

# AGENDA

## Planning Committee

Date: **Wednesday 20 July 2011**

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Time: **10.00 am**

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Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Ricky Clarke, Democratic Services Officer**

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Planning Committee

## Membership

<b>Chairman</b>	<b>Councillor PGH Cutter</b>
<b>Vice-Chairman</b>	<b>Councillor BA Durkin</b>
	<b>Councillor PA Andrews</b>
	<b>Councillor AN Bridges</b>
	<b>Councillor PJ Edwards</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor J Hardwick</b>
	<b>Councillor JW Hope MBE</b>
	<b>Councillor RC Hunt</b>
	<b>Councillor Brig P Jones CBE</b>
	<b>Councillor JG Lester</b>
	<b>Councillor MD Lloyd-Hayes</b>
	<b>Councillor G Lucas</b>
	<b>Councillor RI Matthews</b>
	<b>Councillor FM Norman</b>
	<b>Councillor GR Swinford</b>
	<b>Councillor PJ Watts</b>
	<b>Councillor JD Woodward</b>

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**AGENDA**

		<b>Pages</b>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2.</b>	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4.</b>	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 29 June 2011.	1 - 18
<b>5.</b>	<b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
<b>6.</b>	<b>APPEALS</b> To be noted.	19 - 22
<b>7.</b>	<b>DMS/110995/F - 48 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH</b> Single storey extension to existing building comprising kitchen & workshop and new addition comprising 32 bedrooms & associated facilities.	23 - 36
<b>8.</b>	<b>DATE OF NEXT MEETING</b> Date of next site inspection - 9 August 2011  Date of next meeting - 10 August 2011	



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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- 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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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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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 29 June 2011 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, Brig P Jones CBE, JG Lester, MD Lloyd-Hayes, G Lucas, RI Matthews, FM Norman, GR Swinford and JD Woodward

**In attendance:** Councillors JW Millar, PM Morgan and GA Powell

**13. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RC Hunt and PJ Watts.

**14. NAMED SUBSTITUTES (IF ANY)**

There were no substitute members present at the meeting.

**15. DECLARATIONS OF INTEREST**

11. DMS/110942/F - Marsh Farm, Upton Bishop, Ross on Wye, Herefordshire, HR9 7UP.  
Councillor PGH Cutter, Personal.

13. DMS/110810/F - Land nr. Caradoc, Sellack, Herefordshire, HR9 6LS.  
Councillor PGH Cutter, Personal.

**16. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15 June be approved as a correct record and signed by the Chairman subject to the amendment detailed below.

Item 11, Paragraph 5, Line 2 – Replace the word ‘the’ with ‘they’.

**17. CHAIRMAN'S ANNOUNCEMENTS**

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

**18. APPEALS**

The Planning Committee noted the report.

**19. PLANNING ENFORCEMENT PERFORMANCE**

The Committee requested that local ward members be updated on any progress made with enforcement issues in their ward.

## 20. **DMN/102648/F - LOWER BUCKLAND, DOCKLOW, HEREFORDSHIRE, HR6 0RU**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. The Principal Planning Officer also verbally reported the receipt of a letter of objection from CPRE and an additional representation from Mrs Edwards, one of the local residents who had objected to the application.

In accordance with the criteria for public speaking Mr Brown, representing some of the local residents, spoke in objection to the application and Mr Thomas, the applicant, spoke in support.

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

- The proposed application could be the first of many if approved.
- Legislative changes could make this one of the last large turbines permitted nationally.
- The proposed turbine was considerable higher than Hereford Cathedral and only 6ft lower than Westminster Abbey.
- Positive aspects of the application were the promotion of green energy and local employment.
- It was however noted that the suggested efficiency of the turbine had been questioned and that the majority of the employment would be through the manufacture phase resulting in jobs abroad.

Members opened the debate by thanking the officers for a detailed report and a thorough site inspection. A number of members did however disagree with the case officer's recommendation to refuse planning permission.

Members went on to discuss the relevant policy issues and were of the opinion that the application was in accordance with national planning policies PPS1, PPS7 and PPS22 and Herefordshire Council Unitary Development Plan policies LA2 and CF4 and should therefore be approved contrary to the case officer's recommendation. It was also noted that the turbine would bring much needed green energy to Herefordshire.

The social, educational, environmental, and economic benefits of the application were also debated with specific note made of the applicants' offer to accept educational visits to the site. It was also noted that neither Docklow and Hampton Wafre Parish Council, Humber, Ford and Stoke Prior Group Parish Council nor Natural England had objected to the application. Members also noted that the Council's ecological officer and public rights of way officer had not objected to the application and that the conservation manager, who had objected to the application, had also stated that there would be no direct effect on key landscape and character elements.

Some members of the committee did however voice concerns in respect of the impact the application could have on the landscape. It was noted that the site was fairly isolated and granting the application could have an adverse impact on tourism within the county. Members also noted that there had been 35 letters of objection as well as objections from the Ramblers Association and the CPRE.

In response to a question, the principal planning officer confirmed that Carmarthenshire had introduced a 1500 metre separation distance between turbines and residential properties. He added that he had concerns in respect of any such policy as it failed to take into account the turbine position or the topography of the site.



Councillor JW Millar was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The proposed wind turbine was less efficient than stated in the report and was also less efficient than other green energy solutions.
- The turbine blades could reach speeds of 200 mph.
- The Impact on the landscape could not be mitigated and the turbine would not blend in with the surroundings.
- The lack of an environmental impact assessment was regrettable.
- The proposed wind turbine would be the highest structure in the County.
- The combined weight of local objections and policy issues should result in a refusal of the application.

The Planning Policy Manager advised Members that the Forward Planning Team had been looking into a renewable energy policy and echoed the Principal Planning Officer's comments that a 1500 metre separation had not been proposed due to landscape and topography of different sites. It was also noted that the secretary of state had ruled that an environmental impact assessment was not necessary in respect of the application.

Finally the Planning Policy Manager noted that members had attended a site inspection and therefore felt that a further information report would not be necessary and that the committee could proceed to a vote.

The Democratic Services Officer explained the constitutional issues regarding a decision contrary to recommendation and advised that a further information report had not been requested by either the senior planning officer or the locum lawyer, representing the monitoring officer.

## **RESOLVED**

**THAT the application be approved, contrary to the Officer's recommendation, subject to appropriate conditions to be proposed by the Local Planning Authority**

### **21. DMN/102668/F - HAYGROVE FARM, FALCON LANE, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2PY**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Dr Mayers, representing some of the local residents, spoke in objection to the application and Mr Davison, the applicant, and Mr Woodman, representing the Chamber of Commerce, spoke in support.

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

- The site visit had been beneficial for members to assess the key issue of the scale of the development.
- During peak summer times there were 600 workers between the two sites.
- There was a clear economic benefit to the County as a result of Haygrove farm's operation.
- It was imperative to locate the workers from Haygrove Farm on the site in order to reduce noise disturbances as a result of workers walking between Haygrove and Redbank Farm.
- Agree with the Traffic Manager's comments.

- In respect of noise there had only been one noise complaint received by the Environmental Protection team and this had been received after the application had been submitted.
- Condition 3 was welcomed and would address some of the concerns in respect of noise.
- The zero tolerance approach to car ownership for workers on the site was welcomed.
- Mediation between all parties through regular meetings was welcomed.
- Three additional conditions were proposed to address concerns raised by local residents.

The Democratic Services Officer read out a written representation submitted by Councillor PJ Watts, the neighbouring ward member addressing concerns raised by the residents of Falcon Lane.

Members felt that the site visit had proved beneficial and had given them a chance to view the three residential areas as well as the site as a whole. They noted that there were a number of recreational areas for workers and also noted the clean and tidy nature of the site. It was also noted that the caravans could not be seen from outside of the site due to the use of mature screening and the natural topography of the land.

Members did however note the noise concerns raised by the neighbouring residents and requested that the Environmental Protection Team investigate any complaints as well as monitoring the site closely.

