

AGENDA

Planning Committee

Date: **Wednesday 23 February 2011**

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:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

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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

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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

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AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 2nd February, 2011.	1 - 8
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	9 - 12
7.	DMS/102266/F - HEREFORDSHIRE COLLEGE OF TECHNOLOGY, HOLME LACY CAMPUS, HOLME LACY, HEREFORDSHIRE, HR2 6LL Demolition of buildings and re-development of Holme Lacy Campus with a new masterplan, associated buildings and access alterations.	13 - 36
8.	DMS/103017/F - BUSINESS PARK ON LAND AT NEW LIVESTOCK MARKET, ROMAN ROAD, HEREFORD New industrial unit to supply medicines and feed.	37 - 44
9.	DMS/103031/O - YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX Outline permission for the erection of a detached residential dwelling.	45 - 50
10.	DMS/103173/F - CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS Application to vary Condition 9 of Planning Permission DMSE/093151/F to enable installation of domestic heating oil tanks.	51 - 54
11.	DATE OF NEXT MEETING Date of next site inspection - Tuesday 15th March 2011 Date of next meeting - Wednesday 16th March 2011	

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
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- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 2 February 2011 at 10.00 am

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

Councillors: PA Andrews, WU Attfield, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, MD Lloyd-Hayes, G Lucas, JE Pemberton, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillor JJD Lavender

104. APOLOGIES FOR ABSENCE

Apologies were received from Councillors ACR Chappell, PGH Cutter, GFM Dawe, H Davies, RI Matthews and AP Taylor

105. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors PA Andrews, WU Attfield and MD Lloyd-Hayes attended the meeting as substitute members for Councillors ACR Chappell, GFM Dawe and AP Taylor.

106. DECLARATIONS OF INTEREST

8. DMS/102805/F - 44 TOWER ROAD, HEREFORD, HR4 0LF.
Councillor PA Andrews, Personal, Resident of Tower Road.

107. MINUTES

RESOLVED: That the Minutes of the meeting held on 12 January 2011 be approved as a correct record and signed by the Chairman.

108. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that a special meeting of the Planning Committee had been arranged for 23 March 2011 to determine an application in respect of the Edgar Street Grid.

109. APPEALS

The Committee noted the report.

110. DMCW/092858/F - SAINSBURYS, BARTON YARD, HEREFORD, HR4 0AG

The Principal Planning Officer gave a presentation on the application.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors JD Woodward, one of the local ward members, commented on a number of issues, including:

- Concerns that the authority may be seen to be allowing other competitors to expand but restricting Sainsburys.
- The route from Sainsburys to Eign Gate via the underpass was not aesthetically pleasing but did not warrant refusal of the application.
- Should parking provisions be increased whilst Sainsburys allow workers from the nearby West Mercia Police offices to park in their car park.
- The re-siting of the recycling facilities was welcomed to address noise concerns from the nearby residents of Pomona Court.
- The increase to 30% for the sale of comparison goods was not welcomed.
- No objections had been received from the Traffic Manager, the Environmental Health Manager or the Highways Agency.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JJD Lavender, the other local ward member, reiterated the points raised by Councillor JD Woodward and made additional comments, including:

- Sainsburys were committed to Herefordshire with good community investment and community relations.
- It was not reasonable to ask Sainsburys to split their operations between 2 sites when they already owned the existing site.
- By citing the Edgar Street Grid development in the report the Council would be giving a commercial advantage to a competitor.
- It was not fair to state that the proposed application would be at a detriment to the city centre as it was realistically no further from the city than the proposed site of the Edgar Street Grid.

The Assistant Director – Environment, Planning and Waste advised Members that they were not required to make a judgement on the integrity of Sainsburys or were they required to make a decision based on the forthcoming livestock market application. He added that the proposed application at Sainsburys and the livestock market application had to be determined separately. He also advised the Committee that they were not required to make a judgement on the quality of the route from the Sainsburys store to the city centre or were they required to make a judgement based on the percentage of non food goods sold at other supermarkets throughout the city.

The Assistant Director – Environment, Planning and Waste advised the Committee that their decision should be based on the impact the application would have on the vitality and viability of the city centre. He noted the report produced by Drivers Jonas Deloitte, the Council's long term retail consultants, which supported the view that the application should be refused due to the impact on the city centre.

The debate opened with Members of the Committee discussing the fact that the proposed application was contrary to key strategic policies and could therefore undermine the Council's key regeneration site as well as undermining the long standing policy approach of the authority.

Other Members disagreed with this viewpoint and felt that the application should be supported. They noted that there had been no objections from the Traffic Manager, the Conservation Manager or the City Council and added that a distance of 580 metres could not be deemed as outside of the city centre. It was also noted that Sainsburys were not responsible for the route from their store to the city centre and that the Committee should welcome an extension on the site which would not impact on the city centre trade.

In response to the comments in support of the application the Locum Lawyer advised that under PPS 4 it was for the applicant to prove that the application would not have the type of adverse effect on the city centre that PPS 4 sought to avert. He also added that the site had been deemed as outside of the city centre and not even classed as on the edge of the city centre in planning terms.

The Committee were advised that comparison goods referred to in the application would consist of non food goods, including toys, white goods and electronics.

Members noted that in their opinion it appeared that Sainsburys were being asked to split their operation over two sites and that this was not a reasonable request. They also noted the community support for the application and the fact that there had only been two letters of objection received.

In response to a question, the Principal Planning Officer advised that store deliveries were made at the rear of the store and did not cause concern locally. He also added that the road improvements would address any concerns from the Highways Agency.

Some Members of the Committee felt that the expansion of the site was acceptable however the increase to 30% for sales of comparison goods was not. Members discussed the possibility of approving the application with the omission of the increase to comparison goods.

The Assistant Director – Environment, Planning and Waste advised Members that the application could not be amended to remove the reference to 30% of comparison goods and could only be addressed by deferring the application for further discussions with the applicant. A motion to defer the application failed.

The Assistant Director – Environment, Planning and Waste noted that the application had raised a complex set of issues and that there had been a good debate by the Committee. He stated that there was clear evidence that the current application had the potential to undermine the future vitality and viability of the city centre. Finally he noted that investor and developer confidence in the development of the city's key strategic regeneration proposals would also be affected if the application was approved.

Councillors JD Woodward and JJD Lavender were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- It was imperative that Members voted on the application in hand without consideration of the Edgar Street Grid development.
- It was difficult to separate the proposed application from the Edgar Street Grid application especially as the second reason for refusal stated in the Officer's report was based on the afore mentioned application.

RESOLVED

That planning permission be refused for the following reasons:

- 1. The proposal fails to demonstrate that this out of centre site is sequentially preferable to potentially available sites located within or on the edge of the existing Hereford City Centre. Consequently the development is contrary to Policies TCR9 and TCR20 of Herefordshire Unitary Development Plan and Policies EC15 and EC17 of Planning Policy Statement 4.**
- 2. The proposal fails to demonstrate that the increase in size of the store would not adversely impact on the vitality and viability of Hereford City Centre. Furthermore the proposals contained in the application would**

undermine the potential to deliver the Eign Gate Regeneration Area. Consequently the development is contrary to Policies TCR1, TCR2 and TCR20 of Herefordshire Unitary Development Plan and Policy EC16 of Planning Policy Statement 4.

[Councillor PA Andrews wished for it to be noted that she abstained from voting in respect of this item.]

111. DMS/102805/F - 44 TOWER ROAD, HEREFORD, HR4 0LF

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Alikija and Mrs Lilley, two of the neighbouring residents, spoke in objection to the application, and Mr Shaw, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors JD Woodward, one of the local ward members, commented on a number of issues, including:

- That she had met with Mr Shaw and Mr Withers to discuss the application but had not indicated to the applicant that she was in support of the application.
- The new application was for 5 two bedroom flats which was an increase of 2 bedrooms over the previous application.
- The local community were united in objection to the application.
- The supplied photographs did not accurately illustrate the parking issues on Tower Road.
- The residents of 40 Tower Road had 7 windows overlooking the proposed development.
- The bungalow which currently occupied the site had been set back from the road to protect the amenity of the neighbouring residents.
- The proposed flats would have an adverse impact on the street scene of Tower Road as the proposed development was too large.
- Could a car be turned in the proposed car park or would they have to exit the site in a reverse gear.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JJD Lavender, the other local ward member, reiterated the points raised by Councillor JD Woodward and made additional comments, including:

- Tower Road had a distinct character and strong local community.
- The proposed development would erode the community spirit.
- The Children's play area would be overlooked by residents of the flats.
- The application was contrary to Unitary Development Plan policies DR1, H13.11 and H14.2.

Members noted that Tower Road was made up of predominantly detached dwellings and that there were currently no flats on the road. They added that the Council's Unitary Development Plan stated that the local distinctiveness in an area should be reinforced and that approving the application would not achieve this aim. They added that the proposed development was not in keeping with the area and would have an adverse impact on the amenity of the neighbouring residents. They also voiced their concerns in respect of possible highways issues resulting from the increase in cars on the road should the application be approved.

Members noted that the forthcoming introduction of the localism bill would give the authority greater powers to refuse applications of this nature. They did however note that at present the application had to be determined under the current local and national policy framework.

The Locum Lawyer and the Assistant Director – Environment, Planning and Waste had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Locum Lawyer, representing the Monitoring Officer, and the Assistant Director both felt that a decision contrary to the Officer's recommendation would be defensible at appeal and that a Further Information Report would not be required.

Councillors JD Woodward and JJD Lavender were given the opportunity to close the debate. They reiterated their opening remarks and requested that the application be refused.

RESOLVED

That planning permission be refused for the following reason:

The local planning authority consider that the proposal is unacceptable in that it would constitute a form of development which by virtue of its form, design, appearance and layout does not respect and is out of character with established residential development in the area. On this basis the proposal would conflict with Policies DR1, H13(1) and H14(2) of Herefordshire Unitary Development Plan 2007.

112. DMS/102337/O - LAND OFF WITHIES ROAD, WITHINGTON, HEREFORDSHIRE, HR1 3PX

The Principal Planning Officer gave a presentation on the application.

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

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

- The land in question was not designated as public open space but was surrounded by public open space.
- 40% of the housing in Withington was currently affordable housing.
- Local residents were generally in support of the application.
- The applicants had initially requested £70000 of playbuilder funding and were now in receipt of £37000, the proposed application would provide that much needed funding.
- The proposed play area and public open space would be an excellent, and much needed, community facility.
- The village had good facilities and good public transport links.

Members opened the debate by noting that the application was contrary to current planning policy. A motion to refuse the application was seconded.

Some Members noted that the current economic climate required communities to investigate alternative methods of funding. They felt that the application could be viewed as an enabling development and should be supported.

The Locum Lawyer advised the Committee that PPS 5 specifically permitted enabling developments in the case of listed buildings and heritage assets but that he was not aware of such enabling provisions for the matter under consideration. He also advised that in his opinion the application was contrary to Unitary Development Plans H10 and H7 and should therefore be refused.

In response to comments by the Committee the Assistant Director – Environment, Planning and Waste advised Members that the application had to be determined under the current planning policy framework as the localism bill would not be implemented until the end of 2011.

Members discussed the foul water and drainage issues on the site and felt that it was imperative that these issues were addressed as a matter of urgency prior to any planning permission being granted on the site.

The Locum Lawyer and the Assistant Director – Environment, Planning and Waste had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Locum Lawyer, representing the Monitoring Officer, felt that the application should be refused however the Assistant Director – Environment Planning and Waste noted the comments of the Committee and felt that a Further Information Report would not be required.

Councillor Greenow was given the opportunity to close the debate but chose to make no additional statement.

RESOLVED

- 1. The Assistant Director Law and Governance 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.**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to appropriate conditions to be agreed in consultation with the Chairman and Local Ward Member.**

[Councillor WU Attfield and JE Pemberton wished for it to be noted that they abstained from voting in respect of this item]

113. DMS/103179/F - CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS

The Principal Planning Officer gave a presentation on the application.

The Committee noted that the application would have been determined under delegated powers had it not been a member application.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. B04 Amendment to existing permission**
- 2. B01 Development in accordance with the approved plans**

INFORMATIVE:

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

[Councillor MD Lloyd-Hayes wished for it to be noted that she abstained from voting in respect of this item.]

114. DMN/102226/F - GREAT PENLAN, BRILLEY, HEREFORDSHIRE, HR3 6JW

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking Mr Howie, the applicant's agent, spoke in support of the application.

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

- There was a clear need for an additional dwelling so that application was in accordance with policy H7 of the Council's Unitary Development Plan.
- The business was financially viable as could be demonstrated by the submitted accounts.
- There was a labour requirement for 2.63 persons on the site.
- There was a long term need which met the requirements of Policy H8 of the UDP.
- A section 106 agreement and appropriate conditions could address the concerns of the planning department adequately.

Members noted that there had been no letters of objection received in respect of the application. They felt that the functional need for an additional dwelling on the site had been demonstrated and felt that the application should be supported. They did however feel that it was imperative to ensure that the new dwelling, and the existing dwelling, were legally tied to the farm through a suitable section 106 agreement.

Councillor JW Hope was given the opportunity to close the debate but chose to make no additional statement.

