

AGENDA

Planning Committee

Date: **Wednesday 23 November 2011**

Time: **10.00 am**

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

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

For any further information please contact:

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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 in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman
Vice-Chairman

Councillor PGH Cutter
Councillor BA Durkin

Councillor PA Andrews
Councillor AN Bridges
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor J Hardwick
Councillor JW Hope MBE
Councillor RC Hunt
Councillor Brig P Jones CBE
Councillor JLV Kenyon
Councillor JG Lester
Councillor MD Lloyd-Hayes
Councillor G Lucas
Councillor RI Matthews
Councillor FM Norman
Councillor GR Swinford
Councillor PJ Watts

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 2 November 2011.	1 - 8
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	9 - 10
7.	PLANNING ENFORCEMENT PERFORMANCE To update the Committee in respect of Planning Enforcement Performance for the period from 1 April 2011 to 30 September 2011.	11 - 12
8.	DMS/112232/O - PARK HALL, WORMELOW, HEREFORDSHIRE, HR2 8EQ Site for development of five houses.	13 - 20
9.	DMS/112616/F - 44 TOWER ROAD, HEREFORD, HR4 0LF Demolition of existing bungalow and garage to allow for redevelopment comprising 4 no. residential flats with access, car parking, bin / cycle stores, landscaping and other associated works.	21 - 34
10.	DMS/1122351/F - LOSITO STUD, HARRIS LODGE, WHITCHURCH, ROSS ON WYE, HEREFORDSHIRE, HR9 6EG Retrospective application for change of use on part of land associated with Losito Stud from agricultural to equine use, retrospective application for change of use from agricultural barn to stables.	35 - 42
11.	DMN/112363/F & DMN/112365/L - OAKWOOD, EARDISLEY, HEREFORD, HR3 6NH Proposed renovations and extensions to Oakwood and demolition of existing garage and erection of replacement garage, erection of two detached dwellings and ancillary garages formation of new vehicular access on land rear of Oakwood and Bridge House, demolition of garage at Bridge House and erection of replacement garage.	43 - 52
12.	DMS/112197/F - OLDSTONE FARM, FOWNHOPE, HEREFORD, HR1 4PJ Proposed conversion of and alterations to a range of period barns to create 2 residential dwellings.	53 - 60

13. DATE OF NEXT MEETING

Date of next site inspection - 13 December 2011

Date of next meeting - 14 December 2011

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- 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.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

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

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

Councillors: PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JA Hyde, JLV Kenyon, JG Lester, MD Lloyd-Hayes, G Lucas, FM Norman, GR Swinford, DC Taylor and PJ Watts

In attendance: Councillor PD Price

76. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RC Hunt, Brig P Jones CBE and RI Matthews.

77. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AM Atkinson, JA Hyde and DC Taylor attended the meeting as substitute members for Councillors RC Hunt, Brig P Jones CBE and RI Matthews.

78. DECLARATIONS OF INTEREST

No declarations of interest were made.

79. MINUTES

The Democratic Services Officer advised the Committee that the minutes of the meeting held on 14 September 2011 had been resubmitted for approval as the resolution for application DCNW2008/1289/F had previously been omitted.

RESOLVED: That the Minutes of the meetings held on 14 September 2011 and 12 October 2011 be approved as a correct record and signed by the Chairman.

80. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that the Overview and Scrutiny 'Task and Finish Group' who had been tasked with looking at the Council's planning functions had sent out a questionnaire to all members. On behalf of Councillor PJ Watts, Chairman of the Task and Finish Group, he asked members to complete the questionnaire and return it at their earliest convenience.

81. APPEALS

The Planning Committee noted the report.

82. DMN/111554/F - LEDBURY WELDING & ENGINEERING LTD, NEW MILL INDUSTRIAL ESTATE, LEADON WAY, LEDBURY HR8 2SR

The Head of Neighbourhood Planning advised that the application had been withdrawn by the applicant.

83. DMS/110387/O - LAND NORTH OF HAWTHORN RISE, PETERCHURCH, HEREFORD, HR2 0RQ

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 further four letters of objection.

In accordance with the criteria for public speaking Mr Hepworth, representing some of the residents of Hawthorn Rise, spoke in objection to the application and Mr Smith, the applicant's agent, spoke in support.

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

- The site inspection was welcomed and gave the committee the opportunity to see at first hand the issues that concerned the local residents.
- There was no objection to housing on the site as it was within the settlement boundary and designated for housing in the Council's Unitary Development Plan.
- The residents of Hawthorn Rise had suffered through an excessive build time with the development still not being completed.
- The proposed access was not acceptable. The initial plans for Hawthorn Rise did not show a gap between numbers 12 and 13 where the new access was now being proposed. The current construction access situated to the north west of the site was deemed more suitable.
- There were also concerns in respect of drainage. The ditch being proposed for drainage, which was located at the south east of the site, was higher than the centre of the site. If permission was granted there would have to be a clear drainage condition.
- A condition to address the concerns regarding overhead electricity cables was also proposed.
- Concerns were also expressed regarding the allocation of affordable homes on the site. It was suggested that the affordable homes be integrated into the site and not situated together in one row. It was noted that this could be dealt with at the reserved matters stage.

Members opened the debate by thanking the officers for a thorough and detailed site inspection.

The committee expressed concerns in respect of the proposed access. It was felt that the residents of Hawthorn Rise had bought their homes in good faith after viewing site plans which did not indicate an access between numbers 12 and 13. The Committee were of the opinion that the applicant should investigate other options in respect of the access, particular reference was made to the current construction access to the north west of the site.

Members did discuss the possibility of deferring the determination of the application to give the applicant the opportunity to reconsider the access.

The Head of Neighbourhood Planning advised members that the concerns regarding the access could not be suitably addressed through a deferral as the applicant would have to submit a new application if the access was to be revised as had been suggested. He also stated that the proposed access was 4.5 metres wide and complied with highway standards.

Members also discussed their concerns in respect of the overhead cables, it was noted that this issue could be addressed through a suitable condition at the reserved matters stage. The issue in respect of the affordable housing was also noted. Members agreed with the local ward member that the affordable homes should be integrated throughout the site and not situated in one row.

During the debate members discussed refusing the application. One member was of the opinion that the access was out of character and would have a negative effect on the setting and surroundings for the residents of Hawthorn Rise. Another member expanded on this and was of the opinion that approving the application would result in a loss of amenity to the neighbouring residents as well as changing the character of the street scene.

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

- The residents of Peterchurch did not object to development on the site.
- There was potential for even further development to the North West of the site so the proposed access could be heavily used.
- The UDP should be amended to allow the access road to also serve as a vehicular access to the recreation area.

A motion to defer the determination of the application in order for further discussions in respect of the proposed access to take place was lost.

The substantive motion to refuse the application contrary to the officer's recommendation was subject to the further information procedure as set out in the Council's constitution. A further information report was not requested from the Head of Neighbourhood Planning or the Locum Lawyer, representing the Monitoring Officer, therefore the Committee proceeded to the vote.

RESOLVED

THAT planning permission be refused for the following reason:

- 1 The position of the proposed access serving significant additional residential development would by reason of its proximity to existing properties in Hawthorn Rise and the associated increased levels of vehicular and pedestrian activity have an adverse effect upon the established residential character of the cul-de-sac and the residential amenity of existing occupiers. Accordingly, the proposal would be contrary to Policies DR2 and H13 of the Herefordshire Unitary Development Plan.**

84. DMS/112513/F - FOUR FOXES VINEYARD, LONGWORTH LANE, BARTESTREE, HEREFORD, HR1 4BX

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 Wilson, representing Bartestree with Lugwardine Parish Council, and Mr Smith, the applicant's agent, spoke in support of the application.

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

- The site map contained within the agenda was unacceptable and did not show the site in relation to the neighbouring area.
- Recently had a discussion with the Chairman of the Parish Council's Planning Committee who made a strong case for supporting the application.
- The policy referred to in the case officer's reason for refusal could also be used to support the application.
- The site was in a sustainable location and was just outside of the settlement boundary.
- There was no other use for the building and it could easily fall into a state of disrepair.

Members noted that the Parish Council was in support of the application and voiced concerns that the building could end up derelict if the application was not approved. The planning history of the site was also noted, the Committee were satisfied that there had been an attempt to use the building for business use but that this had proved unsuccessful.

In respect of the site, the Committee felt that it was sustainable and would be suitable for a small 2 bedroom dwelling. They were however of the opinion that the footprint of the existing building should not be extended. There was a discussion as to how this could be achieved with one of the Members recommending that the permitted development rights be removed to ensure that any extensions to the building would be subject to planning consent.

The Locum Lawyer advised that the removal of permitted development rights would normally be through the use of an article four direction. However he was of the opinion that a condition could be added to the resolution to address the concerns of the committee.

The Head of Neighbourhood Planning advised that it was not unusual to remove permitted development rights for applications but the use of a condition was an acceptable course of action for the committee to take.

In response to a number of points raised by the Committee, the Principal Planning Officer advised that there had been no details of 'local use' contained in the applicant's submission. She also advised that the site had been market tested but noted that it was not unusual for buildings to struggle to sell in the current financial climate this however did not discount other uses such as a holiday let, which would be deemed more acceptable. It was also noted that the previous uses of the building, for retail and a coffee shop, were not during the applicant's ownership. Finally she added that if the site was granted planning permission the committee could then be faced with an application for a new dwelling on the site.

In response to the concerns raised by the Principal Planning Officer, the committee asked for legal advice in respect of a condition restricting any further extensions to the building. The Locum Lawyer confirmed that a condition could be added which would be precise, accurate and enforceable.

Councillor DW Greenow was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

The Locum Lawyer and the Head of Neighbourhood Planning had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further

Information Report process. Neither Officer requested a further information report and the Committee proceeded to the vote.

RESOLVED

THAT planning permission be granted subject to the following conditions and any other conditions considered necessary by the Assistant Director – Economic, Environment & Cultural Services.

- 1 The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

- 2 The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. JS/166/11/3 RevA and JS/166/11/2) and the schedule of materials indicated thereon.**

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

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

Reason: In order to protect the character and amenity of the locality and to comply with Policy HBA12 of the Herefordshire Unitary Development Plan.

85. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 2)

The meeting ended at 11.35 am

CHAIRMAN

PLANNING COMMITTEE

2 November 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.

7 DMN/111554/F - Demolition of existing buildings and erection of a Class A1 (Retail) store, car parking, landscaping and associated works at Ledbury Welding & Engineering Ltd, New Mill Industrial Estate, Leadon Way, Ledbury HR8 2SR

For: Tesco Stores Ltd per Mr Gary Sutton, 14 Windsor Place, Cardiff, CF10 3BY

APPLICATION WITHDRAWN

8 DMS/110387/O - Erection of sixteen dwellings, construction of vehicular access and associated works at Land North of Hawthorn Rise, Peterchurch, Hereford, HR2 0RQ

FOR: Mr Smith Per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL

ADDITIONAL REPRESENTATIONS

A further 8 letters have been received from residents of Hawthorn Rise (nos. 5, 8, 10, 11, 13, 14, 16 and 17). These in the main do not object in principle to the erection of new dwellings upon the application site but reiterate concerns about the timescale for developing the site and the noise and disturbance that will be experienced (potentially over an extended period of time based upon previous experience); loss of privacy suggesting that only bungalows should be permitted and more specifically along the southern perimeter of the site boundary with Hawthorn Rise; surface water drainage issues and localised flooding of back gardens which must be addressed by proper enforcement of any conditions; permanent access should be created within the adjoining field to avoid noise and disturbance and expressing concerns about poor visibility onto the B4348

OFFICER COMMENTS

The concerns that have been raised reiterate those that have been set out in the report.

In response to these, officers have resolved the following;

-sought to incentivise the quicker delivery of dwellings through the S106 Agreement which as recommended would require the affordable housing to be available upon completion of the 6th open market dwelling.

-a temporary construction access has been negotiated that would avoid plant and machinery using the existing estate road (condition 15).

- Drainage Engineer now satisfied that a surface water attenuation system can be designed to properly manage run-off

Furthermore the application no longer includes the approval of the layout of the site and as such concerns about the height of development and its relationship to existing properties are reserved matters for future consideration.

Correction to paragraph 6.26- the final sentence should read "...the application has been amended such that the scale and layout of the development have now been reserved for future consideration. On the basis that the means of access has been agreed with the Traffic Manager and the surface water issues can be addressed by condition, it is considered that the proposal accords with plan policy and as such is recommended for approval.

NO CHANGE TO RECOMMENDATION

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

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMN /111371/RM

- The appeal was received on 28 October 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 Morgan
- The site is located at Bank House, High Trees, Leintwardine, SY7 0LU
- The development proposed is erection of an affordable dwelling with detached garage.
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261795

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



MEETING:	PLANNING COMMITTEE
DATE:	23 NOVEMBER 2011
TITLE OF REPORT:	ENFORCEMENT REPORT

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To update the Committee in respect of Planning Enforcement Performance for the period 1 April 2011 – 30 September 2011.

Key Decision

This is not a key decision.

Recommendation

That the report be noted.

ENFORCEMENT PERFORMANCE – 6-MONTHLY REPORT - 1 APRIL 2011 to 30 SEPTEMBER 2011

There are no national Performance Indicators for planning enforcement. The Planning Enforcement Policy includes a requirement for reporting on Enforcement activity to this Committee. The tables below set out the results for the period 1 April 2011 - 30 September 2011, the second such report.