The Committee were disappointed that the orchard had been removed but welcomed the planting of the new orchard.

Members discussed the possibility of the applicant introducing a pool bicycle scheme to allow workers easier access to nearby amenities.

Councillor PM Morgan was given the opportunity to close the debate. She reiterated her opening remarks as well as recognising the need for improved mediation between all parties.

The Principal Planning Officer advised Members that the application only related to 61 caravans and that the proposed conditions could not be applied to the 36 lawful caravans. In response to a comment from the local ward member he confirmed that it would not be appropriate to condition the number of workers permitted on the site as the number of caravans permitted was already controlled through an appropriate condition.

The Principal Planning Officer also confirmed that the Committee could not condition a restriction on the usage of the public highway and that it would be inappropriate for them to add a condition regarding a terminal hour for music as this was dealt with through the Environmental Protection Team under separate legislation. He added that in order to address the issue of early morning noise the applicant had agreed to make an effort to not house night time workers from Redbank Farm in any of the caravans on Haygrove Farm. Finally in response to a further question he confirmed that there were quarterly management meetings where the local residents could raise concerns.

The Locum Lawyer advised Members that they could incorporate a travel plan as part of a Section 106 agreement at a later date to address the issue of loan bicycles raised by the committee. He also added that it would be appropriate for the committee to give due weight to the issue of noise in accordance with UDP policy DR13.

## **RESOLVED**

That planning permission be granted subject to the following conditions:

- 1. The occupation of the caravans hereby permitted shall be limited to persons solely working in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) upon Haygrove Farm (Pixley), Newtown Farm (Newent), Huntington (nr. Kington), Whitehouse Farm (How Caple), Redbank and Hill House Farm as outlined in red on the six plans attached to this decision notice.**

**Reason: To ensure that unrestricted residential development is not permitted in the open countryside in accordance with policy H7 of the Herefordshire Unitary Development Plan 2007.**

- 2. No individual agricultural worker shall be resident upon the site for a period in excess of six months in any one calendar year.**

**Reason: To ensure that the occupation of the caravans hereby permitted is restricted to temporary rather than permanent agricultural workers. Permanent agricultural workers can, in the opinion of the Local Planning Authority, be accommodated within the wider existing housing stock divorced from the Farm. This is to ensure that unjustifiable residential development in the open countryside is not permitted contrary to policy H7 of the Herefordshire Unitary Development Plan 2007.**

- 3. None of the agricultural workers occupying the sixty-one caravans hereby permitted shall work within the packhouse at Redbank shown as Plan 6 attached to this decision notice.**

**Reason: To restrict pedestrian movement and resultant noise along Falcon Lane, especially during the night-time, thus safeguarding the amenities of the occupiers of dwelling houses that front Falcon Lane, in accordance with policy DR2 of the Herefordshire Unitary Development Plan 2007.**

- 4. The replacement orchard and all the associated planting detailed upon drawing number 001 Rev A received 11th April 2011 shall be planted prior to 1st March 2012. Any trees or plants which within a period of five years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure that the development is satisfactorily integrated into the locality and that there is adequate replacement Orchard planting in accordance with policies LA6, NC6, NC7 and NC8 of the Herefordshire.**

- 5. All of the recommendations for habitats, protected species, landscaping and habitat management detailed within the 'Landscape and Ecological Management Plan' Revised March 2011 received 11th April 2011 shall be fully implemented in full accordance with the stated timescales and thereafter maintained as such.**

**An appropriately qualified ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement works.**

**Reasons:-**

**A) To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, & C) regulations 1994 (as amended) and policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.**

**B) To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Bio- Diversity and to meet the requirements of Planning Policy Statement 9 'Bio-diversity and Geological Conservation' and the NERC Act 2006.**

- 6. In the event of the caravans hereby permitted becoming redundant for purpose (i.e. no longer required to accommodate persons solely working in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) upon Haygrove Farm (Pixley), Newtown Farm (Newent), Huntington (nr. Kington), Whitehouse Farm (How Caple), Redbank and Hill House Farm) all sixty one caravans shall be removed from the site and the 'welfare block' (i.e. toilets and showers) and refuse storage area at 'Woodside' and 'recreational building' at 'Oakside' hereby permitted shall be demolished and all resultant materials removed from the land within a period of six months.**

**Reason: To safeguard the open countryside from unjustified development in the long-term, in accordance with policies S1, S7 and LA2 of the Herefordshire Unitary Development Plan 2007.**

**INFORMATIVES:**

- 1. The reason for granting planning permission is:-**

**The siting of caravans upon Haygrove Farm to accommodate temporary agricultural workers is recognised to be a necessary accompaniment to a rural based business. The development does not conflict with the Development Plan objectives of controlling unjustified new development within the open countryside nor does it prejudice the sustainability objectives of the Plan. It is not considered that there are any undue environmental effects to justify refusal of the application. As such the development is considered to comply with the objectives of both Central Government advice and the provisions of the Development Plan.**

- 2. N11A Wildlife and Countryside Act 1981 (as amended) – Birds**

- 3. For the avoidance of any doubt the documents to which this decision relates are:-**

- Landscape and Ecological Management Plan Revised March 2011 received on 11th April 2011;**
- Landscape Plan – Drawing number 001 Rev A received 11th April 2011;**
- Flood Risk Associated with Seasonal Workers Caravans and Ancillary Buildings – Report 20111 – January 2011;**
- Planning Application Form received 13th October 2010;**
- Application Site Plan (Scale 1:5,000) received 13th October 2010;**
- Screening Letter & location plan received 13th October 2010;**
- Planning Statement received 13th October 2010;**
- Site Location Plan – Drawing number BEL10-046-01 (Scales 1:10,000 & 1:1250) received 13th October 2010;**

- **Oakside and Woodside – Existing & Proposed Block Plan – Drawing number BEL10-046-02 (Scale 1:500) received 13th October 2010;**
- **Woodside : Amenity Building 2 – Toilet & Shower Block – Drawing number BEL10-046-08 (Scales 1:100 & 1:50) received 13th October 2010;**
- **Woodside : Gas Bottle & Bin Store – Drawing number BEL10-046-09 (Scales 1:100 & 1:50) received 13th October 2010;**
- **Oakside : Recreation Block – Drawing number BEL10-046-10 (Scales 1:100 & 1:50) received 13th October 2010;**
- **Landscape & Visual Impact Assessment (October 2010) received 13th October 2010;**
- **Ecological Survey dated 26th August 2011 received 13th October 2011;**
- **Transport Assessment October 2010 received 13th October 2010;**
- **Biologic Design – Wetland Ecosystem Treatment received 13th October 2011;**
- **Economic Business Statement received 13th October 2011; and**
- **Design & Access Statement received 13th October 2011.**

**22. DMN/110051/F - THE MILLSTONE, GREEN LANE, LOWER EGGLETON, HEREFORDSHIRE, HR8 2UQ**

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mr Harris, representing Yarkhill Parish Council, spoke in objection to the application and Mr Jackson, the applicant's agent, spoke in support.

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

- Permission had been granted for a single caravan but the current proposal was for an extended family and 3 caravans in total.
- The application was contrary to policy H12.
- There were concerns as to the possibility of flooding on the site.
- There were no adopted policies regarding the extension of gypsy sites.
- The proposed application would result in the size of the site being trebled in size.

In response to a question from the local ward member, the Senior Planning Officer confirmed that the 40 m2 dimension for the caravan had been determined based on the Councils standard amenity figures. She confirmed that this figure was in respect of each caravan.

Members noted that there was a shortfall in traveller pitches throughout the County and felt that the matter should be addressed as a matter of importance. Members felt that the report had addressed all of the key issues regarding the application and therefore felt that it should be approved in accordance with the case officer's recommendation.

In response to a proposal to approve one additional caravan on the site the Planning Policy Manager confirmed that the application had to be determined on its merits and that the only way to approve one caravan on the site would be for the committee to refuse the proposed application and request that the applicant submit a new application for one additional caravan.

