

AGENDA

Planning Committee

Date: **Wednesday 14 December 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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Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor BA Durkin
	Councillor PA Andrews
	Councillor AN Bridges
	Councillor BA Durkin
	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.

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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 23 November 2011.	1 - 14
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	15 - 18
7.	DMS/110919/F - DMS/110920/C - CAMPIONS RESTAURANT, GREYFRIARS AVENUE, HEREFORD, HR4 0BE. Demolition of Campions Restaurant and erection of 14 apartments and associated parking, erection of bat shelter.	19 - 38
8.	DMS/111711/F - LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS. Siting of temporary living accommodation for agricultural worker.	39 - 44
9.	DMS/112395/CD - NORTH MAGAZINE SITE, ROTHERWAS INDUSTRIAL ESTATE, HEREFORD. Construction of a flood attenuation scheme comprising a soakaway pond and associated lowered scrape area, 3 no. balancing ponds and shallow swales.	45 - 58
10.	DMS/112954/F - LAND AT UPPER HOUSE FARM, MORETON ON LUGG, HEREFORD, HR4 8AH. Construction of poultry manager's dwelling.	59 - 66
11.	DMN/111756/F - MONSTAY FARM, BURRINGTON, LUDLOW, SHROPSHIRE, SY8 2HE. Change of use of agricultural field to camp site and conversion of stable block to toilet and shower facilities for the campsite.	67 - 72
12.	DATE OF NEXT MEETING Date of next site inspection - 10 January 2011 Date of next meeting - 11 January 2011	

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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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 23 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, KS Guthrie, RB Hamilton, J Hardwick, AJ Hempton-Smith, JW Hope MBE, RC Hunt, JG Lester, MD Lloyd-Hayes, RI Matthews, P Rone, GR Swinford, PJ Watts and JD Woodward

In attendance: Councillors JG Jarvis and JF Knipe

86. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, Brig P Jones CBE, JLV Kenyon, G Lucas and FM Norman.

87. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone, AM Atkinson, JD Woodward, RB Hamilton and AJ Hempton-Smith attended the meeting as substitute members for Councillors DW Greenow, Brig P Jones CBE, JLV Kenyon, G Lucas and FM Norman.

88. DECLARATIONS OF INTEREST

9. DMS/112616/F - 44 Tower Road, Hereford, HR4 0LF.
Councillor PA Andrews, Personal, Resident of Tower Road.

12. DMS/112197/F - Oldstone Farm, Fownhope, Hereford, HR1 4PJ.
Councillor J Hardwick, Prejudicial, Co-owner of the property.

89. MINUTES

Councillor PJ Edwards noted that his comments in respect of the appeals information had been omitted from the minutes. It was agreed that these comments would be added prior to the minutes being approved as correct record.

RESOLVED: That the Minutes of the meeting held on 2 November 2011 be approved as a correct record and signed by the Chairman subject to the amendment detailed above.

90. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

91. APPEALS

Councillor RI Matthews requested clarification in respect of costs paid, and received, by the Council in respect of appeals. The Head of Neighbourhood Planning advised that over the

last 12 months the Council had been awarded costs on 4 occasions and had been ordered to pay costs on 3 occasions. He added that the costs were still being negotiated so no detailed figures could be given.

RESOLVED

THAT the report be noted.

92. PLANNING ENFORCEMENT PERFORMANCE

In response to a question the Team Leader – Enforcement advised Members that unauthorised operational development related to a number of different circumstances including sheds, garages and extensions constructed without planning permission and development taking place after the permission had expired. In respect of a question regarding common breaches he added that these usually related to applicants failing to submit more details as required or breaching planning conditions.

Members also discussed areas of enforcement including instances where it was not expedient for the Council to take action, it was confirmed that this usually occurred when there was either no harm, or minimal harm as a result of the breach.

The Committee felt that it would be beneficial for the enforcement report to contain an additional column with figures for the previous 6 month period.

RESOLVED

THAT the report be noted.

93. DMS/112232/O - PARK HALL, WORMELOW, HEREFORDSHIRE, HR2 8EQ

The Principal Planning Officer gave a presentation on the application.

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

- Park Hall was once a successful entertainment venue but it had now become an eyesore.
- The lack of affordable housing was regrettable.
- The application should be supported subject to the conditions recommended by the Principal Planning Officer.

The Committee discussed the application and noted that the site was derelict and had become an eyesore. The development of 5 dwellings was welcomed although they had serious concerns in respect of further development on the site. They also noted that a public footpath ran across the site and requested that this be protected.

The Development Manager (Hereford and Southern Localities) advised the Committee that the applicant would be advised that the Council would be resisting development on other parts of the site since this would form part of the reason for granting planning permission.

In response to a question regarding Tree Preservation Orders, the Principal Planning Officer advised that the issue regarding the protection of the trees was addressed through a suitable condition but that he would look into the issue further to ensure that all trees worthy of preservation were protected.

The neighbouring ward member echoed the Traffic Manager's concerns in respect of visibility and requested that a speed survey be undertaken.

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

- That there was a public house, shop, 2 schools, and cricket ground all within walking distance of the site.
- That the committees concerns regarding additional development on the site was shared.

RESOLVED

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**

94. DMS/112616/F - 44 TOWER ROAD, HEREFORD, HR4 0LF

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 Mrs Lilley, representing some of the residents of Tower Road, spoke in objection to the application and Mr Shaw, the applicant's agent, spoke in support.

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

- Councillor SM Michael, the other local ward member, could not be present due to teaching commitments.
- The previous reasons for refusal outlined at 3.3 and 3.4 of the officer's report were still valid.
- The development previously for 8 one bedroom dwellings was now for 4 two bedroom dwellings so the capacity had not changed.
- The Inspector had been concerned in respect of the previous design of the development, the current proposal was still an 'L' shaped building.
- By siting the building further back on the site the impact on the neighbouring residents was increased.
- If all parking spaces were occupied vehicles would not be able to turn in the parking area and would have to reverse out of the site resulting in a danger to pedestrian safety.
- The proposal was contrary to Unitary Development Plan policies DR1, DR2, H13 and H14 due to the impact on the amenity of the neighbouring residents and the impact on the character and appearance of the location.

The debate was opened with Members noting that the local community did not approve of the current planning application on the site. It was also noted that the neighbouring residents did not object to development on the site and that they would welcome an application for two modest family homes.

In response to a question regarding the car park at the rear of the proposed development, the Principal Planning Officer advised that cars could enter and exit the site in a forward gear.

The committee noted the recent appeal decision on the site. It was noted that the original proposal of 8 one bedroom units had been reduced to 4 two bedroom units; and it was felt that the applicant had made every effort to address the concerns of the neighbouring residents in respect of overlooking and car parking.

In response to additional questions raised by the Committee, the Principal Planning Officer advised that each dwelling benefitted from a separate entrance, with one entrance to the front of the site and three entrances to the rear; that the bay windows on the first floor could be conditioned to require obscured glazing but that the inspector had not previously had a concern regarding this and that the proposed dwelling was a comparative height to the neighbouring properties.

Members continued to discuss the application as well as the previous appeal decisions in respect of the site. A number of members stated that they could see why the previous appeals had been dismissed but that they felt that the applicant had addressed all of the concerns raised within his latest submission. The Inspector's comments, which had not objected to flats on the site, were noted and the Committee felt that a decision contrary to the case officer's recommendation would be difficult to defend.

In response to a question regarding a possible appeal if the application was refused, the Locum lawyer advised that it was difficult to give a clear opinion however he was of the view that an appeal would be difficult to defend.

Members discussed the possibility of adding a condition to the recommendation requiring any first floor bay windows to be fitted with obscured glazing. There was some concern raised in respect of this as it was felt that if obscured glazing was required, had the issue of overlooking really been adequately addressed in the application.

In addition to the point regarding obscured glazing it was also felt that the application was incongruous to the streetscene, highlighted by the fact the applicant had set the site back further away from the road.

Councillor JD Woodward was given the opportunity to close the debate. She reiterated her opening remarks and made additional comments, including:

- If all parking spaces were full it would be impossible to turn a vehicle in the car park.
- It was not possible to predict the outcome of any possible appeal on the site.
- The application should be refused as it was contrary to UDP policies DR1, DR2, H13 and H14.

A motion to approve the application in accordance with the Officer's recommendation was lost.

A motion to refuse the application due to the impact on the amenity of the neighbouring residents as it was contrary to policies DR1, DR2, H13 and H14 of the Council's Unitary Development Plan was moved.

Neither the Head of Neighbourhood Planning nor the Locum Lawyer, representing the Monitoring Officer, requested a further information report and the Committee therefore proceeded to the vote where the resolution as set out below was agreed.

RESOLVED

THAT planning permission be refused for the following reasons:

- 1. The local planning authority, consider that the proposed development, by virtue of its siting, scale, design, mass, layout and fenestration would have an adverse impact on the residential amenities enjoyed by the occupiers of the neighbouring property. As such the proposed development would be contrary to policies DR2 (4), H13 (11) and Policy H14 (2) of the Herefordshire Unitary Development Plan.**

95. DMS/1122351/F - LOSITO STUD, HARRIS LODGE, WHITCHURCH, ROSS ON WYE, HEREFORDSHIRE, HR9 6EG

The Team Leader - Enforcement gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. He advised the Committee that an appeal had been lodged on the basis of non determination and therefore the application could not be determined. It was noted that the Committee could delegate a decision to approve the application subject to the withdrawal of the appeal.

In accordance with the criteria for public speaking Miss Harris, the applicant, spoke in support of the application.

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

- The application site fell within the neighbouring ward, Llangarron.
- At paragraph 6.7 the report states that the land on the site that did not fall within the application was used solely for grazing, however there were jumps erected in the fields.
- It was understood that the family had erected the barn on the site.
- There was a question mark locally as to whether the application site was for equine or agricultural use.
- It would be best for the inspector to make a decision on the usage as a stud usage would not require permission.
- The two neighbouring Parish Councils had concerns in respect of the application.
- The UDP was the key policy in determining the application and the site was outside of the settlement boundary as detailed in that policy.
- The application should be refused.

The debate was opened with members speaking in support of the application. It was noted that the agricultural building was already on the site when it came into the applicant's ownership. The issue of the horse jumps in the grazing area was also discussed with it being considered that studs and mares on the site would still need to be exercised and there was therefore a need for the wooden jumps. The Transport Managers comments were noted as well as the Ross Ramblers, who did not object to the application. In summing up it was felt that the proposed application would not be a blot on the landscape but would in fact enable an equine business to function properly.

In response to a question in response to a question regarding the building on the site, the Team Leader - Enforcement advised the Committee that it was already on the site when the land was gifted to the applicant by her family.

Other members had a different opinion in respect of the application and felt that it could not be supported. The comments of the two nearby Parish Councils were noted and concerns were expressed in respect of the highways issues. Members felt that the retrospective nature of the application was regrettable although they noted that this was not a material planning consideration. Members also discussed the footpath that ran across the site; they were of the opinion that the footpath should be protected through appropriate conditions. Some concern was expressed in respect of the enforcement of any proposed conditions due to the ongoing enforcement issues on the site.

It was noted that the land had been gifted to the applicant, Members were concerned that the land could easily be gifted back to the family after benefitting from planning permission.

The Team Leader - Enforcement addressed the Committee in respect of the enforcement issues on the site. He advised that the applicant had failed to comply with an enforcement notice and that this was the subject of an appeal which had now been heard, he added that if the application was approved it would have an impact on the enforcement notice.

In response to a matter raised by the Committee, the Team Leader - Enforcement advised that there was a dwelling in the vicinity of the application site which was

currently on the market. It was felt that this could meet any functional need for a dwelling on the site.

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

- The application would have more local support had the correct process been followed.
- The dwelling opposite the site met the functional need.
- The applicant has not followed the correct process and a number of planning rules appear to have been ignored.
- The planning process appears to have been manipulated from the outset.

The Chairman requested that the Committee vote on the officer's recommendation in order to indicate to officers how they would have been minded to determine the application had they been able to.

Members indicated that they would not have supported the officer's recommendation to approve the application. The Development Manager (Hereford and Southern Localities) asked for clarification in respect of the reasons for not supporting the recommendation. The Locum Lawyer advised that due to the appeal which had been lodged the jurisdiction in respect of a decision had been passed to the Secretary of State. It was his opinion that the decision was now academic and members did not need to give reasons.

RESOLVED

The application could not be determined by the committee as the applicant had lodged an appeal based on non-determination. The committee debated the application and would have been minded to not support the case officer's recommendation.

96. DMN/112363/F & DMN/112365/L - OAKWOOD, EARDISLEY, HEREFORD, HR3 6NH

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 Gwilliam, representing Mr Powell, spoke in objection to the application and Mr Hawes, the applicant, spoke in support.

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

- The site visit had been beneficial and helped to highlight the concerns raised in respect of the access.
- The proposed access was at the narrowest point of the road
- There was also a concern in respect of flood water if the kerb was removed.
- The existing access was better.

In response to a question by the Committee, the Principal Planning Officer confirmed that the grass track provided an access to the applicant's tennis court and would serve no other purpose. He also advised that the site was within the settlement boundary so any further applications, if forthcoming, would have to be considered on their merits. In respect of the concerns regarding the removal of the kerb he confirmed that the

neighbouring property had a dropped kerb and this had not caused a problem in respect of flooding.

In response to a specific question regarding a highway drain the Principal Planning Officer advised that it would be reasonable to request a highway drain through a suitable condition.

Members discussed the application and were of the opinion that the proposed access was acceptable and that with the provision of a highway drain the concerns in respect of flooding could also be addressed. However they did have concerns regarding the close proximity of one of the proposed dwellings to a nearby cattle shed. It was felt that the application would be more acceptable if the dwelling was rotated 90 degrees.

Councillor JW Hope MBE was given the opportunity to close the debate. He reiterated his opening remarks and felt that the application should be refused.

RESOLVED

That officers named in the scheme of delegation to officers be permitted to grant planning permission in respect of application DMN/112363/F subject to the relocation of the dwelling adjacent to the cattle barn and 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 mitigate against localised flooding in accordance with the requirements of Policy DR3 and DR7 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 t 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 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**

97. DMS/112197/F - OLDSTONE FARM, FOWNHOPE, HEREFORD, HR1 4PJ

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 Committee felt that the application provided an acceptable use for redundant agricultural buildings.

RESOLVED

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

98. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 12.47 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 23 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.

9 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

For: Mr Shaw per Mr David Hutchison, Pegasus Planning Group, Pegasus House, Queens Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

ADDITIONAL REPRESENTATIONS

Letter received from Mr James Pattinson, 32 Tower Road who raises the following points:

- The road will be overwhelmed by traffic at the end of a quiet road.
- An oversized building that will be out of character with the already established dwellings in the road.
- The developers have gone full circle. The first application of 8 one bed flats was refused. Now the application is for 4 two bed flats. We could expect all the same problems as with the original application.
- No need for further flats in the area.

OFFICER COMMENTS

These comments raise no new material planning considerations.

NO CHANGE TO RECOMMENDATION

10 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

For: Miss Karen Harris, Losito Stud, Harris Lodge, Whitchurch Road, Ross on Wye, Herefordshire, HR9 6EG

ADDITIONAL REPRESENTATIONS

This application is now the subject of an appeal against non-determination so the Committee may not determine the application. However an indication from Members is still required as to whether it would have been approved had it been possible to do so, or on what grounds it would have been refused had it been possible to do so.

Additional highway condition CAE

CHANGE TO RECOMMENDATION

Application cannot be determined.

12 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

For: SC Hardwick & Sons per Mr James Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

ADDITIONAL REPRESENTATIONS

An email has been received from Christopher Whitmey of Oldstone Furlong, Fownhope. This supports the application, stating that it would make a worthwhile addition to the housing stock in Fownhope.

