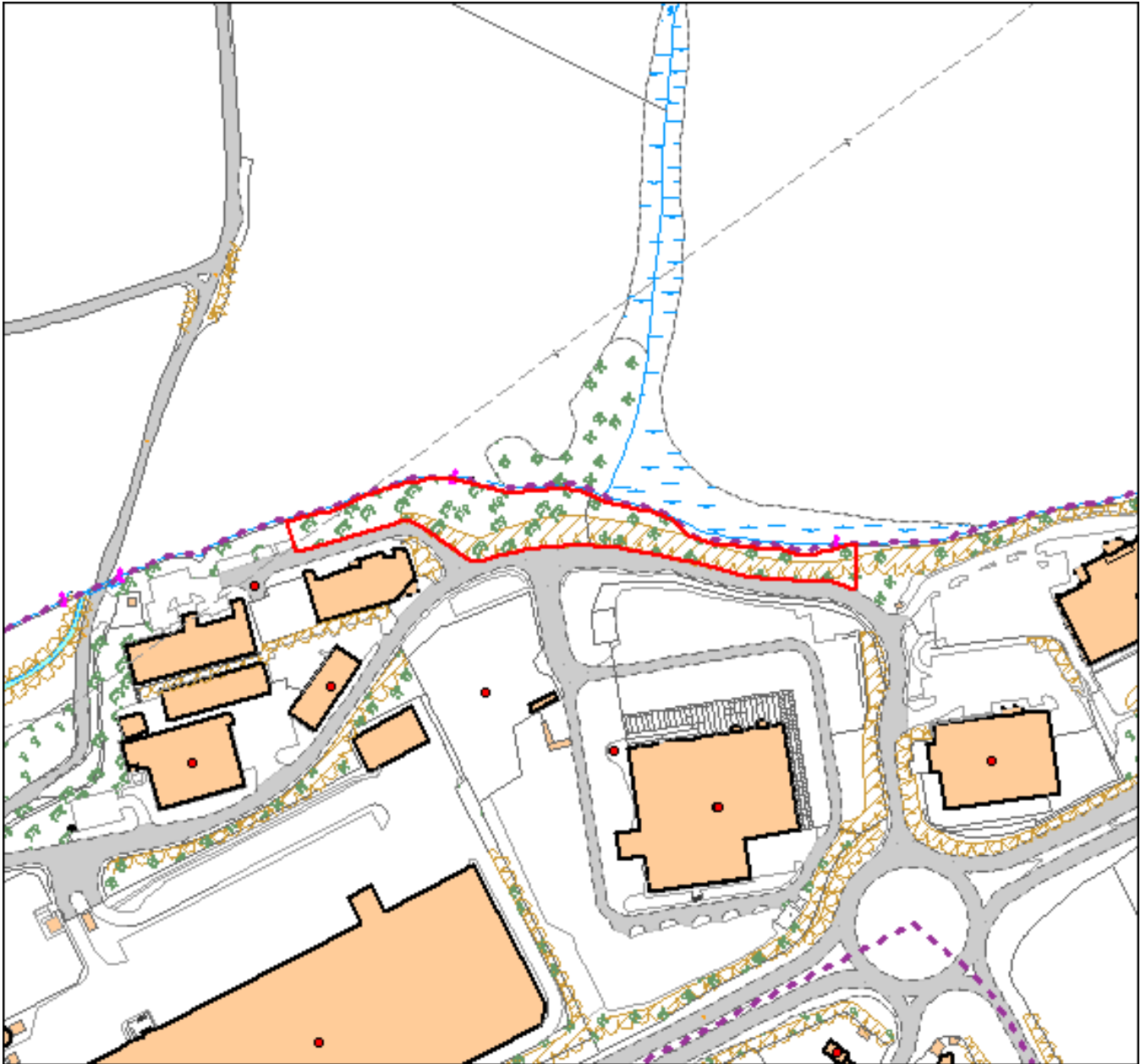
Notes:

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Background Papers

Internal departmental consultation replies.

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



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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:	15 DECEMBER 2010
TITLE OF REPORT:	<p>DMN/102310/F - CHANGE OF USE FROM VACANT BARBERS (A1), TO HOT FOOD TAKEAWAY (A5) AT 36 CHURCH STREET, KINGTON, HEREFORDSHIRE, HR5 3BE</p> <p>For: Mr Temel per Mr Richard Simpson, Burgate, 63 Cedar Road, Sutton, Surrey, SM2 5DJ</p>

Date Received: 8 September 2010 **Ward: Kington Town** **Grid Ref: 329584,256640**

Expiry Date: 3 November 2010

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The site consists of a mid-terrace three-storey building fronting onto Church Street, the ground floor of which was last in use as a 'Barber's Shop', the upper floors are in residential use.
- 1.2 The site is located within the central shopping and commercial area but outside of the primary shopping frontage, as referred to in the Herefordshire Unitary Development Plan inset map for Kington. It is an area in mixed use being mainly residential, with some retail units on the ground floors. The site is within the Conservation Area.
- 1.3 The application proposes change of use from class use A1 (Retail) to A5 (Hot Food Take-Away).
- 1.4 The only external alteration proposed is the installation of a galvanised steel square section extract flue and high velocity cowl pipe to the rear elevation of the property.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S5	-	Town Centres and Retail
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
TCR1	-	Central Shopping and Commercial Areas
TCR2	-	Vitality and Viability

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

TCR6		Non- Retail Uses
TCR15	-	Hot Food Take-Away Outlets
T11	-	Parking Provision
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas

3. Planning History

3.1 None on site.

4. Consultation Summary

4.1 Statutory Consultees

None required.

4.2 Internal Council Advice

The Transportation Manager raises no objections. In a further response in consideration of concerns raised by local residents, the Transportation Manager states: "the site is acceptable for the proposed use, as the car park at Crabtree Road is only some 150 metres away an easy walk and limited other spaces exists nearby. It is better for the vibrancy of the town to have retail development in the established town centre retail area.

4.3 The Conservation Manager raises no objections in respect of impact on the setting of nearby listed buildings or the Conservation Area.