RESOLVED

- 1. The Assistant Director Law and Governance be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990.**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to appropriate conditions to be agreed in consultation with the Chairman and Local Ward Member.**

115. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

The meeting ended at 1.05 pm

CHAIRMAN

MEETING:	PLANNING COMMITTEE
DATE:	23 FEBRUARY 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMS /102274/F

- The appeal was received on 4 February 2011
- 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 D Singh
- The site is located at 25 Springfield Road, Ross On Wye, Herefordshire, HR9 7EX
- The development proposed is Extension and alterations to existing shop and proposed first floor extension for new flat
- The appeal is to be heard by Written Representations

Case officer Mr D Thomas 01432 261974

Application No. DMCW /100947/F

- The appeal was received on 2 February 2011
- 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 Shaw
- The site is located at 44 Tower Road, Hereford, Herefordshire, HR4 0LF
- The development proposed is Erection of 8 Flats
- The appeal is to be heard by Written Representations

Case Officer: Kelly Gibbons 01432 261781

Application No. DMN /102310/F

- The appeal was received on 26 January 2011
- 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 F Temel
- The site is located at 36 Church Street, Kington, Herefordshire, HR5 3BE
- The development proposed is Change of use from vacant barbers to A1 hot food takeaway A5.
- The appeal is to be heard by Written Representations

Case Officer: Mr P Mullineux 01432 261808

Application No. DMS /101705/FH

- The appeal was received on 21 January 2011
- 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 Tina Mitchell
- The site is located at Windy Corner, 1 Willowfields Withies Lane, Withington, Herefordshire,
- The development proposed is Addition of first storey over existing double garage and utility adjoining two storey dwelling to create bedroom with en suite
- The appeal is to be heard by the Householder procedure

Case Officer: Mrs C Atkins 01432 260536

APPEALS DETERMINED

Application No. DMN/101425/F

- The appeal was received on 3 November 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 Esat Kurt
- The site is located at Car Park at Homebase, New Mills Industrial Estate, Leadon Way, Ledbury
- The application dated 8 June 2010 was refused on 18 August 2010
- The development proposed was Proposed use of part of car park for the siting of catering unit.
- The main issues are the effect of the proposed development on; the vitality and viability of Ledbury Town Centre and aim of locating development where it is accessible by a choice of means of transport; on the level of parking provision on the site and on highway safety; and on the appearance of the area.

Decision: The Planning Application was refused on 8 June 2010 under Delegated Powers. The Appeal was DISMISSED on 28 January 2011

Case Officer: Mr R Close 01432 261803

Application No. DMNC/093078/F

- The appeal was received on 26 October 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Miss Valeria Key
- The site is located at Boat Cottage, Boat Lane, Whitbourne, Herefordshire, WR6 5RS
- The application dated 2 December 2009 was refused on 27 April 2010
- The development proposed was To demolish remains of current dwelling and rebuild new dwelling creating parking space within the site
- The main issues are the effect that the proposed house would have on the landscape and the adequacy of the proposed access

Decision: The application was refused under Delegated Powers on 2 December 2009. The appeal was Dismissed on 3 February 2011.

Case Officer: Mr N Banning 01432 383093

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



MEETING:	PLANNING COMMITTEE
DATE:	23 FEBRUARY 2011
TITLE OF REPORT:	<p>DMS/102266/F - DEMOLITION OF BUILDINGS AND RE-DEVELOPMENT OF HOLME LACY CAMPUS WITH A NEW MASTERPLAN, ASSOCIATED BUILDINGS AND ACCESS ALTERATIONS AT HEREFORDSHIRE COLLEGE OF TECHNOLOGY, HOLME LACY CAMPUS, HOLME LACY, HEREFORDSHIRE, HR2 6LL.</p> <p>For: Mr Peake per RRA, Packers House 25 West Street, Hereford, Herefordshire, HR4 0BX.</p>

Date Received: 2 September 2010 **Ward: Hollington** **Grid Ref: 355203,235690**

Expiry Date: 2 December 2010

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The site lies at the western end of Holme Lacy village immediately north of the B4399 road which runs from Rotherwas through to Mordiford/Fownhope. The site itself extends to 5.3 hectares and is owned and operated by Herefordshire College of Technology as a rural based college. Running along the length of the eastern boundary is the disused railway line and west is predominantly agricultural pasture land. The River Wye which is designated a Special Area of Conservation and a Site of Special Scientific Interest lies around 150 metres to the north. Immediately south of the B4399 are predominantly detached residential properties, two of which are Grade II Listed. South east of the site is Holme Lacy Primary School. A steep drop in levels exists immediately beyond the eastern boundary and to a lesser extent to the west and north. Levels fall northwards across the site and the site frontage is raised approximately ½ metre above the adjoining road level.
- 1.2 The site itself is essentially triangular in shape and comprises a range of single and two storey buildings, all of which are used in association with the college activities taking place on site. The existing buildings range in construction from modern steel frame and corrugated clad agricultural buildings, prefabricated structures, portacabins and traditional brick and stone barns with pitched tile roofs. The existing building of particular note is Bower House, an 18th Century red brick and pitched tile roof traditional farmhouse now used as the administrative hub for the college. The site is presently served by two vehicular accesses directly onto the B4399 and the existing buildings are connected with a network of roads and footways within the site. Parking is presently ad-hoc across the college with the exception of two parking areas along the western boundary. A more modern agricultural building towards the north east is also presently used by Herefordshire Riding for the Disabled. The eastern and western boundaries are largely enclosed by mature and semi-mature trees and also of note is a mature lime tree located adjacent to Bower House centrally within the site.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- 1.3 Planning permission is sought for the demolition of all existing buildings on site (with the exception of the rural craft and farriery centre along the western boundary which was constructed in 2000) and the construction of a new college campus. The plans have also been amended during the course of the application to address concerns expressed by consultees. The proposed buildings are one and two storeys and have an angular form with a consistent appearance across the campus. This is achieved through the buildings all being fully or partially clad with a varying composition of materials designed to reflect the landscape character of the area. The materials are a mixture of cedar boarding and cedar louvers, sedum grass walling, stone gabions and corten steel. In more detail, travelling counter clockwise around the site, the masterplan proposals comprise of the following:
1. Core Learning Facility (CLF) – this is a two storey building (although is effectively three storey in height at 13 metres) encompassing all of the classroom, staffing, administration and refectory functions along with learning support (library and ICT). This building is positioned around 36 metres back from the road frontage on the site of Bower House and the older farm buildings.
 2. Running along half the eastern site boundary is a single parking area for staff, students and visitors totalling 192 spaces.
 3. Travelling northwards into the site are two single storey buildings, one proposed to be for horticultural use to replace the existing sheds, greenhouses and polytunnels, the second is to be used for kennelling and animal care including the keeping of tropical animals.
 4. North of here is a detached single storey building (although the building is nearer two storeys in height) containing the sport facilities including an indoor sports hall, gym and changing facilities and a outdoor floodlit all-weather five-a-side football pitch.
 5. In the northern corner of the site are three detached buildings incorporating an indoor equestrian training arena with small seating gallery and two buildings each accommodating 16 stables, adjacent to which is a further outdoor riding arena/horse exercising area.
 6. South west of here running along the western boundary is a proposed agricultural engineering building which is in part a two storey construction through the introduction of a basement level utilising the drop in levels to the west. This will comprise of storage and workshop facilities and also includes a possible additional area that could be used in the future as a site wide energy centre.
 7. South of here is the existing rural craft and farriery centre which is to be retained but the external appearance modified to marry in with the other new buildings proposed.
 8. Closure of both existing vehicular accesses and construction of two new accesses directly onto the B4399.
 9. New hard and soft landscaping including creation of raised horticultural beds to the front and rear of CLF.
- 1.4 The proposed development has previously been screened against the Environmental Impact Assessment Regulations to determine whether an Environmental Statement is required. Whilst the scale of the development in floorspace terms has increased since the screening exercise, having regard to the location and existing characteristics of the development site, the nature and impact of the proposals and degree of environmental sensitivity, it is considered the proposals are not an EIA development and an Environmental Statement is not required.
- 1.5 Notwithstanding this, the application is supported by a number of technical reports as follows: Traffic Assessment, Flood Risk Assessment, Demolition Report, Landscape and Visual Impact Assessment, Statement of Community Involvement, Ecology Report, Foul and surface Water Drainage Study, Arboricultural Report, Building Sustainability Report, Civil and Engineering Report and Design and Access Statement.

2. Policies

2.1 National Guidance:

PPS1	-	Delivering Sustainable Development
PPS4	-	Delivering for Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Planning
PPG13	-	Transport
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S10	-	Waste
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR13	-	Noise
DR14	-	Lighting
E11	-	Employment in Smaller Settlements
E13	-	Agricultural and Forestry Development
T5	-	Safeguarding Former Railway Land
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
HBA4	-	Setting of Listed Buildings
HBA8	-	Locally Important Buildings
RST1	-	Criteria for Recreation, Sport and Tourism Development
RST7	-	Promoted Recreational Routes
RST10	-	Major Sports Facilities
W11	-	Development of Waste Implications
CF2	-	Foul Drainage
CF5	-	New Community Facilities

2.3 Other Guidance

Supplementary Planning Document - Planning Obligations
- Landscape Character Assessment

3. Planning History

3.1 Extensive planning history exists on the site over the last 30 years or so the most recent of note are as follows:

DCCE/10009/F -	Refurbishment and extension to refectory.	Approved 18 March 2010.
S97/1306/PM -	Construction of a building to comprise a college of farriery to replace that lost at Newtown Road.	Approved 23 Jan 1998
SH96/0874PH -	Extension to library.	Approved 2 Sept 1996

4. Consultation Summary

Statutory Consultees

4.1 Environment Agency:

The Flood Risk Assessment confirms that the site is located within Flood Zone 1 (low probability of flooding). An investigation of surface water drainage has also been undertaken as the site exceeds 5 hectares. We accept the calculations within the drainage assessment but advise that a detailed sustainable drainage strategy is required. Conditions are recommended concerning the submission of the sustainable drainage strategy including a hydrological and hydro geological assessment prior to the commencement of development

The developer should also incorporate pollution prevention measures to protect ground and surface water. Any waste produced from the development should be minimised with options for the reuse or recycling to be utilised. If waste is to be imported a waste management licence, PPC Permit or Exemption may be required.

The Environment Agency has no objection to the development subject to the above requirements.

4.2 Natural England:

(Original Comments) The site is located within 250 metres of the River Wye Special Area of Conservation which is a European Protected Site under the Habitat Regulations. The application does not provide sufficient information for Natural England to advise on any likely significant effect on this protected site. Further information is required on the proposed sustainable drainage scheme and proposed new water treatment package. The approval of planning permission prior to submission and consideration of this information will be contrary to the Habitat Regulations.

Protected Species: The bat surveys undertaken have concluded that three existing buildings contain bat roosts. Natural England therefore advise that the demolition of these will require a licence from Natural England's Wildlife Licencing Unit.

Further Comments

In response to further drainage information, Natural England confirm that adequate information has been provided to allow the Council to confidently complete the HRA screening. The screening does not predict any likely significant effects on the Special Area of Conservation and therefore Natural England withdraw their objection.

4.3 CABE: No comments received.

Internal Council Advice

4.4 Traffic Manager:

(Original Comments) – Insufficient information has been supplied in terms of the breakdown of existing and proposed student and staff numbers to justify the proposed car parking levels particularly as the Transport Assessment identifies the trip generation from the site will remain the same. The closure of Pound Farm is also referred to in the Traffic Assessment but this does not form part of the planning application site. The Travel Plan is also lacking in detail and the measures that are proposed are weak and do not address student concerns regarding the bus service and its associated cost and alternative safe routes between the college and Hereford.

Further Comments

Following assessment of additional information regarding trip generation and consideration of the amended masterplan identifying a reduction in parking places and changes to the access, the primary highway concerns have now been addressed. In coming to this conclusion, regard has been had to that fact the revised parking provision now complies with the Council's maximum parking standards.

Conditions are recommended concerning the access construction to achieve the required visibility splays, the submission of a travel plan and provision of a Section 106 contribution towards the Connect 2 Greenway Route from Hereford via Rotherwas to Holme Lacy to provide pedestrian and cycle connectivity with the site

4.5 Conservation Manager: Historic Buildings and Conservation Areas:

(Original Comments)

Whilst the majority of buildings on the site are of little interest, three would appear to be of historic interest and contribute to the character of the village. Bower House appears to be an 19th Century farmhouse possibly with an earlier core and is typical of the buildings in this area. Adjacent is a range of brick and stone barns. Although more modern, the silo tower is also of interest and has been designed to appear as a tower house which is unusual.

We believe there is potential to redevelop the campus and provide a high quality environment for learning in the future. However, we have several concerns. It is most disappointing that the opportunity to reuse some of the important buildings on site such as Bower House has not been taken. The loss of the lower range barns adjacent to the house is also disappointing. Given the majority of farms within the county have historic barns; the reuse of the historic building may have been of some interest.

The successful integration of buildings of the scale proposed into the village will be key. Landscaping the site is vital to ensure the mass is visually broken up and they do not appear to be overly dominant and overbearing within the context. We recommend that a more detailed landscape plan is provided which should include measures to break up the parking areas. The teaching block does not address the roadside particularly well as the main entrance is to the side. Greater rhythm is also required in the mix of materials.

Further Comments

These are particularly in response to additional information and representations received concerning the demolition of Bower House and have been formulated following a further site visit:

Bower House appears to be a 19th century farm house probably with an earlier core. It is a mixture of stone and brick construction. Internally few early fittings survive although there is some tiling in the hallway and some joinery detailing. However, as is found in many Herefordshire farm houses the internal scheme is plain and so it is typical of the buildings of the area. The adjacent range of stone built barns are of interest.

Bower House clearly has some historic interest. It appears to have a core which dates from the 18thC which appears to be stone to the sides and rear and a brick façade to the street. It has undergone major alterations, rebuilding and extensions in both the 19th and 20th centuries including rebuilding of a gable and flank elevation, alterations to the stone work and extensions. English Heritage was asked to examine the merits of listing the building and refused to do so due to the excessive amount of alterations and extensions. They felt that this meant that the building was not of sufficient special architectural or historic interest to be worthy of protection. Given that they have refused to list more complete and relatively unaltered 18th century farmhouses recently such as the nearby Morraston Farmhouse at Little Dewchurch this was not unsurprising. Despite the levels of alteration it would be seen that the history and evolution of the farmhouse can be appreciated and therefore has some interest. The adjacent stone barns have some interest in that they relate to the farmhouse and show the evolution of the farmyard. They appear to have a 19th century date and are somewhat altered. They are typical of the period and therefore their main interest is being read in association with the farmhouse and as part of the group.