NO CHANGE TO THE RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	14 DECEMBER 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMS /110750/V

- The appeal was received on 25 November 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a Refusal of Lawful Certificate.
- The appeal is brought by Mr Stuart Sayce
- The site is located at Smallbrook Farm, Clehonger, Herefordshire, HR2 9TP
- The development proposed is Proposed additional commercial storage containers
- The appeal is to be heard by Written Representations

Case Officer: Ms Kelly Gibbons on 01432 261781

Application No. DMS /110473/F

- The appeal was received on 10 November 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 Craig Thorpe Ltd
- The site is located at Land off Weston Park, Weston under Penyard, Herefordshire, HR9 7FR
- The development proposed is Erection of new dwelling and garage with access and parking.
- The appeal is to be heard by Written Representations

Case Officer: Mr Austin Donaghey on 01432 261947

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

Application No. DMS /111961/F

- The appeal was received on 10 November 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 Craig Thorpe Ltd
- The site is located at Land off Weston Park, Weston under Penyard, Herefordshire, HR9 7FR
- The development proposed is Proposed erection of new dwelling and garage with access and parking.
- The appeal is to be heard by Written Representations

Case Officer: Mr Austin Donaghey on 01432 261947

Application No. DMN /111666/FH

- The appeal was received on 15 November 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 Peter Chalk
- The site is located at Laurel Cottage, Birchwood, Storrige, Malvern, Herefordshire, WR13 5HA
- The development proposed is Proposed first floor extension.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr N Banning on 01432 383093

APPEALS DETERMINED

Application No. DMS/102465/F

- The appeal was received on 26 July 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Christopher Hales
- The site is located at Valley View, Ewyas Harold, Herefordshire, HR2 0JD
- The application dated 21 September 2010 was refused on 20 January 2011
- The development proposed was Change of use from log cabin to holiday home.
- The main issues are whether the proposal accords with national and local planning policies for development in rural areas and its effect on the character and appearance of the area and on highway safety.

Decision: The application was refused under Delegated Powers on 20 January 2011.
The appeal was Dismissed on 14 November 2011.

Case Officer: Andrew Prior on 01432 261932

Application No. DMN/110421/O

- The appeal was received on 27 July 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr And Mrs Thomas Davies
- The site is located at Forton Meadows, Winforton, Herefordshire, HR3 6EJ
- The application dated 16 February 2011 was refused on 20 May 2011
- The development proposed was Provision of agricultural workers dwelling.

- The main issues are whether there is an essential agricultural need for the dwelling and the effects of the development firstly, on the character and appearance of the area; secondly, on highway safety; and thirdly, on landscape character.

Decision: The application was Refused under Delegated Powers on 20 May 2011.
The appeal was Dismissed on 15 November 2011.

Case Officer: Mr P Mullineux on 01432 261808

Application No. DMN/102398/FH

- The appeal was received on 19 August 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Charles J Pudge
- The site is located at Hope Cottage, Bishops Frome, Herefordshire, WR6 5BU
- The application dated 15 September 2010 was refused on 31 January 2011
- The development proposed was Substantial rebuilding of existing dwelling (with external appearance similar to the original dwelling)
- The main issues are (i) whether the residential use of Hope Cottage has been abandoned or not and if the residential use has been abandoned whether the proposed development of dwellings in the countryside and whether the site is reasonably located in relation to services and facilities; (ii) the effect of the proposed operational development on the character and appearance of the host building and the locality (including whether the proposed development comprises “development” as defined in S55(1) of the Act or not or otherwise is permitted development and provides a fallback position), and (iii) the effect on nature conservation interests.

Decision: The application was refused under Delegated Powers on 15 September 2010.
The appeal was Dismissed on 23 November 2011.

Case Officer: Mr R Close on 01432 261803

Application No. DMN/110779/F

- The appeal was received on 19 August 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Dr H L Beyer
- The site is located at Cherry Lyn (adj Cartref), Staunton on Wye, Herefordshire, HR4 7LR
- The application dated 22 March 2011 was refused on 7 June 2011
- The development proposed was Demolition of existing garage and construction of new dwelling and garage
- The main issues are: (i) the effect of the proposal on the character and appearance of the surrounding mainly residential area, and (ii) the effect of the proposal on the living conditions of the occupiers of the neighbouring dwelling with particular regard to noise, disturbance and privacy

Decision: The applications was Refused under delegated powers on 7 June 2011.
The appeal was Dismissed on 30 November 2011.

Case Officer: Mr P Mullineux on 01432 261808

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

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



MEETING:	PLANNING COMMITTEE
DATE:	14 DECEMBER 2011
TITLE OF REPORT:	<p>DMS/110919/F & DMS/110920/C - DEMOLITION OF CAMPIONS RESTAURANT AND ERECTION OF 14 APARTMENTS AND ASSOCIATED PARKING, ERECTION OF BAT SHELTER AT CAMPIONS RESTAURANT, GREYFRIARS AVENUE, HEREFORD, HR4 0BE.</p> <p>For: Riverside Construction (Hereford) Ltd per Mr Angus Jamieson, 30 Eign Gate, Hereford HR4 0AB.</p>

Date Received: 7 April 2011

Ward: St Nicholas

Grid Ref: 350691,239580

Expiry Date: 7 July 2011

Local Members: Councillors SM Michael and JD Woodward

1. Site Description and Proposal

- 1.1 The application site is located on the north bank of the River Wye and immediately to the west of Greyfriars Bridge. The site is visually prominent, albeit at a lower level than the bridge structure, and is important in terms of its position close to a well used route to and through Hereford. The site currently comprises a derelict detached building; which was formerly used as a restaurant known as 'Campions'. The building is a 19th Century red brick villa which stands within its own substantial and landscaped grounds. The northern part of the site is currently used as a car park. Access to the site is via Greyfriars Avenue.
- 1.2 The application site is located within an established residential area within the City of Hereford. It also lies within the Conservation Area and adjacent to the River Wye Special Area of Conservation (SAC).
- 1.3 The southern boundary of the application site is formed by the River Wye, whilst the A49(T) road bridge forms the boundary to the east. To the north and west lie modest predominantly two-storey semi-detached dwellings along Greyfriars Avenue.
- 1.4 This application was originally submitted as a 7 storey development of 21 units. However in response to concerns in relation to the scale, height and massing of the proposed building the proposal has been revised. The revised scheme is for the demolition of the existing building and erection of a single 5 storey block (including stilted ground floor level) that would accommodate 14 residential units, comprising 12 no. two bed units, 1 no. three bed unit and 1 no. one bed unit.
- 1.5 The building would be sited in a position that is adjacent to the Greyfriars Bridge and not on the footprint of the existing building. It would involve the removal of several trees from within the site as detailed within the arboricultural report. The form of the building is a 'T' shape which

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

is orientated so that it runs parallel with the bridge rather than the river. The building would be raised on stilts, with four levels of accommodation, three of which would be above bridge height. Levels one and two extend to the full footprint of the T-shaped block with balconies fronting the river whilst levels three and four would also incorporate roof terraces within the forward projecting element, allowing the built form of the building to be stepped back. A pedestrian bridge (emergency only) would connect the building to Greyfriars Bridge.

- 1.6 The external finishes of the building would be a through colour render (off white) and an area of Corten steel rain cladding. Externally the windows would be powder coated aluminium (dark grey). The roof would be a dark grey cladding system. Solar panels would be fixed horizontally to the roof. Balconies would be powder coated metal trim with toughened glass. A 'green wall' is proposed on the elevation facing the bridge.
- 1.7 The proposal also includes a parking area for 19 vehicles on the northern part of the site. The remainder of the site would be landscaped and includes safeguarded ecological protection zones. In response to the ecological survey, a bat shelter is also proposed to the west of the site in the form of a small wooden clad building incorporating the bat loft in the roofspace.
- 1.8 The site has many constraints, and as such the application has been accompanied by a number of reports that have provided detailed information that has been important to developing this proposal. These are:
- Archaeological Assessment
 - Travel Plan
 - Ecological Survey Report
 - Flood Risk Assessment
 - Transport Assessment
 - Arboricultural Implications Assessment

Along with these technical reports, the application has included a detailed Heritage Statement, Townscape Study and landscape plans.

2. Policies

2.1 Government Advice:

PPS1	-	Delivering Sustainable Economic Growth
PPS3	-	Housing
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPG25	-	Development and Flood Risk

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR9	-	Air Quality
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Area

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

H13	-	Sustainable Residential Design
H14	-	Re-using Previously Developed Land and Buildings
T8	-	Road Hierarchy
T11	-	Parking Provision
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas
HBA7	-	Demolition of Unlisted Buildings Within Conservation Areas
ARCH1	-	Archaeological Assessments and Field Evaluations

3. Planning History

- | | | |
|-----|-----------------|---|
| 3.1 | HC960002PF | Change of use and conversion to form 5 residential flats including new staircase enclosure, removal of 2 chimney stacks. Approved with conditions 29 February 1996. |
| 3.2 | CW1999/1277/C | Demolition of main building, outbuildings and making good of boundaries and surface. Refused 7 July 1999. |
| 3.3 | CW2000/3359/F | Change of use and conversion to form 5 residential flats, including new staircase enclosure. Removal of two chimney stacks. (Renewal of planning permission HC960002/PF. Approved with conditions. 4th February 2001. |
| 3.4 | DCCW2006/1894/C | Demolition of existing buildings. Withdrawn 11 August 2006. |
| 3.5 | DCCW2006/1897/F | Residential development of 52 residential units, comprising of 12 affordable and 40 open market apartments. Withdrawn 11 August 2006. |
| 3.6 | DCCW2007/0990/F | Residential development for erection of 46 flats. Refused 29 June 2007. |
| 3.7 | DCCW2007/0991/C | Demolition of Campions Restaurant and dwelling known as 'Gwalia'. Refused 29 June 2007. |
| 3.8 | DCCW2008/2328/F | Construction of 14 new apartments, restaurant and public plaza with advertising hoarding. Refused 29 June 2010. |
| 3.9 | DCCW2008/2329/A | Advertising hoarding. Approved with conditions 21 November 2008. |

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage recommends that planning permission be granted subject to consideration of matters in relation to the loss of the heritage asset in the Conservation Area.

Comments on the amended plans are awaited and will be reported in the updates.

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

4.2 Highways Agency: As highlighted with the Transport Assessment prepared in support of the proposed, the Highways Agency has been consulted in relation to several similar applications at this site. The Highways Agency directs a condition and informative note in respect of the pedestrian bridge and its use for emergency situations only.

4.3 Natural England:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided with the application, our comments are as follows:

Natural England must object to this proposal due to the absence of a HRA screening. However, we consider this to be a process-driven „holding□ objection, rather than an objection in principle.

1. The River Wye SAC

The application site is immediately adjacent to the River Wye Special Area of Conservation (SAC), which is a European site protected under the Habitats Directive. In addition, effluent from the site would be discharged into the River Wye SAC via a sewage treatment works.

Regulation 61 requires Herefordshire Council as the S28G Authority (a Competent Authority), before deciding to give any consent to a project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and (b) not directly connected with or necessary to the management of the site, to make an appropriate assessment of the implications for the site in view of its conservation objectives. This proposal is not directly connected with or necessary to the management of the site.

The council has undertaken a Habitat Regulations Assessment screening, which reaches a conclusion of no likely significant effects. Herefordshire Council states that this permission will result in the safe demolition of the existing structure, the separation of surface and foul water drainage, management of surface water drainage through SuDs and the removal of non-native species. The council expresses an understanding that effluent can be dealt with through sewage treatment works without causing the phosphate targets for the River Wye SAC to be exceeded.

Provided that this proposal is undertaken in strict accordance with the details submitted and relevant best practice working methods are adopted, Natural England agrees with this conclusion and we therefore withdraw our objection to this proposal.

2. Protected species – bats

The proposal will result in the demolition of a roost used by small numbers of lesser horseshoe and brown long-eared bats. A European Protected Species licence is therefore essential. Mitigation for the loss of the roosts is to be provided in the form of a bat roost building. As a principle, this seems appropriate. However, we are concerned about the appropriateness of the seating under the bat house 2, as the Lesser Horseshoe bats in particular may be sensitive to noise disturbance. It would be preferable if access (by residents) to the bat house were discouraged.

Conditions should be used to ensure there is no high power or direct illumination of the River Wye, its vegetated banks or western boundary. A sensitively designed lighting regime should be used throughout the site.

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

We note the need to survey trees with bat roost potential prior to their removal.

3. Other matters

Planting along the river should consist of appropriate native species. Species such as *Buddleia davidii*, as suggested on plan 3873.LA02, are not appropriate. We recommend that an amended planting plan is agreed with the council and Natural England prior to starting works. The long-term management of the riverbank should also be confirmed.

We note the presence of Japanese knotweed, Himalayan balsam and Giant hogweed along the riverbank. Best practice measures should be employed to clear these invasive species in a way which ensures their seeds do not enter the River Wye and spread. An invasive species management plan should be agreed with the council, the Environment Agency and Natural England prior to starting works. We recommend securing this through a planning condition.

We welcome the enhancement for otters and birds proposed in the Ecological Survey, and recommend securing these matters using conditions.

- 4.5 Environment Agency: We have no objection to the proposed development and would wish to see conditions applied to any permission granted (see recommendation for conditions).

We understand that, following a number of discussions on the re-development of the site, that the applicant has agreed to reduce the number of units to 14. It is hoped that this will satisfy the visual implications of the development whilst ensuring the development is safe and will not increase flood risk elsewhere.

- 4.6 Welsh Water – No objections subject to Conditions

Internal Council Advice

- 4.7 Conservation Manager (Landscapes):

The scale, height and mass of the building is now more suitable to the townscape character of Hereford. The proposal now offers a visual presence and stature that has presence, without dominating views into the town. The key public view points of the bridge crossings and footpath on the southern river bank have been updated and no longer dominate the surroundings. The building does not directly address the River Wye, however it will not have an adverse effect upon the landscape setting of the settlement.

The Arboricultural Implications Assessment is suitable to the site and meets the requirements set out in BS5837:2005. In particular section 3.3 on above and below ground constraints provides a useful assessment and discussion about the trees that are to be retained and / or removed.

Two of the three Lime trees are to be retained, which provide a good visual amenity to this part of the site and the separation of the new building from existing residential properties. I accept that the group of five Pine trees will be removed. The car park does not show any parking under the Walnut tree, which is welcome, but additional detail should be provided about the construction of the car park and levels, to ensure that the root system is protected.

The tree species proposed are suitable to the site and offer adequate mitigation for those that are removed.

The landscape scheme proposed does help the development to integrate appropriately into the site. The circular footpath, benches, tree planting and shrub border against the existing wall all provide suitable amenity space for the residents and have a low visual impact.

4.8 Conservation Manager (Historic Buildings):

The existing site comprises a car park, a Victorian villa in a derelict state and an area of unused land. This is located on the banks of the Wye and adjacent to the modern bridge. The existing building dates from the 19th century are brick built of 2 storeys and a roof space. The majority of the slates have been removed.

We had previously objected to the proposal due to concerns about the scale of the proposed building and the impact it would have when approaching Hereford from the south and west. The English Heritage and CABI design guidance on tall buildings states that they should be assessed as not only pieces of architecture in their own right but also as “urban design” within a wider context.

When viewed at a wider scale along the riverfront there are no particularly tall buildings. The single building that does stand out is the Cathedral. All of the other buildings are roughly 3 storeys in height and have a horizontal emphasis.

The proposal has been considered having regard to its impact upon views into and out of the conservation area in particular from the footpath on the old railway bridge and the footpath to the south of the river walking from the bridge towards the city where it may have an impact upon views of the city and in particular of the cathedral and St Nicholas Church. The view on the approach from Greyfriars Bridge is the most significant and dominant.

The height of the building has now been reduced by two full storeys, reducing the impact significantly on the above views, and ensuring that the developments scale is more comparable to the adjacent townscape.

With regards to the specific design of the building we would not disagree with a modernist approach and are happy that the amended scheme addresses the concern that the emphasis was vertical rather than the horizontal. We note concerns about the green wall element but would hope that with the appropriate mix of plants this feature would survive and add interest to the scheme. The landscaping and car parking appear more appropriate than previous submissions.

We are satisfied that the revised scheme would preserve or enhance the conservation area. It is therefore satisfies Herefordshire UDP Policy HBA 6 which states that “Developments in Conservation Areas will not be permitted unless it preserves or enhances its character or appearance

There are no objections to the demolition of the existing building that is in a poor state of repair and does little in its current state to enhance the Conservation Area. Accordingly Policy HBA7 is addressed.

4.9 Conservation Manager (Ecology):

The site lies immediately adjacent to the River Wye SAC and a Habitats Regulations Assessment Screening report will need to be completed to be certain that there is no likely significant effect on the SAC as a result of these development proposals. A full Appropriate Assessment may be required if this cannot be confirmed. It will be essential for strict adherence to a Construction and Environmental Management Plan whilst development works are in progress. This matter is ongoing due to concerns about water quality in the River Wye.

