

# AGENDA

## Planning Committee

Date: **Wednesday 11 January 2012**

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Time: **10.00 am**

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

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

For any further information please contact:

**Ricky Clarke, Democratic Services Officer**

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

# Agenda for the Meeting of the Planning Committee

## Membership

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

## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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

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

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

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

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

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

### What is a prejudicial interest?

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- 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

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|-----|--|---------|
| 1.  | <b>APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence.  |         |
| 2.  | <b>NAMED SUBSTITUTES (IF ANY)</b><br>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.  |         |
| 3.  | <b>DECLARATIONS OF INTEREST</b><br>To receive any declarations of interest by Members in respect of items on the Agenda.   |         |
| 4.  | <b>MINUTES</b><br>To approve and sign the Minutes of the meeting held on 14 December 2011.   | 1 - 18  |
| 5.  | <b>CHAIRMAN'S ANNOUNCEMENTS</b><br>To receive any announcements from the Chairman.   |         |
| 6.  | <b>APPEALS</b><br>To be noted.   | 19 - 22 |
| 7.  | <b>DMN/111770/F - LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</b><br>Erection of 14 no. affordable homes on greenfield site including required access and services.  | 23 - 34 |
| 8.  | <b>DMS/111711/F - LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS</b><br>Siting of temporary living accommodation for agricultural worker.   | 35 - 40 |
| 9.  | <b>DMS/112643/F - WESTHOLME, FOWNHOPE, HEREFORDSHIRE, HR1 4NN</b><br>Proposed erection of two dwellings.   | 41 - 48 |
| 10. | <b>DMS/112675/F - THE HEREFORD ACADEMY, MARLBROOK ROAD, HEREFORD, HEREFORDSHIRE, HR2 7NG</b><br>Variation of Condition 21 of Planning Permission DCCW0009/0958/F to allow for use of the floodlights to the all-weather pitch only to be extended to Saturdays and Sundays between the hours of 0900 and 2000. | 49 - 54 |
| 11. | <b>DATE OF NEXT MEETING</b><br>Date of next site inspection - 31 January 2012<br><br>Date of next meeting - 1 February 2012  |         |



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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## HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 December 2011 at 10.00 am**

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

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, JW Hope MBE, RC Hunt, JLV Kenyon, JG Lester, NP Nenadich, FM Norman, GA Powell, P Rone, GR Swinford, PJ Watts and JD Woodward

**In attendance:** Councillors SM Michael

**99. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors BA Durkin, Brigadier P Jones CBE, MF Lloyd-Hayes, G Lucas and RI Matthews

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors Rone RB Hamilton, JD Woodward, N Nenadich and GA Powell attended the meeting as substitute members for Councillors BA Durkin, Brigadier P Jones CBE, MF Lloyd-Hayes, G Lucas and RI Matthews.

**101. DECLARATIONS OF INTEREST**

8. DMS/111711/F - LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS..

Councillor JLV Kenyon, Personal, The Councillor knows the Applicant.

10. DMS/112954/F - LAND AT UPPER HOUSE FARM, MORETON ON LUGG, HEREFORD, HR4 8AH..

Councillor J Hardwick, Personal, The Councillor knows the Applicant.

**102. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 23 November 2011 be approved as a correct record and signed by the Chairman.

**103. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised the Committee that Serinther Atkar, the Locum Lawyer who had been advising the Committee, was leaving the Authority shortly and the current meeting would be his last Planning Committee. The Committee thanked him and wished him the best in his future role.

**104. APPEALS**

The Planning Committee noted the report.

**105. DMS/110919/F - DMS/110920/C - CAMPIONS RESTAURANT, GREYFRIARS AVENUE, HEREFORD, HR4 0BE.**

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 Rice spoke in objection to the application.

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

- It was agreed that the site was in need of regeneration.
- The proposed development was still too imposing and would not enhance the conservation area
- The 'green wall' referred to in the application would have to be maintained, who would be responsible for this.
- The majority of local residents were against the development.
- The current site was an eyesore, but it was not right to replace one eyesore for another.
- The proposed development was too high with three storeys being above the level of the nearby Greyfriars Bridge
- The application was contrary to Unitary Development Plan policy DR1 as it failed to promote the distinctive character and was not in keeping with the surrounding area due to its scale, mass and height.
- It was also contrary to UDP policy DR2 as it prejudiced the amenity of the neighbouring dwellings.
- It was contrary to UDP policy H13 on privacy grounds.
- Finally it was contrary to UDP policy HBA6 as it did not preserve or enhance the character or appearance of the conservation area.