Cases opened 1st April 2011 - 30th September 2011

Type	Total
D01 Breach of Planning Condition	102
D03 Development contrary to approved plans	28
D04 Unauthorised operational development	125
D05 Unauthorised material change of use	82
D06 Unauthorised works to Listed Building	20
D08 Unauthorised works to trees in a Conservation Area	1
D09 Unauthorised Advertisement	6
D11 Untidy land	18
LA5 Other	2
Total	384

Closed Cases 1st April 2011 - 30th September 2011

Type	Total
D01 Breach of Planning Condition	85
D03 Development contrary to approved plans	27
D04 Unauthorised operational development	124
D05 Unauthorised material change of use	82
D06 Unauthorised works to Listed Building	25
D07 Unauthorised works to TPO	1
D09 Unauthorised Advertisement	9
D11 Untidy land	10
LA5 Other	1
Grand Total	364

Enforcement Outcomes 1st April 2011 - 30th September 2011

Code	Total
C01 No apparent breach (not development)	87
C02 No apparent breach (permitted development)	53
C03 Immune from action (4/10 yr rule)	10
C04 Not expedient to take action	78
C05 Resolved through negotiation or compliance	78
C06 Resolved by planning permission being approved	46
C07 Enforcement action taken - compliance secured	7
C08 Passed onto other service area	5
Grand Total	364

Notices Served 1st April 2011 - 30th September 2011

Count of type	Total
Type	Total
P01 Planning Contravention Notice	19
P02 Breach of Condition Notice	5
P03 Enforcement Notice	9
P05 Section 215 Notice	6
P08 Temporary Stop Notice	1
P09 Section 330 Requisition	3
P10 Section 16 Requisition	1
Total	44

In addition approximately 600 notifications of commencement from Building Control have been checked. This involves checking that planning permission has been received, where required, and whether or not any pre commencement condition requirements have been met. It can result in requests for planning applications or in letters seeking submission of details of conditions.



MEETING:	PLANNING COMMITTEE
DATE:	23 NOVEMBER 2011
TITLE OF REPORT:	DMS/112232/O - SITE FOR DEVELOPMENT OF FIVE HOUSES AT PARK HALL, WORMELOW, HEREFORDSHIRE, HR2 8EQ For: Blasemere Ltd, Riverside House, Bridge Street, Stourport on Severn, Worcestershire, DY13 8UY

Date Received: 15 August 2011

Ward: Valletts

Grid Ref: 349029,230280

Expiry Date: 10 October 2011

Local Member: Councillor J Knipe

1. Site Description and Proposal

- 1.1 The application site comprises the footprint of the former Park Hall Ballroom together with a roughly triangular area of land on the southern side of the fire damaged and derelict building. The site is approximately 0.2 hectares and extends out 30 metres on the western side. The site is screened by vegetation in and around the building and by the more imposing Wellingtonia trees that are found in the car park. These trees are an important feature of the locality as they once formed the grounds to the Grade II listed Bryngwyn Manor to the west of the application site. The trees are the subject of a group Tree Preservation Order (TPO 006/A1). The site also comprises part of an unregistered park and garden.
- 1.2 Access to this site is across a surfaced car park. It leads off the western side of the A466 road opposite Wormelow Garage. This radiused access point and car park /driveway is in the ownership of the applicant. There is unrestricted visibility northwards from the junction onto the A466 road. This view includes the junction of the B4348 road and the A466 road, 35 metres to the north. The visibility to the south is partially restricted by an existing stone boundary wall in the applicant's ownership. The access to the site also serves three dwellings either side of the access on to the A466 road between the application site and the highway. There are four other dwellings as well as a furniture store (Simply Stunning) served by the access and utilising land immediately to the south of the application site.
- 1.3 A public footpath MD13 crosses the car park close to the south eastern corner of the site.
- 1.4 This site is within the parish of Much Dewchuch and is located on the western edge of Wormelow. Wormelow is not an identified settlement within the Unitary Development Plan but it does benefit from the services provided by a shop/Post Office and public house and there is also a bus route linking it with Hereford and Monmouth.
- 1.5 This is an outline application with all matters reserved. A recently submitted application (DMS/101838/O) was withdrawn. This was primarily on the basis that further details were required in relation to the biodiversity of the site and a tree survey was required.

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

2. Policies

2.1 Government Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS13 - Transport

2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S3 - Housing
- DR2 - Land Use and Activity
- DR3 - Movement
- DR5 - Planning Obligations
- DR10 - Contaminated land
- H4 - Main Villages: Settlement Boundaries
- H13 - Sustainable Residential Design
- H14 - Re-using Previously Developed Land and Buildings
- T8 - Road hierarchy
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Woodlands and Hedgerows
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Flora and Fauna

3. Planning History

- 3.1 DMS/101838/O Site for development of 5 houses. Withdrawn 8 November 2010.
- 3.2 SW2000/2520/F Change of use of ballroom and function rooms to light industry. Approved 29 December 2000.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection subject to standard conditions

Internal Council Advice

- 4.2 Traffic Manager: Raises concerns about visibility to right. Ideally speed survey should be undertaken and the wall reduced in height to 600mm.
- 4.3 Landscape Manager: It is noted that the site comprises part of the Unregistered Park and Garden. There is also a group Tree Preservation Order protecting trees in this historic setting. There are no landscape objections. The only query is the potential impact of erecting 5 dwellings on the site having regard to the satisfactory protection of important trees. The properties should be detached with private gardens. A landscaping scheme should be submitted.
- 4.4 Public Rights of Way Manager: No objections raised. Should ensure future residents have lawful authority to cross line of footpath (MD13) The footpath should retain its historic width and not be obstructed or encroached upon.

- 4.5 Ecologist: No objection but seeking habitat enhancement of the site acknowledging that this may difficult to achieve depending on land available
- 4.6 Environmental Health & Trading Standards Manager: Conditions recommended controlling hours of working and for a desk study of possible contamination given stated former industrial use of the site.

5. Representations

- 5.1 Much Dewchurch Parish Council make the following observations:

Much Dewchurch Parish Council would be pleased to see an end to the eyesore on the site of this proposed development but hoped that there would be some starter dwellings included.

- 5.2 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The key issues for consideration in the determination of this outline application are as follows:-

- (a) the principle of residential development
- (b) the impact of the development upon the character of the locality
- (c) the impact upon residential amenity
- (d) highway safety
- (e) biodiversity
- (f) contamination
- (g) Section 106 requirements

Principle of Residential Development

- 6.2 The application site is outside the settlement boundary of Much Dewchurch, the nearest identified settlement and for the purposes of planning policy lies within open countryside. Accordingly having regard to Policy H7, residential development would need to be justified as an exception in order to accord with policy. In this case the proposal does not meet any of the identified exception criteria and in this respect is contrary to policy. However it is necessary also to consider whether there are any material considerations that would warrant a departure from policy.
- 6.3 It is clear from the response of the Parish Council that the long established untidy condition of the site and its commercial use for amongst other things overnight lorry parking has an adverse effect on what is otherwise a predominantly residential environment within a potentially attractive setting. Furthermore, whilst Wormelow is not an identified settlement, the application site is well related to public transport facilities, local schools at Much Birch and Much Dewchurch, the shop, post office and public house.
- 6.4 In this context it is considered that despite the open countryside location, the site is regarded as a generally sustainable one that would have the potential to enhance the site and its environs as well as better respect the character of this part of Wormelow. Accordingly, it is considered that this particular proposal is worthy of consideration as a departure from policy.

Impact on character and appearance

- 6.5 The character of the site and its environs is derived in particular from the Wellingtonia trees and other species of evergreen and deciduous trees. These established trees provide a visual

screen to the hardstanding area that provided the car park for the now derelict ballroom. This wide area also provides the driveway to the furniture store and dwellings on the southern side of the car park and further to the west. These dwellings are mostly late twentieth century one. I consider that it will be possible to erect dwellings on and closely associated with the footprint of the derelict ballroom. This would entail the removal of brambles and overgrown vegetation, but would also necessitate ensuring that the siting of any new dwellings should be sufficiently distant from the Wellingtonias around the eastern end of the building. This requirement is assisted by the fact that at least 3 protected trees are outside the application site. No indicative plan was submitted and therefore it is not possible to fully consider the practicalities of erecting up to 5 dwellings on the site but it is considered that these dwellings would need to be detached and modest in footprint given the proximity of protected trees on the eastern end of the application site.

- 6.6 A condition would be required in the event that the application was supported that protected those trees not covered by the 1955 Tree Preservation Order. Therefore, subject to conditions controlling and protecting trees and hedging affected by the development, it is considered that development of the site can preserve the important landscape features of the site in accordance with Policies LA4 and LA5 of Unitary Development Plan.

Impact on Residential Amenity

- 6.7 The development of this site would not impact upon the amenity of residential properties in the vicinity of the site. This is given that there will be no opportunities for overlooking or for building dwellings that would immediately adjoin existing residential curtilages. The main change will be a modest increase of traffic from the site but when assessed with regard to the approved light industrial use of the site, it is not considered that this would be harmful. Therefore, this proposal satisfies the requirements of Policy DR2 of the Unitary Development Plan

Highway Safety and Means of Access

- 6.8 This proposal will result in a change in the use of the existing access point onto the A466. There is more than sufficient width of driveway for vehicles joining and leaving the access point. The main issue is considered to relate to the visibility obtainable at the access point. The visibility to the north is very good, however in a southerly direction visibility is currently restricted. This can be addressed by the reduction in the height of a wall on the southern side of the access, which is in the applicant's control. This would improve visibility for vehicles turning right (south) and is a factor in support of the application since it will also improve the situation for existing users of the access. Therefore, it is considered that this matter can be addressed by planning condition and would satisfy the concerns of the Traffic Manager. The improvements will provide a safe means of access as required by Policies DR3 and T8 of the Unitary Development Plan.

Biodiversity

- 6.9 The Council's Ecologist had previously requested that an ecological survey be undertaken given the extensive vegetation that has grown up and around the derelict ballroom. It is considered that the application can be supported subject to conditions requiring enhancement of the site for the ecological purposes. The Ecologist is uncertain about the extent of improvements to biodiversity achievable given that the application was not accompanied by an indicative plan. It is though considered that the protection of existing trees and those not protected with the group TPO would provide enhancement of biodiversity into the future. Therefore, it is considered that the application accords with the requirements of Policies NC1, NC8 and NC9 of the Unitary Development Plan

Contamination

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

- 6.10 This site has been used for industrial purposes which has resulted in the Environmental Health and Trading standards Manager recommending the imposition of a condition. It is considered that given the limited duration of the light industrial use, planning approval was only granted 11 years ago and the fact there is an extensive tarmac apron on the southern side of the building, a condition as recommended is reasonable and necessary.

Section 106 requirements

- 6.11 The applicant has opted out of making contributions as normally required for housing schemes as set out in Policy DR5 and the Planning Obligations SPD. This would though be dependent upon the submission of detailed plans within 1 year and the commencement of works within a further year in order to satisfy the terms of the current suspension.

7. Conclusion

- 7.1 The proposal does not accord with policy since it does not fall within a settlement boundary nor does it adjoin an identified settlement in the UDP. It is though one that relates to a previously developed site that detracts from the amenity of the distinctive unregistered park and garden associated with Bryngwyn Manor. The applicant has previously used the site for light industrial purposes which is not considered to be entirely compatible with the residential character of the locality. It is considered that a residential development that respects the limitations imposed on it by protected trees and those identified in the tree survey accompanying the application would be capable of not only removing an eyesore, but would also enhancing the landscape and biodiversity around the site and provide improvements to the existing access onto the A466 road. The Parish Council have stated that they would welcome small affordable homes. However this application relates to open market development. However in view of the constrained nature of the site, it is considered that the size of the dwelling will be limited and therefore potentially making them more affordable. Having regard to the particular circumstances of this site, it is considered that this approach is acceptable and on balance the application is supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. A02 Time limit for submission of reserved matters (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. H04 Visibility over frontage**
- 6. G02 Retention of trees and hedgerows**
- 7. G04 Protection of trees/hedgerows that are to be retained**
- 8. G07 Protection of trees covered by a Tree Preservation Order**
- 9. G11 Landscaping scheme - implementation**
- 10. G14 Landscape management plan**

- 11. **K4 Nature Conservation - Implementation**
- 12. **L01 Foul/surface water drainage**
- 13. **L02 No surface water to connect to public system**
- 14. **L03 No drainage run-off to public system**

Informatives:

- 1. **HN24 Drainage other than via highway system**
- 2. **HN08 Section 38 Agreement & Drainage details**
- 3. **N15 Reason(s) for the Grant of PP/LBC/CAC**