4.4 The Environmental Health Manager raises no objections stating: "*information provided by the applicant indicates that the noise levels generated by the mechanical ventilation system affecting neighbouring residential premises will be below levels suggested by the World Health Organisation.*

However, if the methodology suggested by BS 4142 Method for rating industrial noise affecting mixed residential and industrial areas were to be used, although it could be argued that this proposal is not industrial it is likely that the noise would be of significance as regards the likelihood of complaint. This is because this method compares the introduced noise against existing background noise levels. It is my experience that background noise levels in Kington even during the proposed operating hours are very low and even a relatively low level of introduced noise could be considered problematic.

The proposed use is similar to one in Leominster which has not been subject of complaints about odour or noise. If permission is granted and nuisance is caused to neighbours powers are available to the Council to deal with odour and noise as a statutory nuisance although defences of best practicable means which have both a technical and financial element would be available. I would take this opportunity to clarify that nuisance as used in this context is more serious than a mere annoyance or less of a level of amenity which might result from this proposal without the existence of an actionable nuisance. It is very likely that neighbours will be aware of the take-away operation should permission be granted.

In conclusion if it is minded to grant permission I would recommend that conditions are imposed restricting opening hours between 10.00am and 11.00pm, approval of a scheme of mechanical ventilation, approval of the use of any other noise generating plant such as refrigeration units and a scheme of storage of refuse."

5. Representations

5.1 Kington Town Council object to the application summarising their grounds for objection as:

- Location between two dwelling houses and within 30 metres of 30 other houses and flats.
- Loss of amenity to neighbouring residences.
- Noise
- Odour
- Highways
- Late night disturbance
- Visual intrusion
- Inadequate information accompanying the application on type of take-away flue extraction system to be installed. Details of refuse storage arrangements and grease traps.

Health Impacts

The Council also wishes it to be noted that if permission is granted no further permission would be required, if the hot food on sale, understood to be pizzas, was changed to fish and chips or another high odour product.

5.2 Letters of objection have been received from the following:

- Mr P and Mrs S Baines, 35 Church Street, Kington
- Janet Thomas, The Kington Gallery, 4 Church Street, Kington
- Mr R Symondson, The Hotpotch, Husseys Lane, Kington
- G R and M V Maynard, 8 Church Street, Kington
- RJ Hyde, The Cottage, 37 Church Street, Kington
- Mr T Lam, 6 Church Street, Kington
- Mr & Mrs N Layton, 34a Church Street, Kington
- Peter Horrocks, 10 The Square, Kington
- Gerald Parry, 7 Church, Kington

Objections raised can be summarised as follows:

- Over-supply of this form of business in the town
- Public highway issues in consideration of the proposal
- Impact on surrounding residential amenity (noise, smell etc)
- Concerns about use of outbuilding as a cold store

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 key issues in respect of this application are set out in Policy TCR15, as follows:

- Impact on surrounding residential amenity
- Public highway issues
- Impact on surrounding character
- Whether suitable servicing is provided

Impact on surrounding residential amenity

- 6.2 The Environmental Health Manager in his response to the application has indicated that the proposed use is a similar use to a shop unit in Leominster, and that this has not been subject of complaints about odour or noise. He further emphasises that powers are available to the Council to deal with issues of odour and noise as a 'statutory nuisance' (Environmental Health Regulations).
- 6.3 The Town Council and members of the public have raised concerns about lack of information about the type of flue pipe proposed to be attached to the rear of the building. The plans submitted for planning consideration clearly state that the applicant proposes a 'galvanised steel square extract flue and high velocity cowling fixed to the wall and lower section of the roof (eaves), with anti-vibration mounts and rising to minimum one metre above any windows in order to meet DEFRA standards. The Environmental Health Manager raises no objections to the type of flue pipe and method of discharge from the building. It is recommended that conditions are attached requesting full detail of all mechanical ventilation on site as well as detail in respect of the proposed flue pipe.
- 6.4 Concerns have been raised about late night disturbance within the surrounding area. This is primarily a police issue but it is recommended that a condition be attached restricting opening hours.
- 6.5 Concerns have also been raised by local residents about the site's close proximity to the town's schools. This is not considered a material planning issue in the context of this application as the site is not adjacent to school premises, being in the central shopping and commercial area where such uses would normally be expected to be located. In any event there is not a proliferation of such outlets in order to cause undue concern to the eating habits of pupils of local schools.

Public highway issues

- 6.6 There are adequate car parking facilities within easy walking distance of the proposed development. Issues of illegal parking is a matter for the Police to deal with, and illegal parking for this proposal is no more of an issue than for any other businesses in Church Street as well as on the town's High Street. The Council's Transportation Manager raises no objections and the proposal on Highway issues is considered acceptable.

Impact on surrounding character

- 6.7 The site for the proposed development is within the town's Conservation Area and within the setting of a nearby listed building (numbers 34 and 35 Church Street).
- 6.8 The Conservation Manager advises that the proposal should not harm the character of the surrounding Conservation Area or the setting of the listed building. The proposal subject to this application does not propose any changes to the front of the building, a flue pipe to the rear elevation, to which the Conservation Manager raises no objections. Therefore the proposed development is considered acceptable in consideration of the surrounding Conservation Area and setting of nearby listed buildings.
- 6.9 Concerns have been raised about disposal of rubbish and potential for increase of litter on surrounding streets, as a result of the proposed development. Accordingly a litter management plan is recommended as a condition. In order to allay fears on method of storage of refuse on site, it is recommended that a condition is also attached requesting detail on method of on-site refuse storage.

Servicing

- 6.10 Members of the public have raised concerns about the amount of take-away outlets within the town and the over-supply of such business within a small market town.
- 6.11 However the site is contained within the central shopping and commercial area where such uses are considered acceptable and forms part of the vitality and commercial activity of the surrounding area.
- 6.12 It is noted that Church Street is within the town centre area of Kington on a street that has a mixture of uses, predominantly residential with other retail outlets such as a bookshop, gallery, supermarket, off licence, public house etc.
- 6.13 A concern has also been raised about the impact of the proposed 'flue pipe' on a holly tree to the rear of the application site and its possible removal in the future. The site is within the town's Conservation Area and, therefore, mature trees have the benefit of protection under Conservation Area regulations. It is not considered that the proposed development will have any negative impact on the holly tree.