The debate was opened with members of the Committee speaking in support of the application. They commented that although the design was modern it could fit in with the surrounding buildings due to its detail and quality. It was also noted that the site was derelict at present and that the proposed application would provide a site worthy of a prominent position at one of the gateways into the city. It was also noted that the site had initially been subject of an application for 52 dwellings and it was felt that the current proposal for 14 was more acceptable. It was also felt that both national and local policies had been addressed and any concerns raised had been successfully overcome. The comments from the Council's Conservation Manager and the withdrawal of Natural England's objection were also noted.

Some Members of the Committee did however have reservations in respect of the application. It was commented that the Council may have missed an opportunity to develop the site into a usage that would benefit the community. In response to this point the Committee were reminded that the site was allocated for housing in the Council's Unitary Development Plan.

Members also discussed the emergency footway to the existing bridge from the site. Concerns were expressed as to how this could be restricted to emergency use only.



One Member of the Committee felt that neither the current derelict nature of the site nor the previous refused applications on the site should have a bearing on whether the application was approved as the committee were required to determine the current application on its merits. A further point was made in respect of the conservation area with the member being of the opinion that the proposed building could not enhance or preserve the conservation area due to its modern design. He felt that due to its design and stature, it would clearly alter the conservation area considerably.

Members continued the debate and were generally in support of the application although some reservations were expressed. Further concerns relating to the size and scale of the proposed application were expressed with it being suggested that the proposed building was still one storey too high.

It was noted that other European cities had integrated historic and modern architecture in a sympathetic manner with Hamburg being given as an example of how this could be achieved successfully. It was also commented that the site lay on one of the main gateways to the city and needed an exciting and vibrant development.

The Committee asked for reassurances in respect of the evacuation of the building and the limitation of any blight caused by flooding. In response to this issue the Principal Planning Officer confirmed that the applicant had submitted a detailed evacuation plan. She also advised the Committee that the landscaping plan submitted with the application also utilised hard wearing materials which would help to address the concerns expressed. It was also further noted that the applicant would be required to make a financial contribution towards a suitable flood warning system. In summing up she advised that the Environment Agency had a significant input in the preparation of the flood evacuation plan and that it was an extremely detailed document.

In response to the Principal Planning Officer's comments the Committee stated that they would not want the building to be blighted after flood waters however it appeared that this issue has been addressed through the flood evacuation plan. The stairwell and lift areas were highlighted as areas which could be affected following a flood. It was felt that the flood evacuation plan should have measures in place to protect the site from any after effects of flood water.

The Principal Planning Officer advised the Committee that there was an 8 hour time frame to evacuate the site. She also advised that the building was on stilts which resulted in the entire building being above the known flood plain. It was however noted that the car park could possibly flood but that the Environment Agency had not objected to this.

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

- The application should not be approved on the basis that it will improve a derelict site, it will not preserve the conservation area.
- The lack of a section 106 agreement was disappointing.
- There is no guarantee that the highest grade of materials will be used.
- Welcome development on the site but needs to be right, this is wrong in terms of density, scale, height and mass.

## **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
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 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 (Campions) 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](http://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](http://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**

**106. DMS/111711/F - LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS.**

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.

In accordance with the criteria for public speaking Mrs Stevenson, representing Holmer & Shellack and Pype & Lyde Parish Councils, spoke in objection to the application and Mr Smith, the applicant's agent, spoke in support.

The Chairman advised the Committee that Councillor SJ Robertson, the local ward member, could not be present at the meeting but had prepared a written statement that would be presented by Councillor PJ Edwards. The statement addressed a number of issues, including:

- The application had caused concern as there was a question as to whether the proposed usage could be classed as agricultural.
- The usage of the site was the rearing of ducks for the game industry.
- The applicant lived near the site.
- The site had a difficult and complex planning history.
- The application was contrary to Unitary Development Plan PPS7.
- The Committee should attend the site prior to making a decision.

A site visit was proposed on the grounds that the setting and surroundings were fundamental to the determination of the application.

Members discussed whether a site visit would be beneficial with the general view being that it would be of benefit to see the site and the surrounding areas prior to making a decision in respect of the application.