The silage tower is somewhat more unusual not only in appearing to have an ornamental design perhaps in relation to the Holme Lacy estate but also in that it is a relatively early use of the material. However we have been informed that following a structural report it required major works due to the construction where the steel beams are rusting and blowing the concrete which is failing. Although this structure was also examined by English Heritage for possible listing in relation to a farmstead project this building has also not been listed.

From this we must conclude that it is most unlikely that these buildings are going to be listed in the future and therefore would only be protected as being of some interest. It would also be possible as the applicants state to be able to demolish the buildings without the need for any consent.

We therefore have the position of a grouping of agricultural buildings of some interest which are to be demolished for the redevelopment of the agricultural college. In 2010 government advice changed as PPG15 which had been the guidance in relation to the historic environment was replaced with PPS 5 which combined both the built environment and archaeology in one guidance document. Terms have also changed and this no longer refers to listed buildings but to heritage assets. In relation to this we now should be assessing the value that it holds for this and future generations in relation to its significance. The document when discussing this issue of loss and replacement states in paragraph 9.1(i) "the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh this harm or loss". The judgement has therefore to be taken on the significance of the building and if this is outweighed by substantial public benefit. Unfortunately due to the recent guidance there is yet no definition as to what substantial benefit is and the significance of assets which are not given statutory protection has also yet to be fully defined. It should also be noted that the weight of local opinion should also be considered under paragraph 7.3 which states that "the heritage asset may have a special significance to a particular community that may not be fully understood from the usual planning process". But in the explanatory notes this is defined as expanding the understanding of the asset as for example being of specific cultural or faith related connotations rather than the strength of local opinion against the loss of the building. Given this we must assume that whilst all heritage assets have some protection the result of the refusal to list the buildings on the site must mean that they are of lesser significance in comparison to other listed historic assets viz Grade I, II* and II listed buildings. In addition Holme Lacy is not a conservation area and therefore these buildings are not covered by the protection given by this as being an area of "special architectural interest, the character or appearance of which it is desirable to preserve or enhance". Therefore the significance of these buildings must be concluded to be subordinate to the significance of the protected assets of the historic environment covered by the legislative system.

Weighing against this is the public benefits of the proposed application. It would be assumed that there would be minimal if any public benefit were for example Bower House to be replaced by a new dwelling on the same or similar footprint. Instead the county would have lost a heritage asset for it to be replaced by a building which would almost certainly not justify its loss. However when an asset is to be lost and replaced by what would be said to be a complex that has a major public benefit such as a new agricultural college the balance would clearly need to be more closely examined. There are clearly benefits outlined in the supporting documentation for the redevelopment of the campus and the provision of new facilities such as the “enhanced learning environment ...more learning opportunities and consolidation of activities”. The quality of the proposed design would also need to be taken into consideration. The proposed design is contemporary, nuanced and has addressed environmental concerns with the BREEM rating calculated to be Very Good. We must also consider the longevity of any public benefits of the proposed scheme. Speculative, ill conceived and short term projects will not compare so favourably compared to the harm of the loss. Therefore the judgement must be weighted up as to the importance of the building vs the public benefit of the redevelopment not just immediately but over time.

Impact on the setting of adjacent listed buildings.

There are two nearby listed buildings namely Bower Cottage and the Thatch. Both are grade II listed timber framed cottages and in the thatches case a thatched roof. They are good examples of the vernacular timber framing style of the county. The main built element to the streetscape would sit closer to Bower Cottage than the Thatch. The proposals would impact upon the setting of these buildings despite being on the opposite side of the road and at the closest point 40 metres away. This is mainly due to the scale of the buildings within the rural environment. Given the unified design which would replace the current mish mash of different buildings and styles as well as the proposed landscaping we believe that this is a sufficient level of separation that the impact would not be harmful.

Summary

We continue to believe that it is most regrettable that Bower House could not have been incorporated as a focal centrepiece of the redevelopment proposals. However when analysed against the test laid out in PPS5 we do not believe that it is of sufficient architectural quality to be able to sustain an objection. Therefore we do not object to this proposal.

As stated in PPS5 when an asset is to be lost a full recording exercise should be undertaken, approved in writing by officers and a copy placed in the Herefordshire SMR. This should be undertaken prior to any demolition being carried out. We would also recommend that elements should be salvaged either for reuse on site or elsewhere. Samples of materials and finishes subject to approval.

4.6 Conservation Manager – Landscape

Landscape Description

The southern boundary of the site is formed by the Wye Valley AONB, although the site itself is outside of this designation. The landscape character type is Principal settle farmlands. The River Wye runs very close to the northern boundary of the site and is a designated SAC, SSSI and SWS. Approx. 200m to the south of the site is the Holme Lacy Grade II* Registered Park and Garden, which is of national historic importance. There are a number of public footpaths within the surrounding area of the campus, but none actually across or along the immediate boundaries. There are two listed residential buildings on the opposite side of the road on the southern site boundary.

The southern boundary is an important frontage on the approach to the village. The character and visual impact of the site is highly influenced by the existing red brick buildings, stone wall and boundary vegetation. Beyond this the site itself consists of uncoordinated combination of

buildings, trees and associated grounds. Much mature vegetation to the boundaries, however the trees within site are generally of poor form.

Landscape character and visual impact

The LVA presented in the application is considered fair and balanced and the information presented is accurate and I support the conclusions. The Arboricultural Report is also very good.

The largest change will be for the village itself, as the appearance of the site will change from traditional to contemporary. Although the contemporary design will be a new feature in this otherwise rural setting, there are unlikely to be any significant negative visual impacts, as the composite elements of the site are not changing and the boundary vegetation will be retained to filter views in. The design will make the campus into a definite landmark for the area and this is an appropriate response for the status of the college in the twenty first century.

Landscape Framework Masterplan

The Landscape Framework Masterplan follows the recommendations set out in the LVIA. It creates a visually cohesive site layout and design, well linked to the design of the buildings. The design approach of taking inspiration from the surrounding countryside is sound and the visual links between the proposed landscape masterplan with the buildings should work well. The design approach to the car park is welcomed, with large blocks of planting to break up the sea of cars and hard surfacing

Points that could further enhance the legibility of the site would be the creation of a focal space to the site where students could gather or 'hang out' incorporating new landscape furniture and tree planting that relates to the contemporary landscape design. The access points should also be defined to be clear as to which is the principal access.

Overall, the landscape framework is appropriate for the site. Conditions are recommended covering matters such as hard and soft landscaping, boundary treatments, tree protection, earthworks and landscape management.

4.7 Conservation Manager – Ecology

I note the presence of a number of bats roosting in some of the buildings on the site, and that some of these roost sites will be destroyed as part of the development proposals. It is my opinion that an EPS license is likely to be required. I would also prefer to see the retention of the main farmhouse with its bat roosting features as well as enhancement measures for bats and birds incorporated into any new buildings on the site.

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

The three tests that must be satisfied are:

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

Details of a Sustainable Drainage System (SUDS) to deal with surface water and the proposed water treatment plant (if pursued) are required by condition along with conditions to

secure the submission and implementation of an Ecological Construction Method Statement and a Wildlife Management Plan.

4.8 Environmental Health Manager:

The adjacent disused railway line may be considered potentially contaminative but the proposed development is unlikely to be adversely affected due to its proximity to this land. Due to various engineering and agricultural activities undertaken on the site and the demolition activity proposed it is possible that unforeseen contamination may be encountered and therefore a condition is recommended to cover this scenario.

4.7 Public Rights of Way Manager:

The development will not affect any public rights of way.

5. Representations

5.1 Holme Lacy Parish Council:

The parish council fully support the application which demonstrates commitment to the campus creating local employment and is an attractive design. A mains drainage connection to River View Close would not be practical as the system is already at capacity.

5.2 5 letters of objection and one letter of support have been received. The main points raised are:

- Doubling the number of parking spaces will increase the traffic generation.
- Relocation and widening of the access will be a danger to highway and pedestrian safety particularly due to its proximity to the school
- Construction of the enormous Core Learning Centre and car park near the road will detract from the existing rural setting of the college and the general street scene.
- The Core Learning Centre is double the height of Bower House when viewed from the main road.
- The skeletonised building form is more suited to heavy commercial development.
- The report identifies concerns over the longevity of the rusty steel cladding.
- The existing road network leading to the site is not suitable for walking or cycling contrary to what is stated in the Traffic Assessment.
- The Connect 2 Cycleway is only proposed from Hereford to Rotherwas and therefore cannot be relied upon as a sustainable transport link.
- If approved, the new development should not be intensively lit in the same way the current campus is
- The development would detract from the setting of the listed buildings opposite the site and is therefore contrary to UDP Policy HBA4.
- The development would not be attractive for walkers and tourists visiting Holme Lacy House who regularly walk the roads and footpaths in the area.
- The siting and design of the Core Learning Centre has had no consideration to its impact on the surroundings
- The architecture is insensitive, ugly and totally inappropriate for a small country village.
- The Core Learning Centre should be relocated to the rear of the site.
- Future proposals to construct residential on site is ill thought as Holme Lacy as no retail or social facilities for students which would then inevitably increase traffic along Holme Lacy Road.
- The development would significantly change the population of the village if student accommodation were proposed.
- The development does not respect the rural character of existing views and the height, set back and mass of village dwellings as stated in section 4.19 of the document
- The development would be a blot on the landscape.

- An aesthetically pleasing structure with extensive planting that blends effortlessly into the countryside would be more appropriate.
- The applicants should be required to provide new car parking to the rear of the school

5.3 Other comments and objections of note from relevant agencies are as follows:

The CPRE object:

- To the removal of any trees along the frontage to make space for parking,
- To the demolition of Bower House which is an attractive historical feature
- To the dimensions of the Core Learning Centre which is entirely inappropriate
- To the use of Corten steel cladding which is unsustainable and may cause pollution as a result of contaminated run-off.

5.4 The Georgian Group

Bower House is a candidate for listing and should be afforded protection under PPS5 which embraces a wider range of heritage assets irrespective of whether they are capable of designation. The letter quotes various paragraphs from PPS5 and comments that further analysis of the buildings history due to its association with Holme Lacy House is required to fully understand its significance. The curtilage buildings (the nineteenth century dressed stone wall, the brick and stone stable buildings and the early twentieth century concrete silo) are also of historical and possibly archaeological interest.

They have also undertaken an assessment of historic significance of the building commenting that ...

”Bower House is a good example of the re-fronting an eighteenth century re-fronting of an earlier building. The majority of the building fabric pre-dates 1840. The historical floor plan is largely intact and many historical features survive.”

5.5 Hereford and Worcester Garden Trust

- Bower House is of architectural merit, historically was the manor house to Holme Lacy House and is the centre piece of the village.
- Room exists to re-develop the campus and retain Bower House
- The discrete walled gardens were a fitting example of the skills of previous students and with a little effort they could be brought back to their earlier excellence.
- The gardens should be integrated into a college course as there is now a shortage of teachers with horticultural training
- The gardens should be dedicated to the community as a gesture of good neighbourliness and could signify a quality institution alongside Bower House.

5.6 David Whitehead on behalf of Woolhope Naturalist’s Field Club specifically in relation to the proposals to demolish Bower House.

The letter provides a detailed analysis of the existing external building fabric including opinions on possible earlier elements of the building and provides a background historical analysis of the building.

The report concludes that Bower House is a building of some architectural merit and historically was the manor house of Holme Lacy. It assesses that the building as stands currently on site is of early Georgian origin with an earlier historic core possibly dating back to the 11th Century. In summary the writer comments that Bower House is figuratively and physically the centre piece of Holme Lacy and its demolition and replacement with a brash piece of modern construction will not only damage the character of the village but also remove the historic heart from the community. There is ample room within the campus to rebuild the college leaving Bower House and its gardens as a fitting introduction to a rural educational institution which few similar institutions could lay claim to.

5.7 In addition to the Statutory Consultation process a further evening drop-in consultation event arranged by the Ward Councillor took place on 11 November. This was well attended by the local community and a further eighteen written response forms/letters have been received. The majority of the points raised within in these forms are already covered above but in addition, the following comments are made:

- The concrete silo is only one of two of that design that remains in England and the silo should also be retained.
- If the application is approved, further traffic management measures should be considered along the site frontage.
- The frontage should be retained as a green space as it is currently.
- Concerns that some of the cladding materials if not adequately maintained will look unsightly.
- The teaching block will overlook houses opposite
- Concerns regarding the possibility of adjacent land being developed in the future.
- Anything that enhances the lifeblood of Hole Lacy can only be good for the village
- The revitalisation of the college and new facilities are welcomed

5.8 A petition has been received containing 145 signatures which the proposer advises represents 90% of Holme Lacy Village. The petition is framed around the statement that ...“Bower House is a significant heritage asset which should be preserved for present and future generations”. The accompanying letter also quotes sections from PPS5. In particular that local authorities should have regard to the significance of the heritage asset and the value it holds to the local community and the absence of statutory designation for the asset does not indicate any lower significance.

5.9 The full text of these letters and petition 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 to be considered in the assessment of the application proposals are as follows:

1. The Principle of the Development
2. Traffic, Accessibility and Access
3. Demolition Proposals
4. Masterplan Layout
5. Scale, Design and Materials
6. Biodiversity and Landscape
7. Other Matters.
8. Conclusion

The Principle

6.2 The proposed development falls within Holme Lacy Village which is identified as a small settlement within the Unitary Development Plan. This effectively means that Holme Lacy does not have sufficient services and amenities to qualify for status as a main village with a defined settlement boundary such as is the case with Fownhope, for example. Ordinarily in planning policy and sustainability terms, therefore, Holme Lacy would not be a location where a new college facility of this scale would be directed to.