In response to a number of questions the Senior Planning Officer confirmed that the Environment Agency had confirmed that the site did not fall within the flood plain. She added that the eastern boundary of the site may be susceptible to flooding but that the

area where the caravans were sited had not flooded. She also confirmed that each caravan was permitted to have a touring caravan associated with it and that the siting of the touring caravan was restricted to the hardstanding area defined in the application. Finally in response to the request for a personal condition to restrict the usage of the proposed caravans, she confirmed that condition 3 of her recommendation addressed this issue.

Councillor PM Morgan was given the opportunity to close the debate. She reiterated her opening remarks and welcomed the additional condition referred to in the Senior Planning Officer's updates.

## **RESOLVED**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. This permission shall be for the benefit of Mr and Mrs D R P Smith and their parents and children only and not for the benefit of the land or any other persons interested in the land.**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicants' special circumstances.**

- 4. G09 Details of Boundary treatments**
- 5. G10 Landscaping scheme**
- 6. G11 Landscaping scheme - implementation**
- 7. Notwithstanding the approved details, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:**
  - Floor plans of the two mobile homes hereby permitted to a scale of 1:50**
  - Elevation plans of the mobile homes hereby permitted to a scale of 1:50**

**The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved detail and thereafter maintained as such.**

**Reasons:**

- a) To ensure that the size of the mobile homes are of a scale commensurate to the established functional need (ie to accommodate two individuals only); and**
- b) To safeguard the character and appearance of the countryside.**

- 8. I17 Scheme of foul drainage disposal**

**23. DMS/110942/F - MARSH FARM, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UP**

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

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

- The application site had a complex history.
- In 2009 the Planning Department accepted the existence of the track.
- The primary concern was with regard to highway safety.
- The proposed track would provide a safer environment for the residents of Tan House Lane.
- A condition restricted the use of the track to agricultural or farm vehicles would be welcomed.

In response to the comments from the local ward member, the Team Leader (South) advised the Committee that the proposed condition would not be appropriate. He added that an informative note could be added to the recommendation to address the concerns of the local member.

**RESOLVED**

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

- 1. B01 Development in accordance with the approved plans**
- 2. The entrance onto the B4221 shall be provided with visibility splays measuring from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 120 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

- 3. The access gate shall remain set back 12 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

- 4. The new access shall be constructed in accordance with the specification providing in Appendix A1 of Herefordshire Council's Highways Specification for New Developments' from the nearside edge of the carriageway for a distance of 15 metres and shall remain in perpetuity.**

**Reason: In the interests of highway safety to prevent debris from entering onto the public highway.**

5. **A highway management plan, including management responsibilities and maintenance schedules for the access and track, shall be submitted to and approved in writing by the local planning authority prior to the use of the new access. The highway management plan shall be carried out in accordance with the approved details.**

**Reason: In the interests of the amenity of the adjacent dwellings.**

6. **None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the local planning authority.**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.**

7. **No development shall take place until a scheme of tree planting between the access track and boundary of Trem y Bryn has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the species, sizes and positions or density of all trees to be planted and the proposed time of planting. All tree planting shall be carried out in accordance with those details.**

**The trees shall be maintained for a period of five years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

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

**Informatives:**

1. **HN01 Mud on highway**
2. **N15 Reason(s) for the Grant of PP/LBC/CAC**
3. **The applicant is advised that the terms of this permission allow for the use of the track for agricultural purposes only in connection with the lawful use of the land for agriculture.**

**24. DMS/110593/F - THE GROVE, LLANGROVE, HEREFORDSHIRE, HR9 6EN**

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mr Bailey, representing Llangarron Parish Council, and Mr Pridgeon, a neighbouring resident, spoke in objection to the application and Mr Pearson, the applicant, spoke in support.

The Chairman advised the Committee that the local ward member could not be present at the meeting as she was on holiday.



In response to a question regarding the need to close the existing road the Team Leader (South) advised members that the original access had suffered from poor east and west visibility and the proposed application had been submitted in order to address the concerns of the Area Engineer.

Members considered deferring the determination of the application pending a site inspection and further discussions with all parties to address the concerns raised.

In response to the request for a deferral, the Team Leader (South) advised the Committee that they could choose to delegate the decision to Officers in consultation with the local ward member. If a suitable solution could not be achieved and agreed with the local ward member, the application would come back before the committee at a later date.

## **RESOLVED**

**THAT Officers named in the Scheme of Delegation to Officers in consultation with the local ward member be authorised to seek to negotiate a revised access arrangement to overcome local concerns regarding highway safety and the potential increase in agricultural vehicles through the village.**

### **25. DMS/110810/F - LAND NR. CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mr Harvey, a neighbouring resident, spoke in objection to the application.

Some Members of the Committee noted the concerns of the public speaker and felt that the application constituted development creep. Members noted the policy issues and were of the opinion that the application was contrary to policy DR1 of the Council's Unitary Development Plan due to the density, design, scale and mass of the proposal.

The comments of the Council's Conservation Manager were also noted and members agreed that approval of the application would result in a cramped appearance, undesirable in the wider landscape setting.

One Member of the Committee noted that the proposed application was solely for the garages and that the overall development was not being considered. The officer's recommendation was noted.

A further information report was not requested from the Planning Policy Manager or the Locum Lawyer, representing the Monitoring Officer and therefore the Committee proceeded to the vote.

## **RESOLVED:**

**That the application be refused, contrary to the officer's recommendation, for the following reasons:**

- 1. The application is contrary to Policy DR1 of the Council's Unitary Development Plan in terms of density, design, scale and mass.**

2. **The application would result in a cramped appearance, undesirable in the wider landscape setting.**

**26. DMS/110988/FH - OAK TREE COTTAGE, LONGTOWN, HEREFORDSHIRE, HR2 0LQ**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

**RESOLVED**

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

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C02 Matching external materials (extension)**

**Informative:**

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

**27. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Committee Updates**

The meeting ended at 1.32 pm

**CHAIRMAN**

# **PLANNING COMMITTEE**

**Date: 29 June 2011**

## **Schedule of Committee Updates / Additional Representations**

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

## SCHEDULE OF COMMITTEE UPDATES

**9 DMN/102668/F - Retain 61 caravans used for residential purposes by temporary agricultural workers (i.e. 23 at 'Oakside', 8 at 'Woodside' and 30 at 'Lakeside') and the retention of a 'welfare block' and refuse storage area at 'Woodside' and a 'recreational' building at 'Oakside', at Haygrove Farm, Falcon Lane, Pixley, Ledbury, Herefordshire, HR8 2PY**

**FOR: Mr Davison per Mr James Waltham, Redbank Little Marcle Road, Ledbury, Herefordshire, HR8 2JL**

### OFFICER COMMENTS

There is an error in paragraph 1.3 of my report – the area of land at Haygrove Farm actively used for growing soft fruit is 40.61 hectares not 45.8 hectares.

Paragraph 1.4 suggests that the only source of Haygrove's seasonal labour is through SAWS, and that workers only stay for a maximum of 6 months. It should be clarified that Haygrove also employ seasonal workers from 'A8' countries, e.g. Lithuania, Latvia, Poland, who are not recruited through SAWS and can work for them for more than 6 months at any one time. Recommended condition 2 would not allow these workers to be accommodated in the 61 caravans the subject of this application.

Paragraph 1.6 - for clarity, with regard the fruit imported from South Africa this fruit is grown on Haygrove's own farm in South Africa, not simply imported from a third party.

The Council has received another application relating to the site for the retention of two mobile homes occupied by permanent agricultural workers in the vicinity of Hedgehog Cottage. This application (DMN/111373/F) has not been determined.

Since writing the Committee Report it has come to my attention that a complaint has been received by the Environmental Health Section with regard to noise nuisance caused by music from parties. An event on 11 June 2011 has been the subject of a specific complaint. The Environmental Protection Manager has written to Haygrove and has asked the complainant to keep a log of any further incidents.