**RESOLVED**

**THAT the determination of the application be deferred pending a site inspection on the following ground:**

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

**107. DMS/112395/CD - NORTH MAGAZINE SITE, ROTHERWAS INDUSTRIAL ESTATE, HEREFORD.**

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 Chairman advised the Committee that Councillor P Sinclair-Knipe, the local ward member, could not be present at the meeting but had prepared a written statement that addressed a number of issues, including:

- Both Dinedore and Lower Bullinghope Parish Councils were happy with the application.
- The Enterprise Zone was vital to the economic viability of Herefordshire.
- He supported the application.

The Committee were in support of the application but requested clarification in respect of a number of points including the possible impact on the water levels for Bartonsham Farm and the residents of Park Street; details in respect of the protection and retention of trees on the site; and whether the Environment Agency endorsed the proposal

In response to a number of questions asked by the Committee, the Principal Planning Officer advised that the Environment Agency supported the proposal and had been involved in the initial study which had formed the basis of the application. She added that the Environment Agency had responded in detail and had no objection to the application. In response to the question regarding any possible detrimental effect on the residents of Park Street, she confirmed that the proposal would improve the flood issues in that area. She went on to discuss the preservation and retention of trees on the site and confirmed that this was addressed through conditions 3, 4 and 5 which were extremely robust. In summing up she felt that the site had been allowed to become a natural woodland park which needed to be protected and would be through suitable conditions.

In response to a further question regarding recreational use of the site for anglers, the Principal Planning Officer confirmed that the proposal was purely for flood alleviation and that any recreational use would require further facilities to be built on the site which would require a recreational permission and further planning consent.

**RESOLVED**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. 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 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 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](http://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

**108. DMS/112954/F - LAND AT UPPER HOUSE FARM, MORETON ON LUGG, HEREFORD, HR4 8AH.**

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 paragraph 4.8.2.2 of the Council's Constitution, Councillors KS Guthrie, the local ward member, commented on a number of issues, including:

- Both Moreton and Burghill Parish Councils were happy with the application.
- The neighbouring ward member was also happy with the application.
- Happy to support the recommendation.

In response to a question regarding the need for two dwellings on the site the Principal Planning Officer confirmed that the financial and functional tests had been met. She added that the tests had highlighted a need for two poultry managers to reside on the site.

Concerns were expressed in respect of the size of the proposed dwelling with one member noting that farm dwellings had previously been limited to approximately 120 m<sup>2</sup> whereas the proposed dwelling was approximately 160-170 m<sup>2</sup>.

**RESOLVED**

**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
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

**109. DMN/111756/F - MONSTAY FARM, BURRINGTON, LUDLOW, SHROPSHIRE, SY8 2HE.**

The Principal Planning Officer gave a presentation on the application and advised that the application had been bought before the Committee as the applicant's partner was employed in a politically restricted post with Herefordshire Council.

**RESOLVED**

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

1. A01 Time limit for commencement (full permission)
2. B01 Development in accordance with the approved plans
3. 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

**110. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 11.50 am

**CHAIRMAN**



# PLANNING COMMITTEE

14 December 2011

## Schedule of Committee Updates/Additional Representations

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

**7 DMS/110919/F & DMS/110920/C - Demolition of Champions Restaurant and erection of 14 apartments and associated parking, erection of Bat shelter at Champions Restaurant, Greyfriars Avenue, Hereford , HR4 0BE**

**For: Riverside Construction (Hereford) Ltd Per Mr Angus Jamieson, 30 Eign Gate, Hereford, HR4 0AB**

### ADDITIONAL REPRESENTATIONS

English Heritage have commented on the revised plans as follows:

English Heritage is content with the amended design for this scheme subject to a satisfactory case being made to the Council for the demolition of the existing building on the site and satisfactory investigation of the archaeological interest of the site.

### NO CHANGE TO RECOMMENDATION

**9 DMS/112395/CD - Construction of a flood attenuation scheme comprising a soakaway pond and associated lower ED scrape area, 3 no. balancing ponds and shallow swales at North Magazine Site, Rotherwas Industrial Estate, Hereford.**

**For: Herefordshire Council Ltd, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT**

### ADDITIONAL REPRESENTATIONS

Ms N Goodwin of Garden Cottage, Chapel Road has raised concerns about possible noise and disturbance. She has asked if all residents of Chapel Road could be notified of any proposals relating to the general regeneration of Rotherwas.