6.3 In this instance, an agricultural/horticultural college has been established at the site since 1963 when the farm was handed over for educational purposes. The college is therefore well established in this location. The college also has significant land ownership in the surrounding area to accompany the main campus which is critical given the nature of the

courses taught. Whilst it is likely that some of the curriculum could be taught from the Folly Lane campus, it is accepted that it is more practical and appropriate for the college to have its base in a rural location. The only alternative would therefore be for the college to relocate to a site on the fringes of the city or one of the market towns but the college advise that this is not a realistic or viable option. The college also serves a wide geographical area spanning beyond the county and therefore the location of the college has no real bearing on the community and student base that it serves. The principle of the college remaining in Holme Lacy is therefore accepted.

- 6.4 The second issue for consideration is the need for the redevelopment proposals. This has emanated from an Ofsted report which provided negative results due to the condition and quality of the site and associated buildings rather than the quality of the teaching. The report concluded that most buildings were either poor or unsuitable for modern educational purposes which in turn is reducing the range of learning activities for students. Alongside this, a structural, mechanical and electrical survey of the site has been carried out revealing that the building fabric and electrical distribution system were nearing the end of their useful life.
- 6.5 It is evident from a visual inspection of the site that whilst some new buildings have been constructed over the last 25 years or so, the majority of the buildings are rather dilapidated, are not DDA compliant and do not create an attractive or coherent learning environment for students. The principle of redevelopment is also therefore accepted. The extent of redevelopment is assessed in paragraphs 6.10 to 6.17.

Traffic, Accessibility and Access

- 6.6 The location of the site cannot be regarded as sustainable in terms of the availability and accessibility to non-car based modes of transport. There is no direct pedestrian access to the site from the city and the road network is not well suited for safe cycle use. There is also no community bus service to the village. In response to this the applicants argue that there is unlikely to be an intensification in the use of the site resulting in additional vehicle generation as a result of additional student numbers. Whilst this may be the case in the immediate short term, it is not accepted that this would be the case in the medium to long term for the following reasons. Firstly, the extent of buildings in floorspace terms is materially increasing and the range of facilities to be provided and consequently, the number of courses that can be taught is likely to increase. Secondly, the creation of a new college with modern, fit for purpose facilities is inevitably going to be a draw for new students both within and outside the county. The car parking provision is also materially increasing and the architects also state that the design of the development is to be future proofed to allow for further expansion in the future.
- 6.7 The supporting documentation also states that the new facilities will eventually replace those that are provided at Pound Farm also owned by the college. However, this option does not form part of the application proposal and therefore whilst this may be the case, this argument can be given little weight in the assessment of the application. An intensification is therefore likely. Given the principle of the new development is accepted, the issue therefore is the manner in which the existing and additional traffic can be mitigated and/or reduced.
- 6.8 The college provide a daily bus service every morning and afternoon which runs from the centre of Hereford to the campus which the travel survey identified is used by 29% of students. The survey also identified a number of concerns regarding timings, costs and capacity of this student bus service. The amount of car parking within the original master plan was proposed to be 220 spaces. This was considered in excess of that which was required against the new development and associated floorspace. The masterplan has been amended to reduce the number to 192 spaces. Based on the current pupil numbers of 2074 this equates to one space per 15 pupils and one space per two staff. Although parking

standards have now been deleted from Planning Policy Guidance Note 13, these levels fall within the maximum parking standards identified in the previous version of the document.

- 6.9 The applicants have also agreed in principle to a Section 106 Agreement, the Heads of Terms for which is appended to this report. This provides for the dedication of land within the college's ownership to facilitate Phase 2 of the proposed Connect 2 Greenway pedestrian/cycle link which would run from Rotherwas to Holme Lacy along with a financial contribution to facilitate the construction of this cycle link or other highway and sustainable transport infrastructure in Holme Lacy. An application is due to be submitted within the next three months for Phase 1 of the cycle route to run from the Cathedral to the eastern end of Rotherwas. Finally, the applicants have agreed to a college specific Travel Plan to assist in changing travel behaviour and encourage a modal shift from primarily car based travel (currently 46%) to increased bus, cycle and pedestrian usage along with encouraging car sharing. The travel plan can also address the current issues with the bus service. This is considered to be a critical document and this therefore will also form part of the Section 106 Agreement.
- 6.10 In summary, it is considered the site is not particularly sustainable and the development is likely to result in an intensification in trip rates in coming years. It is accepted, however, that this potential increased highway impact can be mitigated through maintaining and enhancing the regular bus service provided by the college, the appropriate provision of car parking, the facilitation of the Connect 2 Cycle Link in the future and a robust travel plan with clear measures and initiatives to encourage modal shift to more sustainable options. The Traffic Manager also supports this conclusion.
- 6.11 The site is presently served by two vehicular accesses directly onto the B4399. The masterplan has been amended during the course of the application now resulting in both of the existing accesses to be closed off with the creation of two new vehicular accesses again directly on to the B4399. The eastern most access would serve as the primary staff, student and visitor entrance leading to the principal car parking area and the western access would be the primary service and farm machinery access. The position of both now enables the required full highway visibility to be achieved without necessitating the removal of several mature trees along the frontage and better aligns with the masterplan layout. The existing pavements will also be extended along the majority of the frontage to provide a safe environment for pedestrians. The Traffic Manager has also confirmed that the design and position of the accesses are acceptable from a highway safety perspective.
- 6.12 The highway aspects of the development satisfactorily accord with the requirements of Policy DR3 of the Unitary Development Plan.

Demolition Proposals

- 6.13 There are presently 28 single and two storey temporary and permanent buildings on the site totalling 8500 sq metres of floorspace. These include a range of concrete block and corrugated clad agricultural buildings, timber stables, prefabricated classrooms, greenhouses and polytunnels. More recent buildings constructed over the last 20 years or so include a small brick two storey classroom block, steel framed corrugated clad building occupied by Riding for the Disabled and the brick and stone rural craft and farriery centre constructed in 2000. In the centre of the site is Bower House which is a part brick and part stone traditional farmhouse under a pitched tiled roof, adjoining which is a range of predominantly brick farm buildings with stone elements and a concrete block silo.
- 6.14 The proposals include the demolition of all buildings on site with the exception of the rural craft and farriery centre which sits along the western boundary of the site. No objection has been raised from consultees or local residents concerning the demolition of the majority of the buildings on site which are accepted to be beyond their useful life particularly for modern

educational purposes. Of the more recent buildings, the offices constructed in 1990 and the Riding for the Disabled buildings constructed in the 1980s will be replaced with new buildings that better integrate with the overall masterplan and therefore the demolition of these buildings is also accepted.

- 6.15 The issue that has generated the most interest and concern is the demolition of Bower House and to a lesser extent, the demolition of the concrete silo. There is no doubt that Bower House is the oldest and most architecturally and historically interesting building within the site and therefore its demolition is regrettable. The applicants have been given the opportunity to consider reconfiguring the layout to enable Bower House to be retained or fully justify its demolition but have confirmed that they wish the application to be determined on the basis of Bower House being demolished. They consider its retention is not a viable or appropriate option as it would unacceptably disrupt the vision for the masterplan and it will not provide any viable uses for the building given the proposed replacement facilities. The applicants assessment and evidence does not include an analysis of the merits of the Bower House from an architectural or historical perspective.
- 6.16 It is accepted that the retention of Bower House would disrupt the current configuration of buildings within the masterplan although sufficient space appears to exist to allow Bower House to be retained along with the provision of a new teaching block and maintain a roadside presence. It is also accepted that the future uses would be limited but it is questionable whether there is no viable uses. Therefore, it is considered the case for demolition is currently weak and there are no insurmountable obstacles to its retention.
- 6.17 A judgement therefore has to be made as to whether the proposals to demolish Bower House warrants refusal of the application. Several key factors are relevant to this consideration. Firstly, Bower House is neither listed nor falls within a conservation area. It is also not listed on any schedule of buildings of local interest. As such, planning permission is not required for its demolition and therefore in theory, Bower House could be demolished tomorrow. This, of course, is an unlikely scenario but nevertheless, the lack of any local or statutory protection for the building is a material planning consideration.
- 6.18 Secondly, the Conservation Manager has inspected Bower House in terms of its historical significance, architectural features and considered the demolition against the tests set out within Planning Policy Statement 5. He concludes that whilst its retention would be preferable, there are insufficient grounds to recommend refusal. Thirdly, the Local Naturalist's Field Club who are a local conservation group made a formal request to English Heritage for Bower House to be spot listed. English Heritage considered the request based on the information available to them and concluded that _

..... "Bower House does not, despite its 18th Century date, Bower House does not demonstrate the required degree of quality in architectural style, or the degree of intactness and the lack of later alteration to make it of special interest in the national context. However, it is of local interest as part of a historic farmstead in the area".

- 6.19 Therefore, on the basis of the architectural qualities of the existing building and the degree to which it has been altered, there is insufficient justification to warrant listing.
- 6.20 Planning Policy Statement 5 (PPS5) concerning heritage assets confirms that a heritage asset can include a building of local interest as well as those on the statutory list and that there should be a presumption in favour of the conservation of heritage assets. This policy framework is also supported by Policy HBA8 of the Unitary Development Plan which identifies that development proposals that would adversely affect the appearance or setting of locally important buildings of architectural or historic interest or buildings that make a valuable contribution to the character and appearance of the area should not be permitted.

- 6.21 PPS5 advises that where a heritage asset is to be demolished, consideration must be given to the significance of the asset versus the wider public benefit of the development. Although finely balanced, having regard to the three factors outlined above and the wider public benefits of creating a new bespoke educational establishment serving the educational needs of the county, it is not considered that the proposed demolition of Bower House warrants refusal of the application.
- 6.22 Objectors have also commented on the concrete silo which sits in the south western corner of the site. It is claimed that this is one of the last few of its kind remaining in the country and may have been constructed as a viewing reference point/folly in association with Holme Lacy House. Again, the design of the new masterplan would not enable the silo to be retained as the alignment of the new access would run through its current position. Moreover, a survey of the silo has been undertaken which has revealed that it is structurally unsound. Whilst the retention of this building would provide an interesting visual and historical reference for the new campus, the case for demolition is accepted in this instance. As recommended by the conservation manager, full recording of the key buildings to be demolished will be required and the materials can be re-used within the new development where possible.

Masterplan Layout

- 6.23 Besides the obvious need to improve the educational infrastructure, one of the key drivers of the masterplan is to improve the legibility within the site as the existing campus is very disjointed with no clear identification or segregation of uses and facilities. The proposed masterplan firstly segregates the main vehicular activity from the remainder of the campus by creating a single parking area on the eastern boundary thus creating a safer environment for students. Secondly, the masterplan is divided up into distinct use zones. These being the administrative and learning area within the core learning facility (CLF), animal care and horticulture, sport and recreation, equine, agriculture and the rural crafts and farriery areas. These activities are interconnected with a series of paths within the site creating a permeable development for students and legible development for visitors.
- 6.24 The road frontage will be defined by the introduction of the CLF located between the two new access roads. The option of repositioning this building slightly further northwards in to the site has been explored but this is limited by the root protection zone of the category A lime tree. Irrespective of this factor, it is considered that the siting of the CLF provides architectural presence along the road frontage without being overly imposing or dominant.
- 6.25 The proposed layout does increase the developed area across the campus with an increase in floorspace of 2200 sq metres taking the total proposed floorspace to 10,757 sq metres. There are no objections to this as it is considered that the existing site is sufficiently contained to accommodate the proposed buildings and associated visual impact. A more intensive use of the site also enables additional facilities to be introduced in the form of additional agricultural storage and new sport and recreational facilities in the form of an outdoor floodlit all weather five-a-side pitch and indoor sports hall. In the northern end of the site is the equine area accommodating both an indoor and outdoor riding arena along with 32 stables. These will consolidate the existing equine activities and may provide replacement facilities currently utilised by Riding for the Disabled but this has not been confirmed. Amended plans have been submitted to address the visual impact of the parking area by breaking the mass with additional planting and green spaces. Overall, the masterplan concept is fully supported and will create a visually interesting yet practical learning environment.

Design, Scale and Materials

- 6.26 The reference for the designs of the proposed buildings is the landscape character of the area. The architects have researched the local landscape characteristics and attempted to translate this into the design and appearance of the buildings. This has resulted in buildings of a modular form constructed from standard materials (primarily steel frame with glazed elevations) and flat roofs. Each building is then proposed to have a steel exoskeleton that is to be clad with varying compositions of materials but with a same theme running across the site as a whole. The proposed external materials are cedar boards, cedar slats, Corten steel, Sedum green walling and stone gabions using recycled materials from the demolition process. Whilst concerns exist regarding the composition of some of the proposed materials and the proposals to screen the Rural Craft Centre, these matters can be dealt with by pre-commencement conditions to achieve a more harmonious arrangement of materials. This design concept and materials are supported and will provide a new, contemporary identity for the college campus that also reflects its rural location and position within the village.
- 6.27 The scales of the buildings are generally compatible with the existing site infrastructure, the majority being largely single storey although due to some of the uses proposed, some are effectively two storey in height. The majority of the larger new buildings are also to the rear of the site where they would be largely screened by existing boundary trees and vegetation. The one exception to this is the proposed core learning facility which will house all of the classrooms, administrative functions, IT suites, library facilities and student refectory areas. Although this building is two floors the height rises to 13 metres due to the external sub structure. This will be larger in height than other buildings on the campus and will sit prominently along the frontage. This particular issue has generated objections from local residents. The opportunity to slightly lower the height of this building has been dismissed by the applicants.
- 6.28 This building will undoubtedly be the focal point of the entire campus. However, this is considered to be a positive outcome in that it will ensure the campus better relates to and addresses the road frontage and creates an architectural statement. It should be noted that the building is stepped back between 36 and 40 metres from the roadside which will ensure that it does not appear unacceptably dominating along the frontage. The visual impact of this will be further softened by existing and proposed tree planting to ensure a green frontage can be maintained. The re-position of the western access also provides opportunities for this planting to be enhanced. Having regard to these factors, although large, it is considered the scale of this building can be accommodated within the site frontage. The design, scale and materials for the buildings are therefore considered acceptable in accordance with policy DR1 of the Unitary Development Plan.