Conclusion

- 6.14 The proposed change of use is considered acceptable in relationship to the surrounding Conservation Area and represents an appropriate form of use for an outlet situated within the town's central shopping and commercial area and therefore compliant with Policy TCR1 and 2.
- 6.15 Therefore, whilst the concerns of the Town Council and members of the public are noted, it is considered that the use of the premises is compliant with Policy TCR15 together with the imposition of suitably worded conditions as recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. C01 Time limit for commencement (full permission)**
- 2. C06 Development in accordance with the approved plans**
- 3. C55 Restriction on hours of opening (restaurants & hot food takeaways) (11pm–10am).**
- 4. C53 Restriction on hours of delivery**
- 5. Prior to any development on site details will be submitted to and approved in writing by the Local Planning Authority of a scheme of mechanical ventilation for the premises as well as other noise generating plant on site which will include refrigeration.**

Reason: In order that the Local Planning Authority can control the amount of noise generated on site and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 6. Prior to any development on site details will be submitted to the Local Planning Authority and approved in writing with regards to a scheme of storage of refuse on site.**

Reason: In order to protect the amenity of surrounding residential and to comply

with Policy DR2 of the Herefordshire Unitary Development Plan.

7. Prior to any development on site a detailed plan will be submitted and approved in writing by the Local Planning Authority of the flue and high velocity cowling to be fixed to the rear elevation of the building subject to this approval.

Reason: In the interests of the character of the building and amenity of the surrounding area and to comply with Policies DR2 and HBA6 of the Herefordshire Unitary Development Plan.

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

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

INFORMATIVE:

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

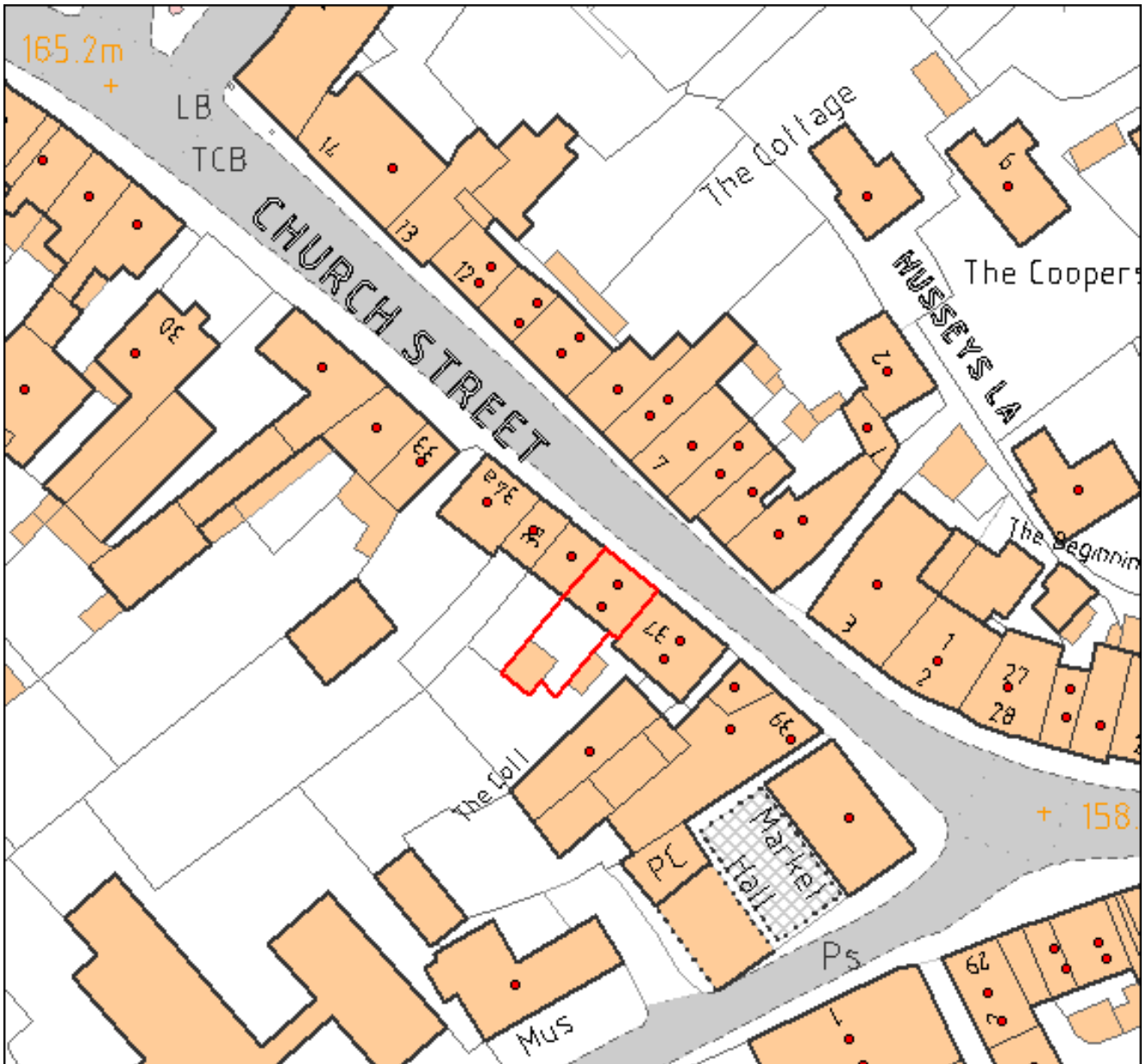
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/102310/F

SITE ADDRESS : 36 CHURCH STREET, KINGTON, HEREFORDSHIRE, HR5 3BE

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MEETING:	PLANNING COMMITTEE
DATE:	15 DECEMBER 2010
TITLE OF REPORT:	<p>DMN/102035/O - ERECTION OF AN AFFORDABLE DWELLING AT HIGHTREE NURSERIES, HIGHTREE BANK, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE, SY7 0LU</p> <p>For: Mr and Mrs Morgan per Les Stephan Planning Ltd, Sweetlake Business Village 9 Longden Road, Shrewsbury, SY3 9EW</p>