I note the continued presence of lesser horseshoe bats as well as evidence of Brown long-eared bats roosting in the building that is to be demolished and that a new bat shelter is proposed as mitigation which would appear to be appropriate. I am concerned about the potential for disturbance around and in the building with provision of seating. Lesser horseshoe bats are sensitive to noise and light and it would be more appropriate to discourage

human activity in this area; it is therefore essential that there is no seating and that the footpath to the building is removed from the proposals. It would also be beneficial to extend the fence to include the bat shelter within the wildlife corridor, further discouraging disturbance. This has been undertaken in the revised plans. It also needs to be clarified how this structure is to be maintained and monitored in the long-term, although I appreciate that this will form part of the EPS license application. It should also be noted that the update surveys were undertaken late in the season and an additional summer survey is likely to be required for licensing purposes.

The other recommendations for ecological mitigation and habitat enhancement within the report are welcome. I strongly recommend provision of swift boxes within the structure of the new apartment block, as well as other measures for nesting birds throughout the site where appropriate.

The removal of the invasive, non-native species (Japanese knotweed, giant hogweed and Himalayan balsam) from the site is essential and needs to be strictly enforced to ensure that no seeds or plant parts are dispersed to the river.

I welcome the provision of a 10 metre buffer zone along the river corridor, although it is not clear from the landscaping scheme what the proposed treatment is for the river bank. I am of the opinion that *Buddleja davidii* and *Lonicera nitida* are inappropriate along the boundary of this zone and recommend the use of native species such as willow and dog rose as well as native honeysuckle (*Lonicera periclymenum*). Implementation of an appropriate landscaping scheme can be secured through a planning condition, but I would like to see some indication of the likely proposals for this area in order to complete the HRA screening process. The landscaping proposals are unlikely to deliver 'green space' below the bridge. I note the likely evidence of otter using the site and welcome the provision of an artificial otter holt on the river banks.

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

If the issues and concerns regarding tree protection and the protection of the bat house can be resolved, and this application is to be approved, I recommend the inclusion appropriate non-standard conditions.

4.10 Conservation Manager (Archaeology):

The proposed development would in essence involve the demolition of derelict buildings on the site, and the construction of a block of flats based on stilts, with associated parking etc.

The below - ground impact of this development is likely to be great. The site is very close to the likely location of the former Greyfriars Friary, and has been demonstrated through assessment and evaluation to retain appreciable survival of archaeological features and deposits of medieval and post medieval date.

There is the potential also to be some above - ground archaeological impact, principally relating to the comparative nearness of two scheduled monuments – (the city defences, and the Old Wye Bridge). On balance I consider this impact and any associated harm to the setting of these monuments to be limited.

Having regard to relevant policy and best practice (in particular but not limited to Policy HE12 of Planning Policy Statement 5; Planning for the Historic Environment [PPS5], and saved

policy ARCH6 of the Herefordshire Unitary Development Plan, I would therefore *advise* the following:

There is likely to be *some* harmful developmental impact on heritage assets of significance within and close to the proposal site, although this impact would not be excessive and is capable of appropriate mitigation in this case.

Accordingly, the developer should be required to record and advance understanding of the significance of these assets before they are harmed. This should be by means of a suitable and proportionate archaeological recording project, secured by planning conditions / obligations attached to any permission granted.

In this particular case I would advise Herefordshire Council's standard archaeological conditions EO1 and EO4 and informative regarding AAI.

- 4.11 Transportation Manager: The proposed level of car parking his acceptable in this location, if sufficient emphasis is placed on travel by sustainable modes. No objection subject to conditions.

5. Representations

- 5.1 Hereford City Council: No Objections

- 5.2 In respect of the original proposal for 21 units letters were received from:

- Mr Fuller and Ms Ernest, 28 Barton Road, Hereford.
- Eric Slater, 8 Wye Terrace, Bridge Street, Hereford.
- Mrs J Dickinson, 12 Greyfriars Avenue, Hereford.
- Hereford Civic Society.

- 5.3 In response to the revised plans representations were received from:

- Mr Tony Rice.
- Mr Fuller and Ms Ernest, 33 Greyfriars Avenue, Hereford.

- 5.4 These letters raise the following issues (comments on both superseded and amended plans):

- Request to ensure fencing is included under bridge to prevent anti-social behaviour
- Lack of parking provision. Public car park does not have surplus capacity during the day and especially at weekends.
- Additional movements on Greyfriars Avenue.
- Original plans for conversion are ideal / fantastic.
- Concern that the proposal would add to flooding problems and not be neutral.
- Concern about construction methods (piling) and affect on nearby properties.
- Fails to respect the scale and height of the locality and is out of character with the area.
- Negative impact on the character and appearance of the Conservation Area and listed buildings.

- Sewerage capacity.
- Overlooking and loss of privacy to 33 Greyfriars Avenue.
- It will obstruct views of the Cathedral.

5.5 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 application site is a highly visible and prominent one on a very well used vehicular and pedestrian approach into Hereford City. The site, and in particular the building, is in a derelict state and therefore there are potentially significant benefits in securing a scheme that will allow for the demolition of the existing building and appropriate redevelopment.

6.2 The site has been the subject of a series of planning applications and numerous other pre-application schemes and discussions since 2006. These include a scheme of 52 residential units, 46 flats, 14 apartments, restaurant and public plaza and the 21 units originally proposed as part of this application. The building itself has not been used since the 1990's, with an extant planning permission still in place for its conversion to 5 flats. The redevelopment of the site has been hampered in the past by some serious and significant constraints that have attracted objections from statutory consultees, internal Council advisors, local residents and other interested parties.

6.3 This proposed scheme is, at 14 units, a significantly smaller proposal and one that has now satisfied all of the key consultees on this application and is also considered to have addressed the concerns identified by local residents. The key considerations in the assessment of this application are as follows:

- Principle of development
- Flood Risk
- Impact on the character and appearance of the Conservation Area and setting of Listed Buildings and the routes into the historic city.
- Demolition of the existing building
- Landscape impact
- Highway safety and parking
- Residential Amenity
- Biodiversity and Ecology
- Section 106 contributions

Principle of Development

6.4 The application site lies within the settlement boundary and is within an identified established residential area. Policy H1 of the Herefordshire Unitary Development Plan allows for residential development subject to meeting the other relevant policies of the Herefordshire Unitary Development Plan.

Flood Risk

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

- 6.5 The entire site is located within the 'functional floodplain' (Zone 3b) of the River Wye and also lies within Flood Zone 3. At this location the River Wye floods frequently to significant depths and can remain in flood for a prolonged period of time. Residential development within flood zone 3 is not normally considered to be acceptable. This matter has been a key contributing factor in the design of the building as the 'floor area' has had to be restricted to a footprint similar to that of the existing building in order to satisfy concerns about flood storage capacity .
- 6.6 The Environment Agency has taken into account the reduction in the scale of the proposed development and other circumstances, including the planning consent which has already been implemented (CW2000/3359/F) for the change of use and conversion of the existing building to 5 residential flats and on this basis raises no objection to the principle of developing the site.
- 6.7 The requirements of Planning Policy Statement (PPS) 25, in respect of taking a sequential risk-based approach to determining the suitability of land for development in flood risk have been given careful consideration. This has been in the context of a strong desire to see this site developed due to its prominent position within the Conservation Area and on the approach to the city. Whilst it must be acknowledged that the proposal is not strictly in line with PPS25, it has been developed in accordance with a pragmatic approach to the interpretation of the guidance that was agreed by all parties in an attempt to achieve some flood risk betterment on this particular site.
- 6.8 In line with the aims of PPS25, and in acknowledgement of the circumstances of this specific site, the applicant has achieved flood risk betterment through a design which has a significantly reduced overall footprint. Therefore, whilst not an ideal site for residential development, it does offer improvement on the existing situation and will reduce flood risk to third parties by allowing flood waters to flow through the stilted element of the building. Having regard to this, the proposal is considered to be acceptable in relation to the requirements of policy DR7 of the UDP and the guidance contained within PPS25 – Development and Flood Risk.
- 6.9 The proposed car park would also be subject to flooding. The Environment Agency have accepted that there are other justification/exceptional circumstances, including the potential lawful use of the site for some existing parking which would enable the parking to be retained in this position at ground level, albeit at a reduced rate of provision.
- 6.10 On the basis that cars are unlikely to be able to leave the site during a flood event, given that the depths of flooding are likely to be significant and flood water could remain at a peak level for some considerable time (perhaps days), an advanced flood warning system is to be utilised. The removal of cars prior to a flood event, when the vehicular access may be cut off, linked to flood warning notification, would ensure viability of the scheme in terms of enabling future occupants to maintain use of their vehicles. A concierge system will also be operated to ensure that those residents that are unavailable can have their vehicles removed in times of flood. A flood management plan would need to be implemented and a condition is recommended to manage this effectively.
- 6.11 The issue of flood risk has been thoroughly explored and debated over the preceding applications and it is concluded that this revised proposal that would comprise of 14 apartments represents an acceptable and modest proposal that can be treated as an exceptional case.

Impact on the character and appearance of the Conservation Area including setting of Listed Buildings and the routes into the historic city

- 6.12 The site's prominent and key position on the approach to the city and within the Conservation Area has been another significant constraint. The form of the proposed development has been largely dictated by constraints placed on the site as a result of its location within the flood plain. As the site faces south and towards the River Wye, it was important that principal rooms in should benefit from this outlook. Upper floors also benefit from distant views to both the east

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

and west. By creating a T shape form, taking reference from numbers 33 and 35 Greyfriars Avenue, a relatively compact floor plan has been achieved that has enabled a degree of architectural modelling to the building, creating more interest than a single flat façade. By setting back the two top floors, the overall impact of the building is reduced and this is further softened by the provision of roof terraces on these two levels. This has provided an appropriate level of relief from the bridge structure, which was a particular concern of previous designs.

- 6.13 The proposed development, which adopts a modern approach, has been significantly reduced in height, scale and massing and now stands five storeys high (three above bridge level). In the form proposed the development is now considered to be acceptable, having a visual presence and stature without dominating the surrounding area. The proposal is therefore considered to be of a layout, density, scale, mass, height, design and material that would preserve the character and appearance of the conservation area, locality and setting of key Listed Buildings such as Hereford Cathedral and St Nicholas church. As such the proposal is now considered to be acceptable and therefore in accordance with the requirements of policy DR1, H13, HBA4 and HBA6 of the Herefordshire Unitary Development Plan.

Demolition of the existing building

- 6.14 The existing building on the site has fallen into a state of significant disrepair. The building does contribute positively to the character and appearance of the Conservation Area and guidance contained within PPS5 notes that deterioration is not a case for loss. The case for loss of a building within the Conservation Area must be considered having regard to Policy HE9.2 of PPS5. In this case, it is considered that the harm or loss of the building is outweighed by the benefits of bringing the site back into beneficial use, especially given its prominent location and concerns raised in respect of regular anti-social behaviour on the site.
- 6.15 In order to control demolition and the condition of the site post demolition, a condition is recommended. This would require detailed method statement for the demolition, including measures to prevent pollution of the River Wye and any impact on neighbouring properties along with a detailed waste management plan. There would also be a requirement to ensure that the mitigation in respect of protected species was undertaken and timescales for this. Details of how the land would be reinstated in the intervening period between demolition and construction of the proposed development would be required. The reason for this condition would be to ensure that the character and appearance of the Conservation Area is protected in accordance with policies HBA6 and HBA7 of the Herefordshire Unitary Development Plan.
- 6.16 On the basis of the above, officers are satisfied that the proposal would comply with the requirements of policy HBA7 of the Herefordshire Unitary Development Plan.

Landscape Impact

- 6.17 The existing trees on the site are a key characteristic of the site and wider area and have an acknowledged amenity value. A tree report has been undertaken and accompanied the revised plans. Whilst the loss of some trees is inevitable due to the position of the building and impact on roots, some key trees can be retained and these will compliment the development. The reduction in the height of the building has also reduced the impact on the wider landscape character of the area in accordance with policy LA2 of the Herefordshire Unitary Development Plan.

The proposal also includes a detailed landscape plan, and although this needs refining this provides a sound base for a successful landscape plan. The building would sit in a substantial garden / amenity area and as such its ongoing maintenance will also be important. Whilst the loss of mature trees is regrettable and has not been taken lightly, it is considered that in the context of the wider benefits that would be brought about by the redevelopment of the site, together with the retention of other valuable trees and a detailed landscape scheme, the that

the proposal now complies with policies LA5 and LA6 of the UDP subject to the imposition of the conditions contained in the recommendation below.

Residential Amenity

- 6.18 The proposed building will, by virtue of its height and design, be seen by and change the outlook of the dwellings near to it. A letter has been received from number 33 Greyfriars (that is sited to the west of the existing Champions building, fronting the river) raising concern about loss of privacy. The proposed building, that has roof terraces and balconies may create an element of overlooking to these properties, but the distance between them would be over 50m, and there is a substantial landscape boundary and ecological protection zone also proposed that would provide a visual screen. The reduced height of the proposed building would also reduce the harm and risk of this.
- 6.19 One of the key concerns has been the height of the proposed building in relation to its surroundings. The 21 unit scheme originally proposed was 7 storeys in height (including the stilted ground floor level). This has been reduced to 5 storeys (including stilted ground floor) with the top two floors being set back to provide for roof terraces on the forward projection, significantly reducing the bulk of the building. The overall height is now 15.5m (from ground level) with three floors above bridge level. The 21 unit scheme was 21.5m in height. The building itself is sited in a relatively large site which allows for significant distances between dwellings and proposed building of over 50m, retention and addition of trees and planting and the orientation of the properties, the proposed development, although having a presence, will not be overbearing or cause such significant impact on the amenities of the occupiers as to warrant a refusal.
- 6.20 Probably the most affected property would be number 27 Greyfriars Avenue that fronts Greyfriars Avenue at the entrance to the application site. Any overlooking of this dwelling is likely to be of the driveway and parking area, with the private amenity space being located to the west of the dwelling. No objection has been raised from the occupiers of this property. The benefit of the development to these occupiers would be likely to be the loss of the existing building, which would then afford them a view across the gardens of the proposed building to the river. It is considered that the proposals are unlikely to have an adverse impact on the amenities of the adjoining residents to such an extent that would warrant a reason for refusal. As such the proposal complies with policies DR1, DR2 and H13 of the Herefordshire Unitary Development Plan.

Highway Safety and Parking

- 6.21 One of the ongoing issues surrounding applications on this site related to the necessity of a 'safe dry pedestrian access' from the building out of the site in order to achieve the requirements of the Highways Agency. The only way of achieving this was to include a pedestrian link onto Greyfriars Bridge. This had, historically caused objection and concern from the Highway Agency, with fears of vehicles stopping on the A49 to 'drop off' passengers and goods. The Highways Agency, over the course of these applications has accepted that this bridge can be included, but that it must be available for and controlled as an emergency access only. The Agency have raised no objection subject to a condition and informative note. As such this issue has now been satisfactorily addressed.
- 6.22 Local residents have raised concern about additional traffic movements on Greyfriars Avenue, but given the relatively low density of the revised development, and the historic lawful use of the site as a restaurant and hotel, the additional movements would not give rise to sufficient concern about highway safety to a level that would warrant a reason for refusal. The proposal would therefore comply with the requirements of policy DR3 of the Herefordshire Unity Development Plan.
- 6.23 Parking provision within the site has largely been negotiated having regard to flood risk, tree protection and the close proximity of the city centre. There are 14 units proposed and 19

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

spaces to serve these units. This is considered to be an acceptable level of provision for such a development. Parking is restricted in Greyfriars Avenue, and there is a car park in close proximity to the site if required. The parking and access area would also serve as a turning area for larger vehicles. The bin store has been located adjacent to the access so that refuse lorries would not have to navigate into and out of the site. Secure and covered cycle parking would be provided within the site. As such the proposal is considered to comply with the requirements of T11 of the Herefordshire Unitary Development Plan.