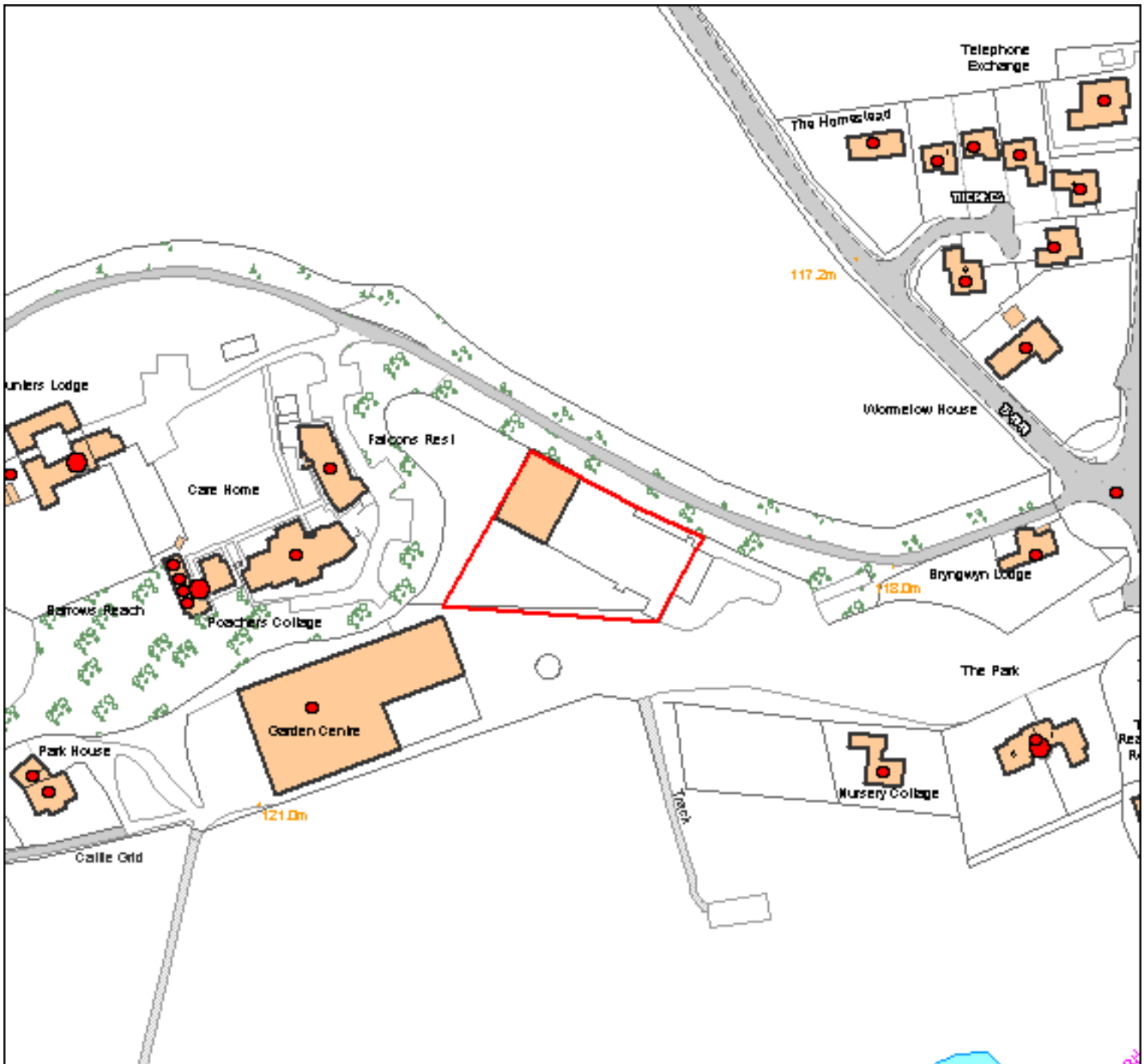
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112232/O

SITE ADDRESS : PARK HALL, WORMELOW, HEREFORDSHIRE, HR2 8EQ

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



MEETING:	PLANNING COMMITTEE
DATE:	23 NOVEMBER 2011
TITLE OF REPORT:	<p>DMS/112616/F - DEMOLITION OF EXISTING BUNGALOW AND GARAGE TO ALLOW FOR REDEVELOPMENT COMPRISING 4 NO. RESIDENTIAL FLATS WITH ACCESS, CAR PARKING, BIN / CYCLE STORES, LANDSCAPING AND OTHER ASSOCIATED WORKS AT 44 TOWER ROAD, HEREFORD, HR4 0LF</p> <p>For: Mr Shaw per Mr David Hutchison, Pegasus Planning Group, Pegasus House, Queens Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT</p>

Date Received: 21 September 2011 **Ward: St Nicholas**

Grid Ref: 349772,239673

Expiry Date: 23 November 2011

Local Members: Councillors SM Michael and JD Woodward

1. Site Description and Proposal

- 1.1 The application site is 0.0927 hectares in size and comprises an existing four bedroom bungalow standing within its own substantial curtilage. The site is at the western end of Tower Road which is a no through road that does not benefit from a turning head. It lies within the established residential area of Broomy Hill.
- 1.2 The bungalow is set back 18.8m from the edge of the footway and the area in front of the bungalow is laid to garden with off road car parking (including garage space).
- 1.3 The application site is bounded to the north and east by existing residential dwellings, a large area of public open space lies to the west and the public highway forms the southern boundary. The surrounding area is characterised by large detached and semi-detached period properties some benefitting from off street parking but many relying upon on-street parking. These are detached and semi-detached family period properties with some later infill.
- 1.4 The proposal is for the demolition of the existing bungalow and erection of a building sited 15m back, but fronting the highway. The element that would front Tower Road would be both 2 and 2½ storeys in height with the element to the rear stepping down from two storeys to single storey.
- 1.5 The front elevation would comprise gables with bay windows at ground and first floor level. Materials would be red brick (with contrasting decorative brick detailing), stone cills and use of slate (or similar) for the roof coverings.

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

- 1.6 The building would accommodate four, two bedroom residential units. The two and a half storey section would accommodate a ground floor apartment, with a second apartment above comprising living accommodation at first floor and bedrooms above. The two storey element of the front block would be a two bed unit (with living accommodation at ground and bedrooms above). The rear element of the proposal would also provide for a fourth unit with living accommodation at ground floor and bedrooms above. Each unit would have its own external entrance.
- 1.7 Car parking is provided predominantly to the rear of the site at a ratio of 2 spaces per flat, although two spaces are also provided at the front (to serve the apartment that has its entrance to the front). Landscaping is provided with communal amenity space.
- 1.8 The application would require the removal of some existing trees hedgerows and landscaping. It also includes additional planting and erection of boundary fences or walls. The existing boundary wall to the west would be retained.
- 1.9 The application is accompanied by an Ecological Survey (undertaken Dec '10 – Jan '11), surface water drainage details, daylight analysis and confirmation that the applicants would be agreeable to commencement within 12 months of the date of permission in order to take advantage of the current suspension of S106 payments.

2. Policies

2.1 Government Guidance:

Planning Policy Statement 1	-	Delivering Sustainable Development
Planning Policy Statement 3	-	Housing
Planning Policy Statement 9	-	Biodiversity and Geological Conservation
Planning Policy Guidance 13 (2010 revision)	-	Transport

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H1	-	Hereford and the Market Towns: settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H15	-	Density
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
T11	-	Parking Provision
CF1	-	Utility Services and Infrastructure
CF2	-	Foul Drainage

3. Planning History

- 3.1 DCCW2004/3497/F Construction of dormer windows, single storey extension and a basement. Approved December 2004.

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

- 3.2 DCCW2006/3245/F Construction of a workshop/store including a basement. Withdrawn November 2006.
- 3.3 DMS100947/F Erection of 8 flats. Refused 21 July 2010 for the following reason:

“The local planning authority consider, having regard to Policies DR1, H13(1) and H14(2) of Herefordshire Unitary Development Plan 2007, that the proposal is unacceptable in that it would constitute an over intensive form of development which does not respect, is out of character with and consequently would be detrimental to the established residential character of the locality.”

- 3.4 DMS/102805/F Proposed demolition of existing dwelling and erection of 5 two bedroom apartments and provision of public turning area. Refused 14 February 2011 for the following reason:

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

- 3.5 Following the refusal of these applications appeals were lodged (linked appeals were considered at the same time) and were dismissed. The detail of this is discussed in the officer appraisal and the appeal decision is annexed to this report.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to the use of standard conditions.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to the use of standard conditions. Query accessibility of the bin / cycle store.
- 4.3 Public Rights of Way Manager: No objection.
- 4.4 Conservation Manager (Ecology): Makes the following comments:

I note that although the property is on the edge of the city and adjacent to suitable bat foraging habitat, no evidence of bats was found in the roof space of the bungalow. There are very few cracks and crevices where bats could access the property for roosting and I am therefore satisfied with the assessment of the site by the ecological consultant.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 10 letters of objection have been received from:
 Emma Benjamin, 69 Breinton Road, Hereford.
 Mrs R M Howard, 36 Tower Road, Hereford.
 Mr and Mrs Davies, 29 Tower Road, Hereford.
 Mr and Mrs Kent, 38 Tower Road, Hereford.

Mr and Mrs Bashir, 1 Connaught Place, Hereford.
Mr and Mrs Brydon, 26 Tower Road. Hereford.
C Burgoyne and J Pritchard, 34 Tower Road, Hereford.
Mr and Mrs Hawley, 19 Tower Road
Mr and Mrs Lilley, 40 Tower Road, Hereford
Jean Tidmarsh, 33 Tower Road, Hereford.

5.3 Their comments are summarised as follows:

- Overdevelopment of the site.
- Proposal not in keeping with the area and is an uncharacteristic form of development.
- The building is too high and too large.
- The area is characterised by family dwellings and is not suitable for high density development.
- Utilities will not cope with the increased demand leading to the potential for increase in flooding (high water table in area).
- Potential overlooking and loss of privacy.
- Loss of light / overbearing on impact on the amenities of residents of Number 40. Garden would then face a car park.
- Insufficient parking provision
- Concerns about increase in traffic movements at the already dangerous junction of Tower Road, Barton Road / Westfaling Street and Breinton Road.
- Many existing properties don't have off-street parking, resulting in congestion and problems for those accessing their driveways / parking areas.
- Cars already parked on both sides of the road and there is no turning space.
- The proposed turning space will be a hazard
- Pedestrians, particularly children, elderly or wheelchair users may be at risk from any further development in this area.
- Problems with parking already means restricted access for emergency and service vehicles.
- The whole area suffers from a lack of capacity in terms of parking provision.
- Much prefer pair semi-detached dwellings.
- Possibly devalue properties in the area.

5.4 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 Having regard to the relevant policies, the primary issues in determining this application are considered to be:

- Character and appearance of the area
- Design, layout and residential amenity
- Access and highways Issues
- Water and sewerage
- Ecology
- Planning Obligations

6.2 The two previous applications and subsequent appeals considered the above issues. The two appeals were considered together and this decision is a material consideration in the appraisal of this application.

6.3 The appeal and previous reasons for refusal focused on the character of the area and how the development would impact upon this. Local residents and Members raised concern primarily

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

about the introduction of flats into an area that is predominantly family housing. This matter was considered by the Planning Inspector who concluded as follows:

'I have noted residents concerns that flats would be out of character in an area of family housing but mixed and inclusive communities are a government objective set out in planning Policy Statement 3 Housing'

- 6.4 Having regard to this decision and the current national policy, the principle of introducing flats in this location is considered to be acceptable.
- 6.5 Whilst the Inspector considered up to 8 flats to be acceptable in principle, this application has reduced the number of units down to four in order to address the Inspector's concerns about the impact on the amenities of No. 40 Tower Road and to address concerns in respect of design and impact on the character of the area.
- 6.6 The front of the proposed building has been sited further back in the site and adopts an 'L' shaped layout. The building line has been set back behind the line of the ground floor bay window to the side elevation of No. 40 therefore allowing a more open aspect and acceptable relationship between the two buildings. All of the windows on the eastern elevation of the proposed building facing No. 40 would be obscure glazed and a condition would be applied to any permission to ensure this. There would be bedroom and kitchen windows in the rear elevation of the front block and although this is will allow for a small amount of oblique overlooking, this is not unusual in urban situations. The Inspector notes *'overlooking from a first floor kitchen window and a second floor bedroom window in the rear facing elevation would be within acceptable limits, particularly as they would belong to the same flat (para 13)*. All other windows are non habitable and can be conditioned. Overlooking to gardens of dwellings on Breinton Road would only be from these two windows and would be in excess of 21m to the rear boundary (landscaped) which is more than adequate in terms of potential overlooking.
- 6.7 The design of the building has also been reconsidered to address the issues in respect of impact and a stepped roof line is proposed. The height of the part of the front block closest to no. 40 has been reduced and the separation distance between the rear elements and boundary with No. 40 are significant enough (10.3m to boundary) to ensure that the rear element would not be overbearing or cause loss of light to the garden or No. 40. A daylight analysis has been provided with the application which clearly demonstrates that this relationship is acceptable.
- 6.8 Architecturally the proposal follows the same traditional approach as before, reflecting the Victorian and Edwardian properties in Tower Road. Whilst members did not refuse these previous applications on design grounds the Inspector did raise concern in respect of the design of the second application for 5 flats. Concern related to the detailed design of the 'L' shaped building, in particular the consistency of design, hipped roof and design detail coupled with the mass and length. It is considered that this proposal, although using the 'L' shaped approach has addressed the detailed design issues, and significantly reduced the mass of the building through the stepped down approach. The symmetry and proportions of the front elevation have also been considered, but given the set back position of the building its limited visual presence, the absence of a symmetrical frontage is not considered to be a basis for refusing permission within what is a mixed area in terms of architectural detailing. It is considered that the reduction in height adjacent to No. 40 is of more importance and this is a significant improvement over previous schemes.
- 6.9 Residents also raised concern about the siting of the parking to the rear of the site. The Inspector considered this as part of the appeals and noted that; *'The layout of the site with car parking to the rear might not reflect the arrangement and more spacious layout of the nearby*

plots but it would not be readily apparent from the public realm and would represent the efficient use of previously developed land in an urban area'.