Biodiversity and Landscape

- 6.29 The application is accompanied by an Ecological Report including protected species (bats) surveys, an arboricultural report surveying all existing trees on the site and examining their age and health and a Landscape and Visual Impact Assessment. The site is biodiversity sensitive both in its own right and due to its proximity to the River Wye located 150 metres north of the site which is designated as a Special Area of Conservation and Site of Special Scientific Interest. A large proportion of the site supports little habitat of ecological value in its own right given the majority comprises of hardstanding, poor quality grassland and modern built structures. However, species specific surveys have been carried out which have revealed the presence of bat roosts within four of the buildings. Three of the four buildings containing bat roosts are to be demolished and Natural England have confirmed a licence will be required for these demolition works. This process is independent of the planning process although the tests that have to be met are the same.
- 6.30 The Ecological Survey recommends mitigation including soft demolition of the buildings during the appropriate season, provision of new bat and bird boxes, appropriate planting to attract insects, control of lighting and introduction of roosting opportunities within the new

buildings. The Ecological Report has not identified the presence of any other species such as badgers, otters, newts or owls present. The Council's ecologist accepts, having regard to the species and low numbers of bats identified, the direct impact of the proposals on the protected species can be acceptably mitigated and the development is in the overriding public interest.

- 6.31 The second biodiversity consideration is the impact of the development on the River Wye and the associated species that contribute to its designation as a Special Area of Conservation. The key potential impact is likely to be associated with foul and surface water drainage. Both Natural England and the Council's Ecologist initially objected to the application as insufficient information had been provided regarding these matters to determine whether the development is likely to have a significant effect on the River Wye. In light of this the applicants commissioned a detailed drainage study which has examined the condition of the existing drainage systems and provides options associated with the new proposals.
- 6.32 In terms of foul drainage, the applicants were proposing a private treatment plant but are now considering the option of connection to the mains network east of the site. In light of this change Welsh Water have been consulted and comments are awaited. Concerning the surface water drainage, a sustainable drainage system is proposed which is likely to include the construction of a balancing pond and permeable surfaces along with pollution control measures such as grease traps, oil interceptors and bunded fuel storage. This further information has been considered by Natural England and the Council's ecologist and both have now removed their objections. In addition, the Habitat Regulations Appropriate Assessment has been completed concluding that the development will not be likely to have a significant effect on the River Wye. The development will have an impact including an adverse impact in the short term on the biodiversity of the site but this impact can be mitigated through conditions providing for biodiversity enhancement as detailed above.
- 6.33 To address concerns of the Council's landscape officer, a landscape masterplan has been provided which identifies the proposed landscape framework for the site. This also encompasses the arboricultural report, which analyses the trees on site and identifies those to be removed and retained. The site is largely enclosed and screened by existing mature trees and vegetation along the eastern and most of the western boundaries. The north western boundary where levels drop away is the most exposed viewpoint and amended plans are awaited to strengthen the planting in this area to soften the impact of the new buildings.
- 6.34 Along the frontage, the majority of the existing trees are to be retained and across the site, whilst several trees are to be removed they are largely category C trees. The repositioning of the western access also enables more open and green frontage to the development creating the potential for a recreational space for students in the summer. Boundary materials are to reflect the rural location of the site such as a three bar post and rail fence along the frontage and timber palisade fencing elsewhere. Around the periphery, informal planting is proposed to encourage biodiversity. In terms of hard surfacing materials, resin bound gravel connecting the various spaces and buildings is also proposed which will achieve the required visual quality. The soft and hard landscape framework will facilitate a more seamless link between the spaces around the buildings and the buildings themselves whilst mitigating any wider visual impact of the development as required by policies LA2 and LA6.

Other Matters

Flood Risk

- 6.35 A Flood Risk Assessment has been carried out which is a necessary requirement due to the scale of the development. The site falls within Flood Zone 1 and therefore there is at little or

no risk of flooding from fluvial sources. There are also no recorded incidents of surface, ground water or sewer flooding within the site. Nevertheless, the development has a potential to generate new sources of surface and ground water flooding. The applicants therefore propose a sustainable surface water drainage strategy. Peak run-offs associated with a new development have been calculated which have identified a need for surface water attenuation to regulate run-off to acceptable equivalent green field rates. Alongside this, sustainable drainage techniques will be incorporated within the final drainage strategy such as soakaway systems, permeable surfaces and rainwater harvesting. The final drainage design can be controlled through a pre-commencement condition but the principles to mitigate against flooding and control surface water drainage are accepted by the Environment Agency in line with best practice guidance within Planning Policy Statement 25.

Amenity

- 6.36 Several of the immediate neighbours have expressed concerns regarding the impact of the development on their amenity. This is particularly associated with the visual impact of the core learning centre building whilst indirect impact is associated with increased traffic and activity on the site. As explained at paragraph 6.28, the core learning centre is set back from the road between by an average of around 37 metres and is 32 metres away from Bower Cottage and 60 metres away from The Thatch which are the two nearest properties. This new building will directly affect the outlook from these properties but distances are considered sufficient to ensure there is no harmful impact on their amenity.
- 6.37 Both new accesses associated with the master plan are aligned directly opposite both Bower Cottage and The Thatch. These new junctions will bring increased vehicular activity nearer these properties. However, this impact must be balanced against the fact that the properties are situated adjacent to a relatively busy road. Therefore, the impact of the new access junctions and traffic generation generally is again not considered to be unduly detrimental to the amenity of these properties. Other matters such as new planting and external lighting can be controlled by conditions.

Sustainability and Environmental Construction

- 6.38 The application proposals have been subject to a pre-assessment under the BREEAM Assessment which has revealed that the proposals are less than 1% off achieving a rating of 'Excellent'. This rating considerably exceeds current building regulations requirements in terms of energy use and carbon emissions. As the development is likely to be phased over a period of 10 years or so, it is therefore considered reasonable and necessary to require that this standard is achieved in order to future proof the building designs and technology used.
- 6.39 Alongside this, specific research has also been carried out as to potential for the use of renewable technologies. It is anticipated that ground source heat pumps and PVC solar panels can be used across the site and the option of a site wide biomass heating system is also being explored. These measures along with measures incorporated within the fabric of the building such as natural ventilation systems and the control of solar gain through the proposed external cladding materials will assist in reducing the overall energy demands of the buildings and carbon footprint of the development as a whole as required by guidance contained within Planning Policy Statement 1.

Section 106 Agreement

- 6.40 As explained in paragraph 6.9, the applicants have agreed to a Section 106 Heads of Terms as appended to this report. This requires a contribution towards highway and sustainable transport infrastructure based around the increase in floorspace proposed on the development. Alongside this, the application provides the opportunity to secure land owned by the college for the delivery of Phase 2 of the Connect 2 Greenway and the Heads of Terms also accommodates this. The Section 106 requirements accords with the Supplementary Planning Document on Planning Obligations and the tests set out within Circular 5/2005

Impact on Listed Buildings

- 6.41 Two dwellings directly opposite the site (The Thatch and Bower Cottage) are Grade II Listed. The occupants of these properties have expressed concerns that the development will adversely affect the setting of their listed buildings. Whilst the development will change the environment around and the outlook from these properties, it is not considered that the setting will be harmed as a result of the siting of the building or other changes along the site frontage. This view is supported by the Conservation Manager who raises no objection on these grounds.

Conclusion

- 6.42 The college has been established in Holme Lacy for over 50 years and has a pedigree of providing rural based education within the county and beyond. The standard of the infrastructure on site is generally poor and the site layout is not compatible with a safe and modern learning environment.
- 6.43 In planning policy terms the college is classed as a community facility and therefore the requirements of Policy CF5 govern the principles of the development. On the whole, it is considered that the criteria within this policy are satisfied as follows:
- The scale of the proposals reflect the educational needs of the community that it serves which extends beyond the county,
 - The format of the masterplan, building designs and wider visual and landscape impact of the development reflect the character of the semi-rural location of the site
 - The development will not significantly impact upon the amenity of neighbouring residents and;
 - The development will incorporate safe vehicular access and appropriate car parking.
- 6.44 The development will result in the demolition of one building of local heritage interest which is regrettable. This impact must be balanced against the wider public benefits of creating a new bespoke rural based skills college with a range of facilities and a learning environment that reflects modern student aspirations and needs. It is also important that Herefordshire, being a rural county where the predominant land use is agriculture and horticulture continues to offer educational options that reflect the County's land use characteristics.
- 6.45 As is often the case with large scale developments, there are competing policy and wider public interests associated with the proposals. On balance, in this instance, the wider and long term public benefits of the proposals are sufficient to enable support to be given for the development. This is subject to conditions outlined below and the completion of a Section 106 Agreement in accordance with the Heads of Terms appended to this report.

RECOMMENDATION

- 1) **The Assistant Director Law and Governance 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 (appended to this report).**
- 2) **Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:-**
 1. **A01 Time limit for commencement (full permission)**
 2. **B01 Development in accordance with the approved plans**

3. **C01 Samples of external materials**
4. **D24 Recording**
5. **D19 Items to be Re-used**
6. **F05 Restriction on hours of use (industrial)**
7. **G02 Retention of trees and hedgerows**
8. **G04 Protection of trees/hedgerows that are to be retained**
9. **G10 Landscaping scheme**
10. **G11 Landscaping scheme - implementation**
11. **G14 Landscape management plan**
12. **H05 Access gates**
13. **H08 Access closure**
14. **H13 Access, turning area and parking**
15. **H27 Parking for site operatives**
16. **H29 Secure covered cycle parking provision**
17. **I02 Scheme of measures for controlling noise**
18. **I16 Restriction of hours during construction**
19. **I18 Scheme of foul drainage disposal**
20. **I21 Scheme of surface water regulation**
21. **I26 Interception of surface water run off**
22. **I33 External lighting**
23. **I35 Time limit on floodlighting/external lighting**
24. **I51 Details of slab levels**
25. **I55 Site Waste Management**
26. **I56 BREEAM Sustainable Construction Condition**
27. **K2 Nature Conservation – site protection**
28. **K4 Nature Conservation – Implementation**
29. **K5 Habitat Enhancement Scheme**
30. **Notwithstanding the submitted details, prior to the commencement of the development, further details and plans of the exoskeleton cladding panels for the**

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

core learning centre and rural crafts centre shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the composition of the materials harmonise with the building designs and the surroundings and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

31. Prior to the commencement of the development, a demolition and construction phasing schedule shall be submitted to and approved in writing by the local planning authority. The demolition and construction shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the acceptable phasing of the development and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

32. Prior to occupation of the first building, details to include a scaled plan of the 3 metre wide footpath/cycle connection to the eastern boundary of the site shall be submitted to and approved in writing by the local planning authority. The footpath/cycle connection shall be constructed in accordance with the agreed details within 6 months of occupation of the first building or in accordance with an alternative timescale to be agreed in writing with the local planning authority.

Reason: To ensure the site accommodates a direct connection to the proposed Connect 2 Greenway in order to enhance the accessibility of the site by foot and cycle and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1. N02 Section 106 Obligation
- 2. N13 Control of demolition - Building Act 1984
- 3. N18 European Protected Species Licence
- 4. N20 Site Waste Management
- 5. N15 Reason(s) for the Grant of PP/LBC/CAC

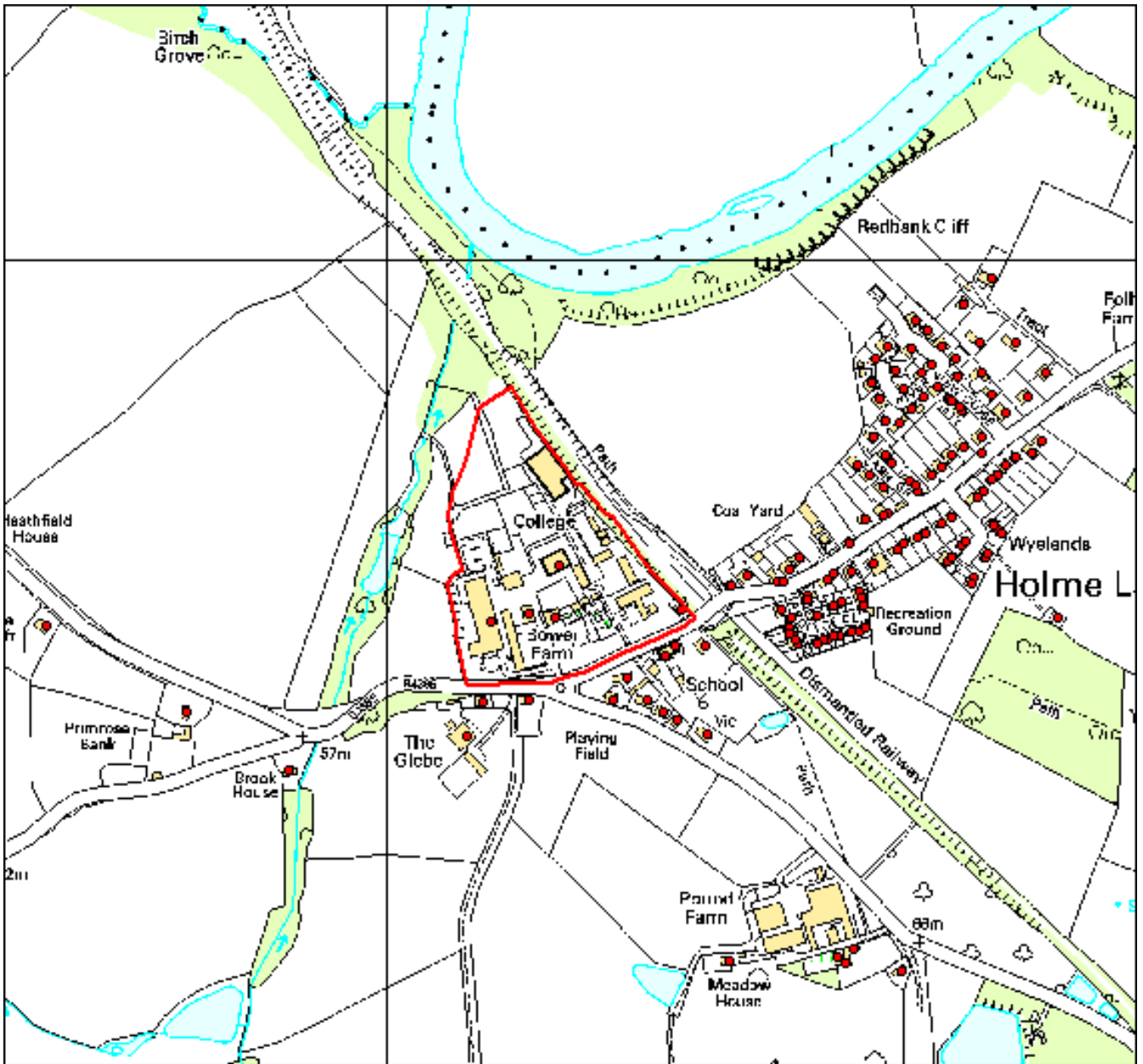
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/102266/F

SITE ADDRESS : HEREFORDSHIRE COLLEGE, HEREFORDSHIRE COLLEGE OF TECHNOLOGY
HOLME LACY CAMPUS, HOLME LACY, HEREFORDSHIRE, HR2 6LL

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288

HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Application – DMS/102266/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008.