Biodiversity and Ecology

- 6.24 The application site lies adjacent to the River Wye SAC and SSSI and a number of protected species and constraints have been identified within the ecological reports submitted with the application. A detailed mitigation strategy has been provided that includes the provision of the bat shelter/loft, ecological protection zones and other enhancements. Conditions are recommended to ensure that these mitigation and enhancement measures are undertaken prior to demolition of the existing building (or works on the new building). As such the proposals are considered to comply with the policies of the Unitary Development Plan that seek to protect species and habitats along with guidance contained within PPS9 – Biodiversity and Geological Conservation.
- 6.25 In addition to this the site lies immediately adjacent to the River Wye SAC and a Habitats Regulations Assessment Screening report has been undertaken to establish where there are any likely significant effect on the SAC as a result of these development proposals. It has been concluded that there are no likely significant effects from this development, including impact on the phosphate levels in the River Wye. Natural England have confirmed acceptance of the HRA screening report and have accordingly removed their objection.

Section 106 Contributions

- 6.26 In considering the application due regard has been given to the Planning Obligations Supplementary Planning Document and the latest advice from the Government on planning obligations.
- 6.27 Paragraph 12 of the Planning Obligations Supplementary Planning Document states, 'If a developer considers that the level of obligation would render their proposal unviable, the Council will expect the detailed finances of the proposal to be shared with the Council in a financial appraisal. For the Council to consider such an argument it will be essential that the developer shares information substantiating this on an 'open book' basis. Any deviation from the standard obligations will need to be an unusual exception and the developer will be required to demonstrate the exceptional circumstances that give rise to the case made.'
- 6.28 This position is endorsed in a letter received from the Government Chief Planner, Steve Quatermain, on 31 March 2011 which states 'To ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms. There is a need to ensure that existing planning permissions are built out to help deliver growth and support local economies.'
- 6.29 The planning history of the site and the financial appraisal prepared by Adams Fletcher & Partners (Chartered Quantity Surveyors) dated October 2011 that accompanies the application have been considered very carefully. The developer has submitted full details of the build costs and the projected sales forecast from 4 local estate agents. An average of the sales forecast has been taken. This results in a profit of between 2.06% and 3.85% (excluding the payment of contributions required by the Environment Agency in respect of flood risk and as such the % profit would be lower than this). This is significantly lower than the generally accepted developer return of between 15 - 20% upon his investment. This profit does not take

into account the section 106 contributions. If the Section 106 figures are applied the resultant loss of 1.1% making the development unviable.

- 6.30 Having regard to the above, it is recommended that the Section 106 contributions that would normally be sought in respect of education, highways, open space, libraries and waste are waived in this instance. It has been proven that with these contributions imposed the site would not be viable. It is widely accepted that there is desire to demolish the building and improve the visual amenity of the site and this exceptional approach would facilitate this.
- 6.31 Notwithstanding this there will be a requirement to make a contribution in respect of flood risk. Which will be directed towards the cost of flood warning systems for the lifetime of the development This accords with Planning Policy Statement 25 - Development and Flood Risk and paragraph 3.6.3 of the Planning Obligations Supplementary Planning Document (SPD) which states:

'Where a flood risk assessment has been undertaken which identifies the mitigation measures necessary for a development to proceed, developers will be expected to enter into an obligation to deliver these measures and secure a proper maintenance regime. It is considered appropriate in certain circumstances in the management of residual risk to seek a developer contribution for major applications proportionate to the increased burden on the flood warning system and emergency services for the lifetime of the development. Financial contributions will be calculated on a site-by-site basis.'

- 6.32 In terms of flood warning the current standard flood risk contribution guidance refers to £1000 per dwelling as a reasonable contribution towards the provision of flood warning for the lifetime of the development. This equates to £10 per year, if you consider the 100 year lifetime of a dwelling. The total contribution is therefore £14,000 and should be provided by the developer by way of a planning obligation. A condition is recommended to secure the section 106 agreement.

Conclusion

- 6.33 Having regard to the above, a proposal has been negotiated to which there are no objections from statutory or internal consultees (subject to conditions). Local resident concerns have been fully considered and appropriately mitigated, and it is noted that responses to the revised plans have been limited to one letter. The revised and significantly scaled down proposal is now considered to comply with the policies of the Herefordshire Unitary Development Plan and Government guidance. On this basis the application is recommended for approval with conditions subject to agreeing outstanding matters with Natural England.

RECOMMENDATION

In respect of DMS/110919/F:

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. B07 Section 106 Agreement**
- 4. C01 Samples of external materials**
- 5. G10 Landscaping scheme**

6. **G11 Landscaping scheme - implementation**
7. **G04 Protection of trees/hedgerows that are to be retained**
8. **Prior to the commencement of any other works (excluding demolition of the building) development a detailed method statement in relation to the construction of the proposed car park shall be submitted to and approved in writing by the local planning authority. Works shall be undertaken in accordance with the approved details and shall not thereafter be altered without the prior written consent of the local planning authority.**

Reason: The trees form an integral part of the visual environment and this consideration is imposed to ensure that the roots of trees within or adjacent to the car park are protected in the interests of protecting the character of the area in accordance with Policies DR1 and LA5 of the Herefordshire Unitary Development Plan.

9. **Prior to the commencement of development (excluding demolition of the building) plans detailing the entrance to the site, including the gates, lighting, barriers, fence and bin store shall be submitted to and approved in writing by the local planning authority. Plans should include colour, finish and materials of these elements. Works shall be carried out in accordance with the approved details prior to the occupation of the development hereby approved.**

Reason: In the interests of visual amenity of the area and to ensure that the development conforms with Policies DR1 and H13 of the Herefordshire Unitary Development Plan.

10. **Prior to the commencement of development (excluding demolition of the building) a detailed design, construction and maintenance plan in relation to the proposed 'Green wall' to the east elevation shall be submitted to and approved in writing by the local planning authority. Construction and maintenance shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of visual amenity of the area and to ensure the long term success of this element of the proposal and that the development conforms with Policies DR1 and H13 of the Herefordshire Unitary Development Plan.

11. **G14 Landscape management plan**
12. **H13 Access, turning area and parking**
13. **H29 Secure covered cycle parking provision**
14. **H30 Travel plans**
15. **H27 Parking for site operatives**
16. **I16 Restriction of hours during construction**
17. **L01 Foul/surface water drainage**
18. **L02 No surface water to connect to public system**
19. **L03 No drainage run-off to public system**

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

20. The recommendations set out in the ecologist's report dated 26 November 2010 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority.

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 Herefordshire Unitary Development Plan.

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

21. Prior to commencement of the development, a full working statement and mitigation strategy for bats and otters should be submitted to and be approved in writing by the local planning authority and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be 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 Herefordshire Unitary Development Plan.

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

22. Prior to commencement of the development, a full Construction and Environmental Management Plan should be submitted to and be approved in writing by the local planning authority, and the works shall be implemented as approved.

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 Herefordshire Unitary Development Plan.

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

23. Floor levels shall be set no lower than 53.56mAOD, in accordance with the submitted Flood Risk Assessment (Report Ref: 3647.FRA, November 2010). This figure includes an allowance for climate change, in accordance with PPS25.

Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

24. Prior to the first occupation of any dwelling a safe pedestrian access and egress route as shown on drawing reference 3873.P33, dated September 2010, shall be provided and maintained, in perpetuity, for the lifetime of the development.

Reason: To provide safe access and egress during flood events in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

- 25. No development shall commence until a scheme for the provision and maintenance of the voided undercroft, as shown on drawing no. 3873.P10, and referenced in the submitted Flood Risk Assessment (para. 5.7) has been submitted to, and approved in writing by the local planning authority, in consultation with the Environment Agency. Thereafter the scheme shall be carried out and implemented in accordance with the approved plans.**

Reason: To ensure no loss of flood storage and to minimise the impact on flood flows in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 – Flood Risk.

- 26. Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority Emergency Planning Officer and Emergency Services. The Plan shall include full details of proposed awareness training and procedure for evacuation of persons and property (including vehicles), training of staff and method and procedures for timed evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revisions of the Plan.**

Reason: To minimise the flood related danger to people in the flood risk area in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

- 27. No development shall take place until a plan for the long term maintenance of the 10 metre buffer zone (from the top of bank) within the boundary of the site, as shown on 3873.P20 dated September 2010 has been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency.**

Reason: To secure the long term maintenance of the watercourse and access to the watercourse for maintenance or improvements in accordance with Policy DR7 of the Herefordshire Unitary Development Plan and guidance contained within PPS25 - Flood Risk.

- 28. No development shall commence (excluding demolition of the building) unless and until details of a pedestrian bridge access arrangement have been submitted to and approved by the local planning authority in consultation with the Highways Agency. The arrangements to ensure that the bridge remains for pedestrian use only and opened only in case of emergency situations. The arrangements approved by the local planning authority shall be implemented and completed prior to the first occupation of the development.**

Reason: To enable the A49 Trunk road to continue to be an effective part of the national systems of routes for through route in accordance with Section 10 (2) of the Highways Act 1980 and to protect the interests of road safety in accordance with Policy DR3 of the Herefordshire Unitary Development Plan.

- 29. E01 Site Investigation – archaeology**
- 30. E04 Submission of foundation design**
- 31. Prior to the commencement of development the following information shall be**

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

submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing the local planning authority:

- a) A detailed demolition method statement
- b) A detailed waste management plan
- c) Full details of reinstatement of land following demolition (plan including site levels, landscaping details and ecological protection area)
- d) Timetable for works (including demolition, repair / reinstatement of land, landscaping and ecological mitigation)

Reason: In the interests of visual amenity of the Conservation Area and SAC and to ensure that the development conforms with Policies DR1, HBA6, HBA7, NC1 and NC6 of the Herefordshire Unitary Development Plan.

32. Prior to any other works being undertaken the, the existing building (Champions) shall be removed from the site in accordance with the details agreed in condition 31 above unless a revised timescale is submitted to and approved in writing by the local planning authority.

Reason: To define the terms of this permission and having regard to the issue of Flood Risk and impact on the character and appearance of the Conservation Area in accordance with policies DR7 and HBA6 of the Herefordshire Unitary Development Plan.

Informatives:

1. HN10 No drainage to discharge to highway
2. HN05 Works within the highway
3. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
4. The Environment Agency recommends that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and providing electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance, including information on kite marked flood protection products, can be found on the Environment Agency web site www.environment-agency.gov.uk under the 'Managing Flood Risk' heading in the 'Flood' section.
5. Developers should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: www.environment-agency.gov.uk
6. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.
7. The proposed link to Greyfriars Bridge associated within the consent involves works within the public highway, which is land over which you have no control and

is subject to the provisions of the Highways Act 1980. IN order for these works to proceed, the highways Agency requires the developer to enter into an agreement under the Section 278 of the Highways Act 1980. The Highways Agency therefore requires you to enter into a suitable legal agreement to cover the design and construction of the works. Please contact Mr. Jon McCarthy of the Highways Agency, Area 9 Network Delivery Team, at an early stage to discuss the details of the highways agreement. His contact information is as follows: Highways Agency, The Cube, 199 Wharfside Street, Birmingham, B1 1RN – 0121 6788742.

- 8. The proposed development site is crossed by a public sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of a building will be permitted within 3 metres either side of the public sewer.
- 9. ND02 Area of Archaeological Importance
- 8. N15 Reason(s) for the Grant of PP/LBC/CAC

In respect of DMS/11920/C:

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

- 1. D01 Time limit for commencement (Listed Building Consent)
- 2. D17 Notification of Commencement
- 3. The building shall not be demolished until such time that:
 - a) a contract carrying out of the work of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides OR
 - b) a detailed method statement in respect of the demolition of the building, disposal of waste material and restoration has been submitted to and approved in writing by the local planning authority.

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to comply with the requirements of Policy HBA2 of Herefordshire Unitary Development Plan.

Informative:

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

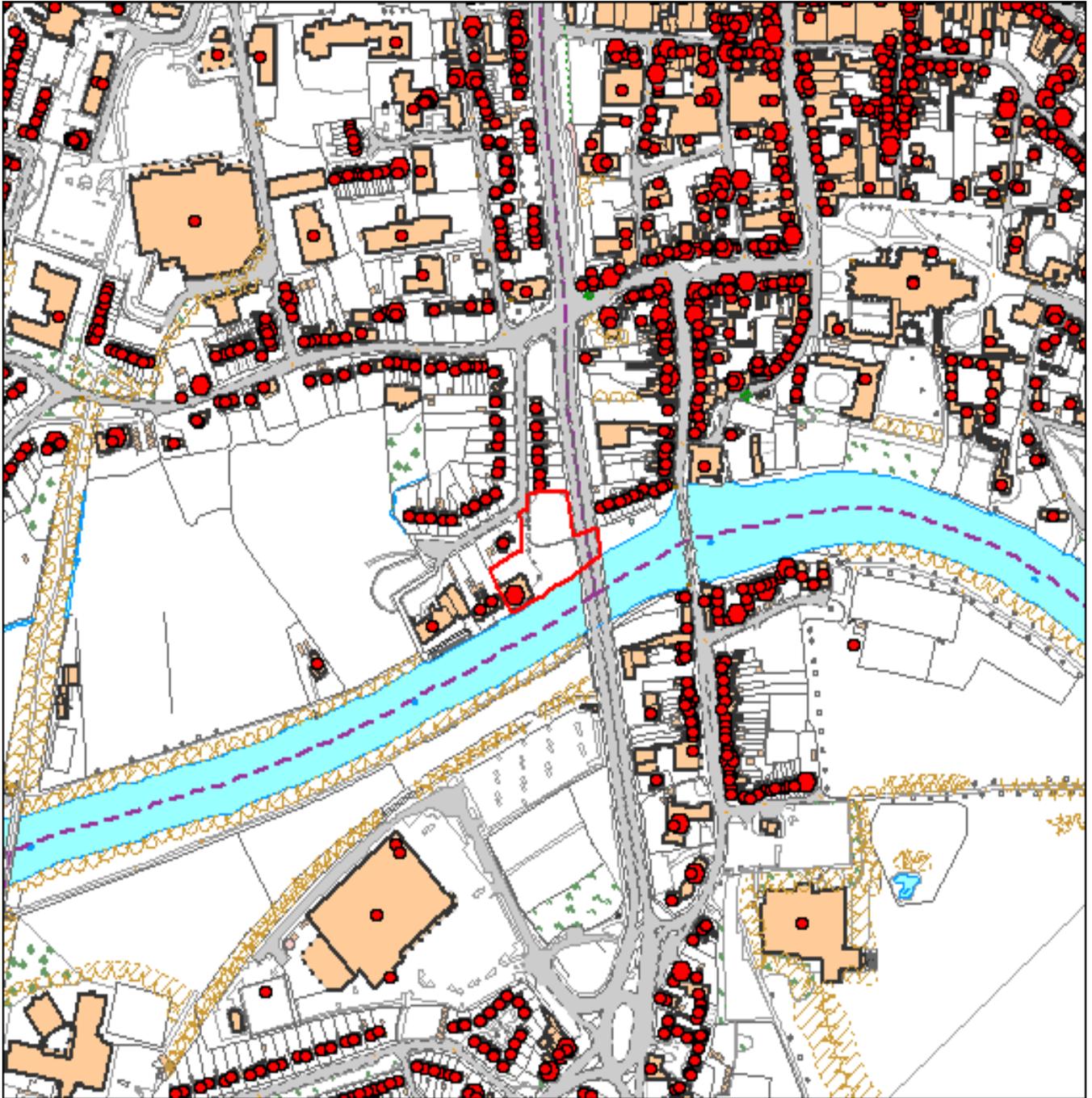
Decision:

Notes:

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Internal departmental consultation replies.

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



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APPLICATION NOS: DMS/110919/F & DMS/110920/C

SITE ADDRESS : CAMPIONS RESTAURANT, GREYFRIARS AVENUE, HEREFORD, HR4 0BE

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MEETING:	PLANNING COMMITTEE
DATE:	14 DECEMBER 2011
TITLE OF REPORT:	<p>DMS/111711/F- SITING OF TEMPORARY LIVING ACCOMMODATION FOR AGRICULTURAL WORKER AT LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS.</p> <p>For: Mr I Joseph per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL.</p>

Date Received: 27 June 2011 Ward: Burghill, Holmer and Lyde Grid Ref: 352885,243720

Expiry Date: 12 September 2011

Local Member: Councillor SJ Robertson

1. Site Description and Proposal

- 1.1 The application site lies on the west side of the C1125 road, to the north of Shelwick Green. The site is defined as the area for the temporary accommodation and a curtilage with it, measuring approx 26m x 18m. The accommodation consisting of 3 bedrooms, bathroom, kitchen/lounge and office, approx 14m x 7.5m with a ridge height of 6m. Adjacent to the site lies approx 6.75 acres of land within which are some ponds, a modest sized agricultural building, a series of lean-to sheds, an old static caravan and other assorted elements.
- 1.2 The temporary accommodation is proposed in connection with a duck rearing business.