- 6.10 The applicant has also agreed to the construction of a wall, rather than close board fence as the boundary between the application site and No. 40. Whilst this is not considered to be essential it would offer a more significant and robust boundary between the sites.
- 6.11 This scheme does include two parking spaces to the front of the building. This approach is typical of other dwellings that lie on the opposite side of the road and is characteristic of the area and of the existing parking arrangement. The existing hedge to the front of the site would be retained, and there would be a substantial lawned area between the highway (boundary) and building which would help retain this character. These spaces would serve the unit that is accessed from the 'front' entrance and as such this would be a more practical and traditional approach. In light of the Inspector's comments, and the context of the parking within the site, the proposed parking layout is considered to be acceptable.
- 6.12 Having regard to the above, the proposal is considered to comply with the requirements of Policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan.
- 6.13 Key to local objections is the potential impact on highway safety by increased traffic movements in the road and lack of parking. Whilst Members did not raise this as a reason for refusal on either of the previously considered schemes, the concerns raised by residents were considered by the Inspector and it was considered in paragraph 17 of the attached decision. In light of this, and having regard to the reduced number of units, the proposed development would comply with the requirements of Policies DR3 and H13 of the Herefordshire Unitary Development Plan. It is also noted that the provision of a turning area (that would form part of the adopted highway) to the front of the site would provide a facility not currently available and which would improve highway safety by providing a formal area for turning.
- 6.14 Whilst the concerns raised about the perceived lack of capacity in the sewerage system are noted, Welsh Water have raised no objection to the proposed development, subject to the imposition of standard drainage conditions. In the absence of any objection from Welsh Water, it is not considered that the concerns raised in the letters of representation can be substantiated as ground for refusal.
- 6.15 Local residents have also raised concern about surface water drainage and potential problems due to a pre-existing problem of flooding to cellars that may be due to a high water table. In response to this the applicant has provided confirmation that the surface water drainage would be dealt with by channeling into soakaways at the rear of the property (with attenuation crates as required). Notwithstanding this a condition is suggested requiring details, including surface run-off rates to be agreed with the local planning authority prior to the commencement of development. Subject to the agreement of details the proposal is considered to be acceptable having regards to the requirements of Policies DR4 and H13 of the Herefordshire Unitary Development Plan. The Inspector also considered this matter and concluded that these issues could be addressed by these conditions.
- 6.16 Previously local residents have raised concern regarding the possibility that the existing dwelling is being used as a bat roost. The applicants have submitted a survey and the Council's Ecologist has confirmed that there is no objection to the proposed demolition of the dwelling. There is, in any case, other legislation that would protect such species.
- 6.17 The applicant has agreed that works would commence with 12 months. This reflects the decision of the Council on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less, and consequently no contribution is required.

- 6.18 In conclusion the proposals fully addressed the concerns of the Inspector and those that have been raised by local residents and subject to the appropriate conditions listed below the proposal is considered to comply with the development plan and as such approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **F17 Obscure glazing to windows**
5. **G09 Details of Boundary treatments**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **H05 Access gates**
9. **I20 Scheme of surface water drainage**
10. **L01 Foul/surface water drainage**
11. **L02 No surface water to connect to public system**
12. **Development shall not begin until a 'Construction Method Statement' has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
 - i. **The hours when building operations will occur. (Note: In any event the local planning authority will now allow any process to be carried out and/or machinery to be operated beyond the following times: Monday-Friday 8.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays).**
 - ii. **The hours between which deliveries can be received taking into account and therefore avoiding times of peak congestion on the local highway network.**
 - iii. **The parking of vehicles of site operatives and visitors.**
 - iv. **The loading and unloading of plant and materials.**
 - v. **Storage of plant and materials used in constructing the development.**
 - vi. **The erection and maintenance of site security hoardings, where appropriate.**

Reason: To protect the amenity of local residents and in the interests of highway safety. To comply with Policies DR3 and DR4 of Herefordshire Unitary Development Plan.

- 13. **H06 Vehicular access construction**
- 14. **H13 Access, turning area and parking**
- 15. **H09 Driveway gradient**
- 16. **I55 Site Waste Management**
- 17. **Prior to the commencement of development, details of the construction of the turning head and timetable for the dedication of the land to Herefordshire Council shall be submitted to and approved in writing by the local planning authority. Work shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory form of development having regard to highway safety and Policy DR3 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. **N01 Access for all**
- 2. **N02 Section 106 Obligation**
- 3. **N14 Party Wall Act 1996**
- 4. **N15 Reason(s) for the Grant of PP/LBC/CAC**

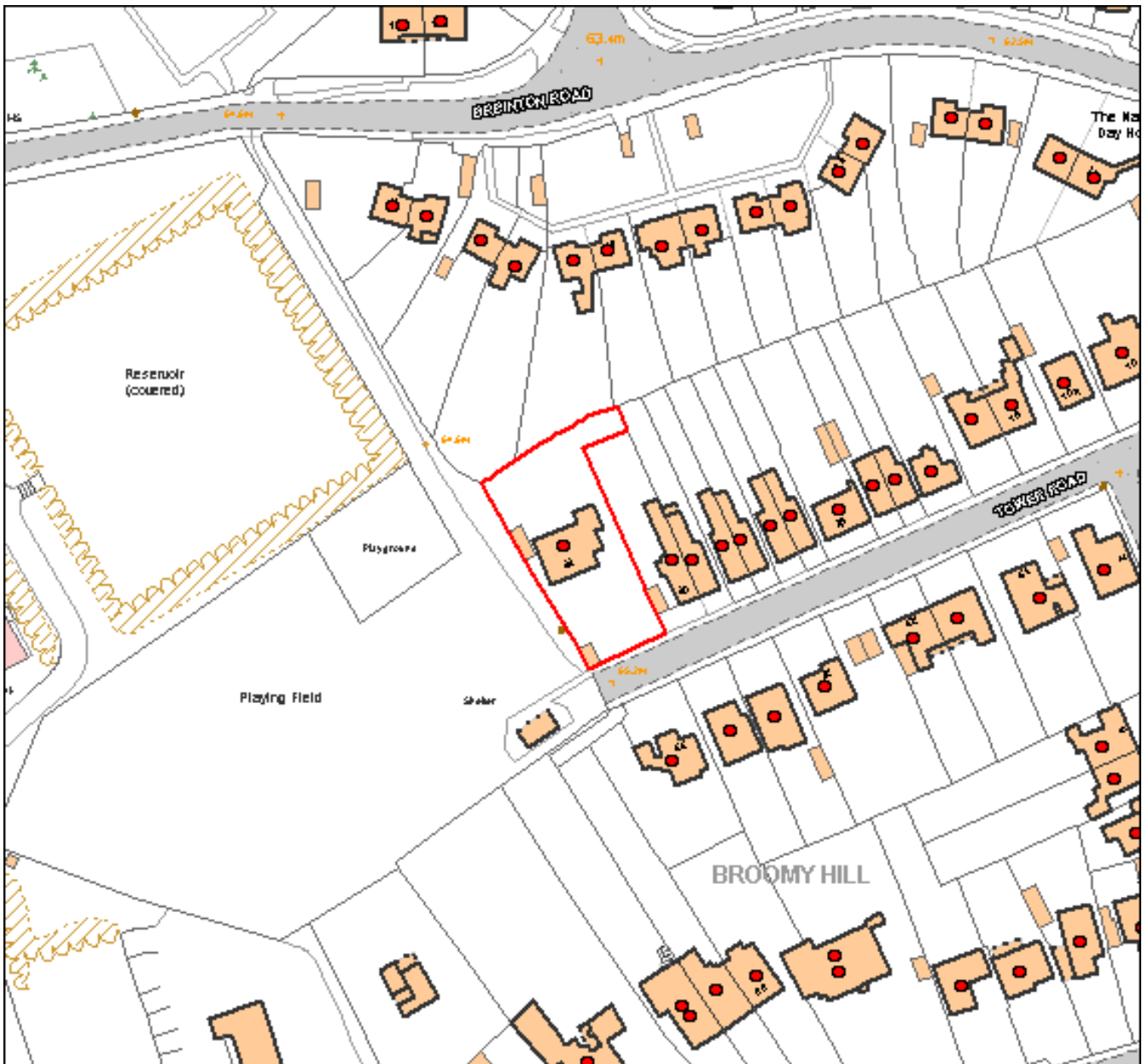
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112616/F

SITE ADDRESS : 44 TOWER ROAD, HEREFORD, HR4 0LF

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



Appeal Decisions

Site visit made on 24 May 2011

by **Julie German BSc(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local

Government Decision date: 27 June 2011

Appeal A Ref: APP/W1850/A/11/2144907

44 Tower Road, Hereford HR4 0LF

- 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 made by Mr Brian Shaw against the decision of the County of Herefordshire District Council.
- The application Ref DMCW/100947/F, dated 22 April 2010, was refused by notice dated 21 July 2010.
- The development proposed is the erection of 8 flats.

Appeal B Ref: APP/W1850/A/11/2147574

44 Tower Road, Hereford HR4 0LF

- 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 made by Mr Brian Shaw against the decision of the County of Herefordshire District Council.
- The application Ref DMS/102805/F, dated 28 October 2010, was refused by notice dated 14 February 2011.
- The development proposed is demolition of existing dwelling to allow for the erection of 5 two bedroom apartments and provision of public turning area.

Decisions Appeal A Ref:

APP/W1850/A/11/2144907

1. The appeal is dismissed.

Appeal B Ref: APP/W1850/A/11/2147574

- 1 The appeal is dismissed.
- 2 The views of local residents and other interested parties have been taken into account in reaching these decisions.

Main Issue

4. The refusal reasons do not refer to the appearance of the proposals but it is clear from the appeal documentation that appearance is a matter of concern to local residents. On this basis, I consider that the main issue in respect of both appeals is the effect on the character and appearance of the area. I will therefore consider them together, except where otherwise stated.

Reasons

1 At the time of my early afternoon visit Tower Road had the air of a quiet backwater. It is lined with predominantly Victorian houses, interspersed with Arts and Crafts influenced and more modern dwellings. It is a no through road but there is no turning head, rather, the road simply terminates in front of a timber field gate which gives access onto a playing field. The appeal site is within the urban area and on that basis its redevelopment for housing is acceptable in principle.

2 The site is at the end of the road. The existing bungalow has no particular architectural merit and the Council has raised no objection to its demolition. From the front (south), both proposed schemes would have much of the appearance of a pair of tall semidetached Victorian villas, each villa having a two storey bay. The Appeal A scheme would take the form of two blocks, one behind the other and linked by a cycle and bin storage area on a cross plan. The block at the front would be two and a half storeys, providing accommodation in the roof, and the block at the back would be two storeys. In architectural terms, I consider that it has a robustly symmetrical and well ordered design which can barely be faulted.

3 I am less confident that the design of the Appeal B scheme would prove successful, however. This would be essentially an Lshaped building comprising a two and a half storey block at the front, with a two storey block attached to the rear offset away from the boundary with No 40. In my view, it would lack the consistency of design of the Appeal A scheme. For example, the rear block would have a hipped roof whereas the front block would have gabled roofs, a solitary window breaks the roofline, and the design detail over both entrances appears somewhat arbitrary, not being reflected elsewhere in the building. Seen from the sides, I consider that these features would result in the building appearing ungainly, particularly given its mass and length. Seen from the front, the space between the bays appears too large. This could perhaps be resolved by greater definition of the centre line of the building, thereby dividing the space, but as proposed the overall proportions of the front elevation appear unbalanced.

4 I have noted residents' concern that flats would be out of character in an area of family housing but mixed and inclusive communities are a Government objective set out in Planning Policy Statement 3 Housing. The layout of the site with car parking to the rear might not reflect the arrangement and more spacious layout of nearby plots but it would not be readily apparent from the public realm and would represent the efficient use of previously developed land in an urban area.

5 It could be argued that both buildings would be too large, at the end of Tower Road where comfortable rather than grand dwellings predominate. In terms of size, however, I tend to the view that the buildings would add interest and variety to the street scene. In addition, the Appeal A scheme would meet the terms of Policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan in that it would reinforce the distinctive character and appearance of the locality and respect its context.

10. The Appeal B scheme, on the other hand, would fail to meet the requirements of these policies for the reasons I have given. Furthermore, Government guidance contained in Planning Policy Statement 1 Delivering Sustainable Development advises that design which fails to take the opportunities available for improving the character and quality of an area should not be accepted and I believe that to be the case here.

Other matters

11. During my site visit I visited No 40 which is the adjacent property. No 40 is a semidetached house with a two storey outrigger to the rear and a single storey extension to the rear of the outrigger. The main entrance to the house is at the side. A large box bay on the side elevation is divided in two, forming a porch over the entrance and a feature in a sitting room. There is also a landing window in the main part of the house. In the outrigger there is a door, a dining room window and a bedroom window. In the extension there is a utility room window and a kitchen window. There is a narrow area of garden at the side of the house.