Date Received: 9 August 2010

Ward: Mortimer

Grid Ref: 340424,275075

Expiry Date: 3 November 2010

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site is located in open countryside and some 900 metres (almost 1,000 yards) from the main village of Leintwardine, and comprises an open plot of land which forms part of the former High Tree Nurseries. In this area, which is open in nature the development pattern is isolated and sporadic and comprises individual dwellings, the exception being Leintwardine Manor which has been converted into six units. There is no built core or a collective which can be described as a settlement.
- 1.2 The application site is adjacent to Bank House, originally an agricultural workers' dwelling, which has had its restrictive occupancy condition adjusted to include a more general 'rural worker' restriction.
- 1.3 The proposal is for the erection of an affordable dwelling, with all details reserved except access where the current access with internal modifications would be used. The proposed curtilage is approximately square in shape, with a road frontage to the North. An illustrative plan places the proposed dwelling at the centre of the plot. The other boundaries are arbitrarily drawn.

2. Policies

2.1 National Planning Guidance:

- | | | |
|------|---|--|
| PPS7 | - | Sustainable Development in Rural Areas |
| PPS3 | - | Housing |
| PPS1 | - | Delivering Sustainable Development |

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

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
T8	-	Road Hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change

3. Planning History

- | | | | | | |
|-----|-------------|---|---|---|--------------------------|
| 3.1 | NW09/1881/F | - | Change of use of agricultural land to agricultural contractors yard, erection of workshop/storage building, and 1.0 metre high bund | - | Approved with conditions |
| | NW09/1663/F | - | Variation of agricultural occupancy condition | - | Approved with conditions |
| | NW99/2477/F | - | Removal of agricultural occupancy condition | - | Refused |

4. Consultation Summary

Internal Council advice

4.1 Transportation Manager - no objection.

4.2 Planning Policy Manager - objects to the proposal, with the following comments –

Policy H10 remains, for the moment, the development plan policy and indicates with the term "within or adjoining" an established rural settlement. The development is not well related to the existing settlement and therefore would not be consistent with H10.

Having looked at the proposal not convinced that the need for the dwelling has been demonstrated in respect of criterion 1 or 2 of policy H10. There is a letter from Strategic Housing indicating that the applicant meets the criteria to require affordable housing but there seems little with the application to explain what the full need is, why the need could not be met in any other way

There is no conflict between policy H10 and paragraph 30 of PPS3 as suggested, indeed, the policy has been through the process of being saved with GOWM earlier this year (2010) and no issues of non-conformity were raised.

In respect of the emerging policies of the Core Strategy no weight can be given to these at present, which have been published for consultation purposes only at this stage.

Shropshire policies are also not relevant in Herefordshire.

4.3 Head of Strategic Housing - supports the proposal and notes that if approved a Section 106 agreement requiring a resale value capped at 60% of the open market value in perpetuity must be applied, along with any subsequent dwelling being required to meet Housing Corporation Design and Quality Standards, and Joseph Rowntree Lifetime Homes standards.

5. Representations

5.1 The applicant's agent refers to their local connections, and that they meet the criteria and requirements to qualify for low cost market housing, and then makes reference to procedures in

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

place in Shropshire regarding such applications for individual affordable homes. An interpretation of both PPS3 and Herefordshire Council's UDP policies is presented, including the claim that UDP policy H10 is out of date and does not conform with national policy. Reference is also made to the emerging Core Strategy and draft housing policies.

- 5.2 Leintwardine Parish Council makes no objection to the proposal.
- 5.3 Seven letters of support have been received from local residents, most of which take the form of character references for the applicant. Comments regarding planning matters are summarised as –
- Would not impact upon views
 - There is an issue regarding affordable dwellings in Leintwardine
- 5.4 Three letters of objection have been received from local residents, including a letter on behalf of all six units comprising Leintwardine Manor. The summarised issues are as follows –
- Local need is met through an approved scheme at Dark Lane, Leintwardine
 - Site is outside the settlement boundary of Leintwardine
 - No social benefit to the village
 - Set a precedent for development in countryside
 - Individuals have previously been advised that they could not develop in this area and if this is permitted, given the Council's advice on this matter compensation will be sought and it demonstrates it can't be trusted
 - Impact on the countryside
 - Impact on an adjoining dwelling
 - Leintwardine has a need of 15 affordable units and 20 are provided on the Dark Lane site, therefore the local need is met
- 5.5 Defence Estates who were consulted as the application is in the Clee Hill Safeguarded Area, makes no objection.

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 most relevant UDP policy applicable to this application is H10 which allows for individual affordable houses but requires that these are within or adjoining an established rural settlement. This policy applies to settlements which are not designated in policies H4 – Main Villages, or H6 – Smaller Settlements and which have some facilities. It is expressly stated that *'it is not the intention of the policy to allow isolated new housing in the countryside'*.
- 6.2 The application site and its environs are divorced from and have no physical connecting relationship with the main village of Leintwardine. The immediate locality of this application is not a settlement in its own right or affirmed as such in UDP policies H4 or H6, and is simply in terms of development pattern, a small number of isolated and sporadic dwellings located about a triangular convergence of three roads. Given all of the above, the proposal fails to meet the essential tests of policy H10.
- 6.3 Planning Policy Statement 3 – Housing, requires that rural affordable housing development should be in sustainable locations and builds on the principles of PPS1 – Delivering Sustainable Development. The application fails to be easily accessible, well connected to public transport and other facilities, and is not well integrated within its context – all requirements of PPS3.