2. Policies

2.1 Government Guidance

- PPS7 - Sustainable Development in Rural Areas
 PPS4 - Planning for Sustainable Economic Growth

2.2 Herefordshire Unitary Development Plan

- H7 - Housing in the Countryside outside Settlements
 H8 - Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses
 E11 - Employment in the smaller settlements and open countryside

3. Planning History

- | | | | | |
|-----|-----------------|--|---|----------------------|
| 3.1 | 05/0020/ZZ | Enforcement Notice removal of caravans and subsequent appeal | - | Appeal dismissed |
| | DCCW2004/3928/F | Retrospective application for the erection of a barn | - | Approved
29.12.04 |

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

4. Consultation Summary

Statutory Consultations

- 4.1 Network Rail- no objection in principle, but set out regulations for safe operation on the railway and protection of adjoining Network Rail land.

Internal Council Advice

- 4.2 County Land Agent:

The essential feature of the land is the existence of the ponds in the northern half and that the north-east boundary in this half is bordered by a stream, a tributary of the river Lugg. The land does not include the stream.

There is a main pond just north of the central track which is approximately 18 ft. deep; the other ponds are neither so deep nor so large.

The enterprise at present is hatching ducklings for sale as ducklings – primarily for game dealers, but also for a small number of shoots.

The incubators have double the capacity required, even when expansion has taken place, to allow for any breakdowns.

After hatching, the ducklings are moved to the mobile home for 8 days to begin to harden off, then moved to an outside pen partially covered with canvas for another 8 days, and then moved on again.

The ducklings are then delivered to the dealers at 6 weeks' old. This process carries on until October, the last eggs being left with the ducks to hatch naturally.

The drakes tend to be visitors who fly in and cover the ducks so that in/line breeding is unlikely, and a broad gene base is kept.

The present system sells approximately 12,000 ducklings a year, which it is proposed to increase to 18,000. The fertility of the eggs is 75-80% on average.

The future proposals also include buying in turkeys and geese at a day old, and taking them on for sale at 20 weeks' old.

There is no mention in the report on the prevention/control of disease. Ducks are notoriously messy, and geese even more so. There will inevitably be a build-up of muck in the pens over the years and whilst at present this is dealt with by strawing the pens as necessary, it does not clean them.

Again, it is understood that the Environment Agency are happy currently with the water quality leaving the site but will they be in 3 years' time, with half as many again – ducks plus geese and to a much lesser extent turkeys? In my opinion, a letter from the EA and a specialist waterfowl vet or recognised expert giving their opinion in the long terms is essential.

In summary, necessary for someone to live on site, long-term dependant on a number of factors.

- 4.3 Landscape Officer: need for landscape scheme, but no significant negative impact on landscape.
- 4.4 Transportation Manager- no objection, hedge to be trimmed to maintain visibility .

5. Representations

- 5.1 Holmer and Shelwick PC: object on grounds that ducks are for game not agriculture. Uphold previous decision of Inspector who dismissed appeal for caravan. Occupant residing in dwelling contrary to previous planning decision.
- 5.2 Pipe and Lyde PC has submitted individual comments from members largely concerned with what might come next.
- 5.3 The agent has submitted an appraisal of the development, together with a design and access statement and covering letter. The essentials of the business are covered in the report from the County Land Agent above.
- 5.4 The full text of these submissions 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 Annex A of PPS7 sets out the test for in para 12 for temporary agricultural dwellings.
- i) evidence of intention and ability
 - ii) functional need
 - iii) evidence of sound financial planning
 - iv) availability of dwellings nearby
 - v) other planning requirements.
- 6.2 It is considered that there is a functional need to live on site, and that this cannot be met by an existing dwelling nearby. On the basis of the information provided there appears to be a reasonable prospect of future viability. The County Land Agent concludes that a residential presence on site is required. The questions relating to future pollution issues are a matter for that time and are currently monitored by the environment agency. The following paragraphs consider the remaining planning requirements.
- 6.3 Although once on site the holding is very untidy, from the main road it is well screened by a mature hedge and steel gates. Nevertheless improvements are sought through the submission of further landscaping details, to include protection of important trees.
- 6.4 The highway engineer is satisfied that trimming the hedge will be sufficient to ensure highway safety is observed. It is considered that the proposal complies with policies H8 and H7 of the saved policies of the Unitary Development Plan.
- 6.5 Concern has been expressed about the future development of the site. The County Land Agent considers that any application in future for a permanent dwelling on site will have to be accompanied by evidence of a business profit of around £20k. Whilst there is a history of refusals for a similar use on site, those decisions were made on the basis of the situation at that particular time and that particular business plan.
- 6.6 It is considered that the proposal meets the requirements of Annex A of PPS7 and complies with policies H8 and E11 of the Unitary Development Plan. Consequently the proposal is considered to be acceptable.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. F18 Temporary permission
- 2. F27 Agricultural occupancy
- 3. F22 Temporary permission & reinstatement of land (mobile home/caravan
- 4. H03 Visibility splays
- 5. G02 Retention of trees and hedgerows
- 6. G10 Landscaping scheme
- 7. G11 Landscaping scheme - implementation

INFORMATIVES:

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

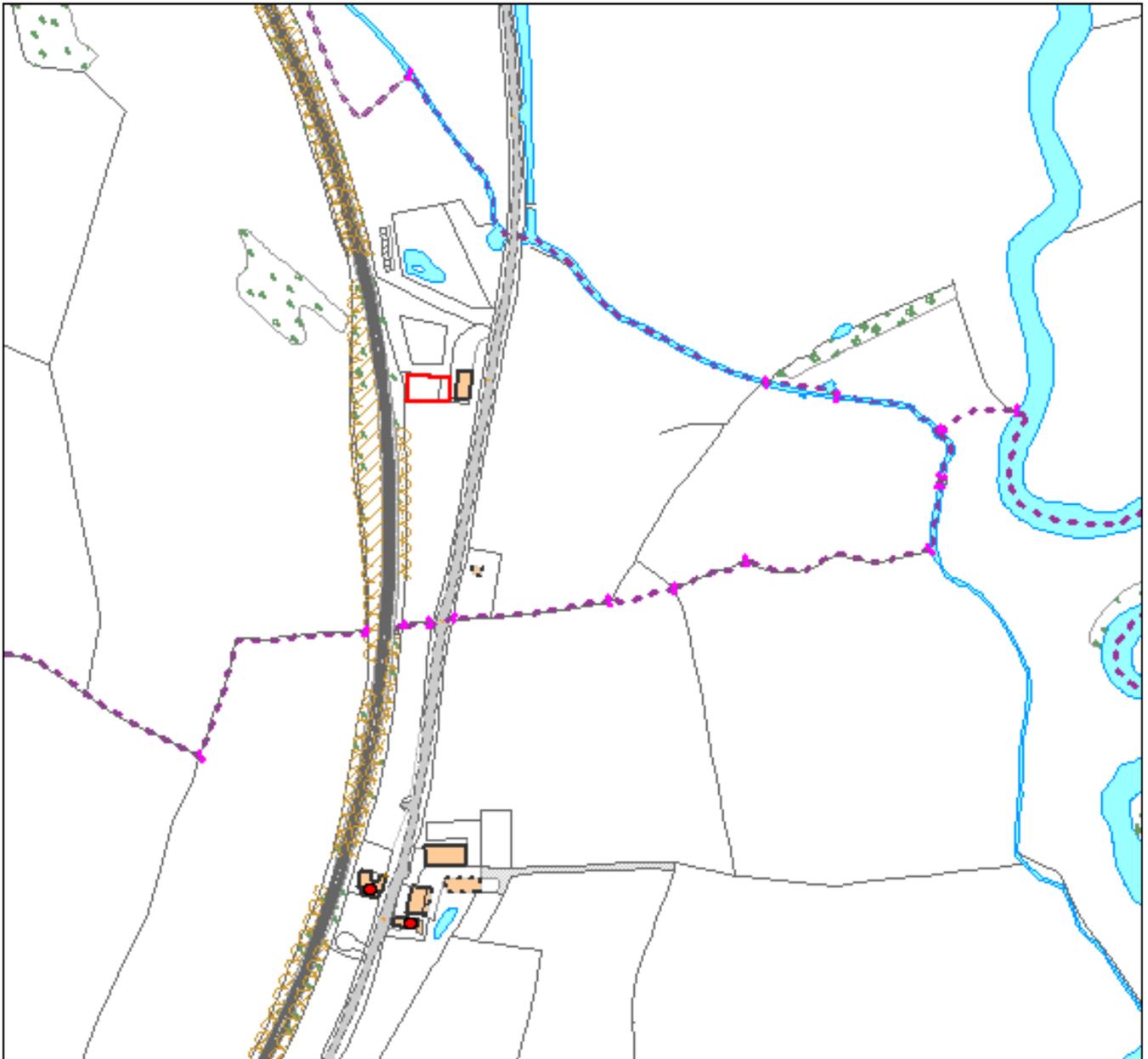
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/111711/F

SITE ADDRESS : LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS

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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:	14 DECEMBER 2011
TITLE OF REPORT:	<p>DMS/112395/CD- CONSTRUCTION OF A FLOOD ATTENUATION SCHEME COMPRISING A SOAKAWAY POND AND ASSOCIATED LOWERED SCRAPE AREA, 3 NO. BALANCING PONDS AND SHALLOW SWALES AT NORTH MAGAZINE SITE, ROTHERWAS INDUSTRIAL ESTATE, HEREFORD.</p> <p>For: Herefordshire Council per Amey OW Ltd, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT.</p>

Date Received: 26 August 2011 **Ward: Hollington** **Grid Ref: 352968,238410**
Expiry Date: 27 December 2011
Local Member: Councillor P Sinclair-Knipe

1. Site Description and Proposal

The application site

- 1.1 The proposal site is within Rotherwas industrial estate, approximately 2km from the city centre by road, located on the south side of the River Wye opposite Hampton Park. It affects approximately 14 hectares of land accessed from the new spur at Vincent Carey Road, north of the Straight Mile, which crosses over the top end of Fir Tree Lane.

Background

- 1.2 Rotherwas is Hereford's key industrial area. The area was originally a prosperous medieval manor, first established by the De la Barre family and later occupied by the Bodenhams. Eventually the estate fell into decline and the former Herefordshire County Council acquired 195 acres (81.25 ha) in 1907. During WW1 Lloyd-George's coalition government wished to address a shortfall in the supply of high explosives. The measures undertaken included the Munitions of War Act 1915 which provided for the building of National Factories, of which Rotherwas was one. The factory was producing high explosive shells for the Allied front. The old manor house was finally demolished in 1926; the listed medieval chapel and some outbuildings survive. The munitions factory finally closed in 1967, by which time the current road layout had been set out. Business premises were established along the Straight Mile, and also clustered to the east of Chapel Road. This includes the former Council depot now occupied by Amey, several waste and recycling enterprises, sewage treatment works, and a municipal household waste 'bring site'.
- 1.3 The munitions area known as the 'North Magazine' was virtually abandoned and became overgrown, but until recently the old factory bunkers, blast walls, buildings and the remains of the old railway line, remained intact. A 1916 building known as the Picric Acid Store, used in

Further information on the subject of this report is available from Debby Klein on 01432 260136

shell manufacture, has recently been Listed, but few other buildings from that era now survive. Some business interest continued to subsist, including a licensed fireworks storage facility in some of the magazines and bunkers.

- 1.4 Members will be aware that Herefordshire Council has embarked on a significant regeneration project for Rotherwas. This includes industrial expansion onto the North Magazine and a cycle route through to the city centre ('Connect2'), following a former railway line. The Rotherwas access road was completed in 2008 to enable HGV traffic to access the A49 (south) without negotiating the city, and providing a flood-free route into and out from the industrial estate.
- 1.5 Following a successful bid for Enterprise Zone status, government funding will enable business expansion and inward investment. However, much of the industrial area is still subject to flooding during extreme weather events. Some piecemeal protection has taken place at various premises but flooding remains a problem which can cause damage, danger and disruption, and is a constraint to economic growth.

The proposal

- 1.6 To offer a long-term solution, the proposal under consideration is for a flood attenuation area to be achieved by lowering approximately 5 hectares of farmland in separate ownership (referred to as 'the scrape') by about 1 metre, into which flood water would be directed during extreme weather events. Just over 0.7 hectares would be used to provide a permanent deep soakaway pond to take excess surface water. Between the northern boundary of the identified site and the bank of the River Wye there would remain a strip of unaffected farmland 170 metres wide. To the east and south-east of the North Magazine a series of other interconnected ponds and swales would provide further flood capacity and surface drainage.
- 1.7 The area to be lowered is, and will continue to be, arable farmland in private ownership. The excavated material would be used to raise the level of the adjoining North Magazine out of the flood plain, enabling its use for new businesses. An internal haul road would be constructed to move the excavated material from the 'donor' site to the 'receptor' site without using the public highway.
- 1.8 The relevant capacity of the proposal is given in the application, as follows:
 - Deep soakaway pond - 40,254 cubic metres
 - Lowered compensation area (scrape) - 16,540 cubic metres
 - 3 no. balancing ponds - 14,400 cubic metres
 - Swales and ditches etc - 4,150 cubic metres
 - Total of 80,684 cubic metres flood capacity
 - Area to be raised above flood levels - approximately 8 hectares

2. Policies

2.1 National Guidance

PPS1	-	Delivering Sustainable Development
PPS4	-	Planning for Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPS23	-	Planning and Pollution Control
PPS25	-	Development and Flood Risk
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S9	-	Minerals
S10	-	Waste
DR2	-	Land Use and Activity
DR4	-	Environment
DR7	-	Flood Risk
DR10	-	Contaminated Land
DR11	-	Soil Quality
E1	-	Rotherwas Industrial Estate
T6	-	Walking
T7	-	Cycling
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC3	-	Sites of National Importance
NC4	-	Site of Local Importance
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Managements of Features of the Landscape Important for Fauna and Flora
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH6	-	Recording of Archaeological Remains
M2	-	Borrow Pits
M5	-	Safeguarding Mineral Reserves

2.3 Other Guidance – Supplementary Planning Documents

Archaeology and Development Supplementary Planning Document (November 2009)
Biodiversity Strategy 2007-2010 (Draft)
Green Infrastructure Strategy (February 2010)

2.4 Other legislation

Conservation of Habitats and Species Regulations 2010 [‘the Habitats Regulations’]
The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 [‘the EIA Regulations’]

DETR Circular 02/99
Natural Environments and Rural Communities Act 2006 [‘the NERC Act’]

3. **Relevant Planning History**

- 3.1 DMS/111601/F Construction of shared footway/cycleway from -
Outfall Works Road to Holme Lacy Road
including a new bridge over the River Wye

Further information on the subject of this report is available from Debby Klein on 01432 260136

DMS/103130/CD	Temporary road and hardstanding within North Magazine area	-	Approved 25.01.2011
DMC/083011/CD	Demolition of existing ammunition bunkers, change of use of land for mixed B1, B2 and B8 employments uses (phase 1 & 2 Rotherwas Futures)	-	Approved 18.11.2010
DCCE0009/1478/CD	Note: affected land to the south of the current site New highway, cycleway, drainage etc off Vincent Carey Road to serve future employment land (phase 3 Rotherwas Futures)	-	Approved 11.11.2009
DCCE0009/1717/CD	New highway and infrastructure	-	Approved 27.10.2009

Various other permissions exist, dating from 1993 to 2007 for a variety of development at industrial sites in the area

4. Consultation Summary

Statutory Consultees

- 4.1 Environment Agency: No objection; we are satisfied with the flood risk assessment submitted and the solutions proposed to enable the future phases of Rotherwas industrial development to be constructed. Conditions recommended to secure the flood attenuation scheme's completion before further development takes place. We await the outcome of further discussion regarding flood modelling but this is unlikely to alter our position since it relates to maintenance of the attenuation system and freeboard for future phases at Rotherwas. The submitted Ground Investigation Report, which expands on previous work, shows no significant elevated levels of contamination within soils. We conclude a low risk to groundwater. Conditions recommended to secure commitment to precautionary measures.
- 4.2 Natural England: No objection. Referral to Standing Advice. Advice also given regarding the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 ('the Habitats Regulations') for an Appropriate Assessment of the implications for the site in view of its conservation objectives. The Council's conclusion of No Likely Significant Effects on the River Wye Special Area of Conservation (SAC) is accepted (see below). Clarification is needed as to European Protected Species however.