Re-development of Holme Lacy College

Hereford College of Technology, Holme Lacy Campus, Holme Lacy, Hereford, HR2 6LL

1. The developer covenants with Herefordshire Council to transfer the land presently owned by Hereford College of Technology to Herefordshire Council to enable the construction and use of the land in perpetuity for the Connect 2 Greenway. The transfer shall be at nil cost to the Council.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £67,410 for off site highway works and improved sustainable transport infrastructure (excluding that required to facilitate the development i.e. new access arrangements). Figures based on all mode trip rates associated with the increased floorspace proposed.
3. The monies shall be used by Herefordshire Council towards the cost of the Connect 2 Greenway from Hereford to Holme Lacy. In the event the money is not used for this purpose, the money will be used for any or all of the following purposes:
 - a) Traffic calming and improved signage
 - b) Traffic Regulations Order(s) to reduce speed limits and impose localised parking restrictions
 - c) Improved/new pedestrian and cyclist connectivity with the site
 - d) Initiatives to promote sustainable transport

Alternatively:

4. The developer covenants with Herefordshire Council to facilitate the construction of the Connect 2 Greenway within land owned by Herefordshire College of Technology in accordance with plans and a specification to be agreed in writing with the Council prior to the commencement of the development. The specification shall include a 3 metre wide shared use footpath/cycleway with a bound surface and an adjoining grass verge of a minimum width of 2.5 metres for equestrian use. The agreed works shall be completed in accordance with a phasing programme to be agreed in writing with the Council.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 2 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. All of the financial contributions shall be Index linked from the date of the permission and paid on or before commencement of the development or in accordance with phasing programme to be agreed in writing with Herefordshire Council.
8. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
9. Prior to completion of the Section 106 Agreement, the developer shall provide a travel plan for the approval in writing of the local planning authority. The travel plan shall include measures and initiatives to promote sustainable travel options and encourage a shift away from single person car travel. The travel plan shall also include clear targets based around the travel survey within the Traffic Assessment, monitoring and enforcement measures to enable the Council to maintain control over the travel options available to students, staff and visitors to the college. The travel plan shall be appended to the S106 Agreement.

Russell Pryce - Principal Planning Officer - 10 February 2011

Further information on the subject of this report is available from Mr R Pryce on 01432 260288



MEETING:	PLANNING COMMITTEE
DATE:	23 FEBRUARY 2011
TITLE OF REPORT:	<p>DMS/103017/F - NEW INDUSTRIAL UNIT TO SUPPLY MEDICINES AND FEED AT BUSINESS PARK ON LAND AT NEW LIVESTOCK MARKET, ROMAN ROAD, HEREFORD.</p> <p>For: Mr Jones per McCartneys, 7 Broad Street, Leominster, Herefordshire, HR6 8BT.</p>

Date Received: 17 November 2010 **Ward: Credenhill & Three Elms** **Grid Ref: 347555,242255**

Expiry Date: 20 January 2011

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

1. Site Description and Proposal

- 1.1 The new Livestock Market site is located to the south of the A4103 (Roman Road) to the north west of Hereford City. The new Livestock Market is currently under construction in a central position of the parcel of land. The application site relating to this proposal is a plot of land 2000 sqm in size, located immediately north of the cattle market building. This site is currently being used as the site compound for the Livestock Market development and as such has already been cleared and temporarily hardsurfaced.
- 1.2 The site would be accessed via the newly constructed access road into the site and is to the east of this.
- 1.3 The proposal is for the erection of a single two storey building that has a footprint of 21.8m by 15.2m (inclusive of canopy over external racking area). The external materials proposed are brick to ground floor with grey panelling above with a grey roof panel system, including rooflights. The eaves height of the building would be 5m with a ridge height of 6.63m.
- 1.4 Both the north and west elevations would benefit from entrance doors and signage with the main entrance proposed to the west elevation fronting the internal access road.
- 1.5 Externally the site would accommodate an external sales area, parking spaces for 19 vehicles (including disabled spaces and some larger spaces) for staff and customers. The site also provides an area for deliveries and unloading within the secure area to the rear of the building.
- 1.6 The applicant is currently located on the existing Livestock Market and supplies the agricultural trade with animal feed and medicines as well as providing specialist advice to farmers on the welfare of their animals.
- 1.7 For clarification, despite the description as a business park, this application relates to one building only and makes no provision for any proposed future similar developments.

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

2. Policies

2.1 National Planning Policy:

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS9	-	Nature Conservation
PPS25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR13	-	Noise
DR14	-	Lighting
LA2	-	Landscape Character and Areas Least Resilient to Change
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
TCR19	-	Hereford Livestock Market - Relocation

3. Planning History

- 3.1 DCCW2008/0262/F Proposed construction of replacement livestock market with associated car and lorry parking. Approved with Conditions 9 November 2009.
- 3.2 S103326/AM Proposed construction of replacement livestock market with associated car and lorry parking (Non-material amendment to planning permission DCCW2008/0262/F). Approved 4 January 2011.

4. Consultation Summary

- 4.1 Environment Agency: No comments to make on this application. There is only a minimal amount of car parking spaces proposed and it is not a major aquifer at this location. I note that the applicant is to utilise the Livestock Market surface water drainage system.

Internal Consultees

- 4.2 Traffic Manager has no objection.
- 4.3 Public Rights of Way Manager confirms that the proposal will not affect the Public Right of Way.

5. Representations

- 5.1 Hereford City Council: Raises no objection.

- 5.2 Ramblers Association: Comments that the plans do not show how this footpath will negotiate the new building entrance and requests that the developer is aware there is a legal responsibility to maintain and keep clear the Public Right of Way.
- 5.3 Open Spaces Society: Queries the accuracy of the plans and requests that we confirm matters with the Public Right of Way Manager.
- 5.4 Hereford Futures: Hereford Futures would urge the local planning authority to have regard to the significant contribution this established agricultural business makes to the numerous rural enterprises that it services and supports. Furthermore the relocation will positively enhance the vitality and viability of the new Livestock Market. The investment is welcomed and Hereford Futures support the application.
- 5.5 Letters of objection have been received from Mr and Mrs Hilder, 1 Veldifer Cottage, Roman Road who comment as follows:
- Concern relating to the description as a “Business Park”.
 - Notes that the site is not within the Cattle Market boundary and object to this development because it represents a further encroachment onto a green field site for a business that is not essential to the operation of the livestock market.
 - The operation of the proposed business will affect our amenity adversely. Our amenity will be affected by traffic movements, noise and light pollution.
 - The development will cause pollution of the environment.
 - The proposed development is on land covered by a Covenant which was varied to allow the livestock market. We believe this planning application relates to a business that is very different from the livestock market and not permissible under the Covenant.
 - Should the Council reject our objections we expect to have discussions with respect to conditions as follows:
 - construction: similar restrictions and conditions in line with those for the market site;
 - landscaping: as this site is outside the market site then we want similar bunding and tree planting as that for the market site to reduce the impact of the site on our amenity;
 - environmental protection: the same environmental protection measures as apply to the market site;
 - hours of business: you have provided information but we would expect the times to be enshrined in conditions;
 - Drainage: we await the EA. We would expect the same level of protection as the market site is having to achieve;
 - Traffic movements: you have provided information. Again this detail should be a condition to prevent expansion of the business without the need for full planning permission;
 - on-site operations particularly relating to noise, dust and vermin control: all these need conditions. For example, the landscaping condition referred to above is also required to reduce noise (forklift trucks for instance loading/unloading pallets).

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

6. Officer's Appraisal

6.1 The main issues for consideration are:

- The Principle of Development
- Impact on the Character and Appearance of the Locality
- Impact on the Amenities of Neighbouring Properties
- Highway Safety and Parking
- Drainage

The Principle of Development

6.2 Policy TCR19 of the Herefordshire Unitary Development Plan was key to the relocation of the Livestock Market that is currently under construction with an anticipated opening later this year. This policy states that the site is restricted for use as the new Hereford Livestock Market and necessary ancillary uses only.

6.3 The applicant currently trades from the existing Livestock market with the use strongly and predominantly linked with agriculture, in particular the supply of feed and medicines for livestock as well as providing animal welfare advice. It is evident that there are significant amounts of linked trips with farmers visiting the market whilst also utilising this retail unit and its services. It is your officers' opinion that this is a necessary ancillary use to the primary function of the site as a Livestock Market and as such meets the requirements of Policy TCR19.

6.4 To ensure that this building continues to be used for suitable, necessary ancillary uses in the future a condition is recommended restricting the use.

Impact on the Character and Appearance of the Locality

6.5 The livestock market building and associated works are positioned in a central position and because of its size and scale has quite a significant visual presence in the locality. A substantial landscaping plan will compliment the development and mitigate its impact, although it is clearly impossible to disguise it. The proposed building and associated hardstanding would be sited in close proximity to this building. The cattle market building is 11m in height compared to the 6.63m ridge height of this proposed building. The building will be subservient in size and scale and will clearly read as part of the site as a whole, rather than as a stand alone development. The building is sited just in front of the livestock market building, some 130m back from the highway. Its position will act as a subtle focal point on entrance, and the buildings dual aspect design will promote this. The design of the building is simple in form, and relates well in materials to the Livestock market and its surroundings.

6.6 A condition requiring the submission of landscaping plans that would aim to compliment the approved landscaping scheme for the wider site is suggested to ensure that the building and associated external areas have the appropriate mitigation and that this site blends within the context of the Livestock Market as a whole. As such the proposal is considered to comply with Policies LA2 and TR19 of the Herefordshire Unitary Development Plan.

Impact on the Amenities of Neighbouring Properties

6.7 The building itself will have no adverse impact upon the amenities of adjoining residential properties. The main concern relates to the potential for noise, disturbance or pollution above and beyond that the Livestock Market may generate.

- 6.8 The opening hours of the proposed unit would be standard opening from 8.30am – 5.00pm Monday to Friday and 9am to 12pm on Saturday morning. All deliveries would take place during these opening hours. It would be closed on Sundays and Bank Holidays. There are no ‘hopper’ style feed containers used that could cause disturbance. The Livestock Market is restricted to being open to customers outside of the hours of 6am and 10pm (daily) but it is unlikely that this will be fully operational as a Livestock Market on a daily basis at this time. To protect the local residents from the potential for noise and disturbance, in particular from deliveries, a suitably worded condition is suggested to restrict hours of opening and times of delivery to being within the hours of 8am and 5.30pm, Monday to Friday, 8.am to 1pm on Saturdays with no opening on Sundays or Bank Holidays.
- 6.9 Light pollution could also cause nuisance and as such a condition requiring details of lighting, as well as the times that lights will be on (and where) is suggested.
- 6.10 To ensure that any waste and refuse is safely stored, and in the interests of the local environment a condition is recommended to allow for the agreement of detail.
- 6.11 A condition restricting hours of working during construction is also recommended, as is details of the site compound, to ensure that this would not disturb neighbouring residents.

Highway Safety and Parking

- 6.12 The site already benefits from a newly constructed access road and junction that also serves the Livestock Market. This, along with the immediate highway network, is considered to be sufficient to absorb the additional traffic that may be attributed to this development. However, it is expected that the vast majority of trips will be linked with trips to the Livestock Market (as happens at the present site).
- 6.13 There will be good pedestrian links from the Livestock Market car park to the application site and more than sufficient parking and turning space within the application site. The Transportation Manager raises no objection to this proposal. As such it is considered to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

Drainage

- 6.14 Foul and Surface water drainage were very complex and well considered matters with the Livestock Market application. As a result a drainage scheme was agreed. The proposed development would connect to this surface water drainage system. The applicants have confirmed that there is adequate capacity to do this and the Environment Agency raise no objection to this. For clarification purposes, a condition requiring details is recommended. On this basis the proposal is considered to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

Archaeology

- 6.15 The livestock market application also raised interest from an archaeological perspective and a condition was imposed. It is suggested that a condition is attached to the permission to allow observation of the excavations.