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

Need

- 6.4 Leintwardine has an identified local housing need of some 15 units. Planning approval for 20 number affordable units was permitted through application NW/101096/F on a site at Dark Lane, in the settlement itself. As such it is considered the local need has been met and that the development and encroachment into open countryside is not required or justified in pursuit of further, unmitigated local housing development. The applicant would fulfil and be eligible for this approved low cost market housing.
- 6.5 Planning Policy Statement 3 – Housing, is not as stated in the submission, more flexible than UDP policy H10. Indeed adopted and current UDP policies have delivered the opportunity of meeting all the evidenced local need in this area. There is therefore, as per the implication of PPS3, no justifiable reason to release further land for housing development, as the local need is met.

The Applicant

- 6.6 Reference is made that the applicant's are on the Homepoint database, and confirmation that they meet certain housing tests, however no evidence is supplied showing what, if any efforts have been made to secure other alternative accommodation opportunities, including those schemes outlined.
- 6.7 Whilst a medical case has been presented this is not considered to be of such a nature to override or mitigate the conflict in local and national planning policy.

Sustainability

- 6.8 The proposal would introduce a dwelling in an isolated open countryside location, undermining the key aims of PPS1, PPS3, PPS7 and UDP policies S1, S3, DR1, DR2, and H7. The occupiers of the proposal would be dependent on using a private vehicle to access any services or facilities, and its unreasonable to suggest someone would walk from the application site to Leintwardine given the nature of the road and its traffic volumes and types – an A Class road which is a principal route North or South through the county.

Landscape and Visual Impact

- 6.9 The proposal would itself have a detrimental impact on the character and appearance of the open countryside through its very presence. Individually and cumulatively such proposals dilute the intrinsic character of the open countryside.

Conclusion

- 6.10 The application is contrary to national and local planning policies, representing unjustified housing development in an unsustainable open countryside location. No evidence has been demonstrated of the applicant's pursuance of a dwelling beyond this application, or their overriding special individual need, given that the identified local affordable housing need of 15 units has been met through an approved scheme of 20 affordable units in a designated settlement and rural service point. The proposal is therefore clearly contrary to policy H10 of the UDP.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The proposal represents unwarranted and unjustified housing development in an unsustainable open countryside location, outside of an established rural settlement, contrary to Herefordshire Unitary Development Plan policies S1, H7, and H10, or Planning Policy Statements 1, 3, and 7.
2. The proposal through its mere presence would create individually and cumulatively a detrimental impact upon the intrinsic character and quality of the open countryside, contrary to Herefordshire Unitary Development Plan policies S1, DR1, DR2, H7, and LA2 or Planning Policy Statements 1, 3, and 7.
3. The full identified and quantified local affordable housing need for this area has been met on a site in the main village of Leintwardine, therefore the proposal is unnecessary and no mitigating personal reasons exist why a further unit, in an unsustainable and open countryside location should be permitted.

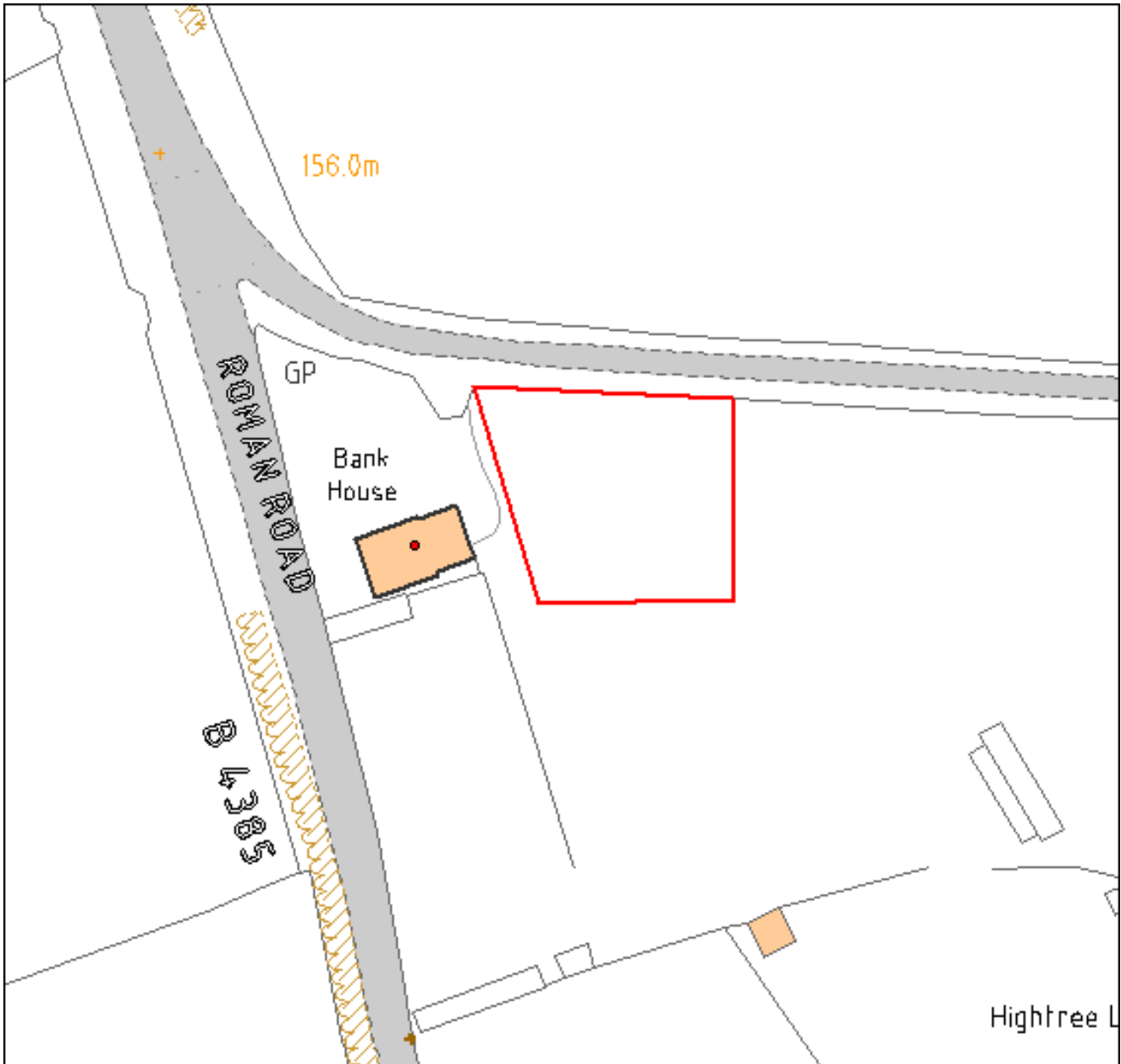
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/102035/O