Internal Council Advice

- 4.3 Traffic Manager: No objection
- 4.4 Environmental Health Manager: The known former uses of the site suggest some potential for unexpected contamination to be discovered. A full site investigation would be disproportionate, but caution is advised and it would be appropriate to require a contingency plan via a planning condition.
- 4.5 Public Rights of Way Officer: No objection
- 4.6 Planning Policy Manager: Support in principle; the proposal meets the Green Infrastructure Strategy; recommendations for further enhancements for green-space.

Conservation Manager

- 4.7 Ecology and Landscape Section: Herefordshire Council, as competent authority, is satisfied there would be no likely significant effects on the River Wye SAC. The proposal meets the aspirations of the Green Infrastructure Strategy and the development is supported in principle. Concerns that required tree protection has not been implemented and retained trees may die.

Further information on the subject of this report is available from Debby Klein on 01432 260136

We agree with the recommendations for enhancing green-space and securing additional tree planting as compensation. Recommendations in the submitted Environmental Statement should be secured through planning conditions.

- 4.8 Archaeological Adviser: There is some archaeological potential across the site taking account of the variable nature of the proposal. However the risk of harm to archaeological remains is low, and is capable of mitigation. Standard condition recommended (E01)
- 4.9 Historic Buildings Officer: No further comments or objections regarding the listed building - these are adequately covered by the Archaeological Adviser.

5. Representations

- 5.1 Dinedor Parish Council: Support
- 5.2 Lower Bullingham Parish Council: Support
- 5.3 Sixteen identical letters were received from residents at Litley Court, which is located along Hampton Park Road on the opposite bank of the River Wye. The concerns refer to visual impact and potential noise pollution, including existing noise from premises in the industrial areas.
- 5.4 Mr R Izon, Secretary of Litley Court House Management Company Ltd has expressed similar concerns, adding regret over the removal of mature trees which previously provided visual and noise screening. Mr K Ashley, 36 Hampton Park Road has commented on the marked changes in terms of his view over an area of what used to be farmland and the loss of many trees. He does not object to the flood attenuation proposals provided adequate tree planting and noise mitigation are put in place. Mr J Rees of 8 Grange Gardens also comments on his disappointment over an apparent lack of commitment to preserving mature trees.
- 5.5 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 principles behind this application lie in the need to protect future and existing properties and highways from long-term flood damage and disruption. If Hereford is to attract new jobs and inward investment these matters need to be addressed.
- 6.2 The proposal also needs to be regarded in the wider context of area regeneration, the provision of a cycleway to the city centre, and the proximity of the River Wye, its Conservation status and biodiversity interest - albeit within an established industrial area.
- 6.3 Primarily due to the proximity of the River Wye SSSI/SAC, the nature of the works, and the size of the application site, the proposal falls within Environmental Impact Assessment (EIA) requirements. A formal Screening Opinion was issued on 2 August 2010, and a Scoping Opinion as to the required content of the Environmental Statement on 22 February 2011. The application has been publicised in accordance with the EIA Regulations 2011 now in force.
- 6.4 The proposal is to move a volume of soil within the overall site. The key considerations are:
- Tree and amenity loss
 - Biodiversity and landscaping
 - HRA Screening
 - Flood issues
 - Heritage

- Contaminated land investigations
- Minerals

Tree and amenity loss

- 6.5 The representations received are all from residents living in Hampton Park Conservation Area on the opposite bank of the River Wye, having views across to Rotherwas which were dominated by tree cover until recent clearance. Residents' concerns reflect this in part, but do not directly relate to the proposal now under consideration, which is solely for flood alleviation works. Matters of noise and visual impact from the development itself are not implicated and none of the letters objects to the flood attenuation proposed.
- 6.6 The donor site (the Scrape) to be lowered for flood attenuation is open arable farmland; it would continue as such and so would not change in terms of use, appearance, profile or principle, apart from the attenuation pond. The receptor site is already being cleared and prepared for new businesses. Actual development of the site would be outside the scope of this application. Amenity concerns relating to industrial premises would need to be considered as part of any subsequent proposals. Correspondence with the two management companies at Litley Court has clarified this position. However the concerns about tree loss and screening are taken on board and are considered below.

Biodiversity and landscaping

- 6.7 Clearance of the North Magazine has reduced tree cover across the area, as noted by local residents. However a 20m buffer strip is to be left intact on the north side, between the redevelopment area, the farmland and the River Wye. The Scrape does not now have any mature trees on it apart from one, identified as to be retained along with a stretch of existing hedgerow near the soakaway pond. The developers are committed to significant new tree planting, but this will take time to mature. Suitable existing mature trees have been identified within the magazine area for retention. However there is a risk of failure of these trees, due to adverse effects from the proposed ground-raising. Future occupants may also find these trees could obstruct or constrain their development plans.
- 6.8 The Senior Ecologist has commented that the required Tree Protection Measures have not been adequately implemented and the retained trees are already deteriorating. Discussions with the applicants have resulted in agreement to compensate through additional tree planting to (a) mitigate the likely losses noted above, (b) enhance screening for residents across the river and (c) further mitigate the inevitable loss of habitats for wildlife within the site. Conditions to secure this are recommended. Policies LA2, LA3, LA5, LA6, NC1, NC6, NC7, NC8 and NC9 all support such requirements.
- 6.9 The River Wye is designated under European, national and local provisions (SAC SSSI and SINC/SWS). The presence of a well-vegetated wild area within the city and close to the river has concentrated wildlife seeking refuge there whilst other habitats are diminishing. Otters, bats, badgers, raptors, reptiles and other priority species have been recorded as present in this area. These are protected by law, presenting a challenge to the regeneration scheme.
- 6.10 The application proposes recommendations and an expressed intention to safeguard and enhance biodiversity where possible. This includes provision of bird and bat boxes, which is welcomed by the Senior Ecologist. However, officers have been seeking further commitment to these measures by the Council's contractors and future developers; for preference through recognition of the importance of biodiversity and green-space to well-being and health, now widely acknowledged as beneficial. Lack of such recognition generally, in previous development schemes at Rotherwas, has resulted in a harsh, hostile industrial environment which is testament to the importance of such considerations.

- 6.11 Genuine space for wildlife is needed, and a degree of balance to be struck between biodiversity and commercial interests. In the long-term, such measures would contribute to the success of the regeneration project and help to provide an attractive environment in which to live and work. Guidance in the adopted Green Infrastructure Strategy recognises these issues. Around the soakaway pond there is some potential to compensate for loss of habitat on the North Magazine. Recommended conditions relating to further tree planting and habitat provision take account of these considerations, supported by PPS9 and policies S7, LA2, LA3, LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8 and NC9.

HRA screening

- 6.12 Under Regulation 61 of the Conservation of Habitats and Species Regulation 2010 ('the Habitats Regulations'), the Council as Competent Authority is required to risk-assess projects and proposals in the context of the likelihood of significant adverse effects on a European Site (i.e. the River Wye SSSI/SAC in this case). This is also relevant to the EIA Regulations. The Council has considered the information provided in the Environmental Statement and other submitted documents. It has concluded that there is a low specific risk of significant adverse effects on the River Wye SSSI/SAC. Natural England has agreed with this finding. These legal obligations in terms of ensuring no significant adverse effects in this sensitive setting are useful in highlighting the need for commitment to lasting protection.

Flood issues

- 6.13 The area is close to the River Wye. Historically there were several lakes and pools on the manor land which would have provided flood storage and other water management facilities, but few of these now survive. Longstanding flood problems have hampered the full use of the land for re-development, and flooding has been exacerbated by the increase of hard surfaces.
- 6.14 In terms of the wider regeneration project it has long been recognised that flooding issues must be addressed if new industry and jobs are to be attracted and disruption avoided.
- 6.15 The submission offers the following explanation (Design, Access & Planning Statement para 1.1): *'It was agreed with the Environment Agency at an early stage that surface water management and flood mitigation should be dealt with at a strategic level for the whole estate rather than in a piecemeal fashion as the estate grew. An extensive assessment of flooding on the estate was completed in consultation with the Environment Agency (Drainage and Flood Management Strategy, September 2009).'*
- 6.17 This study includes sophisticated flood modelling over several years, to indicate how flood waters specifically affect the overall industrial area. This covers different scenarios including baseline modelling to compare with climate-change data for 100 year and 1000 year events. Submitted flood-modelling maps demonstrate how the proposal would help protect premises from flooding in all but the most extreme situations. The studies have been updated and used to inform the design of this proposal. The Environment Agency has accepted the modelling in principle and has not raised any objections to the proposals. The proposals meet policy DR7.

Heritage

- 6.18 Rotherwas is an area of recognised archaeological interest and sensitivity stretching from prehistory through medieval times to the modern era, including the recent discovery of the 'Rotherwas Ribbon' and surviving 20th century wartime structures. The listed Picric Acid Store lies within the application site but would be carefully avoided. The Archaeological Adviser takes the view that although the site's history is complex, the proposals as presented are unlikely to be harmful and impacts would be minor. A condition is recommended to secure suitable archaeological recording of the groundworks in accordance with policies ARCH1 and ARCH6 and the *Archaeology and Development Supplementary Planning Document November*

2009. Protection of the Picric Acid Store during the works should be incorporated into the scheme to be submitted.

Contaminated land issues

- 6.19 The submitted Geotechnical Investigation Report (Geotechnics Project No PC104409, November 2010) has been scrutinised by the Environment Agency and the Environmental Services Manager. The Environment Agency has accepted the report's findings which have shown no significant levels of contamination within the soils, and concludes a low risk to groundwater. The Environmental Services Manager has advised caution in the light of former military activities on the site, and the use of specialist consultants in the event of any unexpected contamination being discovered. The proposal is regarded as being capable of meeting the requirements of policies S2, DR4, DR7 and DR10 of the Herefordshire Unitary Development Plan. A condition to take account of the possibility of unexpected contamination being discovered is recommended.

Minerals - Borrow pit

- 6.20 The site partially comprises river gravels and useful material has been identified whilst test-pitting the area of the deep soakaway pond. The principle of Borrow Pits applies where large-scale engineering projects need to develop off-site extraction. Raising the Phase 3 redevelopment area above flood levels fulfils that need, using the 'Scrape' and soakaway pond as the source. Policy M2 supports the sustainable use of excavated material and minerals where 'significant environmental benefits' are identified, where the donor and receptor sites are in close proximity, and where restoration to a beneficial after-use can be demonstrated (e.g. agriculture). In this case, all three criteria would be met in terms of the flood attenuation measures, the locations of the two site areas, and the future uses of both. Officers believe policy M2 therefore supports the proposal.
- 6.21 There are no other considerations of concern. There would be no traffic or highways implications or effects on the public right of way adjoining the site.

Conclusion

- 6.22 The principle of this application is simple - move soil from area A to area B to direct flooding into the former and raise the level of the latter. However the site's history, flood record, and context are complicated. As a former military explosives site that was abandoned to nature there are potentially conflicting issues to be addressed. The significant opportunities (and now government funding) to return this land to beneficial economic use are recognised. The designation of the River Wye as internationally and nationally important brings a raft of legal and ecological responsibilities. Officers have been working with the developers to find ways for these interests to co-exist successfully and sustainably for future generations.
- 6.23 Due to the size and location of the site, the application has been considered under the terms of the EIA Regulations and the Habitats Regulations. Both statutes focus on assessment of the 'likelihood of significant adverse effects'. If implemented as proposed, in conjunction with a real commitment to additional measures as outlined above, then that likelihood is considered by officers and statutory consultees to be low.
- 6.24 Accordingly the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**

Further information on the subject of this report is available from Debby Klein on 01432 260136

2. **B01 Development in accordance with the approved plans**
3. **Before the development begins a Management Plan for the flood storage area, swales, balancing ponds and associated structures shall be submitted in writing for the approval of the local planning authority. The Management Plan shall include:**
 - a) **A clear indication as to who is to be responsible for all structures and infrastructure for the lifetime of the development**
 - b) **Details of soil handling methodology during construction and after completion, and**
 - c) **Timescales for long-term monitoring and management of the Plan.**

The Management Plan shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency or successor authority/ies.

Reason: To ensure adequate management of surface water run-off and ensure compliance with policies S1, S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.

4. **Before the development begins, an additional Tree Protection, Planting and Management Plan shall be submitted to and approved in writing by the local planning authority. The scheme shall include in particular:**
 - a) **The appointment of a suitably qualified and experienced arboriculturalist to advise on the condition of all the trees previously identified as to be retained and provide recommendations for their immediate and long-term protection and management;**
 - b) **A Working Method Statement for implementation of the scheme including timescales and provision for toolbox talks and review;**
 - c) **Adequate protection measures for all trees and hedges on both the donor and receptor sites which are, or have previously been, identified for retention, in accordance with BS 5837:2005 Trees in Relation to Construction**
 - d) **Measures for ensuring that any mature trees identified at any time as needing to be felled are first checked for the presence of bats and/or nesting birds and appropriate protection undertaken (including any licensing required) in consultation with the Council's**
 - e) **Conservation Officers and/or Natural England;**
 - f) **Specific proposals for significant additional tree, shrub and hedge planting along the northern site edge and within the wider site, for example near the soakaway pond;**
 - g) **Details of the proposed species, sizes and positions or density for all planting;**
 - h) **Timescales for planting, within the next available season or phased if necessary;**
 - i) **That the trees shall be maintained for a period of 5 years from the planting date. During this time, any trees that are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives its written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.**

The Tree Management Plan shall be retained by the applicant as a working written document and implemented as approved and/or reviewed or updated, unless otherwise agreed in writing in advance by the local planning authority.

Reason: To maintain visual amenity of the area, to enhance wildlife habitats and biodiversity, and to comply with PPS9, the NERC Act and policies LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8, and NC9 of the Herefordshire Unitary Development Plan, having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 .

5. Before the development begins, an additional Ecological Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include:

- a) Commitment to the recommendations set out in the submitted Environmental Statement dated 24 August 2011 in relation to the identified protected and/or priority habitats and species;**
- b) A plan showing specifically identified and described new habitats to be created for birds, invertebrates, small mammals, reptiles and amphibians, targeting species identified in the Biodiversity Action Plan;**
- c) Clear prescriptions for soil-handling during the construction phase within areas identified for biodiversity enhancement, e.g. around the deep soakaway pond. These should be useable by on-site operatives, and include measures to retain the existing wild plant seedbank.**
- d) A Working Method Statement for implementation of the scheme including timescales and provision for toolbox talks and review;**
- e) The appointment of a named, appropriately qualified and experienced Ecological Clerk of Works to oversee the implementation and long-term management of the scheme;**
- f) Proposals for appropriate wildflower seeding areas, identified on a plan and including detailed species lists;**
- g) An allowance of identified 'wild' areas and corridors to enable wildlife to traverse safely through the site in conjunction with the river bank and measures to secure additional green-space within the wider side;**
- h) A long-term Management Plan which specifies minimal intervention within the wild areas, precludes the use of chemicals, allows for hedges and trees to grow high, and enables wild flowers and plants to set seed and fruit to the benefit of biodiversity.**

The Ecological Scheme shall be retained by the applicant as a working written document and implemented as approved and or reviewed or updated unless otherwise agreed in writing in advance by the local planning authority.

Reason: To safeguard the setting of Hampton Park Conservation Area, to compensate for the loss of trees and impromptu habitats that had grown up on the site, to demonstrate a lasting commitment to enhancing biodiversity, to protect the biodiversity interest of the River Wye SSSI/SAC and to meet the requirements of PPS9, The NERC Act and policies LA3, LA5, LA6, NC1, NC3, NC4, NC6, NC7, NC8, and NC9 of the Herefordshire Unitary Development Plan, having regard to the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

6. No changes shall take place or alterations undertaken to the design of the surface water and/or flood attenuation infrastructure hereby approved, either prior to construction or following completion of the scheme, without the prior written agreement of the local planning authority or an appropriate further planning permission (whichever may be deemed necessary).