12. The occupiers of No 40 are concerned, amongst other things, about the effect of the proposals on their privacy, outlook and light. There would be no direct overlooking of their property in the Appeal A scheme, all first floor windows in the side elevation being blind or obscure glazed. A front facing bedroom window in the first floor of the courtyard elevation would take the form of an oriel window with a boarded side panel to preclude overlooking. It is normally accepted, particularly in a built up suburban area that a certain amount of oblique overlooking from rear facing windows is to be expected. However, there would be overlooking towards No 40 from a kitchen/breakfast room and from a utility room in the first floor north facing courtyard elevation, and from the bedroom window above these in the second floor. There would also be overlooking of the garden from a first floor bay window of the living room/kitchen in the rear block. In this instance, I consider that the totality of overlooking from rear facing windows in the Appeal A scheme would be above what could be considered reasonable.

13. In the Appeal B scheme all first floor windows facing No 40 would be obscure glazed. Overlooking from a first floor kitchen window and a second floor bedroom window in the rear facing elevation would be within acceptable limits, particularly as they would belong to the same flat.

14. I am also concerned about the impact of the Appeal A scheme on the outlook from No 40. As noted above, there are a number of windows in the side elevation of No 40 such that the principal outlook from the property is from the side. Whilst I recognise that there would be a break between the two blocks the overall height and depth of building would be overly oppressive. The buildings would also block a significant amount of afternoon sunlight from the garden, compounding the harm due to loss of outlook.

15. I recognise that the rear wing of the Appeal B scheme is located away from the boundary with No 40. Nonetheless, it would be a building of a considerable size and depth which would dominate a significant part of the outlook from No 40. Further, the front block would result in some loss of afternoon sunlight in the side garden, thereby adding to the harm.

16. In all, I consider that both schemes would have an unacceptably detrimental impact on living conditions at No 40 Tower Road. The proposals thereby conflict with Policy H13 of the Herefordshire Unitary Development Plan in that they would not provide for acceptable levels of residential amenity in respect of nearby property, namely No 40 Tower Road. Living conditions at other nearby properties would not be unacceptably affected, in my view, due to the separation distances involved.

17. Nearby residents have made a number of objections to the proposals and it is clear that parking provision and highway safety is a matter of concern. Both schemes entail the provision of a parking and turning area to the rear of the building with access provided alongside the boundary with No 40. The Appeal A scheme would provide eight parking spaces and the Appeal B scheme would provide ten parking spaces. To my mind, this level of provision would be entirely adequate, particularly in view of the site's location within walking distance of the town. Further, in highway safety terms, the turning area proposed at the front of the site in the Appeal B scheme would provide a facility not currently available which might improve road safety. Whilst I recognise residents genuinely held concerns I cannot see that the small number of apartments proposed could result in any appreciable prejudice to road safety. I note that the Highways Manager has raised no objection to the proposals in this regard.

18. The impact of the development of the site on drainage and sewerage could be addressed by means of planning conditions if I were minded to allow the appeals. Following a bat survey the Council's ecologist has raised no objection to the proposals. Any effect that the development might have on property values is not a planning matter.

19. The appellant has provided a planning obligation in respect of Appeal A which covenants to pay to the Council the public open space, transport infrastructure and libraries contributions required by the Supplementary Planning Document Planning Obligations. From the information available to me I am satisfied that the monetary contributions detailed in the planning obligation directly relate to the proposed development and are necessary to make it acceptable in planning terms, therefore meeting the tests set out in Circular 05/2005 Planning Obligations and the Community Infrastructure Regulations 2010. However, my finding in this respect does not affect my conclusions on the matters I have identified and addressed above.

Conclusions

20. Overall, I conclude in respect of the Appeal A scheme that its satisfactory impact on the character and appearance of the area is outweighed by its impact on living conditions at No 40 Tower Road. Appeal B fails both due to its impact on living conditions at No 40 and due to its effect on the character and appearance of the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Julie
German
Inspector



MEETING:	PLANNING COMMITTEE
DATE:	23 NOVEMBER 2011
TITLE OF REPORT:	<p>DMS/112351/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE ON PART OF LAND ASSOCIATED WITH LOSITO STUD FROM AGRICULTURAL TO EQUINE USE, RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL BARN TO STABLES AT LOSITO STUD, HARRIS LODGE, WHITCHURCH, ROSS ON WYE, HEREFORDSHIRE, HR9 6EG</p> <p>For: Miss Karen Harris, Losito Stud, Harris Lodge, Whitchurch Road, Ross On Wye, Herefordshire, HR9 6EG</p>

Date Received: 23 August 2011 **Ward: Kerne Bridge** **Grid Ref: 355729,218725**
Expiry Date: 19 October 2011
 Local Member: Councillor JG Jarvis

1. Site Description and Proposal

- 1.1 The application site lies to the north east of the A4137 shortly before it crosses the A40 at Whitchurch. It is generally sloping in nature and lies within the Wye Valley Area of Outstanding Natural Beauty. The field, no.6877, concerned, forms part of a larger site extending to 12.73 ha. Public Footpath WC94 crosses through the application site. Part of the boundary of the site is formed by the Garron Brook and part by a former quarry then landfill site that has now been restored. For policy purposes the site lies in open countryside.
- 1.2 This retrospective application is to use the field in connection with an equine business relating to training and breeding for show jumping purposes. It also includes a change of use of the agricultural building to stables containing 10 loose boxes.

2. Policies

2.1 National Planning Guidance:

- PPS1 - Delivering Sustainable Development
- PPS4 - Planning for Sustainable Economic Growth, particularly policy EC12 Determining Planning Applications for Economic Development in Rural Areas

2.2 Herefordshire Unitary Development Plan:

- DR3 - Movement

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

- DR4 - Environment
- DR10 - Contaminated Land
- E11 - Employment in the Smaller Settlements and Open Countryside
- LA1 - Areas of Outstanding Natural Beauty
- LA6 - Landscaping Schemes

3. Planning History

- 3.1 DMS/102895/F - Retrospective application for siting of mobile home for residential occupation associated with equine business on part industrial part agricultural land. Refused 25/07/11.

EN/2010/001249/ZZ - Enforcement Notice to be issued 12/10/11. Requiring cessation of use of land for mixed residential and equine use and remove from the land those items associated with those uses.

DMS/110320/E - Circular 14/90 Notification. Proposed erection of pole in existing electricity line. No objection.

DMS/102014/S - Agricultural Notification for Portal framed Agricultural Building to Store Hay and Fodder. Notices issued Prior Approval Required and Prior Approval Refused 17 September 2010. However these notices were not received by the applicant until 18 September, 1 day out of time.

SH980137PF - Renewal of permission SH921168PF. County Matter notification to South Herefordshire DC

SH921168PF - Raising of land with inert fill. Planning Permission granted by Hereford and Worcester County Council 26/11/92

4. Consultation Summary

Internal Council Advice

- 4.1 Conservation Manager – Landscapes: Following submission of further information no objection subject to conditions.
- 4.2 County Land Agent: The present use of the barn is stables (equitation); however, it was erected as an agricultural building. The suitability of the site for an equine operation, which will have livery as well as advanced horses to be brought on for senior eventing, is interesting.

It is bordered by a main road (A4133) to the south-west, a stream to the south-east, and fenced around the remainder. The main road is fast, has no speed limit on this stretch and is heavily used both by cars and lorries. In my opinion, it is unsuitable for riding upon due to the volume and speed of the traffic and to slow down to a horse's speed would result in queues of traffic building up behind.

The ground slopes from the north to south and the south-eastern area is level by the stream.

The proposal is that the land is used for equitation, however the only flat area is by the stream and is the only natural area for a school, this would be possible in the summer provided it is not too wet but in the winter will poach and become uneven in consequence horses will not move freely on it and are likely to lame themselves if they do.

To put in an all-weather school will need planning permission, but it will be necessary, because even the dry land on the banks will become poached, cut up in time and become unsuitable for exercising upon.

Due to the above factors and the safety limitations placed upon exercising off the site due to the only access being onto a dangerous main road, the proposed use of the site would appear to be far from ideal. If the premises were to be used purely as a stud and for breeding purposes only, then it would still be classed as agricultural.

- 4.3 Environmental Health: Having reviewed desk top study no objection but recommend note to applicant in relation to further study if further development.
- 4.4 PROW: Will not affect PROW.
- 4.5 Transportation Manager: The minimum that would conform without a speed survey is an x distance of 2.4m with a y distance of 160m to the North West, with visibility to the junction of the A4137 road which accesses the A40 for vehicles heading South West to Monmouth.

5. Representations

- 5.1 Whitchurch and Ganarew Group Parish Council: The Parish Council strongly object to this retrospective application and request that the land and buildings concerned are reverted back to their original situation.
- 5.2 Goodrich and Welsh Bicknor Group Parish Council: “The Parish Council unanimously recommends refusal of the above application.

The owners of this land are continuing to attempt to circumnavigate planning law to achieve their original objectives.

The existing structure on this land was obtained under the '28 –day rule' relating to agricultural land. By approving this retrospective planning application, you will lose any ability to insist on the removal of this illegal development. It is entirely inappropriate to apply for, or approve, change of use on a structure which itself has been obtained by deception, and is therefore surely illegal.

The applicant has not inadvertently failed to understand planning law, but deliberately attempted to mislead officials.

This area of land should remain agricultural and therefore it is inappropriate to approve any application to use the agricultural building as stables.

Giving retrospective permission for this development particularly given the current abuse of the planning control legislation will set a dangerous and bad precedent, which ultimately could have a hugely detrimental effect on rural communities in Herefordshire.”

- 5.3 Ross Ramblers: No objection to change of use, however when walking the footpath it was obstructed by a electric fence.
- 5.4 A letter of objection has been received from Messrs J and D Madeley and Son, Little Whitfield, Glewstone.

They refer to the pending appeal and strongly object to the proposal for the following reasons:

- Agricultural storage building never used as such. It was never intended to be livestock building, if it was planning permission would have been required.
- Flouting of planning regulations.
- No reason for good agricultural land to be used for equine purposes.

- 5.5 In support of the application the applicant has submitted a desk top study of potential ground contamination.

The Design and Access statement advises that the stables are adjacent to the mobile home to ensure high level of security and welfare for horses. Show jumping horses require intensive management, with 24-hour supervision required.

The land associated with Losito Stud is of 12.73 ha and is part industrial and part agricultural, the applicant wishes to apply for retrospective application of the agricultural land to equine use.

“Losito Stud has 32.45 acres of grazing which generally means less pressure on the pasture but good management can help reduce problems. We will keep the sward length of winter grazing as long as possible to reduce poaching and run-off. We will try not to graze any part of the field below 2.5cm. We will move feed areas and mineral licks regularly to avoid creating muddy areas, we will not use inorganic fertilizers as they can reduce plant and wildlife diversity and we will seek advice on how to maintain and improve the land value for wildlife.

We will not over graze any part of Losito Stud as it would threaten our horses and customers' horses health by increasing the risk of harmful worms in the pasture, increase the risk of 'stressed' grass which is thought to contribute to the causes of Laminitis. It would also lead to bare or poached ground, poached ground can lead to mud fever in wet conditions and provides an ideal seed bed for poisonous plants. It would also look unsightly – the landscape would then look exhausted and it would give a negative impression of horse-keeping and horses as a part of the landscape.

The British Horse Society recommends a ration of two horses per hectare on permanent grazing (1-1.5 acres per horse). A number of factors will affect this recommendation, such as:

- size and type of horse/pony
- Length of time spent stables or exercised off the pasture
- Time of year
- Quality of the pasture, underlying soil and topography
- Number of other grazing animals on the pasture

Losito Stud has taken this advise and put it in place here at Losito Stud.

Fences, Trees and Hedges

Fencing, hedges and new tree planting will be incorporated into Losito Stud. Our key issue here is to ensure boundaries and field sub-divisions are right for our horses and in sympathy with the surrounding landscape.

Having well-managed hedges will provide natural shelter from the weather and is one of the best boundaries for horses and wildlife. We will look then to reduce electric fencing.

Fence posts at Losito Stud are left as a natural colour and we will manage our hedgerows to prolong their life and increase their stock-proof nature. We will use local hedging contractors to help and support a traditional local craft.

The edge around Garron Brook is fenced off to stop the horses chewing and stripping bark and branches that may result in the death of the tree. We will also provide mineral licks which will offer vitamins and minerals that a horse may be looking for if it chews the trees. We are aware that we have a duty of care to store waste and dispose of and we do have an arrangement with a local farmer to have it taken away. The muck heap is not near any watercourses. We will ensure that all feed bags, twine, plastics and packaging are disposed of

correctly. We regularly remove dung from all the paddocks which removes harmful parasites (worms).

The stables will be within an established barn and cannot be viewed from outside.

We have also fenced a fence 6 metres back from Garron Brook and the Environment Agency has been out and find that no horses can contaminate Garron Brook. We have also started placing bird boxes in some of the trees and swallows are already nesting here at Losito Stud. We have also put up ladybird boxes and bee boxes. We plan to place frog houses around Garron Brook.

There is no major external lighting at Losito Stud just an outside house light for security.

We have reinstated the original turning area from when the site was in infill site/quarry.

Water troughs are the original troughs used on farms and made from metal.

Show jumping fences are stacked away every day and placed next to the barn at Losito Stud.

Losito Stud is aware of Hereford UDP Policies - LA1- We are a small scale business and we do not adversely affect the landscape and will make sure this continues throughout, and our business is necessary to facilitate the economic and social well-being. The AONB have informed me that they had no concerns with both Losito Stud planning applications, they only object if there is a significant detrimental impact on the AONB.