SITE ADDRESS : HIGHTREE NURSERIES, HIGHTREE BANK, LEINTWARDINE, CRAVEN ARMS, SHROPSHIRE

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



MEETING:	PLANNING COMMITTEE
DATE:	15 DECEMBER 2010
TITLE OF REPORT:	<p>DMS/102193/F- FORMING OF NEW ACCESS AND SITE ROAD. CONSTRUCTION OF NEW PACKING SHED. ERECTION OF 2 NO. POLYTUNNELS. PLACING OF 4 NO. MOBILE STORAGE UNITS ON SITE AT LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH</p> <p>For: Wetland Plants per Mr Richard Ball, Ilex Ashfield Crescent, Ross On Wye, Herefordshire, HR9 5PH</p>

Date Received: 25 August 2010 **Ward: Burghill, Holmer and Lyde** **Grid Ref: 346381,245201**

Expiry Date: 18 November 2010

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 The site is a 0.5ha parcel of agricultural land sited on the east of the C1099 (Roman Road between Tillington and Credenhill). To the south west boundary of the site are two residential properties (Sunnycroft and Southview). The site sits in an elevated position with the boundary and both the adjoining roads and the neighbouring properties being at a lower level. The road drops to the south west and the cross-roads to the north-east are also lower. The boundary with the highway is a well maintained mature hedgerow on a raised bank along the road. The remaining boundaries are also mature hedges.
- 1.2 The proposal is for the erection of two polytunnels, packhouse and storage units to facilitate the use of the land for the growing and distribution of wetland plants.
- 1.3 The two polytunnels would be 7.92m x 19.5m sited next to each other with a maximum height of 3.5m. They would be sited adjacent to the eastern boundary. To the south west of this would be the packing shed, a timber clad building with slate roof with a footprint of 11.8m by 11m, with an eaves height of 2.5m and ridge height of 4.2m. This will incorporate a packing area, office and WC. Grouped with this would be a bank of four mobile storage units that would have a total floor area of 40 sq metres. This group would be approximately 50m from the boundary with the neighbouring property. The ground to the south of this group of buildings and the adjacent dwellings would be laid to planting area / beds.
- 1.4 Access to the site would be relocated from the existing field access which has substandard visibility to an access that is to the south west corner of the site, adjacent to the driveway that serves Sunnycroft. An access track would then run along the boundary with this property

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

before turning north to serve the buildings. In order to facilitate the access and required visibility splays a section of hedgerow (55m) would be translocated behind the visibility splay.

- 1.5 To the north of the application site, three wildlife ponds are proposed that would be planted with native British plants.

2. Policies

2.1 National Planning Policy

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS9	-	Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR14	-	Lighting
E11	-	Employment in the Smaller Settlements and Open Countryside
E13	-	Agricultural and Forestry Development
E15	-	Protection of Greenfield Land
LA2	-	Landscaped Character and Areas Least Resilient to Change
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
T8	-	Road Hierarchy

3. Planning History

- 3.1 None.

4. Consultation Summary

4.1 Conservation Manager – Landscapes:

The proposals in this application are not likely to have a significant adverse affect on the landscape character of the area. This is an agricultural landscape and the proposals are of a relatively small scale, contained within an existing field.

The visual impact of the proposal will not be prominent. Views from the adjoining road will be screened by the hedge and bank. Views from Credenhill Park Wood are restricted by the trees. The rolling topography, together with existing vegetation, also restricts views from the lower public footpath that joins Roman Road. There is a clear view of the site from higher land on the public footpath at Hill Farm, however the proposed development will be seen together with the existing residential buildings and it is not thought to cause a significant detriment effect on this viewpoint. There is no view to the site from Tillington Common or further away at Badnage.

The two adjoining residential properties are likely to experience a negative effect on the adjoining landscape. The new entrance and access road will be close to their boundary, however the new built constructions will be approximately 40m away. **I would request that**

an additional native hedge is planted along this boundary to help mitigate the visual impact of the development (part of the boundary is only a horizontal bar fence and shed).

The existing hedgerows should be protected. The proposal to relocate part of the hedge along the road boundary is supported as this will reduce the effect of the development on the character of the road.

- 4.2 Conservation Manager - Ecology: The southern half of the field appears to be improved grassland; the northern section appears to be less-improved, although not particularly species-rich. The field would not appear to have been ploughed in recent times. There would not appear to be significant habitat loss in relation to the area for proposed development, but I would be concerned about further development within the northern half of the field. I believe that with sympathetic management, this area could provide a positive contribution to biodiversity and recommend that a habitat management scheme be implemented.

I note the proposed new 'wildlife ponds' although they appear too uniform in size as well as within the setting of the field. Insufficient detail has been submitted regarding the profiles and planting within these ponds. It is also not clear whether they are purely for wildlife and to be managed as such, or whether they are likely to be used as 'stock ponds' or for propagation. This needs to be clarified prior to determination of this application.

The proposed internal access is rather close to the mature hedgerow along the eastern boundary of the field, and I would request that there is a sufficient buffer of at least 2m between the track and the hedgerow.

If the above can be resolved satisfactorily and this application is to be approved, I recommend inclusion of appropriately worded planning conditions to secure the following:

- Implementation of the recommendations of the ecological report
- Submission of a full working method statement for the translocation and subsequent monitoring of the hedgerow
- A habitat enhancement and management scheme for the ponds, hedgerows and grassland.

- 4.3 Transportation Manager: Raises no objection to the proposal subject to conditions relating to visibility splays.