In the event of a noise nuisance being established powers are provided by the Environmental Protection Act 1990 for the Council to require any noise nuisance from this type of activity to be abated.

This means that such incidents can effectively be controlled by legislation, other than the Planning legislation and as such this is not a reason to delay determination of this application.

### NO CHANGE TO RECOMMENDATION

**10 DMN/110051/F - Two mobile homes on established gypsy site at The Millstone, Green Lane, Lower Eggleton, Herefordshire, HR8 2UQ**

**FOR: Mr Smith per Mr Andrew Masefield, 66-67 Ashperton Road, Munsley, Ledbury, Herefordshire, HR8 2RY**

**OFFICER COMMENTS**

Following further consideration it is recommended that condition 7 be replaced with the following condition:

7. Notwithstanding the approved details, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Floor plans of the two mobile homes hereby permitted to a scale of 1:50
- Elevation plans of the mobile homes hereby permitted to a scale of 1:50

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in full accordance with the approved detail and thereafter maintained as such;

Reasons:-

- A) To ensure that the size of the mobile homes are of a scale commensurate to the established functional need (i.e. to accommodate two individuals only); and
- B) To safeguard the character and appearance of the countryside

Further to this condition the following informatives are recommended:

1. N15 Reason(s) for the Grant of PP/LBC/CAC
2. In relation to condition 7 above, and in accordance with the Local Authorities amenity standards, the applicant is advised that the gross floor space for each mobile home should not exceed 40m<sup>2</sup>.

**CHANGE TO RECOMMENDATION**

Substitute condition 7 as recommended above.

**11 DMS/110942/F - Retention of farm track at Marsh Farm, Upton Bishop, Ross on Wye, Herefordshire, HR9 7UP**

**FOR: Mr and Mrs Maquire & Mr & Mrs Ben & Agnes Tapsell per Dr Angus Murdoch, Murdoch Planning, PO Box 71, Ilminster, Somerset, TA19 0WF**

#### **OFFICER COMMENTS**

Notification has been received from English Heritage that Marsh Farmhouse has been de-listed. The issue relating to the impact of the farm track upon the setting of listed buildings remains relevant as the associated threshing barn remains listed (Grade II).

#### **NO CHANGE TO RECOMMENDATION**

**12 DMS/110593/F - Revised access layout (previously approved application DMSE/100075/F) at The Grove, Llangrove, Herefordshire, HR9 6EN**

**FOR: Mr Pearson per Miss Lorraine Whistance, OKX Architecture, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW**

#### **ADDITIONAL REPRESENTATIONS**

Letter from RA Tudhope on behalf of Llangrove Road Safety Forum, 1 Woodbine Cottages, Llangrove, Ross-on-Wye.

“A further matter arises from the fact that immediately opposite the school entrance, there is a derelict site for which plans are mooted for some 6 dwellings, with access for motor vehicles opposite the gates of the school, fronting the lane leading off the main village approach. Any excess of Grove Farm traffic endeavouring to access the lane alongside this site would add to the road safety challenge.

Furthermore, the cross road outside the school has one exit (from the south) emanating from some 25 dwellings, most with vehicles that regularly use their lane to access the main village road.

I have today met with another member of the Road Safety Forum, who related details of a chance meeting recently with Community Police Officer and a Police Road Safety Officer. These persons were conducted along the various route/s in question. Their considered opinion at the time was of sufficient substantive nature for concerns on Road Safety to be passed on to whichever party might be able to consider same. Whilst being aware that they could not become involved in any matters of pure "Planning", it was hoped they would pass on their observations. The Road Safety Forum representatives were left with the distinct impression that this would be done.”

#### **NO CHANGE TO RECOMMENDATION**

**13 DMS/110810/F - Carport to plot 1 and five garages to replace garden sheds at Land nr. Caradoc, Sellack, Herefordshire, HR9 6LS**

**FOR: Mr Bramer per Mr Terry Egan, Ruardean Works Varnister Road, Ruardean, Nr Drybrook, Gloucestershire, GL17 9BH**

#### **ADDITIONAL REPRESENTATIONS**

5 further letters of objection have been received from local residents. The letters reiterate the view that the developer should not profit further from the development by enhancing the value of the development relative to the original 1995 permission. English Heritage guidance on the topic suggests that incremental approaches to enabling development i.e. where additional enabling development is sought once the scheme is complete or underway, should not be accepted.

#### **OFFICER COMMENTS**

Officers accept that the addition of garages upon each plot will increase the value and marketability of each property. However, the application represents the opportunity to address the issue of garaging and ancillary storage across all six dwellings at one point in time, with a consistent approach to design.

#### **NO CHANGE TO RECOMMENDATION**

**14 DMS/110988/FH - Extension to provide study & dressing room at Oak Tree Cottage, Longtown, Herefordshire, HR2 0LQ**

**FOR: Mr and Mrs Powell per Mr John Farr, Fincham, Stockley Hill, Peterchurch, Herefordshire, HR2 0SS**

#### **ADDITIONAL REPRESENTATIONS**

The Parish Council has responded and has no objections.

#### **NO CHANGE TO RECOMMENDATION**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>20 JULY 2011</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**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. DMN/102792/F**

- The appeal was received on 7 June 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 Andrew Fielder
- The site is located at Floodgates, Winslow, Bromyard, Herefordshire, Herefordshire, HR7 4SE
- The development proposed is the installation of a single mast wind turbine (maximum height of 17.25m).
- The appeal is to be heard by written representations

**Case Officer: Mr A Banks 01432 383085**

### **Application No. DMS/110419/F**

- The appeal was received on 13 June 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 S Pearse
- The site is located at plot at Somerville, Burghill, Hereford, Hereford, HR4 7RN
- The development proposed is a new 3 bed dwelling
- The appeal is to be heard by written representations

**Case Officer: Ms K Gibbons on 01432 261781**

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

**Application No. DMN/102858/FH**

- The appeal was received on 14 June 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 Ms Deborah Gillingham & Mr Richard Greatrex
- The site is located at Mulberry Cottage, Woods Eaves, Eardisley, Herefordshire, Herefordshire, HR3 6LZ
- The development proposed is the construction of a rear conservatory extension, repair 3 no
- The appeal is to be heard by written representations

**Case Officer: Mr P Mullineux on 01432 261808**

**Application No. DMN/102856/L**

- The appeal was received on 14 June 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 Ms Deborah Gillingham & Mr Richard Greatrex
- The site is located at Mulberry Cottage, Woods Eaves Lane, Eardisley, Herefordshire, Herefordshire, HR3 6LZ
- The development proposed is the retention of two solar panels
- The appeal is to be heard by written representations

**Case Officer: Mr P Mullineux on 01432 261808**

**Application No. DMS/110101/F**

- The appeal was received on 16 June 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 John White
- The site is located at land to the rear of Greytrees Lodge, Second Avenue, Ross on Wye, Herefordshire, Herefordshire, HR9 7HT
- The development proposed is the erection of a bungalow and access drive.
- The appeal is to be heard by written representations

**Case Officer: Mr D Thomas on 01432 261974**

**Application No. DMS/102972/F**

- The appeal was received on 29 June 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 Carlos Felices
- The site is located at Castle Lodge Hotel, Green Court, Wilton, Ross on Wye, Ross on Wye, HR9 6AD
- The development proposed is the removal of Conditions 13 and 16 of Planning Permission DMS/102971/F
- The appeal is to be heard by written representations

**Case Officer: Mr A Prior on 01432 261932**

**Enforcement Notice DMENC111799/ENF**

- The appeal was received on 4 July 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Stanley Williams
- The site is located at Wyeseide, Outfall Works Road, Hereford, Herefordshire, Herefordshire, HR1 1XY
- The breach of planning control alleged in this notice is:  
Without planning permission the erection of a fence this being an operational development, in excess of 1 metre in height adjacent to the highway.
- The requirements of the notice are:
  - i) Permanently reduce the height of the boundary fence, adjacent to the highway, to a height not to exceed 1 metre along its whole length.
  - ii) Remove all material from the land as a result of making the reduction in height of the fence.
- The appeal is to be heard by inquiry

**Case Officer: Mr M Lane on 01432 260474**

**APPEALS DETERMINED**

**Application No. DMS/103308/FH**

- The appeal was received on 16 May 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Pugh
- The site is located at Park View House, 10 Oak Lane, Burghill, Herefordshire, Herefordshire, HR4 7QP
- The application dated 30 December 2010 was refused on 23 February 2011
- The development proposed was Conservatory to rear elevation
- The main issue is the effect of the development on the character and appearance of the building

**Decision:** The application was refused under Delegated Powers on 23 February 2011.  
The appeal was Dismissed on 14 June 2011.