Conclusion

- 6.16 The proposed development is considered to be a small scale retail development designed to serve the needs of the users of the new livestock market in accordance with the requirements of policy TCR19. Its design and siting would be considered satisfactory and a suitable landscaping scheme would help to assimilate the development into the wider site. Whilst the

use proposed is unlikely to harm the amenities of the local residents, conditions are recommended to protect their amenities in the future. Having regard to the above, it is your officer's opinion that the proposal is satisfactory and in accordance with the policies of the Herefordshire Unitary Development Plan. As such is recommended that planning permission be granted with conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F02 Restriction on hours of delivery**
- 5. F03 Restriction on hours of opening**
- 6. F06 Restriction on Use**
- 7. G10 Landscaping scheme**
- 8. G11 Landscaping scheme - implementation**
- 9. G15 Landscape maintenance arrangements**
- 10. H13 Access, turning area and parking**
- 11. H16 Parking/unloading provision - submission of details**
- 12. H29 Secure covered cycle parking provision**
- 13. H20 Road completion in 2 years**
- 14. I16 Restriction of hours during construction**
- 15. I20 Scheme of surface water drainage**
- 16. I26 Interception of surface water run off**
- 17. I25 Bunding facilities for oils/fuels/chemicals**
- 18. I33 External lighting**
- 19. I41 Scheme of refuse storage (commercial)**
- 20. E03 Site Observation – Archaeology**

Informative:

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

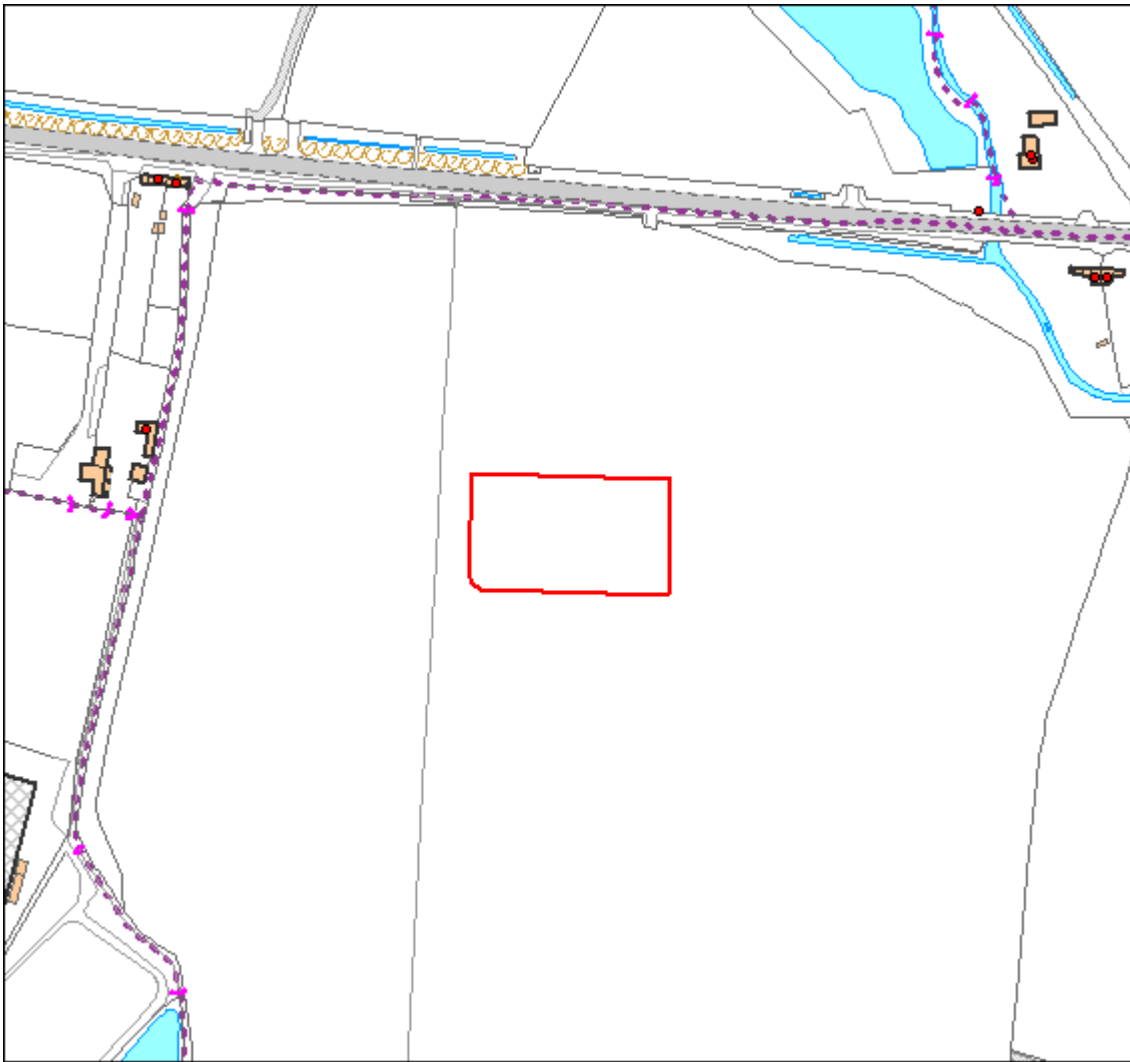
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/103017/F

SITE ADDRESS : BUSINESS PARK ON NEW LIVESTOCK MARKET, ROMAN ROAD, HEREFORD

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MEETING:	PLANNING COMMITTEE
DATE:	23 FEBRUARY 2011
TITLE OF REPORT:	<p>DMS/103031/O - OUTLINE PERMISSION FOR THE ERECTION OF A DETACHED RESIDENTIAL DWELLING AT YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX.</p> <p>For: Mr Blackman per Mr Nicholas Groom, N G Property, 7 Duchess Close, Monmouth, Monmouthshire, NP25 3JL.</p>

Date Received: 19 November 2010 **Ward: Hagley** **Grid Ref: 356166,241263**

Expiry Date: 4 March 2011

Local Members: Councillor DW Greenow

1. Site Description and Proposal

- 1.1 Outline planning permission with all matters reserved is sought for the erection of a 4-bed dwelling on land forming part of the garden to Yew Tree Cottage, Bartestree. The existing dwelling is a detached older style property fronting the A438 Hereford to Ledbury road some 30 metres to the east of the junction with Wilcroft Park. The garden extends to the rear to meet the boundary with No.10 Barber Close, a modern 2-storey dwelling, part of a residential cul-de-sac. To the west are dwellings in Wilcroft Park, with No. 9 Barber Close on the eastern boundary.
- 1.2 It is proposed to erect a detached dwelling with parking area. Access would be via the existing means of access to Yew Tree Cottage, which is taken directly from the A438. The submitted Design and Access Statement describes the intention to build a dwelling similar in appearance and scale to those in Barber Close. Materials would comprise brick under tile.
- 1.3 The applicant holds a politically restricted post within the Council.

2. Policies

2.1 Government Guidance:

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

2.2 Herefordshire Unitary Development Plan 2007:

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

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H4	-	Main Villages: Settlement Boundaries
H13	-	Sustainable Residential Design

3. Planning History

3.1 None.

4. Consultation Summary

4.1 Welsh Water: Recommend standard conditions regarding the treatment of foul and surface water drainage.

Internal Consultees

4.2 Traffic Manager: Objection. The proposed dwelling will result in the intensification of use of an access with substandard visibility onto the A438. The access is in close proximity to the junction with Wilcroft Park, which is a busy junction to a residential estate comprising around 200 houses and a primary school. It is considered, therefore, that the proposal is likely to be detrimental to highway safety in the area.

5. Representations

5.1 Lugwardine Parish Council: Concerns are expressed in relation to the density of the properties locally and the access onto the main road. The application is not supported.

5.2 Objections have been received from Nos. 8, 9, 10 and 11 Barber Close. The content of the objections is summarised as follows:

- The proposal would constitute a cramped form of development that would alter the character and appearance of Barber Close to its detriment;
- The proposed point of access is very close to the junction with Wilcroft Park. It is not suited to any intensification of use;
- The erection of a two-storey dwelling in this location would result in adjoining gardens being overlooked and overshadowed resulting in a reduction in levels of privacy;
- Noise from traffic associated with the dwelling would adversely affect the enjoyment of existing rear gardens.

5.3 The agent has submitted a letter in response to the issues raised by objectors. The content is summarised as follows:

- Many properties in Bartestree are served by accesses coming direct from the main road. The situation is not unique to the application site.
- The proposal would not produce significant levels of traffic relative to the existing junction at Wilcroft Park, which serves approximately 200 dwellings. Shared driveways have been accepted historically and there is insufficient justification on sound highway safety reasons to object to shared use in this instance.
- Development of the site is not considered to represent 'garden grabbing.' The plot to Yew Tree Cottage is very large relative to the scale of the dwelling and four times the size of plots in Barber Close, which have subsequently been developed with large four-bed dwellings.

- The proposed dwelling will not appear cramped, but spacing will be commensurate with existing properties in Barber Close. Overlooking is mitigated by the fact that first floor windows in Nos. 9 and 10 Barber Close are obscure glazed and rearward facing bedroom windows in Wilcroft Park are 20 metres distant.

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 key issues in this case are the impact of the development upon the character of the area and the living conditions of existing and prospective occupants, and the impact of the development upon highway safety. The Unitary Development Plan identifies that the principle of development at this location is acceptable. The site falls within the settlement boundary for Bartestree, a main village as defined by policy H4, which states that residential development will be permitted where proposals are "in accordance with the housing design and other policies of the plan." Policy DR1 sets out the requirement that where relevant, all development will be required to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure and further criteria.

6.2 In this instance weight should also be attached to the ministerial announcement on the de-classification of gardens as previously developed land. Planning Policy Statement 3 (Housing) has subsequently been amended to remove garden land from the definition of Previously Developed Land. This has the effect of reinforcing the ability of local planning authorities to consider whether development of gardens is appropriate in all contexts. The Chief Planning Officer's letter refers to powers for local authorities to stop 'garden grabbing' in the context that local planning authorities had perhaps misapplied national policy guidance by attaching too much weight to the inclusion of gardens within the definition of previously developed land.

6.3 In this case the overriding characteristic of the village is the presence of older properties on the main road frontage with more recent estate-style development extending to the north in a series of cul-de-sacs. One of these is Barber Close, which extends to form the northern and eastern boundaries of the application site. Nos. 9 and 10 Barber Close have two-storey flank elevations within 1 – 1.5m of the site boundary. Whilst the properties in Wilcroft Park stand further from the site boundary, there is a clear line of sight from first floor bedroom windows into the application site. Turning to the south, the application site is also overlooked by rearward facing first-floor windows in Yew Tree Cottage itself. In combination the effect is that the site is overlooked from two aspects and set hard against two existing properties on the remaining two sides. Whilst existing dwellings overlook the application site, it is inevitable that first-floor windows in the proposed dwelling would, in return, result in overlooking of existing gardens with an associated loss of privacy. Given that this is an outline application with all matters reserved it is difficult to identify in which direction overlooking from the proposed dwelling would occur. However, given that a four-bed dwelling is applied for it is reasonable to anticipate a minimum of at least four clear-glazed openings at first floor, and that these openings would be located within at least two elevations. Thus I consider the likelihood of direct overlooking of adjoining private garden spaces to be high.

6.4 I am also concerned that the introduction of a new dwelling at this location would have unacceptable implications for the residential amenity of the neighbours arising from noise, specifically the passage and turning of vehicles. At present rear gardens to the surrounding properties share mutual boundaries with no means of vehicular access past the rear of the properties. Whilst residents will be accustomed to and accepting of road noise, this occurs at the front of properties. The introduction of noise from vehicles to the rear of properties, bordering onto private garden spaces would, to my mind, represent an unacceptable and hitherto unknown level of intrusion and loss of residential amenity, contrary to policy H13.

- 6.5 Having identified harm to residential amenity arising through overlooking and noise, it is necessary also to consider the impact upon the character and appearance of the area. The Design and Access Statement refers to a dwelling designed so as to be “of similar style and proportion” to those in Barber Close. Whilst it is acknowledged that the site is largely hidden from public view, it is my opinion that a dwelling of the style and massing proposed would be inappropriate to the site and incongruous in the wider surrounds. Due to the nature of the relationship with properties in Barber Close it is unlikely that the property would be readily identifiable as forming an integral part of Barber Close – rather it would appear as an unplanned addition, failing to promote or reinforce the distinctive character and appearance of the area in a manner contrary to policy DR1. This is further highlighted by the fact that vehicular and pedestrian access relies upon the use of the existing access from the A438 past Yew Tree Cottage and not via Barber Close. Thus whilst the dwelling is stated as being designed to mimic properties in Barber Close, it would not form part of the Close in any physical or functional sense and is unlikely to be designed so that the front elevation addresses Barber Close. For these reasons I consider the proposal contrary to policies DR1 and H13 of the Unitary Development Plan.