5. Representations

- 5.1 Burghill Parish Council object to this proposal and make the following comments:

The site is not appropriate for any horticultural/commercial use. It enjoys an elevated position above the ridge height of adjoining properties and any form of glasshouse/polytunnel will have a detrimental effect on the landscape. The access to the site is very dangerous and the removal of hedges causes environmental issues. This site is pasture land for the village and should be retained for that purpose as it is outside the village envelope.

- 5.2 Letters of objection have been received from Mr M Symonds of Goose Ploc, Tillington and Mr and Mrs Roberts of Sunny Croft, Tillington. The issues raised can be summarised as follows:

- Highways safety for the following reasons:
 - Traffic coming over the brow of the hill tend to speed up towards the gate to Sunny Croft
 - The introduction of an access, 2 metres from the access to Sunnycroft would make the problem more dangerous for all (including users of farm access opposite)

- a safe access could be made at the brow of the hill with good visibility in each direction.
- There would be noise and environmental pollution from the site impacting on the amenities (from kitchen window)
- Request that a suitable screen in the field side, alongside the drive would be needed.
- Polytunnels or buildings should be sunk into the ground
- This may lead to further polytunnel development in the area

5.3 For the purpose of clarification the applicants' agent has also provided details of the proposed use and its future that can be summarised as follows:

- The business was established in 1990 at Bodenham and was moved to Ashperton. We purchased the business in 2004 and moved it to the site at Upton Bishop where it has been to date.
- The site at Upton Bishop has a packing and storage shed, un-heated polytunnels and greenhouse and large external growing area for most of our plants. The existing premises have been sold and the company needs to move by the end of January 2011.
- We grow hardy water and moisture loving plants and we need the polytunnel and or greenhouse for over wintering a proportion of plants in pots and for propagation. Specialise in growing native British plants and supply reeds for waste treatment in waste water systems.
- We would emphasise that our plants do not need any additional heat.
- The business currently employs 3 people, The nurseryman, one person that deals with the online computer system (from their home) and a part time employee who packs plants and assists the nurseryman. Our nurseryman currently travels on a daily basis from Leominster and there is no need for 24 hour supervision on the site.
- The plants are packaged on site and large packages are collected twice a week by couriers and small packages are taken by staff to the local post office (Canon Pyon) and sent by Royal Mail.
- The nursery would not be open to the public.
- At peak times (spring / summer) the projected vehicle movements are approximately 20 – 26 per week including staff / deliveries.
- We understand that there has been a suggestion that we are using this application as a means to establish a dwelling on this site, this is not the case. One of our partners lives within 10 minutes drive of this site. The purchase of this site and this application has been forced on us and it is now a commercial necessity for the continued operation of this local business.
- As far as the wildlife ponds are concerned they will be part of our operation they will contain stock plants which can be used for propagation purposes. They will be stocked with native plants which we use to supply people with packs to establish ponds which will provide a good environment to encourage native wild life.

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

6. Officer's Appraisal

6.1 The issues for consideration are:

- a) The principle of development
- b) Highway safety
- c) Landscape impact
- d) Ecological impact
- e) Impact upon amenities of neighbouring residential properties

6.2 The existing land use is agriculture. The proposed land use is for the growing of plants which falls within the definition of agriculture (horticulture) accordingly there would be no change of use of the land involved. The proposal requires the erection of two polytunnels, a packing / office building and storage to facilitate the packing and distribution of the plants. The business is a small scale local agricultural business.

6.3 Policy E13 relates to proposals that are in connection with agricultural activity and requires that where possible, new building are sited with existing groups of building and services, have a functional relationship with other buildings and services or where this is not possible are not located in skyline locations and take advantage of natural land form. Impacts upon residential amenity and environment should be avoided and proposals should be well related to existing developments and the landscape in terms of scale, design, colour and materials.

6.4 The proposal may be viewed as being more of a commercial enterprise than agricultural because of the methods of selling the plants grown. If this was considered then having regard to employment policies Policy E11 may apply. Having regard to this the proposal is considered to have very strong links to agriculture and as such is considered acceptable in principle subject to consideration of its impact upon the landscape, ecology, highway safety and amenities of neighbouring properties.

6.5 The uses proposed do not require any on site supervision (i.e. no reliance of heated tunnels etc) and have been operating in this manner for 6 years in Upton Bishop.

6.6 Locally one of the main concerns relates to the highway safety implications of the proposal. The lane that will be used to access the site is a popular 'cut through' from Credenhill to Burghill / Tillington (C1095 - Tillington Road). The proposal does not raise an objection from the Transportation Manager and the required visibility splays can be achieved. The neighbour raises concern about the impact upon their access but this already has very limited visibility and the proposals to provide this access are likely to improve visibility to the north to their benefit. There are some differences in levels at this point and a condition is suggested to ensure that visibility is not impaired by the formation of any bank. The proposed use is small in scale and even at peak times is unlikely to cause significant traffic movements. The site is close to a good highway network travelling towards Hereford with access to bus routes. As such the proposal, subject to the appropriate conditions is considered to comply with policy DR3 of the Herefordshire Unitary Development Plan.

6.7 The Landscape Officer has raised no objection to the proposal. Despite the site being in an elevated position, the scale and nature of the development and existence of a significant and mature boundary hedge precludes obtrusive and harmful views of the proposed developments. Details of the site levels are suggested by condition to ensure and enable buildings to be cut into the ground where necessary.