**Case Officer: Ms K Gibbons on 01432 261781**

**Application No. DMS/110105/F**

- The appeal was received on 5 May 2011
- 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 C Stanford
- The site is located at Graftonbury Garden Hotel, Grafton Lane, Herefordshire, Herefordshire, HR2 8BL
- The application dated 14 February 2011, was refused on 5 April 2011
- The development proposed was Change of use from Hotel (C1) into HMO for upto a maximum of 52 people

**Decision:** The appeal was Withdrawn on 22 June 2011.

**Case Officer: Mr E Thomas on 01432 260479**

**Application No. DMS/102740/F**

- The appeal was received on 8 March 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr N Grant
- The site is located at Apartments at Millbrook House, Brookend Street, Ross on Wye, Herefordshire, Herefordshire, HR9 7EG
- The application dated 15 October 2010 was refused on 23 December 2010
- The development proposed was a new two storey one bed dwelling.
- The main issues are i) whether the proposal would preserve or enhance the character or appearance of the Ross-on-Wye Conservation Area and the setting of Millbrook House and; ii) the effect on living conditions at adjoining properties, with particular reference to light and privacy.

**Decision:** The application was refused under delegated powers on 23 December 2010.  
The appeal was dismissed on 23 June 2011

**Case Officer: Mr D Thomas on 01432 261974**

**Application No. DMCW/100947/F**

- The appeal was received on 2 February 2011
- 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 Brian Shaw
- The site is located at 44 Tower Road, Hereford, Herefordshire, Herefordshire, HR4 0LF
- The application dated 22 April 2010 was refused on 21 July 2010
- The development proposed was the erection of 8 Flats
- The main issue is effect on the character and appearance of the area.

**Decision:** The application was refused by Committee contrary to Officer recommendation.  
The appeal was dismissed on 27 June 2011.

**Case Officer: Ms K Gibbons on 01432 261781**

**Application No. DMS/102805/F**

- The appeal was received on 25 February 2011
- 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 Brian Shaw
- The site is located at 44 Tower Road, Hereford, Herefordshire, Herefordshire, HR4 0LF
- The application dated 28 October 2010 was refused on 14 February 2011
- The development proposed was the demolition of existing dwelling & erection of 5 two bedroom apartments and provision of public turning area.
- The main issue is the effect on the character and appearance of the area

**Decision:** The application was refused by Committee contrary to Officer recommendation.  
The appeal was dismissed on 27 June 2011

**Case Officer: Ms K Gibbons on 01432 261781**

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



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>20 JULY 2011</b>
<b>TITLE OF REPORT:</b>	<p><b>DMS/110995/F - SINGLE STOREY EXTENSION TO EXISTING BUILDING COMPRISING KITCHEN &amp; WORKSHOP AND NEW ADDITION COMPRISING 32 BEDROOMS &amp; ASSOCIATED FACILITIES AT 48 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH</b></p> <p><b>For: Mr Claridge per Mr Ken Pearce, Mortimer House, Holmer Road, Hereford, Herefordshire, HR4 9TA</b></p>

**Date Received: 14 April 2011**

**Ward: Tupsley**

**Grid Ref: 352806,239169**

**Expiry Date: 21 July 2011**

Local Members: Councillors AJ Hempton-Smith, MD Lloyd-Hayes and JLV Kenyon

## **1. Site Description and Proposal**

- 1.1 Planning permission is sought for the erection of two additions to the existing nursing home at Hampton Grange, Hampton Park Road, which specialises in providing care for dementia sufferers. The first extension is a single-storey addition to the front of the existing building to the east of a large Cedar tree. The second takes the form of a larger, detached three-storey building situated on the existing garden area to the west of the original building. The application site falls within the Hampton Park Conservation Area and the original building, formerly a late Victorian private house, is a locally important building of the Arts and Crafts movement with exposed timber framing and render infill over a ground floor of red brick, with steeply pitched tiled roofs and dormer windows. The building has already been extended quite significantly with a large two-storey addition to the east. The area is characterised by large residential properties set in spacious surrounds, although there is some later infill locally. No.42 Hampton Park Road is a detached dwelling to the west, whilst Grange Gardens, a cul-de-sac of five, modern detached dwellings is found to the immediate east.
- 1.2 The existing nursing home is served by a single point of access from Hampton Park Road. The roadside boundary is defined by a number of mature trees protected under Tree Preservation Orders and a beech hedge. A mature coniferous hedgerow forms the western boundary with No.43 Hampton Park Road. The application site is comparatively flat, although the landform falls sharply to the immediate rear of the existing building towards the River Wye. The slope is heavily wooded and designated as a Site of Importance for Nature Conservation (SINC), with the riparian zone adjacent the river designated as both a Site of Special Scientific Interest (SSSI) and Special Area of Nature Conservation (SAC).
- 1.3 The proposals would increase the total number of bedrooms from thirty-five to sixty. The supporting documentation describes the need to decommission the remaining shared rooms in

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

order to provide en-suite single rooms. The additional beds are stated as being central to the continued viability of the home.

- 1.4 The site for the three storey block is the area of lawn to the west of the existing building at a distance of 10 metres, orientated so that the rear elevation would overlook the River Wye. The front and rear of the building is broadly coincidental with those of the existing building. Whilst the proposal is for a three-storey building, excavation will result in only part of the ground floor being visible above ground level. The objective of this approach is to reduce the height of the new building relative to the existing. The building would have three staggered gables of equal proportions and would comprise thirty-two bedrooms and associated facilities including a lounge, activity floor, nurses station and lift tower. Excluding the lift tower and stairs the main body of the building has a footprint of 23m x 17.2m. The overall height is 10.9m, which compares with 11.5m for the existing building. The apparent difference is greater than 600mm, however, owing to the proposal to set the building at a lower finished floor level. For operational reasons the main access is in the east elevation. Materials proposed are a titanium zinc roof over brick and rendered walls with cedar cladding to the projecting bay windows and roof soffits.
- 1.5 The proposed single-storey extension would project forward from the existing earlier extension to the main building. This element of the proposal has been modified significantly in relation to earlier withdrawn applications owing to concern over potential conflict with the main landscape feature on site; the mature Cedar on the front lawn. As a consequence the proposed extension is now single-storey and reduced in length and the footprint has been moved outside the root protection area of the tree, which is covered by a Tree Preservation Order and has a Category A (High) retention value. This building is designed with exposed oak timber framing in the gable facing Hampton Park Road over an imperial brick with Flemish bonding pattern. This extension would house a new, larger kitchen to cater for all bedrooms and separate store and workshop to compensate for removal of the existing shed.
- 1.6 Associated with the two extensions are revisions to the parking layout, including the removal of existing hardstanding from the root protection area of the Cedar, a new sedum roofed bin store to the east of the single-storey extension and additional landscaping. In total there are twenty parking spaces proposed, an increase from 16.
- 1.7 The application is accompanied by an Arboricultural Constraints Report, Viability Study, Ecological Survey Report and Draft Heads of Terms outlining a contribution of £1,912 towards sustainable transport infrastructure to serve the development.