### OFFICER COMMENTS

Further correspondence with Ms Goodwin has confirmed that she has no concerns about the actual works relating to the proposed Flood Alleviation Scheme, none of which would be near her property. It has been clarified that the main working areas would be between 650 and 1000 metres from her home, with other sites in between.

### NO CHANGE TO RECOMMENDATION





|                         |                           |
|-------------------------|---------------------------|
| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b> |
| <b>DATE:</b>            | <b>11 JANUARY 2012</b>    |
| <b>TITLE OF REPORT:</b> | <b>APPEALS</b>            |

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**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the progress in respect of the following appeals.

### **Key Decision**

This is not a key decision

### **Recommendation**

That the report be noted

### **APPEALS RECEIVED**

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

- The appeal was received on 29 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 C Stanford
- The site is located at Graftonbury Garden Hotel, Grafton Lane, Herefordshire, HR2 8BL
- The development proposed is a change of use from Hotel (C1) into HMO for upto a maximum of 52 people
- The appeal is to be heard by a hearing

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

#### **Application No. DMS /112351/F**

- The appeal was received on 1 December 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 Miss Karen Harris
- The site is located at Losito Stud, Harris Lodge, Whitchurch, Ross on Wye, Herefordshire, HR9 6EG

- The development proposed is a retrospective application for change of use on part of land associated with Losito Stud from agricultural to equine use and a retrospective application for change of use from agricultural barn to stables.
- The appeal is to be heard by written representations

**Case Officer: Mr M Tansley on 01432 261815**

**Application No. DMS /110387/O**

- The appeal was received on 2 December 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 Smith
- The site is located at Land North of, Hawthorn Rise, Peterchurch, Hereford, HR2 0RQ
- The development proposed is Erection of sixteen dwellings, construction of vehicular access and associated works
- The appeal is to be heard by written representations

**Case Officer: Andrew Prior on 01432 261932**

**Application No. DMN /111654/F**

- The appeal was received on 2 December 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 Alfred Morgan
- The site is located at Caravan Site, Munderfield Harold, Bromyard, Herefordshire, HR7 4SZ
- The development proposed is a change of use from agricultural land for extension to existing static caravan site by 15 additional units and small site for touring caravans/campers. Proposed toilet/shower block.
- The appeal is to be heard by written representations

**Case Officer: Ms R Jenman on 01432 261961**

**Application No. DMS/111624/F**

- The appeal was received on 16 December 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 Brian Goodfellow
- The site is located at Alamaya House, Llangrove, Ross on Wye, Herefordshire, HR9 6EZ
- The development proposed is an infill plot for one detached 4 bedroom house.
- The appeal is to be heard by written representations

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

**Application No. DMN/112758/FH**

- The appeal was received on 19 December 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 Spriggs
- The site is located at The Kilns, Avenbury Lane, Avenbury, Herefordshire, HR7 4LD
- The development proposed is a proposed replacement of conservatory with dining room extension.
- The appeal is to be heard by householder procedure

**Case Officer: Ms R Jenman on 01432 261961**

## APPEALS DETERMINED

### Application No. DMS/110829/F

- The appeal was received on 1st 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 Mark Rawlings
- The site is located at Unit 6 Mortimer Trading Centre, Mortimer Road, Hereford, HR4 9SP
- The application dated 30 March 2011 was refused on 6 June 2011
- The development proposed was Change of use of first floor former children's dance studio from D2 to D1(b) Day Nursery.
- The main issue is the effect of the proposal on pedestrian and highway safety

**Decision:** The application was refused under delegated powers on 6 June 2011  
The appeal was dismissed on 7 December 2011

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

### Application No. DMN/111718/F

- The appeal was received on 16th September 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 Mrs Milbro Phillips
- The site is located at 28 Uplands, Fromes Hill, Ledbury, HR8 1HR
- The application dated 24th June 2011, was refused on 25th August 2011
- The development proposed was Proposed detached two bed bungalow.
- The main issue is: the effect of the proposed development on the character and appearance of the surrounding area and on highway safety.