- 6.8 The hedgerow that is to be removed and replanted (translocated) behind the visibility splay is also welcomed and a method statement for its translocation (and replanting if this fails) is suggested by condition. A condition requiring the protection of the existing hedges on site is also suggested. In order to provide a boundary between the application site and the residential dwelling a condition relating to boundary treatments (planting specifications / fencing) is also suggested. It may also be beneficial to undertake some tree planting on the ground between the access and dwelling in the interests of providing a long term screen to the development.
- 6.9 On the basis of the above, with the appropriate conditions attached the proposal is considered to comply with policies LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan.
- 6.10 The Council's Ecologist has also raised no objection to the proposals subject to the clarification of the planting to the 'wildlife ponds' and its management and the slight repositioning of the access. This matter has been clarified and a condition is recommended to secure detailed requirements. As such the proposal is considered to comply with policy NC1 of the Herefordshire Unitary Development Plan and guidance contained with PPS9 – Biodiversity and geological conservation.
- 6.11 The residential properties immediately adjacent to the application site are likely to be affected in some way by the development. The levels of noise and disturbance are not however likely to be so significant that they would cause unacceptable harm to their living conditions, especially given that the garage and parking areas form quite a distinct separation from the agricultural land and the dwellings. A landscaped boundary is recommended to provide additional screening. This would be planted on a quite substantial bank which will increase its effectiveness. The main issue would relate to traffic movements but these are minimal and can be restricted to normal working hours thus reducing impact in the early morning, late evening, weekends and public holidays.
- 6.12 In order to protect these residential amenities, conditions relating to hours of working and deliveries are recommended. Conditions relating to landscaping and lighting are also suggested.
- 6.13 In conclusion, the proposed development is considered to be primarily agricultural in nature and small in scale. The impact of the development on the landscape and biodiversity is negligible and can be mitigated and in part enhanced. Accordingly the relocation of the small scale rural business is supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. G10 Landscaping scheme**
- 3. G11 Landscaping scheme - implementation**
- 4. H03 Visibility splays**
- 5. H06 Vehicular access construction**
- 6. H09 Driveway gradient**
- 7. H13 Access, turning area and parking**
- 8. C01 Samples of external materials**

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- 9. **F01 Restriction on hours of working**
- 10. **Restriction on hours of delivery**
- 11. **The use / buildings hereby permitted shall not be open to members of the public at any time.**

Reason: In the interests of highway safety and the amenities of the locality having regard to policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

- 12. **F06 Restriction on use**
- 13. **I32 Details of floodlighting / External Lighting**
- 14. **K4 Nature Conservation – Implementation**
- 15. **K5 Habitat Enhancement Scheme**

Prior to the commencement of works a full working method statement for the translocation and subsequent monitoring (including timetable of works) of the hedgerow identified on the approved plans shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

Reason: In the interests of landscape impact and to ensure that the nature conservation interest of the site is protected having regard to policies LA2, LA5, LA6, NC1 of the Herefordshire Unitary Development Plan.

INFORMATIVE:

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

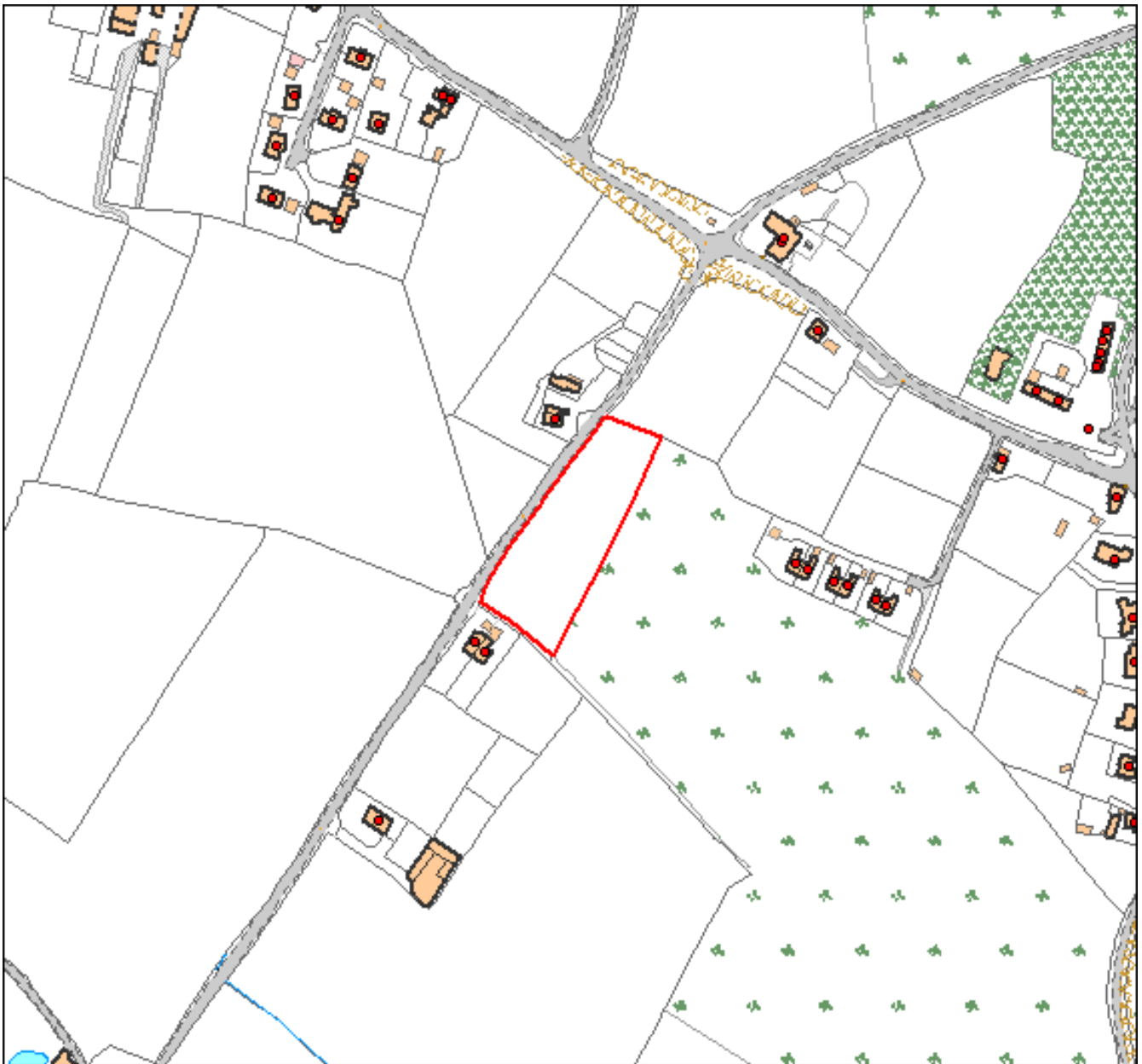
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/102193/F

SITE ADDRESS : LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH

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