## **2. Policies**

### **2.1 National Planning Guidance:**

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport
PPG24	-	Noise

### **2.2 Herefordshire Unitary Development Plan 2007:**

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage

S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR13	-	Noise
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and National Protected Species
HBA6	-	New Development within Conservation Areas
HBA8	-	Locally Important Buildings
CF5	-	New Community Facilities
CF7	-	Residential Nursing and Care Homes
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes

### 2.3 Supplementary Planning Document: Planning Obligations (2008)

## 3. Planning History

- |     |               |   |  |
|-----|---------------|---|--|
| 3.1 | HC94/0123/PF  | - | Extension to existing nursing home to form new bedrooms, dayroom and laundry, including a new fire escape. Refused 28 April 1994.  |
| 3.2 | HC95/0132/PF  | - | Extension to existing nursing home to form new bedrooms, dayroom and laundry, including new fire escape. Approved 5 May 1995.  |
| 3.3 | CE2000/0698/F | - | Renewal of HC95/0132/PF (above). Approved 10 May 2000.   |
| 3.4 | CE2000/0817/F | - | Alterations to existing nursing home to form two bedrooms and associated fire escape. Approved 15 June 2000.   |
| 3.5 | CE2002/2356/F | - | Two storey extension and relocation of bin store. Approved 30 October 2002.  |
| 3.6 | CE2003/2592/F | - | Proposed two storey extension. Approved 1 December 2003.   |
| 3.7 | CE2006/2075/J | - | Crown lift 2 Common Limes and 1 Beech, fell 1 Cherry, 1 Irish Juniper, 1 Western Red Cedar, 1 group of Ash trees and 1 group of Ash, Cherry and Sycamore trees. Consent granted.               |
| 3.8 | CE2007/3249/F | - | Erection of nine apartments with associated car parking and landscaping. Approved 17 March 2008.   |
| 3.9 | CE/101158/F   | - | Two storey extension to existing building comprising kitchen, laundry and four bedrooms and new three storey block comprising 32 bedrooms and associated facilities. Withdrawn 31 August 2010. |

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

- 3.10 S/102999/F - Two storey extension to existing building comprising kitchen, laundry and four bedrooms and new three storey block comprising 32 bedrooms and associated facilities. Withdrawn 21 February 2011.

#### 4. Consultation Summary

##### 4.1 Natural England:

###### Designated Sites

Natural England has **no objection** to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. It is our view that either alone, or in combination with other plans or projects, the proposal would be unlikely to have a significant effect on the important interest features of the River Wye SAC, or any of the special scientific interest features of the River Wye SSSI. The development is of a scale and nature unlikely to materially affect the European Site and the mitigation and enhancement measures set out in the submitted Nature Conservation and Management Plan offer suitable safeguards and improvement relative to both the European Site and protected species.

###### Protected Species

Natural England has **no objection** to the proposed development in respect of legally protected species provided that the recommendations set out in the Nature Conservation Management Plan and Annex are implemented as part of the development. A suitable condition should be attached to any planning consent.

##### 4.2 Conservation Manager (Building Conservation): No objection

Whilst the proposal represents a major change to the setting of Hampton Grange, we do not believe that it would be detrimental to the character of the conservation area. The proposed single-storey extension is now in keeping with the architectural qualities of the building. Provided that appropriate materials are chosen, it should be in keeping with the character of the building.

The proposed three-storey building would provide a more contemporary counterpoint to the character of Hampton Grange. It would follow the rhythms set out in the conservation area and would not dominate the historic house. Therefore, assuming high quality and appropriate materials are utilised we believe that this element of the proposal is also acceptable. The removal of the existing workshop/shed from underneath the Cedar is considered beneficial. Planning conditions requiring the prior written approval of building and landscaping materials are recommended.

##### 4.3 Conservation Manager (Ecology): The site has been visited in connection with this and earlier proposals. The presence of Brown long-eared, Common and Soprano Pipistrelle bats commuting across and foraging on the site is noted. These species are, however, relatively common and less sensitive to disturbance. Bat roosting features are not considered likely to be affected by these development proposals; nevertheless, it is important that the foraging area on the wooded slopes and along the river corridor is maintained and managed appropriately. It is also evident that badgers still reside upon the site.

The slopes to the rear of Hampton Grange form part of a Site of Importance for Nature Conservation (SINC 23); the River Wye SAC and Site of Special Scientific Interest flows at the base of the slope and it is important that there is no impact on the river or its designated features. A Construction and Environmental Management Plan will need to be implemented to ensure no negative impacts on any of the designated sites. Appropriate management of the SINC should be incorporate within an ongoing management plan, to be secured by planning



condition. Such management would include:

- sensitive tree management (including occasional pollarding of willows);
- retention of dead wood/log piles where possible
- installation of bat and bird boxes
- retention of some areas of long grass
- protection of badger setts

If the application is approved, a condition requiring the submission, written agreement and implementation of a habitat protection, enhancement and management plan should be attached.

- 4.4 Conservation Manager (Landscapes): The landscape proposals and tree protection plan are adequate for this site. Conditions should be attached to ensure that the appropriate measures are taken on site.
- 4.5 Traffic Manager: Visibility improvements will be required at the access onto Hampton Park Road. This will require hedgerow removal/relocation. Whilst the parking does not increase in line with our standards for the extension, the overall provision of 20 spaces exceeds our standard for C2 use, which would equate to 15 spaces for the total of 60 beds as proposed. The sum of £1,912 proposed in the Draft Heads of Terms is as per the Supplementary Planning Document: Planning Obligations and is acceptable.
- 4.6 Environmental Health Manager: No objection.

## **5. Representations**

- 5.1 Hereford City Council: Objection.

The loss of the garden is unacceptable loss of amenity space. This appears to be an over-development of the site with no provision for parking for extra visitors and staff.

- 5.2 Ten letters of objection have been received from local residents. The content is summarised as follows:
- The proposed extensions, particularly the three-storey building, are out of scale with the Conservation Area, irrespective of the need or demand for extra reablement beds. The proposal fails to preserve or enhance the Conservation Area;
  - The extensions will result in a significant increase in traffic movements on a busy arterial route into and out of Hereford. Hampton Park Road is comparatively narrow, and only paved along its northern side;
  - The existing car park at Hampton Grange is frequently full. An additional four spaces will clearly not cater for the increased number of staff (up to sixty-nine from thirty-five) and visitors;
  - The provision of only twelve cycle stands is indicative of the true dependence upon the motor car. Herefordshire Council parking standards are worthy but unrealistic. The Nuffield Hospital has twenty-three bedrooms yet fifty-six parking spaces. It recently had to acquire more land for parking;
  - On occasion over-spill parking affects nearby streets which is unreasonable;
  - The existing bus service is inadequate and not likely to support commutes to work;
  - Commercial delivery vehicles can already be witnessed unloading on Hampton Park Road;
  - The existing home gives rise to significant noise and odour pollution from unsettled residents, cooking and refuse. This can only increase with the increase in bedroom numbers and relocation of the kitchen and bin store;
  - The loss of the garden area to the west of the existing building would represent an unacceptable loss of amenity within the Conservation Area, whereas the single-storey

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

- extension would appear incongruous and may affect the mature Cedar;
- The three-storey extension will result in a loss of privacy and amenity to the neighbours to the west;
- The development is likely to impact upon protected species, most notably bats, which have not been witnessed foraging since the severe lopping of the hedge dividing the application site from No.42 Hampton Park Road.