Reason: For the avoidance of doubt, to ensure that the Rotherwas Flood Attenuation Scheme operates as intended, and to comply with policies S2, DR2 and DR7 of the Herefordshire Unitary Development Plan.

7. **Phases 1 and 3 of the Rotherwas Scheme and the Chapel Road site shall not be commenced until the flood attenuation measures hereby permitted have been implemented as approved.**

Reason: To ensure the Rotherwas redevelopment project does not increase flood risk elsewhere and to secure timely implementation of the surface water attenuation measures hereby approved in accordance with policies S1, S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.

8. **If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written Method Statement to be approved in writing by the local planning authority. The Method Statement shall include details about how the unsuspected contamination shall be dealt with. Thereafter the development of the site shall be carried out in accordance with the approved Method Statement.**

Reason: To ensure appropriate investigation and remediation of any contamination, to protect controlled waters, to prevent pollution and to comply with policies S1, S2, DR1, DR4 and DR10 of the Herefordshire Unitary Development Plan.

9. **E01 Site investigation - archaeology**

10. **Unless otherwise agreed in writing in advance by the local planning authority, there shall be no minerals, excavated material or any wastes brought into or taken out from the overall application site.**

Reason: To ensure a satisfactory form of development, safeguard mineral resources, minimise waste volumes and movement, prevent pollution, and to comply with the requirements of policies S1, S2, S9, S10, DR4, DR11 and M2 of the Herefordshire Unitary Development Plan.

11. **Unless otherwise agreed in writing in advance by the local planning authority no stockpiles of any excavated material shall exceed 4 metres in height, measured from the existing ground level. Within six months of completion of the development hereby permitted, all such stockpiles shall be removed or remodelled in accordance with a landscaping scheme that has first been submitted to and approved in writing by the local planning authority.**

Reason: In the interests of safety and stability, to safeguard visual amenity, and to ensure a timely and acceptable final landscape profile, in compliance with policies S2, DR1, LA6

12. **G09 Details of Boundary treatments**

13. **I43 No burning of material/substances**

INFORMATIVES:

1. **Any works within 7 metres of the top of bank of the River Wye require the Consent of the Environment Agency. Any temporary stockpiling of materials or raising of ground levels within the flood plain also requires Flood Defence Consent.**
2. **Due to the site's former uses, there is a possibility of unforeseen contamination at the site. In the event of unexpected contamination being discovered, the applicant**

Further information on the subject of this report is available from Debby Klein on 01432 260136

is advised to seek specialist professional advice in such circumstances. This should be reflected in the required Method Statement outlined above.

3. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. All waste volumes should be minimised and excavated materials should be kept within the site for re-use/recycling.
4. Developers should incorporate pollution prevention measures to protect ground and surface waters. Guidance is available from the Environment Agency at www.environment-agency.gov.uk/business.
5. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
6. N15 Reason(s) for the Grant of Planning Permission

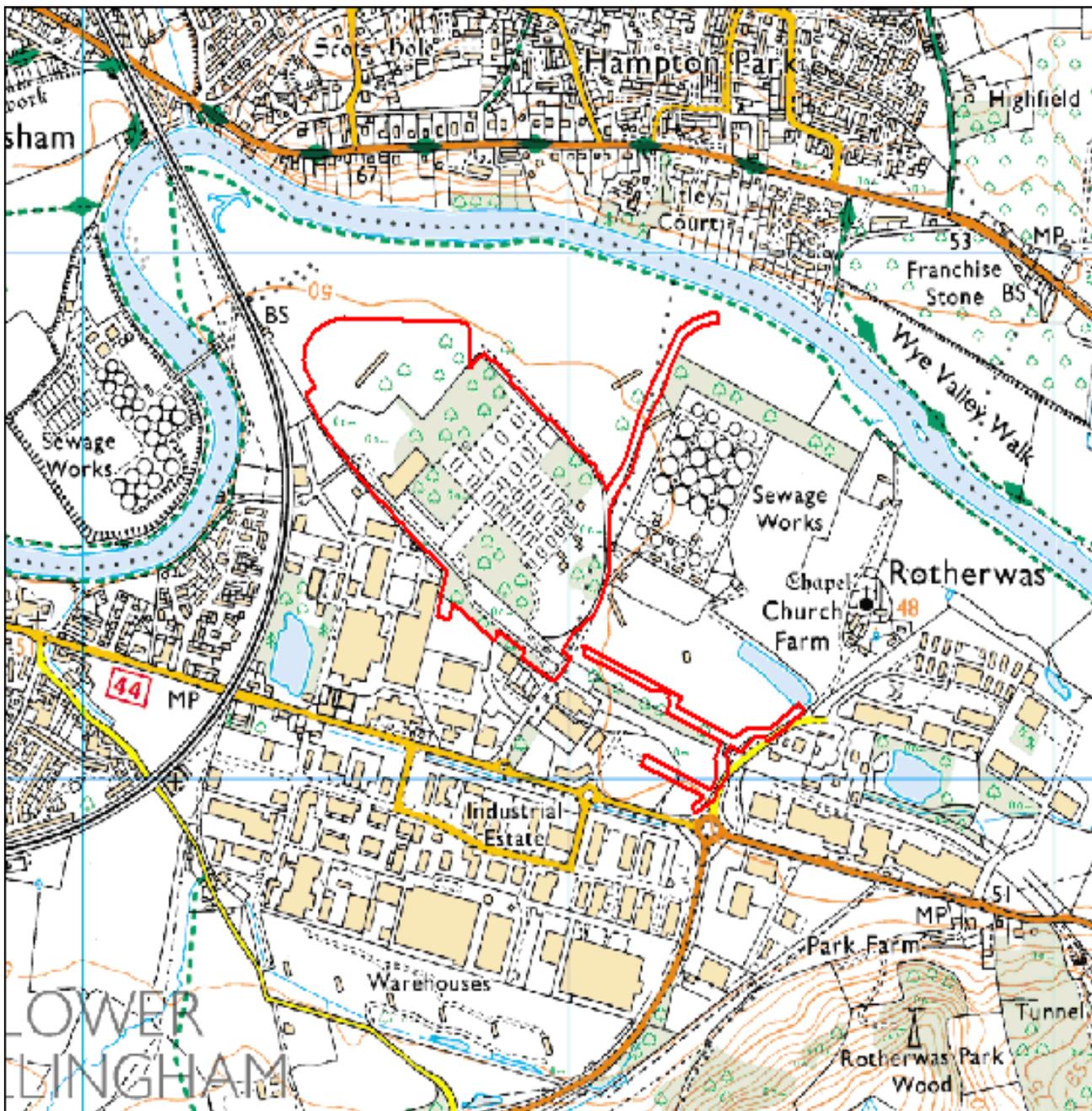
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112395/CD

SITE ADDRESS : NORTH MAGAZINE SITE, ROTHERWAS INDUSTRIAL ESTATE, HEREFORD

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Further information on the subject of this report is available from Debby Klein on 01432 260136



MEETING:	PLANNING COMMITTEE
DATE:	14 DECEMBER 2011
TITLE OF REPORT:	<p>DMS/112954/F- CONSTRUCTION OF POULTRY MANAGER'S DWELLING ON LAND AT UPPER HOUSE FARM, MORETON ON LUGG, HEREFORD, HR4 8AH.</p> <p>For: Mr FSH Perkins, Upper House Farm Ltd, Moreton on Lugg, Hereford, HR4 8AH.</p>

Date Received: 20 October 2011 **Ward: Sutton Walls** **Grid Ref: 349611,245803**
Expiry Date: 15 December 2011
Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 Upper House Farm is located in open countryside off the west side of the A49(T), approximately 5 km north of Hereford, near Moreton-on-Lugg.
- 1.2 The proposal site is approximately 0.2 ha of existing agricultural land within Upper House Farm Ltd's landholding of around 43 hectares of mixed farming land comprising arable, orchard and poultry units. The proposal site is located to the west of existing poultry units and would be accessed through the main farm yard and a track alongside the poultry site.
- 1.3 The proposal is for a two-storey 3-bedroom agricultural dwelling with a single-storey integral farm office, to service the poultry enterprise. The gross residential footprint of the dwelling would be approximately 108 square metres. The single-storey office would add about 42 square metres.

2. Policies

2.1 National Guidance

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

2.2 Herefordshire Unitary Development Plan

Further information on the subject of this report is available from Debby Klein on 01432 260136

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H7	-	Housing in the Countryside outside Settlements
H8	-	Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
T8	-	Road Hierarchy
LA2	-	Landscape Character

3. Planning History

3.1	CW2004/3699/O	Outline permission for agricultural worker's dwelling.	-	Granted 06.04.2005
	CW2007/2438/RM	Reserved Matters on above.	-	Approved 29.08.2007
	DMS/102345/F	Replacements and extensions to poultry units.	-	Approved 24.11.2010.

4. Consultation Summary

Statutory Consultees

- 4.1 Highways Agency: We do not consider [the proposals] will lead to a detrimental impact upon the trunk road. Therefore we do not wish to offer any objection to the application.
- 4.2 Welsh Water: The applicant intends utilising a private treatment works and should contact the Environment Agency for information about regulation of this method of drainage disposal. If circumstances change and a connection to the public sewerage system is preferred we must be re-consulted.

Internal Council Advice

- 4.3 Traffic Manager: No objection
- 4.4 County Land Agent: The business has a sound financial base; it will be a modern efficient enterprise; the need for an additional specialist worker is definite; one person would not be able to run it on their own. The submitted confidential figures show the business to have been amply in profit and having sound future budgets. The financial test is passed.
- 4.5 Senior Landscape Officer: No comments received
- 4.6 Planning Obligations Manager: Agrees that the project is exempt from S106 obligations provided it would be commenced within one year.

5. Representations

- 5.1 Moreton-on-Lugg Parish Council: Supports this application.
- 5.2 Burghill Parish Council: No objection provided the agricultural dwelling condition is imposed.

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 case in support of an additional agricultural dwelling for a poultry manager at Upper House Farm was presented under outline planning application reference DCCW2004/3699/O, approved on 6 April 2005. Details of siting, design, external appearance, access and landscaping were reserved for future consideration. Reserved Matters were approved on 29 August 2007 under reference DCCW2007/2438/RM.

6.2 At the time, and until very recently, the poultry site comprised three units, established for more than 25 years, producing over 620,000 birds per year. The functional and financial tests to support an essential worker living on site were met and agreed under those circumstances in 2007. This new application explains that, soon after permission was granted, it became clear that construction of the additional dwelling in the approved location would compromise future expansion of the poultry enterprise in terms of available land and layout options. The applicant accepted the advice of the Council that a proposal to relocate the approved dwelling would require re-justification; this would best be achieved after finalising any expansion plans and, if approved, then making a fresh planning application.

6.3 Opportunities and feasibility studies for expansion were pursued by the applicant whilst the new dwelling was put on hold, although the site had been cleared and prepared. This resulted in planning permission being granted on 24 November 2010 under reference DMS/102345/F, to replace the three ageing units and add three more, as a major modernisation of the facility. The poultry development is now nearing completion and the new units stocked. The facility will increase production to between 1,875,000 and 2,000,000 birds per year under a standard 7/8-cycle per annum 'all-in-all-out' regime. The calculations and tests considered below are based on the poultry enterprise element of the farm, in terms of past and projected profitability.

6.4 The applicant has confirmed that the poultry enterprise is licensed/permitted by the Environment Agency; it is also regulated by the Assured Chicken Production (scheme) and contracted to Cargill Meats Europe. Cargill is committed to expanding the UK poultry market whilst reducing the percentage of imported meat. Under its contracts very strict standards are set for working practices, hygiene, bio-security and animal welfare.

Functional and financial tests

6.5 Annex A to PPS7 outlines the justification requirements for new houses in the countryside; in particular that proposals for permanent agricultural dwellings should demonstrate an existing need for a full-time worker on an in-profit unit already established for over three years, and where no alternatives are available.

6.6 A functional test must be met, such as the need to care for animals at short notice or deal with emergencies.

6.7 A financial test must also be met; to demonstrate profitability in at least one of the last three preceding years, and viability evidence to support the type of dwelling proposed.

6.8 The applicant has provided full details. These comprise:

- An explanation as to why the dwelling permitted in 2007 was not progressed at the time;
- Details of the justification presented at the time, which was accepted and the application approved;
- Background to the mixed farming enterprise and other current projects including orchard planting, arable cropping and poultry units

- Confidential financial accounts to demonstrate business viability year on year;
- An account of the daily and periodic duties and activities which are essential to the good management of the poultry enterprise, and are compulsory in terms of the contract to supply Cargill.

- 6.9 The County Land Agent has examined the application, including the confidential financial element of the submission. He has concluded that, in terms of the poultry enterprise element of the farm, the functional and financial tests outlined in PPS7 are fully met. He supports the proposal and states that an additional dwelling is essential to the proper management of the poultry units.
- 6.10 The submitted details demonstrate the need for an additional dwelling to service the poultry enterprise on its previously existing scale as well as for the new units now permitted and under construction. The financial details show the enterprise to be profitable and having viable future plans including investment in the new poultry units. The calculations to justify the need relate to the poultry enterprise separately from the rest of the farm activities. Officers accept the explanation as to why the new dwelling as approved was not progressed earlier and take the view that the requirements of PPS7 have been adequately met.

Criteria for 'need' relating to Policies H7 and H8

- 6.11 Policy H7 of the Herefordshire Unitary Development Plan does not permit housing in open countryside except under certain circumstances including agricultural need. Policy H8 sets four criteria for agricultural dwellings in addition to the PPS7 requirements to demonstrate a long-term genuine need within a financially viable existing business. In this case, there are no alternative existing buildings on the farm that could be utilised, and little scope for sourcing a house nearby that might be available or close enough to adequately service the responsibilities applicable to the expanded poultry site (criteria 1). The dwelling as proposed would be carefully sited so as to relate to the existing and new buildings (criteria 2). It would be of an appropriate scale and design for its setting (criteria 3) and would be broadly comparable to that previously approved as suitable accommodation for a poultry manager having the duties as described (criteria 4). Further points relating to house size and design are considered below. Officers accept the applicant's submission that the development would be necessary, and that existing site accommodation does not meet business requirements.
- 6.12 Officers are satisfied that the requirements for financial justification and the criteria for need as described above have been met, in compliance with policies H7 and H8. Conditions are proposed to ensure the dwelling is tied to agriculture and to finalise materials and details.

Design, size and visual impact

- 6.13 The proposal is for a 3-bedroom house with a reasonably-sized garden area suitable for a young family, with an attached single-storey farm office. The design would ensure a high quality aspect to the farm for future generations, and is compatible with the existing modern farmhouse. The new dwelling would be situated in the heart of the farm and the poultry unit area and would not be visible from close quarters in any direction. The applicant is in the process of undertaking extensive orchard planting on land surrounding the site, which would assist in further screening if deemed necessary. Approved landscaping related to the new poultry units would ensure the new dwelling would be accommodated in this setting. There would be no conflict with policy LA2
- 6.14 The agricultural dwelling approved but not built, under reference DCCW2004/3699/O and DCCW2007/2438/RM, was to have been a 2-bedroom house with a small attached farm office and a detached double garage. The overall total built footprint would have been approximately 130 square metres. This fresh proposal is for a three-bedroom house, and farm office with a wash-room accessible from outside, for hygiene and bio-security purposes. The total overall

proposed built footprint would be just over 150 square metres; a gross increase of around 20%. However, in terms of actual floor areas, there would be approximately a 40% increase in residential space compared to the previously permitted dwelling. The removal of the private double garage is noted however. The enlargement of the single-storey office by the addition of a washroom is considered acceptable. In the applicant's view a three bed-roomed house would not be disproportionate for a poultry manager employed for an enterprise of this scale, having regard to the responsibilities and expertise required. The County Land Agent has not raised any concerns about the size of the house, and officers accept the rationale in this instance. Policy H8 does not specify any particular size; it relies on PPS7 advice that '*Agricultural dwellings should be of a size commensurate with the established functional requirement*'. It is proposed to remove Permitted Development Rights, by a planning condition, to preclude ad-hoc extensions and ensure continuing compliance with PPS7 and policy H8. It is noted that this mechanism was not applied with regard to the previous Outline or Reserved Matters permissions.