**Decision:** The application was refused under delegated powers on 25 August 2011  
The appeal was dismissed on 12 December 2011

**Case Officer: Ms R Jenman on 01432 261961**

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





|                         |   |
|-------------------------|---|
| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>            | <b>11 JANUARY 2012</b>  |
| <b>TITLE OF REPORT:</b> | <p><b>DMN/111770/F - ERECTION OF 14 NO. AFFORDABLE HOMES ON GREENFIELD SITE INCLUDING REQUIRED ACCESS AND SERVICES ON LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</b></p> <p><b>For: Two Rivers Housing per Mr Colm Coyle, Imperial Chambers, Longsmith Street, Gloucester, GL1 2HT</b></p> |

**Date Received: 4 July 2011**

**Ward: Wormsley Ridge**

**Grid Ref: 346337,248617**

**Expiry Date: 1 November 2011**

Local Member: Councillor AJM Blackshaw

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

- 1.1 The application relates to an area of 0.314 hectares (0.77 acres) of grazing land, comprising the northern half of a larger field located towards the southern end of Canon Pyon. The land is flat and falls between two areas of residential development – the main village core to the north and a post-war residential estate, Meadow Drive, slightly divorced from the rest of the village, to the south. The site is bounded immediately to the east by a post and rail fence with a footpath and then hedgerow forming the roadside boundary. A mature hedge bounds to the west with open countryside beyond.
- 1.2 The village is very linear and older properties are arranged along the road frontage with outlooks across the countryside to the east and west. Meadow Drive is a cul-de-sac development, and a similarly sized development has also taken place at the northern end of the village and is known as Brookside.
- 1.3 Canon Pyon is identified as a main settlement by Policy H4 of the Unitary Development Plan. The settlement boundary excludes the application site, bounding it immediately to the north. The village facilities include a shop and post office, primary school, pub, playing fields and village hall.
- 1.4 The proposal seeks planning permission for the erection of 14 affordable dwellings to meet local housing needs and comprises eight 2 bed, four 3 bed and two 4 bed properties. It includes the creation of a new vehicular access and parking facilities for each dwelling. Dwellings are arranged around a central hammer head. Properties front onto the A4110 to either side of the road junction, and a further eight dwellings are arranged in a staggered row behind.
- 1.5 The design of the dwellings has been amended since the original submission of the application and the plans show seven pairs of semi detached dwellings with dual pitched roofs. The materials to be used are a combination of brick, render and timber cladding with

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

dark coloured roof tiles. It is also intended that every dwelling will be fitted with photovoltaic panels on its southern roof slope. This will help to achieve a minimum Code for Sustainable Homes Level 3, combined with construction methods to include high levels of insulation and possibly the installation of heat recovery ventilation systems to minimise fuel costs.

- 1.6 The details of the road layout have also been amended as a consequence of comments received through the consultation process. The proposal requires the removal of the roadside hedge in order to provide appropriate visibility in a southerly direction. The plans show that this will be reinstated behind the line of the splay. The plans also include the widening of the existing footpath to a minimum of 2 metres.
- 1.7 The application is supported by a Design and Access Statement and a Habitat Survey. The applicants have also provided details of the consultation process that has been undertaken with local people to determine the extent of housing required and provides information about the alternative sites that have been considered. Finally, the submission includes a Draft Heads of Terms Section 106 Agreement to include an off site contribution for the provision of sport and recreation facilities and to ensure the standards to which all housing will be constructed. A copy of the agreement is appended to this report.

## **2. Planning History**

- 2.1 77/0627 – Erection of one bungalow – Refused.
- 2.2 75/0605 – Erection of one bungalow – Refused.
- 2.3 Two separate applications were also submitted and refused in 1966 for nine and five dwellings respectively. Both applications went to appeal and were both dismissed.
- 2.4 In the case of all of the applications referred to above the issues were the same;
  - That the application site was beyond the recognised settlement and that there were no circumstances to justify an exception to policy; and,
  - The site was within an Area of Special Landscape and development would detract from this.

## **3. Policies**

### Herefordshire Unitary Development Plan

- 3.1 S1 – Sustainable development  
S2 – Development requirements  
S3 – Housing  
DR1 – Design  
DR3 – Movement  
H4 – Main villages: settlement boundaries  
H7 – Housing in the countryside outside settlements  
H10 – Rural exception housing  
H13 – Sustainable residential design  
H19 – Open space requirements  
T8 – Road hierarchy  
NC1 – Biodiversity and development

### National Guidance

- 3.2 Planning Policy Statement 3 – Housing

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 Welsh Water – No objections subject to conditions

##### Internal Council Consultations

- 4.2 Transportation Manager – On the basis of the amended plans, no objections subject to the imposition of conditions.