5.3 The application is supported by a Design, Access and Heritage Statement, the content of which is summarised as follows:

- The continuing viability of Hampton Grange Nursing Home in providing good levels of care requires additional bed spaces. Refurbishment and decommissioning of existing shared rooms will actually reduce the number of bedrooms in the existing building from thirty-five to twenty-nine;
- The proposal is supported by Herefordshire Council's Adult Social Care directorate as helping to deliver more reablement care in the county;
- The proposal for a new bedroom block replaces a previously approved proposal for nine private apartments (DCCE2007/3249/F), yet reflects the scale and massing of the previous scheme;
- Unlike the approved scheme, car parking will not be situated directly in front of the three-storey block and thus the open, lawned area will be maintained to a greater degree;
- The dominance of Hampton Grange is maintained by reducing the levels of the three-storey block and by orientating the building so that the sky is visible between the three gables. The palette of materials reflects both traditional and modern architecture and have been chosen specifically to blend with the conservation area and not dominate Hampton Grange;
- The building foundations will be designed so as not to harm retained trees and existing impermeable surfaces will be replaced with permeable paving;
- The extension will be designed to achieve a betterment of 25% in energy saving relative to current Building Regulations i.e. the equivalent to level 3 of the Code for Sustainable Homes;
- There are clear benefits to the local landscape such as the removal of the existing timber shed and partial screening of the existing extension;
- The submitted viability report indicates that demand for private nursing/dementia care is likely to rise due to the ageing population. The report indicates particular difficulty in placing dementia sufferers, which is illustrative of a demand for additional specialist dementia provision

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

## **6. Officer's Appraisal**

6.1 The issues to be considered in the assessment of the proposal are as follows:

- The principle of the development;
- Scale and design relative to the architectural and landscape characteristics of the Conservation Area;
- Traffic and accessibility;
- The potential impacts upon the identified nature conservation designations;
- The potential impacts upon residential amenity.

### The principle of development

6.2 The application site is located in the Hampton Park Conservation Area. The original late

Victorian house is a good example of the type of building that is characteristic of the area - a large Victorian house set in spacious, architecturally landscaped grounds. The legislative background regarding new development in conservation areas is contained within The Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 of the Act states that "special attention should be paid to the desirability of preserving or enhancing the character of appearance of that area." Case law has subsequently established that preservation is the equivalent of not causing harm to either character or appearance. In addition Policies CF5 (New Community Facilities) and CF7 (Residential Nursing and Care Homes) both require proposals for development such as that proposed to be appropriate in scale to the needs of the local community and reflect the character of the location and should be within the settlement or area that they serve. A requirement to not adversely affect the residential amenity of adjoining residents is common to both policies.

- 6.3 This is the fourth major proposal upon this site in the last several years, starting with the approved erection of a three-storey block of nine apartments on the site of the three-storey 'extension' now proposed (DCCE2007/3249/F), when the site was in different ownership. Although never implemented, this planning permission did establish the principle of erecting a comparatively large building within the grounds of Hampton Grange under the same planning policy framework provided by the Unitary Development Plan. Whilst not setting a precedent the planning history is a material consideration. Subsequent to the 2007 application two applications were submitted for similar proposals to those before Members now (see 3.9 and 3.10 above). However, in each case the proposed extension from the existing building was two-storey, longer and closer to the mature Cedar. Hence the principal differences with the current application are that this extension is reduced to single-storey, does not project as far northward and is moved to a position outside the root protection area of the Cedar. In addition the proposals now show a reduction in ground levels within the three storey block in order that the eaves and ridge heights are lower than the main body of the existing building.
- 6.4 The Conservation Manager has expressed no objection to the principle of development at this location and is satisfied that the proposal will meet the statutory test to preserve the character or appearance of the area as well as conforming to Policies HBA6 and HBA8 of the Unitary Development Plan. No concerns are expressed in relation to the density of the proposal and the steps taken to reinforce the dominance of the existing building are considered successful. In making this assessment the presence of mature trees on the roadside is recognised. These specimens, protected under Conservation Area legislation and separate Tree Preservation Orders, act to filter views into the site from Hampton Park Road. It should also be borne in mind that the north-facing elevation of the three-storey block would be between twenty-five and thirty metres from the road.
- 6.5 As discussed above the site has a number of significant tree specimens. Without doubt the main landscape feature upon the site is the mature Cedar tree directly in front of the main building. Other protected trees on the site frontage will be entirely unaffected by the proposals. It is imperative that the single-storey extension does not affect the Cedar. The identification of the tree as a constraint to development has only recently been addressed through the commissioning of an Arboricultural Constraints Report. The report identifies the removal of a Lawson Cypress and False Acacia as necessary in order to erect tree protection fencing around the Cedar and form the additional parking spaces to the west of the existing drive. Neither tree is considered worthy of retention. The report recommends the instatement of tree protection around the trees to be retained for the duration of the construction phase. Moving forward, the long-term implications for the health and viability of the Cedar are improved significantly not only by the relocation and modification of the single-storey extension, but also by the removal of existing impermeable hardstanding currently within the root protection area and replacement with permeable pavements. A section of tarmac to the immediate southwest of the trunk will be removed and reseeded with grass. Thus the area of impermeable surfacing within the tree's root protection area will be reduced, removing compaction and allowing for better aeration and moisture infiltration.

- 6.6 Finally, it has been established via the Care Quality Commission that there is no minimum open space standard for nursing homes. Moreover Herefordshire Council has no adopted equivalent. Therefore the loss of the open space in terms of the impact upon *existing residents of the nursing home* is not considered material to the determination of this application. Whilst it is true to say that the proposal would represent a more intensive use of the site this in itself is not something that makes the principle of development unacceptable. Whilst the proposal does not promote single, detached dwellings the intended use is by definition residential in nature and is not incompatible with adjoining uses in the same way that introducing a large factory into the area might be. The principle of development is therefore considered acceptable.

#### Scale and detailed design

- 6.7 A number of objectors have expressed concern at the impact of the extensions upon the character and appearance of the conservation area. Many consider that the extensions amount to over-development of the site and cite the loss of the open area to the west of the existing building as particularly damaging to character.
- 6.8 As described above, however, this view is not shared by the Conservation Manager, who is satisfied that the current application, which derives from significant pre-application discussion, represents an acceptable approach. Although the scale of the three-storey block has remained constant, steps have been taken to ensure that it would relate better to the main house both in terms of scale and detailed design. In particular the appearance of the three-storey block is improved by the introduction of cedar cladding to the projecting bay windows, where titanium zinc was originally proposed. In addition the building is set down relative to the main building so that despite being only 600mm shorter than the existing building in absolute terms, the difference between ridge heights would be 2 metres. As such the three-storey block will appear subservient to the existing building in glimpsed views through the roadside trees and the uninterrupted view from the main entrance. The design of the three-storey block is contemporary in the materials employed, yet it takes key references from the architectural form of the original building. Most notable of these is the use of strong gables with vertical emphasis and the inclusion of a chimneystack.
- 6.9 The proposed single-storey extension from the main building has been modified quite significantly. Under the two preceding applications a two-storey extension was proposed, the first floor housing first an additional six, then four bedrooms. In response to concerns expressed by officers this component is now far smaller, the first floor having been foregone in response to concerns over the impact upon the roots of the Cedar. The design approach with the single-storey extension is more traditional, as befits an extension that will be physically attached, albeit via a later addition. The Conservation Manager is content that the revised layout will reduce the potential future conflict with the tree, particularly as bedrooms formerly proposed in close proximity to the trees boughs no longer form part of the application. Officers consider the proposal acceptable in relation to policies DR1, HBA6 and LA5 in that it is considered that the proposals take an integrated approach to design reflect the local vernacular and respond better to the presence of the tree.

#### Traffic and Accessibility

- 6.10 There is only one means of entry into the site. This is via the main approach taken directly from Hampton Park Road directly in line with the existing front door. From here parking is generally to the left-hand side of the drive, curving around to the left under the Cedar and along in front of the 1990s extension. There is room for two vehicles to park in tandem to the right-hand side of the drive upon entering the site. As discussed above, the proposal would take the total number of bed spaces from thirty-five to sixty, yet only provide an additional four parking spaces. Whilst this might seem to be an under-provision relative to the increase in

bedrooms, the Traffic Manager has confirmed that twenty spaces to cater for the entire site is actually in excess of the Council's adopted Design Guide of one space per four bedrooms. In this case it should be noted that the patients themselves do not have access to vehicles and that parking requirements are limited to staff (operating on shift patterns), visitors and deliveries.