Access

- 6.15 Upper House Farm has direct connection to the A49(T). The recently-constructed modern access road has good visibility which complies with Highways Agency specifications and has been over-engineered to take account of future uses. The Highways Agency has no concerns or objections with regard to the additional dwelling and the Traffic Manager likewise has no comments. There would be no conflict with policy T8.

Sewerage

- 6.16 The application states that the proposal would include installation of a package sewage treatment unit suitable for a 3-bedroom (5-person) capacity. This meets non-mains sewerage requirements set out by the Environment Agency in their Regulatory Position Statement 116, Version 1, August 2011. There are no concerns with regard to foul drainage on this basis.

Section 106

- 6.17 The application includes an explanatory letter which confirms an intention to complete the dwelling within one year of approval. At present this meets the S106 exemption requirements, to be secured by a planning condition.

Conclusion

- 6.18 The need for a poultry manager's dwelling was accepted in 2005. With the upgrading and enlarging of the poultry enterprise the need is considered to be increased, in order to meet modern management requirements. The house would be in keeping with the surroundings and appropriate for its purpose. The farm office is accepted as necessary. The application demonstrates key compliance, in particular with PPS7 and UDP policies H7 and H8, and as such is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission) ONE YEAR**
- 2. B01 Development in accordance with the approved plans**
- 3. F27 Agricultural occupancy**
- 4. F14 Removal of permitted development rights**

Further information on the subject of this report is available from Debby Klein on 01432 260136

- 5. The development hereby permitted shall not be commenced unless or until a Unilateral Undertaking has been completed to confirm the revocation of planning permissions reference DCCW2004/3699/O and DCCW2207/2438/RM.

Reason: To ensure that only one permission is implemented in the interests of a satisfactory form of development to comply with policies S2, DR2 and H8 of the Herefordshire Unitary Development Plan

- 6. C01 Samples of external materials
- 7. G09 Details of Boundary treatments

INFORMATIVE:

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

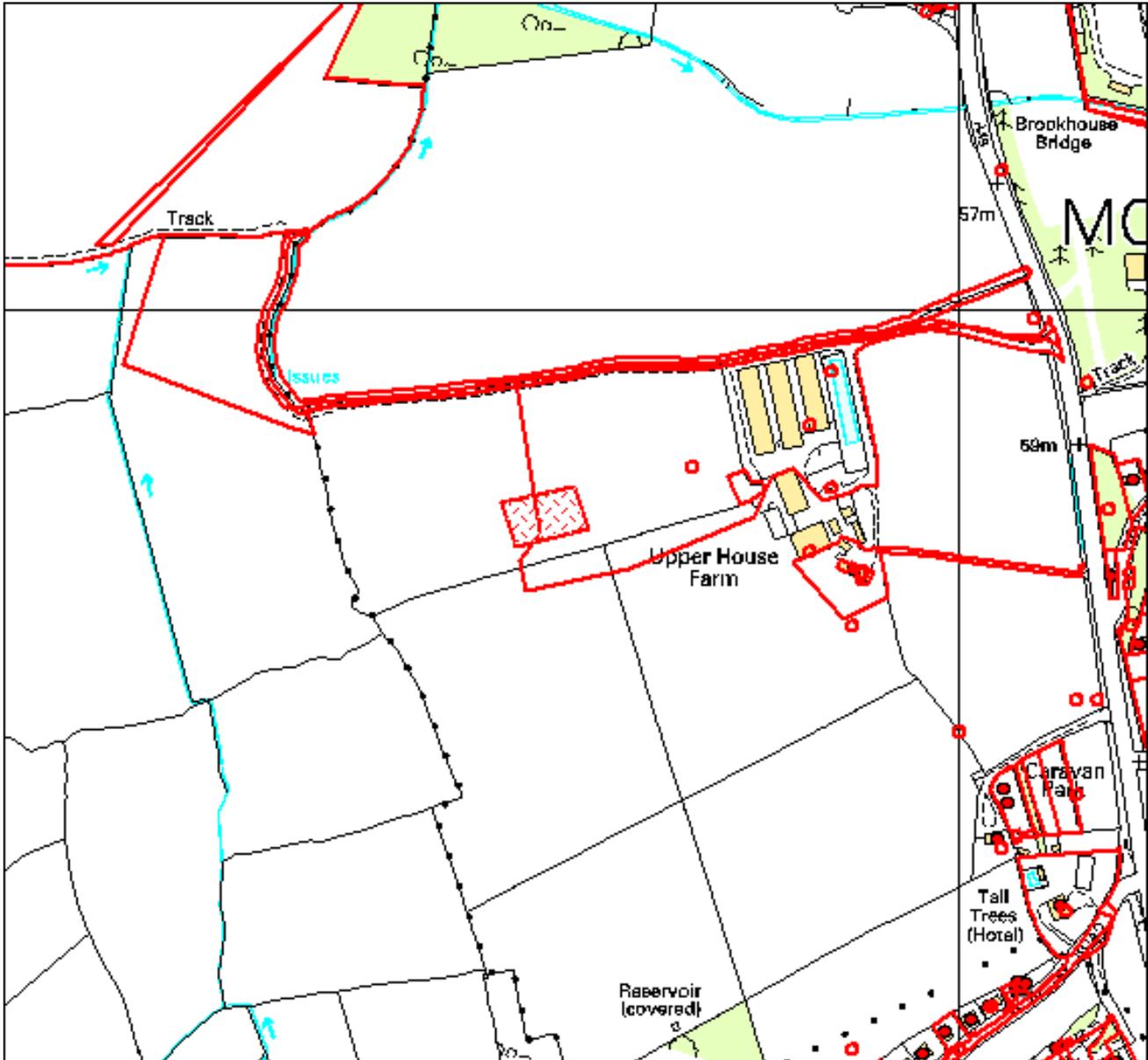
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMS/112954/F

SITE ADDRESS : UPPER HOUSE FARM LTD, MORETON ON LUGG, HEREFORD, HR4 8AH

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MEETING:	PLANNING COMMITTEE
DATE:	14 DECEMBER 2011
TITLE OF REPORT:	<p>DMN/111756/F - CHANGE OF USE OF AGRICULTURAL FIELD TO CAMP SITE AND CONVERSION OF STABLE BLOCK TO TOILET AND SHOWER FACILITIES FOR THE CAMPSITE AT MONSTAY FARM, BURRINGTON, LUDLOW, SHROPSHIRE, SY8 2HE.</p> <p>For: Miss A Thomas, Monstay Farm, Burrington, Ludlow, Shropshire, SY8 2HE.</p>

Date Received: 1 July 2011

Ward: Mortimer

Grid Ref: 346662,273029

Expiry Date: 18 November 2011

Local Members: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 Monstay Farm occupies an open countryside location, approximately 3 miles to the south west of Ludlow and at the heart of the Mortimer Forest. The landscape is typically undulating wooded upland with some open cultivated areas. These field parcels are small and generally used for the grazing of sheep and cattle. Their boundaries are demarcated by hedgerows with some individual specimen trees.
- 1.2 The farm holding comprises a small group of farm buildings and a dwelling. The majority are of brick construction and arranged around a yard. Access is gained via a long private track onto a C class road. A public footpath runs through the farm yard and crosses the northernmost corner of the application site. There are also footpaths to the north and south from which the site is visible. An Ancient Woodland, known as Well Wood, also bounds the site to the south.
- 1.3 The application seeks to create a touring caravan and camp site. The applicant already benefits from a five caravan certificate from the Camping and Caravanning Club for which planning permission is not required, but it is their desire to expand upon this to provide up to 12 pitches for touring caravans and 20 pitches for tents. The area to be used is a field immediately to the west of the farm complex that amounts to 2.7 hectares. The application also includes the conversion of part of an old brick-built stable block to provide toilets, shower and washing facilities.

2. Policies

Herefordshire Unitary Development Plan

- 2.1 Policy S1 – Sustainable development
 Policy DR2 – Land use and activity

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

Policy DR3	–	Movement
Policy LA2	–	Landscape character and areas least resilient to change
Policy LA6	–	Landscaping schemes
Policy RST14	–	Static caravans, chalets, camping and touring caravan sites

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultations

4.1 Forestry Commission – no objection.

Internal Council Advice

4.2 Transportation Manager – no objection.

4.3 Environmental Health – no objection.

4.4 Public Rights of Way – no objection.

4.5 The Landscape Officer has concluded that, in light of additional information received regarding the location of the caravans, the proposal will have a limited visual impact but recommends the imposition of conditions relating to the layout of the site and additional planting.

5. Representations

5.1 Leintwardine Parish Council – No objection.

5.2 The Ramblers Association comment that there is a footpath which runs close to the proposed site. Unobstructed access to this path should be maintained and the waymarking remain clear during and after any work undertaken.

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 This is a relatively modest proposal at a site that is already used as a small-scale touring caravan site under a certificate from the Caravanning and Camping Club. The key issues to be considered in respect of its potential expansion are landscape impact, economic benefits, sustainability and these are considered below.

Landscape Impact

6.2 The applicant has indicated that the use of the site will be seasonal – April to October, and that there will be little change to the appearance of the land. The touring caravans will each be provided with electrical hook-ups, but the intention is to keep other infrastructure such as surfaced access roads, stand pipes and bins to a minimum. An additional plan submitted following the initial comments from the Landscape Officer shows that the caravan hook-ups will be located in an area closest to the farm house and toilet facilities. The area is bounded by a mature hedgerow and it is considered that this will minimise their visual impact when viewed from a ridge line further to the north.

- 6.3 The applicant plans to restore an old field boundary running roughly north/south across the field and to re-lay and restore other boundary hedges. This approach of restoration, rather than introducing significant new planting, is considered to be most appropriate as it complements the historic pattern of field boundaries rather than introducing new blocks of planting that are likely to look discordant as they mature. This approach accords with the requirements of Policy LA6 and consequently the proposal will have a limited visual impact, in accordance with Policy LA2.

Economic Benefits

- 6.4 The site is approximately three miles from Ludlow and is within the Mortimer Forest. Although not within the county, Ludlow is a destination for tourists and is likely, in the first instance, to be the primary reason for people to stay at the site. Mortimer Forest is owned by the Forestry Commission and is well used for leisure pursuits, including walkers, horse riders and mountain bikers and a campsite in this location is likely to offer an attractive and convenient base for people engaging in such pursuits. However, visitors will inevitably visit parts of this county and use local facilities and it is therefore considered that the proposal would make a contribution to the county in terms of adding to the local economy.
- 6.5 The applicant has also highlighted the fact that the proposal is intended as part of a farm diversification scheme. Monstay Farm is a small hill farm of 50 hectares which is concentrated on a herd of beef cattle and a flock of breeding sheep. The proposal will utilise a modest proportion of grazing land. It is of a small scale that is commensurate with the size of the holding and makes use of part of a building that has a limited agricultural use in the provision of shower and toilet facilities. The proposal is considered to be an appropriate form of farm diversification in accordance with Policy E12.

Sustainability

- 6.6 As highlighted in the previous paragraphs, the site is in relatively close proximity to Ludlow and the town has a range of services that would provide for the needs of visitors to the application site. The nature of caravanning or camping is such that the majority of visitors use their own transport rather than rely on forms of public transport. However, Ludlow is well connected with regular bus and rail services. As has also previously been demonstrated, the scheme will have a low landscape impact and will not demonstrably affect the countryside as an irreplaceable asset. The application also includes the installation of photovoltaic panels on the roof and this will produce a sustainable form of energy generation to provide power to the toilet block and the farm house. It is therefore concluded that the proposal is sustainable in accordance with Policy S1 of the Unitary Development Plan.
- 6.7 In conclusion, the proposal can be shown to have a limited impact on the character and appearance of the landscape, and this can be limited through the imposition of conditions relating to additional planting and management of existing features and the provision of further details in relation to the precise layout of the site and infrastructure requirements. It is also recommended that a condition is imposed to reflect the seasonal nature of the business. On this basis the application is considered to be acceptable and is recommended for approval.

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**

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

3. No caravan shall remain on the site or shall the site be used for the purposes of camping between 1st October in any one year and 31st March in the succeeding year.

Reason: To conform to Policy RST14 of the Herefordshire Unitary Development Plan and to protect the visual amenity of the area.

4. G10 Landscaping scheme

5. G11 Landscaping scheme - implementation

INFORMATIVE:

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

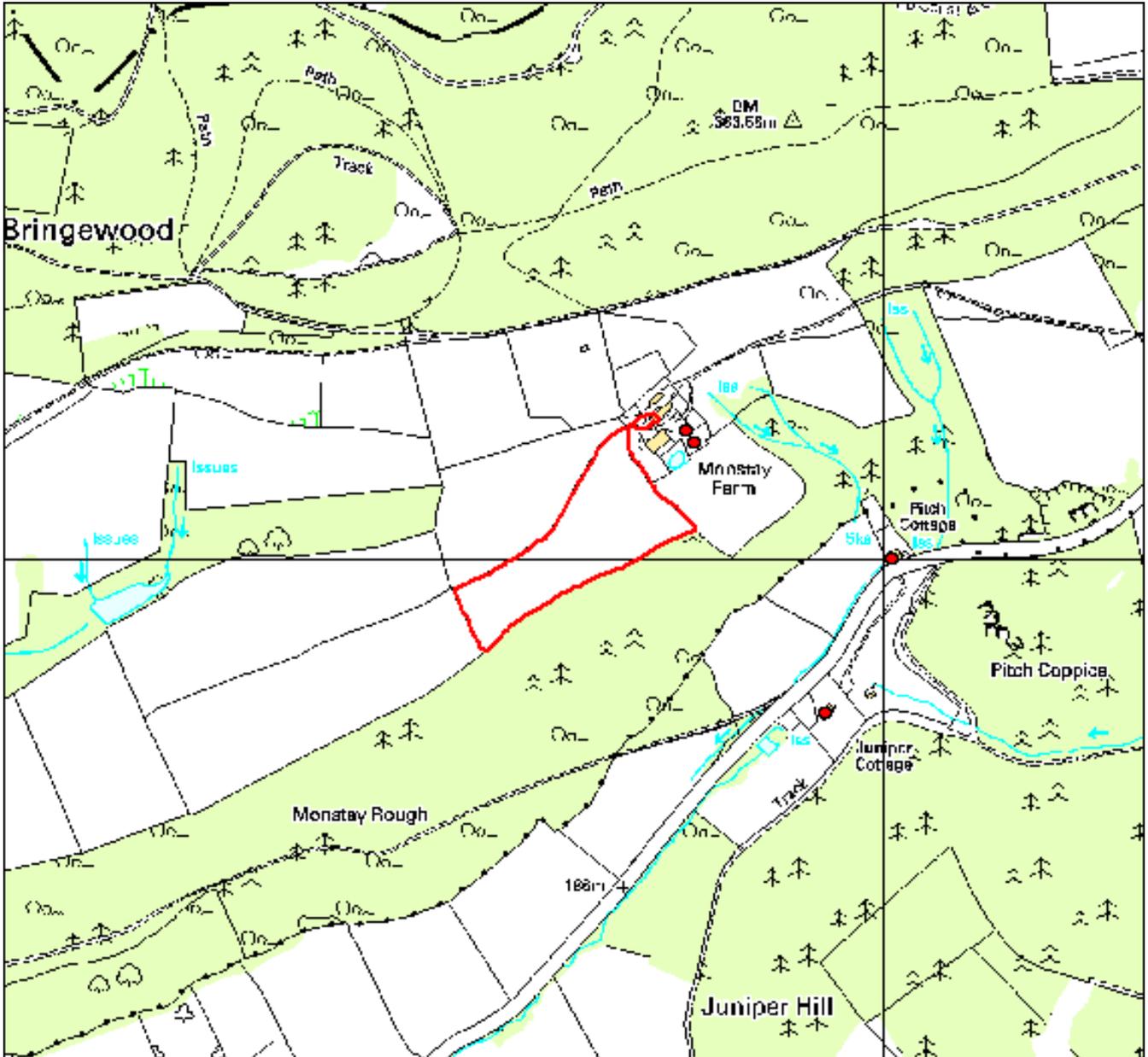
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/111756/F

SITE ADDRESS : MONSTAY FARM, BURRINGTON, LUDLOW, SHROPSHIRE, SY8 2HE

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