Under Herefordshire UDP LA2 Policy we are looking at planting more hedges to replace any electric fencing for paddocks. We are currently consulting with a local landscaper to help us to make any improvements to the landscape and wildlife.

Under Policy NC8 we will enhance wildlife with putting up bird, bee, ladybird and frog boxes. We will include a 6-metre wildlife buffer zone around Garron Brook and contribute to wildlife by supplying the above wildlife boxes. We will also consult with a wildlife expert.”

- 5.6 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 An appeal Hearing is due to be held on 22nd November, against the refusal to permit the temporary accommodation, ref DMS/102895/F.
- 6.2 An enforcement notice was also served on 12th October, seeking removal of that accommodation and included reference to elements now included in this application. At time of preparation of this report no appeal had been submitted the applicant has until 10th November to do so.
- 6.3 The building being used as stabling was originally submitted to the Council as an agricultural notification application for an agricultural store. The decision was that Prior Approval was required and concurrently refused. It was considered that the siting of the building in isolation was unacceptable. However the decision notice was received 1 day after the 28 day deadline. This meant that the development could proceed in accordance with the submitted details. The information available suggests that the building was not used for storage but was used as stables from the outset. This means that the application is effectively for the retention of the building as well as its change of use.

- 6.4 Since this and the previous application for the accommodation further details have been submitted which satisfies the requirements of policies LA1 and LA6.
- 6.5 It is understood that highway requirements have been discussed and that necessary improvements can be achieved.
- 6.6 The applicant believes that as the part of the land was formerly a quarry and then filled that its use falls within the industrial use class. However the land was restored to agriculture as is usual with such site when the tipping ceases. Consequently the lawful use of the land is agricultural. Since the use of land for agricultural purposes does not constitute development, no application would have been required to establish that.
- 6.7 This leaves the applicant with the bigger part of the land outside of the application site, and technically without permission for use in connection with the equine business should this application be approved. Should that be the case though it would be clearly not expedient to take further action if it was subsequently used in connection with the business..
- 6.8 Given the additional information regarding compliance with policies LA1, LA6 and likely acceptability in highway safety terms, it is considered that the proposal is acceptable. This does not make any difference to the council's position that a temporary dwelling is not necessary on site, given the availability of accommodation on the opposite side of the road and the appeal will continue to be defended on that basis.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **Within 3 months of the date of this permission a landscape design shall be submitted to and approved in writing by the Local Planning Authority. The details submitted should include:**
Soft landscaping
 - a) **A plan showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.**
 - b) **A plan at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas**
 - c) **A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.**
 - d) **A plan showing the wildlife buffer zone and wildlife boxes, together with details of those boxes.**
2. **H03 Visibility splays**
3. **H04 Visibility over frontage**

INFORMATIVES:

1. **The desk study report submitted as part of the application includes reference to the existing building on the site and as such any further development or alteration to it (internal or external) will require further assessment to consider the risk to**

structures and site users from the ground gas and/or other contaminants.

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

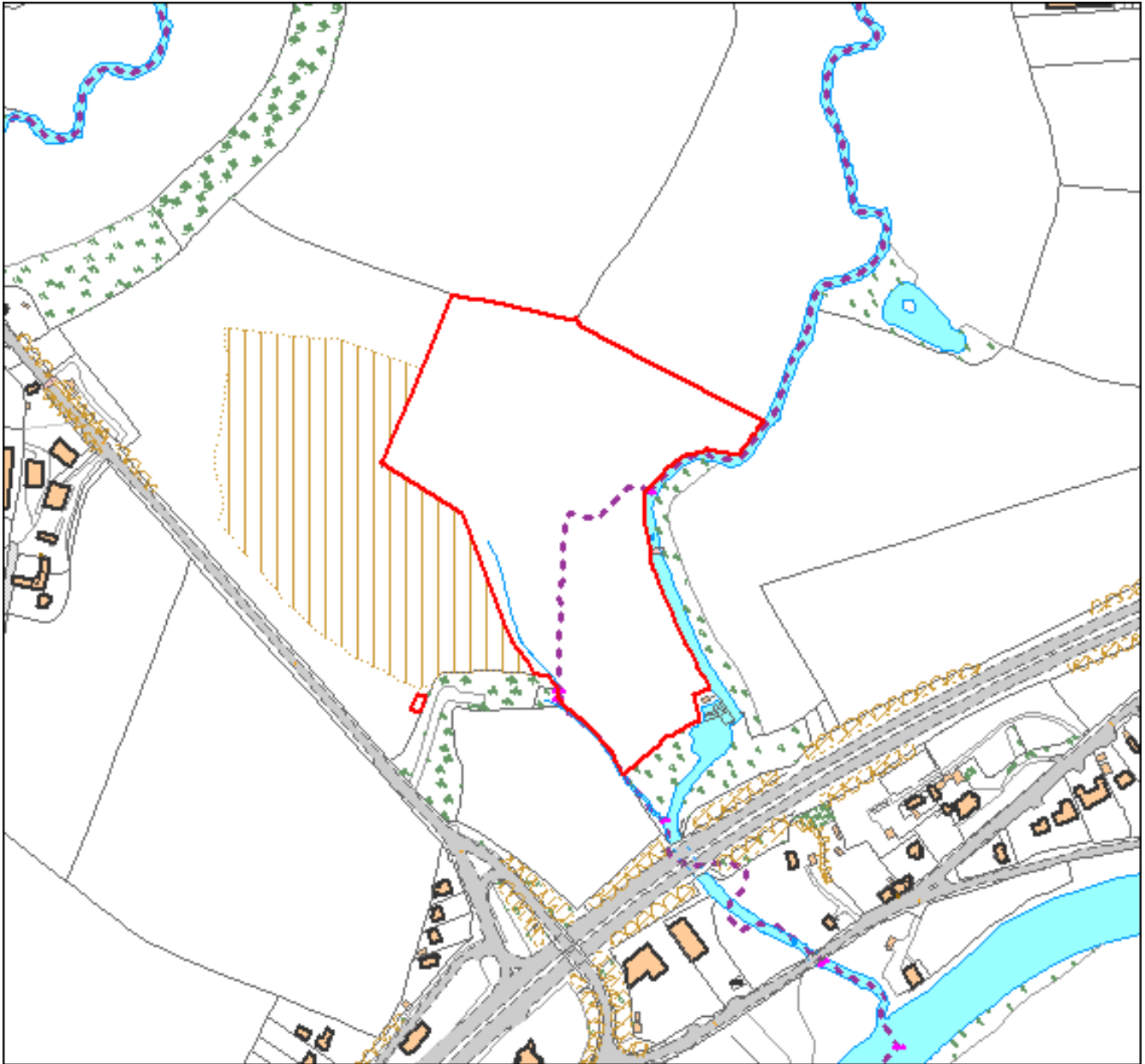
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112351/F

SITE ADDRESS : LOSITO STUD, HARRIS LODGE, WHITCHURCH, ROSS ON WYE, HEREFORDSHIRE, HR9 6EG

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815



MEETING:	PLANNING COMMITTEE
DATE:	23 NOVEMBER 2011
TITLE OF REPORT:	<p>DMN/112363/F AND DMN/112365/L - PROPOSED RENOVATIONS AND EXTENSIONS TO OAKWOOD AND DEMOLITION OF EXISTING GARAGE AND ERECTION OF REPLACEMENT GARAGE, ERECTION OF TWO DETACHED DWELLINGS AND ANCILLARY GARAGES FORMATION OF NEW VEHICULAR ACCESS ON LAND REAR OF OAKWOOD AND BRIDGE HOUSE, DEMOLITION OF GARAGE AT BRIDGE HOUSE AND ERECTION OF REPLACEMENT GARAGE AT OAKWOOD, EARDISLEY, HEREFORD, HR3 6NH</p> <p>For: Mr And Mrs Hawes per Mr Ewart Hutton, Kingsland Sawmills, Knighton Road, Kingsland, Leominster, Herefordshire, HR6 9SF</p>

Date Received: 24 August 2011 **Ward: Castle**

Grid Ref: 331122,249442

Expiry Date: 10 November 2011

Local Members: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The application site is located centrally in Eardisley, on the western side of the A4111 which dissects the village. The properties of Bridge House and Oakwood are both positioned hard against the road frontage with gardens and open land behind. Separate vehicular accesses for both are positioned between the buildings with a brick wall currently dividing the two. Each is served by its own garage, both being modern additions over the last 30-40 years. Both buildings are Grade II listed and the whole site is located within Eardisley Conservation Area. The site also falls within an area identified on the Environment Agency's flood maps as falling within Zones 2 and 3.
- 1.2 The southern boundary of the site is defined by outbuildings that form part of a neighbouring property known as Dairy House Farm. It is understood that the buildings are used to house livestock. The boundary to the north comprises a 2 metres high stone wall with dwellings beyond.
- 1.3 While Bridge House is a well maintained stone faced dwelling with brick corbelling, and later additions to the rear, Oakwood is a partially renovated timber framed building. It has been completely gutted by a previous owner, parts of the original timber frame replaced and an

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

extension added to the rear. The original building is largely watertight, but is open to the elements in some parts where panelling has been removed. The extension has yet to be tiled.

- 1.4 The proposal has a number of distinct elements and these can be identified as follows:
- The renovation and extension of Oakwood to bring it back into residential use
 - The erection of two new dwellings and garages on land to the rear of Oakwood and Bridge House
 - The demolition of the two existing garages to be replaced with new ones for Oakwood and Bridge House
 - The closure of the existing access serving Oakwood and Bridge House
 - The creation of a new access to serve all four resultant dwellings to the south of Oakwood
- 1.5 The renovation of Oakwood will see a number of inappropriate alterations that have been made reversed, and a further single storey lean-to extension added to the northern elevation.
- 1.6 The two new dwellings that are proposed are both timber framed buildings. The first is positioned along the southern boundary of the site to the rear of Oakwood. It has been designed to have the appearance of a barn. Its main element is two storey, with a single storey attached double garage to the eastern gable end and a single storey wing projecting from the northern elevation. The whole building is entirely weather boarded with a plain clay tile roof.
- 1.7 The second dwelling lies to the rear of Bridge House on land that currently forms part of the garden. It is an L shaped property. Part of the timber frame is to be exposed with lime rendered infill panels, and part is to be brick faced, again with a plain clay tile roof. It has a more typically residential appearance and includes a large external brick chimney stack on the southern elevation and a first floor balcony to the west.
- 1.8 A new access is to be constructed to the south of Oakwood. A new drive will run along the southern boundary before cutting into the site behind Oakwood and between two Yew trees in order to give access to the two new dwellings and Bridge House. Existing accesses will be closed to vehicular traffic with independent pedestrian accesses in their place for Oakwood and Bridge House. The new garages for all four properties are simple timber framed structures, all clad with weather boards and plain clay tile roofs.
- 1.9 The application is accompanied by a Design and Access Statement, Ecological Survey and a Flood Risk Assessment. The applicant's agent has confirmed that, should planning permission be granted, his client's would be prepared to accept a one year commencement condition in lieu of making a contribution as required by the Council's Planning Obligations supplementary planning document. This accords with the Cabinet decision of 1 April 2009 to suspend contributions for residential developments of five dwellings or less.

2. Site History

- 2.1 DCNW2003/0605/F & 0606/L – Extension of dwelling, demolition of garage and erection of new outbuilding at Oakwood – Approved 20 May 2003.
- 2.2 DCNW2006/3951/F & 3952/L – Proposed dismantling and re-assembly of Oakwood – Withdrawn.
- 2.3 DCNW2007/3914/F – Proposed house and garage with new access on land to the rear of Oakwood – Approved 10 March 2008.

- 2.4 DCNW2008/1693/F & 1694/L – Amendment to planning permission and listed building consent DCNW2003/0605/F & 0606/L for the repair and renovation of Oakwood – Approved 20 August 2008.

3. Policies

Herefordshire Unitary Development Plan

- 3.1
- | | | |
|------|---|--|
| S1 | – | Sustainable development |
| DR1 | – | Design |
| DR2 | – | Land use and activity |
| DR3 | – | Movement |
| DR5 | – | Planning obligations |
| DR7 | – | Flood risk |
| H4 | – | Main villages: settlement boundaries |
| H13 | – | Sustainable residential design |
| T8 | – | Road hierarchy |
| NC1 | – | Biodiversity and development |
| NC7 | – | Compensation for loss of biodiversity |
| HBA1 | – | Alterations and extensions to listed buildings |
| HBA4 | – | Setting of listed buildings |
| HBA6 | – | New development within conservation areas |
| HBA7 | – | Demolition of unlisted buildings within conservation areas |

National Guidance

- 3.2
- | | | |
|-------|---|---------------------------------------|
| PPS3 | – | Housing |
| PPS5 | – | Planning for the Historic Environment |
| PPS25 | – | Development and Flood Risk |

4. Consultation Summary

External Consultees

- 4.1 Environment Agency – Comments awaited
- 4.2 Welsh Water – No objections subject to conditions

Internal Consultees

- 4.3 Traffic Manager – Given the very poor visibility at Bridge House, the better visibility available at the proposed access to the south of Oakwood and emerging guidance from ‘Manual For Streets 2’, it is considered that the proposal to use a new access to serve a total of four properties is acceptable.