- 6.11 Local residents have expressed strong concern at the potential increase in vehicular movements associated with an increased number of bed spaces. They identify that Hampton Park Road is a busy arterial route into and out of the city serving a large rural hinterland. They have also cited instances when over-spill parking and deliveries have had an undesirable effect upon the free flow of traffic and highway safety in adjoining roads and on Hampton Park Road itself.
- 6.12 Whilst officers accept that the concerns expressed are genuine, the Council's adopted guidance on parking standards cannot be easily laid aside. In making a decision on this application Members are advised to give due weight to the Highways Design Guide and the parking standards that form part of adopted policy. Moreover the application site is within the city, on a bus route and according to a staff survey over 40% of existing staff live within one mile of the site and 53% have a work commute that takes less than 15 minutes. In these circumstances officers are not persuaded that a refusal based upon the perceived inadequacy of the parking spaces on site could be sustained.
- 6.13 Improvements to the visibility at the junction with Hampton Park Road are recommended with the provision of a 2.4m x 90m visibility splay, which will necessitate some removal of the beech hedgerow. This approach is consistent with the approved 2007 application. On this specific issue officers consider the proposed parking to be appropriate as exceeding the requirements of adopted policy. A planning condition requiring the formulation of a staff travel plan is recommended.

#### Potential impacts upon nature conservation designations

- 6.14 In broad terms the impact of the proposal upon nature conservation designations can be understood as the impact of the development upon the wooded slope to the rear of the application site and the River Wye itself. Natural England and the Council's Ecologist have been consulted on the proposals. European Protected Species have been identified in some numbers upon the application site, with bats recorded as foraging and potentially roosting in the wooded area and trees and hedgerow adjacent Hampton Park Road. As described above, neither Natural England or the Council's Ecologist consider that the development proposals will have significant impacts upon the River Wye SAC/SSSI or the Site of Importance for Nature Conservation.
- 6.15 This view is based upon the nature and scale of the proposals and the fact that mitigation and enhancement measures are set out in the Nature Conservation Management Plan originally submitted in connection with the 2007 application. The applicant retains control over the SINC and a condition requiring the submission of an updated management plan in connection with this area to the rear of the application site extending down to the river is considered both reasonable and necessary.
- 6.16 Natural England (i.e. the statutory body charged with ensuring conservation and management of the natural environment) has no objection to the proposal subject to them being carried out in accordance with the submitted details, a position shared by the Council's own Ecologist. Officers are also satisfied that the application now pays due regard to the protection of mature tree specimens upon the site. In relation to this main issue the application is considered acceptable.

### Potential impacts upon residential amenity

- 6.17 From consultation responses received the potential adverse impacts upon the amenity enjoyed by adjoining residents fall into two broad categories:
- Loss of privacy through direct overlooking of private amenity space;
  - Disturbance arising from noise or odour.
- 6.18 Any impacts arising will be felt by residents living either to the immediate east or west (impacts upon amenity relating to parking is dealt with above) of the application site. Those living to the east will be most closely related to the proposed single-storey extension and bin store. The extension houses the kitchen and associated pantry/refrigeration areas and also the workshop and equipment store. It is designed to allow passage through to the proposed bin store. At its nearest the extension is 25m away from the nearest property in Grange Gardens - significantly further away than the existing building. The kitchen is designed so that the cooking facilities are located against the west-facing wall i.e. away from Grange Gardens. Likewise the three windows in the extension are all on the west-facing elevation. As such, officers consider all reasonable steps have been made to ensure that noise and cooking fumes/odours are directed back into the site rather than eastwards into Grange Gardens. Given the separation distances involved the single-storey extension would not result in undue loss of privacy or overshadowing. Concern has been expressed regarding the location of the bin store relative to the neighbours in Grange Gardens. However, the bin store is enclosed and again officers consider that the living conditions of adjoining residents have been taken into account.
- 6.19 Concern has also been expressed regarding the existing levels of noise relating to unsettled residents. Whilst officers are mindful of the potential disturbance a pre-existing issue is not one that the planning system can address. Whilst noise is a material consideration, the proposal does not introduce any further beds within close proximity to Grange Gardens - the single-storey building is in effect a service wing. It is also noted that the Environmental Health Officer has not objected. Should the situation persist protection can be afforded via Environmental Protection Legislation. It should also be borne in mind that a residential institution such as this is not an inherently noisy use that should not, as a matter of principle, be located within existing established residential areas.
- 6.20 On the opposite side of the application site the proposed three-storey block has No.42 Hampton Park Road as its nearest neighbour, albeit separated by the mature conifer hedge. The proposed building and No.42 are 17 metres apart (flank to flank). As one would expect the design is such that there are no windows in the west-facing elevation of the building and the future introduction of windows is something that can be controlled by condition. Given the long-standing presence of the mature hedgerow officers do not consider that the proposed building would give rise to significant loss of light or cause further overshadowing of the front lawn to No.42. Even were the hedge to fail, officers are satisfied that the relationship with the existing dwelling is acceptable. This notwithstanding the submitted Tree Impact and Protection Plan recommends the use of protective fencing around the hedge during the construction phase.
- 6.21 Some residents in Grange Gardens (the residential cul-de-sac of five dwellings to the immediate east) have objected to proposals to remove an existing 1800mm close-boarded fence and trees to be replaced with a 1500mm brick wall along the common boundary. The agent has confirmed that in response to the concerns expressed, this area will be left as existing.
- 6.22 Officers consider that the application respects the living conditions of adjoining residents in a manner that complies with Policy DR2 of the Unitary Development Plan.

## Other Matters

- 6.23 The application is accompanied by a viability assessment that considers, amongst other things, the issue of a shortage of supply of 'reablement' bed spaces within the Hereford catchment area. At the time of writing officers were trying to establish whether the Council has figures that would support the position set out in the application, which suggests a shortfall of 165 bed spaces within single en-suite rooms in 2010. Whilst this is not considered fundamental to the determination of the application, it is a material consideration and an update on this issue will be provided at the meeting.

## Summary and Conclusions

- 6.24 On the key issues identified above officers are satisfied that the proposal accords with Government guidance and UDP Policy. The proposed extensions, and associated works are now considered appropriate within the local context. The original building is retained as the focal point and the respective designs are now, after several revisions, acceptable. Tree protection measures will be implemented during construction in the form of protective fencing, and the submission of a Construction and Environmental Management Plan will ensure no adverse impacts upon the SINC, SSSI or SAC designations during the building process. Whilst mindful of local objections, officers do not consider the impact upon the local highway or adjoining residential amenity to be so significant as to warrant refusal. The application is recommended for approval.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. H03 Visibility splays**
- 6. H13 Access, turning area and parking**
- 7. H29 Secure covered cycle parking provision**
- 8. H30 Travel plans**
- 9. L01 Foul/surface water drainage**
- 10. L02 No surface water to connect to public system**
- 11. L03 No drainage run-off to public system**
- 12. G04 Protection of trees/hedgerows that are to be retained**
- 13. G11 Landscaping scheme - implementation**
- 14. G14 Landscape management plan**

15. No development shall take place until a Construction and Site Waste Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved Plan.

16. F16 No new windows in specified elevation

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** DMS/110995/F

**SITE ADDRESS :** 48 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HEREFORDSHIRE, HR1 1TH

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

# DRAFT HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

Planning Application – DMS/110995/F

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated April 2008. All contributions in respect of the residential development are assessed against general market units only.

Single storey extension to existing building comprising kitchen and workshop and new addition comprising 32 bedrooms and associated facilities.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£1,912** to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. In the event that Herefordshire Council does not for any reason use the sums in paragraph 1, above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. The sums referred to in paragraph 1, above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
4. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
5. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

**YVONNE COLEMAN**

**21/04/2011**