Highway Safety

- 6.6 It is intended that the existing means of vehicular access serve the additional property. The Traffic Manager has identified a severe deficiency as regards visibility splays and is also concerned at the proximity of the junction to the busy Wilcroft Park junction, which serves approximately 200 hundred houses and a school. His recommendation is that planning permission be refused on the basis that intensified use of the access would be prejudicial to highway safety on the busy main road.
- 6.7 The eastward visibility at a 1.8m setback (2.4m would usually be sought) was 48m to the nearside edge of the road and 70m to the centreline. This has been reduced, however, by the recent erection of a lighting column 5 metres to the east of the access in connection with the recently installed pedestrian crossing. The presence of this column reduces the achievable ‘X’ distance with the effect that vehicles will have to project further into the carriageway in order to obtain a clear line of sight. This is clearly undesirable on a route subject to high volumes of traffic.
- 6.8 The required visibility standard is 90 metres to the nearside of the carriageway assuming adherence to the 30mph speed limit. Given that 85th percentile speeds are recorded at 41mph westbound, a reduction below 90 metres would not be accepted. The situation is compounded by the fact that improvements to visibility to the east would require the acquisition of third-party land. Visibility to the west is also impeded by a combination of a telegraph pole, the neighbour’s hedge and the nearby presence of the Wilcroft Park junction.
- 6.9 The agent has commented that the owners of Yew Tree Cottage could intensify their own use of the access without recourse to the highway authority. This is true. I do not consider, however, that this would equate to a level of use equivalent to what could reasonably be expected to arise from the addition of a further 4-bed property. In short I consider that the intensified use of the access resulting from an additional dwelling would be greater than that which might be attributable to Yew Tree Cottage on its own and consider the proposal to be prejudicial to highway safety as a consequence.
- 6.10 It is my view, therefore, that the site is inappropriate for residential development on the basis that development would adversely affect the residential amenity of existing residents and would fail to provide satisfactory levels of residential amenity to prospective occupants. The proposal would also pose a threat to the safe use and movement of traffic on the adjoining A438 and furthermore would represent a form of development that is out of keeping with the locality.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The visibility offered by the proposed point of vehicular access is significantly substandard and cannot be improved without incorporating land in third party ownership. The intensified use of the access is considered to represent a threat to highway safety on this busy main road and the application is thus considered contrary to Policy DR3 of the Herefordshire Unitary Development Plan 2007.
2. The erection of a dwelling in this location would result in an increase in vehicular and pedestrian movements and activity in close proximity to the rear private gardens of existing dwellings. The development would also result in the loss of privacy to existing private gardens, whereas the application site is subject to overlooking from existing dwellings. As a consequence the development would generate activity and disturbance in excess of what could reasonably be associated with a typical residential curtilage, result in an unacceptable loss of privacy and fail to provide acceptable levels of amenity for future occupants. The development would thus harm the amenity of adjoining residents in a manner contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan 2007.
3. The erection of a 2-storey detached dwelling in this location would constitute a cramped and incongruous form of development that would fail to promote or reinforce the distinctive character and appearance of the locality, particularly in relation to its layout. The proposal is thus contrary to Policies DR1 and H13 of the Herefordshire Unitary Development Plan and guidance set out in Planning Policy Statement 3: Housing.

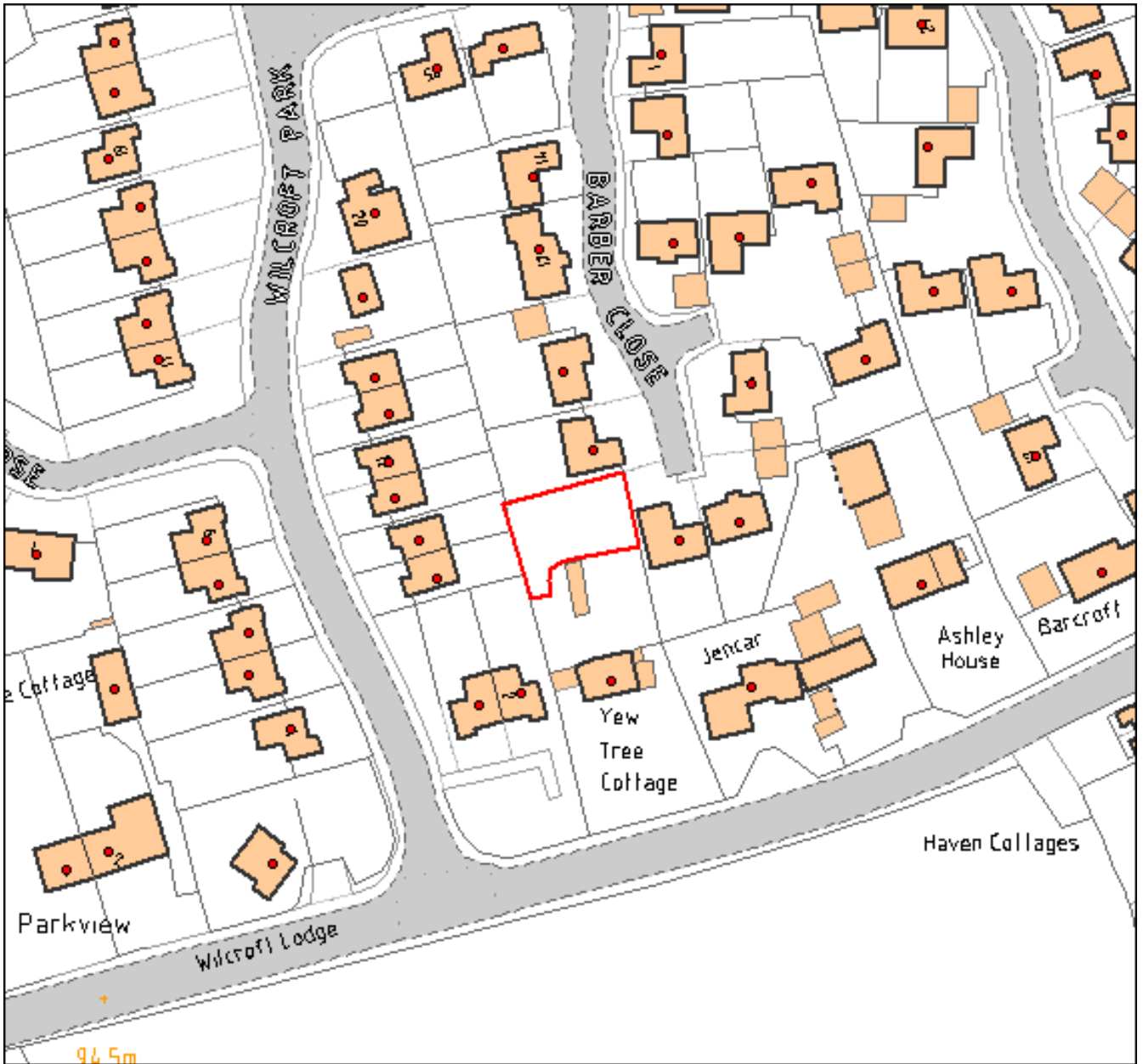
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/103031/O

SITE ADDRESS : YEW TREE COTTAGE, BARTESTREE, HEREFORDSHIRE, HR1 4BX

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



MEETING:	PLANNING COMMITTEE
DATE:	23 FEBRUARY 2011
TITLE OF REPORT:	<p>DMS/103173/F - APPLICATION TO VARY CONDITION 9 OF PLANNING PERMISSION DMSE/093151/F TO ENABLE INSTALLATION OF DOMESTIC HEATING OIL TANKS AT CARADOC COURT, SELLACK, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LS.</p> <p>For: Mr H Bramer per Mr T Egan, M F Freeman, Ruardean Works, Varnister Road, Gloucestershire, GL17 9BH.</p>

Date Received: 6 December 2010

Ward: Llangarron

Grid Ref: 355982,227273

Expiry Date: 11 March 2011

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 The application seeks to vary Condition 9 of planning permission S/093151/F to enable the introduction of domestic heating oil tanks within the curtilage of each of the six dwellings approved at Caradoc Court. The approved development comprises the erection of six detached dwellings and the construction of a new access point and driveway on land approximately 400 metres north east of The Court on land at the top of a steep, north-facing wooded slope, rising up from the River Wye. The application site falls within the Wye Valley Area of Outstanding Natural Beauty and within the unregistered historic parkland associated with Caradoc Court.
- 1.2 Development has commenced and the dwellings are currently under construction. The application seeks permission to install oil tanks through amending Condition 9, which acts to remove permitted development rights for extensions and other development within the domestic curtilage that would otherwise not require planning permission. Condition 9 was imposed upon the original planning permission in order that the local planning authority could retain control over future alterations sought by individual occupants in the interests of best preserving the character and appearance of the area.
- 1.3 The oil tanks are 1200 litre capacity and measure 1785mm x 1370mm x 925mm (height). One tank is located within the curtilage of each of the six dwellings at either the side or rear of each dwelling and enclosed by soft landscaping.

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

2. Policies

2.1 Planning Policy Statements:

- PPS1 - Delivering Sustainable Development
- PPS5 - Planning for the Historic Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- H7 - Housing in the Countryside Outside Settlements
- H13 - Sustainable Residential Design
- H18 - Alterations and Extensions
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscaped Character and Areas Least Resilient to Change
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Woodlands and Hedgerows

3. Planning History

- 3.1 SH940997PF Rebuild fire damaged house to original state as single residence with outbuildings and six houses on adjoining land at Caradoc Court, Sellack. Approved 24 February 1995.
- 3.2 DCSE206/1684/V Certificate of Lawfulness for six new houses (approved planning permission SH940997PF), Caradoc Court, Sellack. Approved 6 December 2006.
- 3.3 DMSE/093151/F Erection of six detached houses (amendments to SH940997PF). Approved 14 April 2010.
- 3.4 DMS/103179/F Variation of Condition 2 approved Planning Permission DMSE09/3151/F for amendments to house elevations. Approved 2 February 2011.

4. Consultation Summary

- 4.1 None required.

Internal Consultees

- 4.2 Conservation Manager (Landscapes and Biodiversity): No objection.
- 4.3 Public Rights of Way Manager: No objection.
- 4.4 Traffic Manager: No objection.

5. Representations

- 5.1 Sellack Parish Council: Comments awaited.
- 5.2 No third party responses have been received at the time of writing. These will be included on the Committee update.

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

6. Officer’s Appraisal

- 6.1 The application seeks to vary Condition 9 of planning permission S/093151/F which removed householder permitted development rights. The proposed variation of the condition would enable the introduction of the proposed heating oil tanks. It was originally intended that oil tanks be located underground, but permission is now sought for the use of more traditional above-ground tanks which can be used in conjunction with a typical internal boiler.
- 6.2 The key issue is the impact that the proposed tanks would have upon the character and appearance of the site as one which sits in an important, protected landscape. In this regard the Conservation Manager has no objection and is satisfied that the soft landscaping scheme will mitigate the visual impact of the tanks. There is also conflict between the proposed location of the individual tanks and the retention of the protected trees around the site’s perimeter.
- 6.3 It has always been acknowledged that this is a difficult site upon which to design an ‘appropriate’ development. However, in the context of what has been approved, the introduction of the above ground oil tanks will have no wider implications for the protected landscape in which they are located. The application is recommended for approval accordingly.

RECOMMENDATION

Subject to no objections raising material planning considerations being received by the expiry of the statutory consultation period, Officers be authorised to grant planning permission subject to the following conditions:

- 1. **B04 Amendment to existing permission**
- 2. **B01 Development in accordance with the approved plans**

Informative:

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

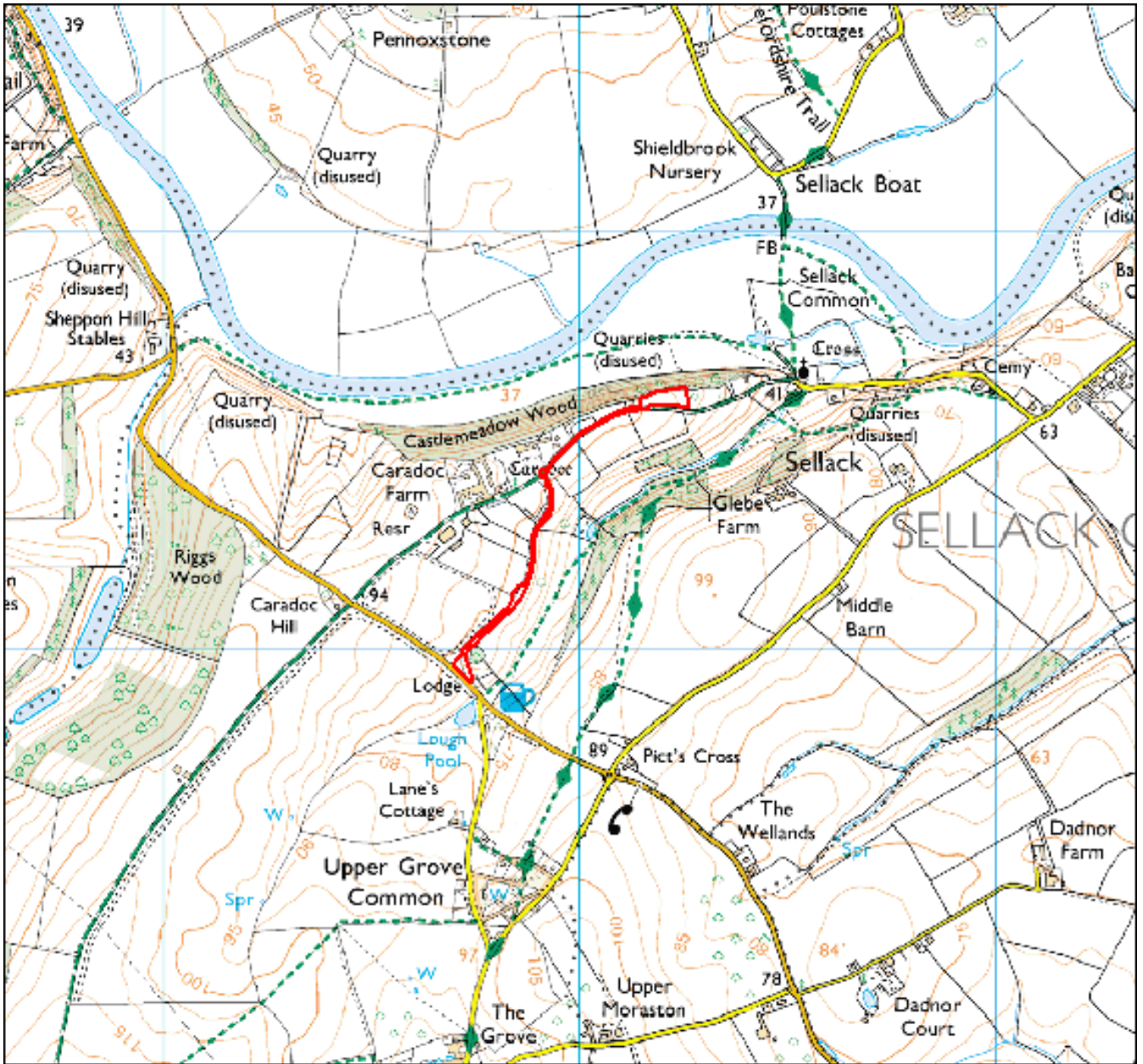
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/103173/F

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

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