Conservation Section

- 4.4 Historic Buildings Officer – The new work proposed for the renovation and extension of Oakwood is acceptable. The priority must be to conserve as much of the original timber frame as possible and a condition is recommended to agree any further timber removal before such work is commenced.
- 4.5 The principle of development to the rear of Oakwood has been established by an earlier permission and this proposal is a considerable improvement given its barn-like appearance, materials and proportioning. The building to the rear of Bridge House is also of a simple, well

proportioned form. The principle of double-depth development has been established by other permissions in the village and this part of the proposal fits with the pattern of development.

- 4.6 The garages that are to be demolished are of no historic interest and the new proposals are of a scale commensurate to the buildings that they serve.
- 4.7 Archaeological Advisor – The application site does have some archaeological interest as the Eardisley is a settlement that dates back to the Medieval period. No objection subject to a ‘watching brief’ style condition.
- 4.8 Ecologist – Comments awaited
- 4.9 Public Rights of Way Officer – No objection

5. Representations

- 5.1 Eardisley Parish Council – No objections are raised to the proposed new dwellings but concerns raised about the proposed new access, particularly as it appears to be at the narrowest part of the road.
- 5.2 Nine letters of objection have been received from local residents. In summary the points raised are as follows:
- The position of the new access is unacceptable. It is at the narrowest point in the road and will compromise highway safety.
 - Access to the whole site should be from the existing accesses between Oakwood and Bridge House.
 - The proposal will be detrimental to residential amenity as it will cause headlights to shine through the windows of the properties opposite the access.
 - The new dwelling to the rear of Oakwood is in close proximity to a building used to house cattle and this is likely to cause a nuisance.
 - The dwelling and garage to the rear of Bridge House will cause a loss of privacy and daylight to the properties that it bounds to the north.
- 5.3 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer’s Appraisal

- 6.1 The two main facets of this application relate to the renovation and extension of Oakwood and, more significantly, the new development and access that are also proposed.
- 6.2 The Historic Buildings Officer has confirmed that the proposals for Oakwood are acceptable subject to the imposition of conditions. No objections have been received from local residents to this aspect of the proposal and the completion of works to bring it back into residential use will be beneficial, not only to it as a Grade II listed building, but also in terms of the improvement to the character and appearance of the conservation area given its prominence at the heart of the village. This part of the application accords entirely with policies HBA1, 4 and 6 of the Unitary Development Plan, and also with the guiding principles of PPS5.
- 6.3 The key part of this proposal is the two new dwellings that are proposed and the access that will serve all four dwellings. The site falls within the settlement boundary for Eardisley where the basic principle of some infill development is accepted, subject to other material planning considerations. Of these access is clearly a matter to be considered, as is the impact of development upon the residential amenity – the two main points raised by the parish council

and local residents. Matters relating to flood risk and the scale, design and layout of the new buildings are also material to the determination of this application and will be considered.

Access

- 6.4 The new access to serve the two new dwellings as well as the existing properties lies to the south of Oakwood. The existing accesses between Oakwood and Bridge House will be permanently closed to vehicular traffic but pedestrian access to each will be retained. The basis for this is that visibility is very poor here, but is better to the south of Oakwood.
- 6.5 Representations from local residents have suggested that the existing access to Oakwood should be used to serve the development as a whole, rather than that proposed. However, the point of access to the south of Oakwood was previously accepted to serve it and a new dwelling, with the existing access to be closed under application reference NW2007/3914/F. Although it does not appear that this permission was ever implemented and has since lapsed, there has not been any significant material change in policy to suggest that an access at this point would be less acceptable now. The point to be considered is whether intensification in use from two to four dwellings can be justified if the existing accesses are to be closed.
- 6.6 The visibility has been assessed through a site visit conducted by the Council's Highway Engineer and the case officer and the findings are as follows:
- The visibility achievable from the existing access to Bridge House at a position 2 metres back from the edge of the carriageway is 2.7 metres to the north and 20 metres to the south.
 - The visibility achievable from the existing access to Oakwood at a position 2 metres back from the edge of the carriageway is 9.9 metres to the north and 6.3 metres to the south.
 - The visibility achievable from the proposed access to the south of Oakwood at a position 2 metres back from the edge of the carriageway is 12 metres to the north and 32 metres to the south.
- 6.7 Visibility from the access to Bridge House is severely restricted in a northerly direction and on-coming traffic is virtually unsighted to vehicles wishing to turn right. Vision is better to the south but splays are still well below the standards that would ordinarily be required. Although visibility is slightly better to the north from the Oakwood access, its proximity to the building impairs vision significantly to the south.
- 6.8 There would be no justification for the refusal of a repeat application of that approved under NW2007/3914/F and, whilst the access to Oakwood would be closed the one to Bridge House would not. It is your officer's opinion that this is the more dangerous of the existing accesses due to the very limited visibility to the north. Although the proposed new access would not meet standards for new development, visibility is better at this point and it is considered that the permanent closure of both accesses to vehicular traffic represents a significant improvement to highway safety. The proposal is therefore considered to accord with policy in this respect.
- 6.9 Should planning permission be granted it is however recommended that the new access should be completed first. The two existing accesses should be closed before the two new dwellings are occupied to ensure that the highway safety benefits are secured.

Impact on residential amenity

- 6.10 One local resident has raised the issue of headlights causing glare into their property when vehicles are emerging from the proposed new access, while others to the north of the site are

concerned that the proposed dwelling behind Bridge House will result in a loss of privacy and daylight.

- 6.11 The properties opposite the proposed access are positioned hard against the edge of the highway, as are the majority of the buildings in the village. The A4111 is a through route for traffic and is well used for large parts of the day. It is accepted that is likely to give rise to nuisance as vehicles frequently pass by residential dwellings at close proximity. However, by comparison, the addition of a small number of vehicles turning into and out of a new access serving a residential development is unlikely to cause any demonstrable increase in detriment to residential amenity.
- 6.12 The proposed dwelling to the rear of Bridge House is designed with its habitable rooms lit by windows in its east and west elevations. The north elevation that opposes Ashcroft, the dwelling to the north, contains two first floor windows serving a dressing room and one which is a secondary window to a bedroom. The plans submitted with the application show the distance between the two dwellings to be approximately 20 metres. In light of the orientation of the principal elevations the relationship between the two is considered to be acceptable and unlikely to give rise to any demonstrable loss of privacy.
- 6.13 Part of the boundary between Ashcroft and Bridge House currently comprises a high hedge. This is to be removed and a double garage erected. It is orientated with its gable end on to the shared boundary with Ashcroft and will measure 2 metres to the eaves and 4.8 metres to its ridge. On balance, this is considered to be acceptable as submitted.
- 6.14 The proximity of the proposed new dwelling to the rear of Oakwood to a cattle building to the south has been raised by a neighbour who is concerned that this may give rise to a conflict of uses. The area is predominantly residential and there are already a number of dwellings in close proximity to the cattle building. Although this particular dwelling would be the closest, it is not considered that the relationship between the two will be so harmful to warrant the refusal of this application. It is also noted that this was not raised as an issue when the earlier scheme was approved in 2008 and the proximity of this proposal is exactly the same.

Flood risk

- 6.15 The application is accompanied by a detailed flood risk assessment. The site does fall within flood zones 2 and 3 as identified on the Environment Agency's flood maps. The assessment highlights a number of localised points at which flooding is exacerbated during periods of heavy rainfall. These tend to be areas where brooks and open ditches have been culverted. Historical testimonies suggest that culvert entrances surcharge and flood waters flow along the road. The applicant's have also confirmed that during the most recent flood event of 2007 flood water was contained within the highway and did not exceed the kerb height. Flood modelling completed as part of the assessment confirms that there is a low probability of flood risk to the site.
- 6.16 A detailed response has yet to be received from the Environment Agency. However, they did comment on the original application for the dwelling to the rear of Oakwood and did not object. These comments were made after the 2007 flood event and make specific reference to it, and it seems reasonable to conclude that this proposal is acceptable on the basis of the evidence provided.

Scale, design and layout of the development

- 6.17 The scale and design of the two new dwellings is considered to be acceptable. They are both timber framed in construction and their proportions are reflective of the local vernacular. The proposal to the rear of Oakwood is considered to represent an improvement in terms of its

design over the previously approved scheme. Its barn-like appearance gives a sense of an outbuilding to Oakwood itself.

- 6.18 There is also a depth to development in this part of the village with dwellings set behind those that are hard against the road frontage. The proposal reflects this while ensuring that properties are well spaced from each other. The two new dwellings are orientated to ensure that they do not overlook each other or either Bridge House or Oakwood. The relationship between them and neighbouring dwellings is also considered appropriate, and this has been assessed earlier in this report.
- 6.19 It is therefore concluded that the scale, design, layout and appearance of the development as a whole is acceptable. The relationship between dwellings will not give rise to unacceptable detriment to residential amenity. The layout reflects the pattern of development in the locality and is therefore acceptable in respect of the status of the village as a conservation area. It is therefore concluded that the proposal accords with policies DR1, H13 and HBA6 of the Herefordshire Unitary Development Plan.

Other Issues

- 6.20 The applicant's have expressed the need to generate finances through new development to secure the renovation of Oakwood and have provided some financial information to substantiate this. The proposal is not, however, considered to be enabling development as the new elements of development are not fundamentally contrary to policy – the Council is not being asked to approve development as an exception to policy that it would ordinarily have refused. However, it is appropriate to secure the renovation of Oakwood before the two new dwellings are occupied. This ensures the long-term viability of the listed building, the improvement to the conservation area, and allows funds to be generated through the course of the development to achieve this.
- 6.21 An ecological report has been submitted to consider the potential impact of the demolition of the two existing garage buildings on protected species, particularly bats. It also assesses whether Oakwood provides a potential habitat as part of the building are open-sided and easily accessible. The report does note some activity in the area but concludes that none of the buildings are being used as roosts for bats.

Conclusion

- 6.22 The proposed access to serve the whole of the site has been shown to represent an improvement to highway safety if the existing accesses to Oakwood and Bridge House are permanently closed to vehicular traffic. The scheme will not result in unacceptable detriment to the residential amenity of surrounding dwellings and the relationship between the dwellings on the site itself is also considered to be acceptable in this respect. The layout and pattern of development reflects that of the village and will not cause harm to the setting or appearance of the conservation area, or Bridge House and Oakwood as individual listed buildings.
- 6.23 The proposed development is therefore considered to accord with the relevant policies of the Unitary Development Plan and is accordingly recommended for approval.

RECOMMENDATION

In respect of DMN/112363/F that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less.

- 2. Before any other development hereby approved is commenced, the construction of the new vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 3. Prior to the first occupation of the two new dwellings hereby approved, the existing vehicular accesses to Oakwood and Bridge House shall be permanently closed to vehicular traffic, the details of which shall be submitted to and approved in writing by the local planning authority.**

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

- 4. Prior to the first occupation of the two new dwellings hereby approved, the renovation of Oakwood shall be completed to the written satisfaction of the local planning authority.**

Reason: To ensure the safeguarding of a building of architectural or historic interest, to ensure the character and appearance of the conservation area is maintained and to comply with the requirements of Policies HBA1, HBA4 and HBA6 of the Herefordshire Unitary Development Plan.

- 5. B01 Development in accordance with the approved plans**
- 6. C01 Samples of external materials**
- 7. D04 Details of window sections, eaves, verges and barge boards**
- 8. D05 Details of external joinery finishes**
- 9. E03 Site observation - archaeology**
- 10. F08 No conversion of garage to habitable accommodation**
- 11. G04 Protection of trees/hedgerows that are to be retained**
- 12. G10 Landscaping scheme**
- 13. G11 Landscaping scheme - implementation**
- 14. I16 Restriction of hours during construction**
- 15. L01 Foul/surface water drainage**
- 16. L02 No surface water to connect to public system**

17. L03 No drainage run-off to public system

INFORMATIVES:

- 1. HN04 Private apparatus within highway
- 2. HN28 Highways Design Guide and Specification
- 3. HN05 Works within the highway
- 4. N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. HaB Bat

In respect of DMN/112365/L that listed building consent be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)
- 2. D09 Details of rooflights
- 3. Prior to the commencement of any work to repair or replace parts of the timber frame of Oakwood, a detailed schedule shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the replacement of original parts of the timber frame are kept to a minimum to safeguard the special architectural and historic interest of the building and to comply with the requirements of Policy HBA1 of the Herefordshire Unitary Development Plan.

- 4. D04 Details of window sections, eaves, verges and barge boards
- 5. D05 Details of external joinery finishes

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/112363/F

SITE ADDRESS : OAKWOOD, EARDISLEY, HEREFORD, HR3 6NH

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MEETING:	PLANNING COMMITTEE
DATE:	23 NOVEMBER 2011
TITLE OF REPORT:	<p>DMS/112197/F- PROPOSED CONVERSION OF AND ALTERATIONS TO A RANGE OF PERIOD BARNs TO CREATE 2 RESIDENTIAL DWELLINGS. AT OLDSTONE FARM, FOWNHOPE, HEREFORD, HR1 4PJ</p> <p>For: SC Hardwick & Sons per Mr James Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS</p>

Date Received: 8 August 2011

Ward: Backbury

Grid Ref: 358408,233677

Expiry Date: 29 November 2011

Local Members: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 Oldstone Farm lies on the northeastern side of the C1273 to the south of Fownhope within the Wye Valley Area of Outstanding Natural Beauty. The site comprises a range of stone built agricultural buildings which date from 1907 with yellow brick quoins and fenestration detailing and clay tiled roofs with more modern agricultural buildings to the rear (northeast) of the site. The traditional buildings comprise single and two storey elements essentially forming a 'U' shaped range. Levels rise into the site from the road, but also fall away from the northwestern elevation of the building. The surrounding land is in agricultural use. A public right of way runs to the north of the site, but is outside of the application site.
- 1.2 It is proposed to change the use of the traditional range of buildings and part of one of the modern buildings to provide two residential properties, garaging/storage and associated curtilages. Unit one would provide an open plan living/dining/kitchen area, a sitting room with gallery, utility, W.C and office at ground floor and four bedrooms (one with ensuite bathroom) and a family bathroom at first floor. Unit two would have a sitting room, kitchen/dining area, utility room and office at ground floor, two bedrooms (one with an ensuite bathroom) and a family bathroom at first floor and two bedrooms and a bathroom at second floor. There would be an area of soft landscaping to the front of each of the units with parking and turning areas provided to the northeast of the site, adjacent to the modern agricultural building, which it is proposed to remove the rear section of and provide garaging/storage in the front section. Unit One would also have an area for parking two vehicles in front of the building. The private amenity space for unit one would be sited to the rear (northwest) and would extend some 6 metres from the rear elevation of the building. The garden for unit two would be 'L' shaped following the footprint of the building. A post and rail fence would be erected and a native hedgerow planted along the boundary of the gardens.
- 1.3 The scheme proposes the retention of existing bat roosting sites and the creation of new roosting sites. Bat lofts in the roof void of unit one are proposed together with new sites under soffit and

Further information on the subject of this report is available from C L Atkins (Mrs) on 01432 260536

barge boarding and tiles. Ten bat boxes are also proposed on the walls of the renovated buildings. In addition ten bird nesting boxes are proposed for house sparrows, tits and swallows.

2. Policies

2.1 National Planning Guidance:

PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas
PPS9	-	Biodiversity and Geological Conservation

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H14	-	Re-using Previously Developed Land and Buildings
H16	-	Car Parking
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscaped Character and Areas Least Resilient to Change
HBA12	-	Re-use of Traditional Rural Buildings
HBA13	-	Re-use of Traditional Rural Buildings for Residential Purposes
NC1	-	Biodiversity and Development
NC6	-	Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
T11	-	Parking Provision

2.3 Supplementary Planning Guidance:

SPG	-	Re-use and Adaptation of Rural Buildings
SPD	-	Planning Obligations

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 Hereford Nature Trust: No comments received.

Internal Council Advice

4.2 Traffic Manager: No objection, subject to conditions.

4.3 Conservation Manager: No objection, the buildings have a semi-domestic scale and appearance already, residential conversion is likely to have little impact on their character. Conditions recommended regarding joinery details and rooflights. No objection in terms of

ecological issues, condition should be imposed to ensure that mitigation measures recommended in the Ecology Report are carried out.

5. Representations

5.1 Fownhope Parish Council: Support.

5.2 A Design and Access Statement, Structural Survey Report, Bat Survey and Method Statement and evidence of market testing of the buildings were submitted with the application. In summary these state:

- The barns are worthy of preservation due to their architectural and historic merit and are capable of conversion without significant rebuilding.
- Fenestration and internal divisions would respect the historic character and appearance of the building.
- Landscaping comprises post and rail fencing with the gardens laid mainly to lawn. Hard landscaping would be restricted to the stone surfaced parking and turning areas, retaining rural character of the site and prevent undue domestication.
- The buildings have been market tested for alternative uses since January 2010 on a leasehold basis.
- There is evidence of nesting birds and bats using the buildings subject to this application. Mitigation measures are proposed.

5.3 The full text of these letters can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The main considerations in the determination of this application are the principle of the development, the impact of the scheme on the character and appearance of the buildings, highway safety, landscape impact and the effect on ecology.

6.2 The site lies in open countryside, outside of the settlement boundary for Fownhope. As such policy H7 of the Herefordshire Unitary Development Plan (HUDP) applies. This policy sets a presumption against new residential development in the open countryside, unless the proposal complies with one of the specified exceptions. Of these exceptions number 3 is applicable, as the proposal comprises the reuse of rural buildings. The exception requires the reuse to accord with policies HBA12 and HBA13 of the HUDP.

6.3 Policy HBA12 of the HUDP provides the criteria for the reuse of rural buildings. The preamble to this policy, and HBA13, states that the reuse of rural buildings has an important role to play in meeting the needs of rural areas for commercial, agricultural diversification, industrial development, tourism, sport and recreation.

6.4 The buildings subject to the proposal are capable of reuse without the need for reconstruction. A Structural Survey Report reinforces this opinion. The proposed scheme would not include the extension or significant alteration of the buildings. As such the proposal accords with the requirements of policy HBA12 of the Herefordshire Unitary Development Plan.

6.5 Turning to policy HBA13, which sets out the criteria for residential re-use of rural buildings, it is required that for sites in the open countryside and beyond reasonable access of urban areas, main villages and smaller settlements that residential proposals will only be supported where they comply with one of four specified criteria. In summary these are that there are acknowledged historical, architectural, local landscape or amenity benefits of retaining the building, that the accommodation is required to meet a demonstrated local housing need, that

it is a necessary accompaniment to a new business or the growth of an existing and established rural business or it is the subordinate part of a wider scheme for a business use.

- 6.6 The buildings are traditional, with the exception of the building proposed for garaging/storage use. They provide an important setting to the farmhouse, which lies in relatively close proximity to the south, and were built at the same time. The buildings are a good example of a model farm. The buildings are prominent in the landscape, particularly when viewed from the northwest due to their siting on the skyline. It is considered that the buildings are of architectural, historical and local landscape benefit, such that the principle of their retention and reuse is acceptable.
- 6.7 The scheme proposes few new openings and due to the limited number and the existing semi-domestic character of the buildings it is considered acceptable. Whilst the modern building proposed for garaging/storage is not of architectural or historic merit, its partial retention to provide ancillary storage is considered to be acceptable. This is because the traditional buildings, due to their siting, design and proportions, do not have scope to accommodate garaging. Furthermore, the provision of garaging/storage within the scheme ensures that this aspect is dealt with appropriately, rather than on an ad hoc basis following the occupation of the properties. Horizontal timber boarding is proposed to the building's elevations and it would provide garaging for two vehicles, two stores and two areas for bins. At present part of the building is used for agricultural purposes, including use by livestock. Due to the proximity of the proposed residential conversions to this building it is considered necessary and reasonable to condition the removal of the rear section of the building prior to the first occupation of the development proposed. In addition a large silo is sited to the front of unit 2 at present, which should be removed prior to occupation to ensure the satisfactory amenity of occupants of the property.
- 6.8 With regards the impact of the proposal on highway safety it is considered that the proposed access and driveway past the farmhouse and to the area allocated for parking/turning are satisfactory for the proposed use.
- 6.9 Turning to the landscape impact the existing buildings would not be altered such that this aspect of the scheme would be harmful. The proposed curtilage would extend out into an open field with levels falling to the northwest. The proposed post and rail fencing and native hedgerows and their siting are considered acceptable and would ameliorate the visual impact of the residential curtilage extending into agricultural land. Furthermore, it is recommended that future permitted developments to erect outbuildings in the gardens are removed so that domestication is controlled. The scheme provides for adequate storage for domestic paraphernalia and garaging as recommended in the Council's SPG: Re-use and Adaptation of Rural Buildings.
- 6.10 The scheme incorporates ecological mitigation within and attached to the buildings proposed for conversion. The Council's Ecologist has no objections, but recommends that the mitigation measures contained in the applicants' Ecological Survey and Report are adhered to.
- 6.11 As the proposal is for residential development the provisions of the Supplementary Planning Document – Planning Obligations are applicable. At present there is a temporary suspension on Section 106 contributions for proposals for developments of five or less dwellings provided that development commences within one year of the grant of permission. The applicants have requested that if planning permission is granted that a one year commencement condition is imposed and as such no financial contributions would be required at this time.
- 6.12 In conclusion, the proposal is considered to accord with local planning policies and there are no material planning considerations that would outweigh this.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission) (1 Year)**
2. **B02 Development in accordance with approved plans and materials**
3. **D04 Details of window sections, eaves, verges and barge boards**
4. **D05 Details of external joinery finishes**
5. **D09 Details of rooflights**
6. **D10 Specification of guttering and downpipes**
7. **F07 Domestic use only of garage/store**
8. **F08 No conversion of garage to habitable accommodation**
9. **F14 Removal of permitted development rights Part 2 Class A and Part 40 Classes A - I**
10. **Prior to the first occupation of the development hereby permitted, the section of the modern agricultural building shown on drawing number 1462.08 to be removed shall be demolished and the waste materials removed from the site.**

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

11. **Prior to the first occupation of the development hereby permitted the garaging/store shown on drawing number 1462.08 shall be completed and made available for use.**

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with Policy T11 of the Herefordshire Unitary Development Plan.

12. **G10 Landscaping scheme**
13. **G11 Landscaping scheme - implementation**
14. **G12 Hedgerow planting**
15. **H27 Parking for site operatives**
16. **H13 Access, turning area and parking**
17. **H12 Parking and turning - single house**
18. **The recommendations set out in the ecologist's report dated December 2010 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

Prior to commencement of development, the local planning authority shall be notified that an appropriately qualified and experienced ecological clerk of works has been appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Natural Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

INFORMATIVES:

1. HN10 No drainage to discharge to highway
2. HN05 Works within the highway
3. N15 Reason(s) for the Grant of PP/LBC/CAC

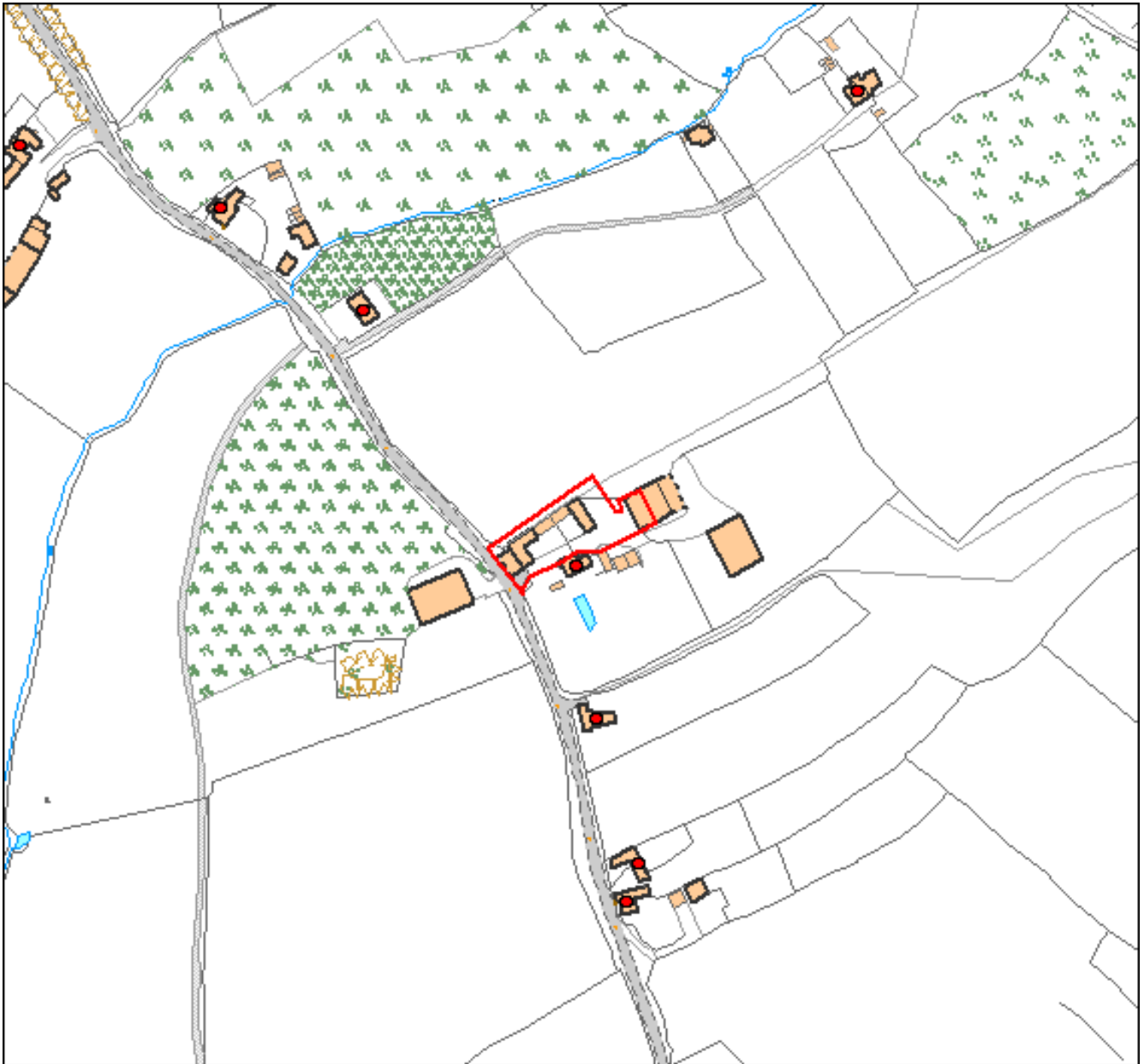
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112197/F

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