- 4.3 Conservation Manager

- 4.4 Landscape – The proposed site is suitable in landscape terms as it does preserve the linear character of the original settlement of Canon Pyon. It retains the field hedgerow to the west, but the roadside hedge will be lost, which is a significant negative impact. However, the proposed terraced appearance fronting onto the road will have a positive streetscape impact.

The layout of the development is a little dense and further details are required about the nature of landscaping proposed within the site.

It is concluded that there is no overall landscape objection to the principle of housing on this site subject to the imposition of landscaping conditions and to ensure the protection of the retained hedgerow during construction.

- 4.5 Ecology – No response.

- 4.6 Minerals and Waste Officer – No objection subject to the completion of a site waste management plan.

- 4.7 Housing Officer – Is supportive of the application and comments as follows:

The Housing Team commissioned two Housing Need Studies within Canon Pyon, one in March 2006 with an identified need of 11 and the second in March 2011 with an identified need of 14. When the first need was identified Two Rivers Housing started the process of trying to source land to develop affordable housing. To aid with the process Herefordshire Council arranged a consultation event that was held in the Parish Hall, this was an opportunity for any land owners to put land forward that they wished to sell and for the parishioners to suggest locations for affordable housing. Following the event planners comments were requested and a sequential test of the sites was undertaken. Eventually the land adjacent to the Plough Inn was offered by the land owner and negotiations began between him and Two Rivers Housing.

- 4.8 The Council has a statutory duty to assess housing needs under the Housing Act 1985. Housing Needs Surveys are carried out on a rolling programme and the Council seeks to update them approx. every 4/5 years. Every property within the chosen area receives a postal questionnaire which they are asked to complete if they consider themselves to be in Housing Need, on return of the questionnaire to the Research Team an analysis of the results are undertaken. The figures stated in the Housing Needs Study are extracted from the responses received from the postal questionnaires.

- 4.9 The first Housing Need study (March 2006) only took into account the need of people in the Pyons group parish. This group parish comprises the parishes of Canon Pyon and Kings Pyon. Within these 2 parishes are smaller settlements – Westhope, Bush Bank and Ledgemoor, as well as the villages of Canon Pyon and Kings Pyon. Unfortunately by only surveying villages in this manner an understanding of housing need for the whole county was

not being established as many wider rural areas were not being surveyed. To address this, later studies not only identify the immediate area but that of any geographically linked with the most appropriate main village. The additional locations surveyed within the Housing Need Survey are Birley, Upper Hill, Dinmore and Kings Pyon, all of which are settlements not identified within the UDP for development, therefore they have been appropriately linked with Canon Pyon, a main development village within the UDP.

- 4.10 The reason for including a wider area than Canon Pyon itself is clearly stated in the Housing Needs Survey. As the main village, Canon Pyon would serve as the most sustainable delivery point for housing (open market and affordable) to meet the overall housing need. Therefore, development in Canon Pyon generally would meet the need not just of the immediate village, but could also meet need arising in the surrounding settlements.
- 4.11 Until the time of the consultation event held at the Parish Hall no comments on the additional areas attached to the Canon Pyon Study were raised.

## 5. Representations

- 5.1 Canon Pyon Parish Council – Comment as follows:

The need for new affordable housing development in Canon Pyon was raised with Herefordshire Council in 2005. The process used by Herefordshire Council to take this requirement forward included surveys, which were received positively by residents. The choice of site and plan, however, was not inclusive, resulting in a proposal that does not meet the needs of either the PC or residents.

- 5.2 The aspiration of the parish council for the development was to meet the following imperatives:

1. It **must** improve the character of the village, facilitate community integration between the Post Office, the village hall and playing field and improve communications by reinforcing the village centre.
2. It **must** take into account other plans under consideration to ensure the overall impact on the village is positive and proportional.
3. The housing content **must** serve the needs of the community, whilst maintaining the ecological assets valued by residents.

- 5.3 This application does not meet the parish council imperatives, nor does it consider the planning history of the site. The parish council's case includes a recent 'house to house' survey, confirming the strong views of residents and a critique of the defining surveys of housing need.

- 5.4 ***The Parish Council strongly opposes the approval of this Planning Application; however the PC and residents are in favour of meeting the affordable housing requirements.*** The PC, therefore, wishes to pursue an alternative course of action and to this end discussions have taken place with the owner of the preferred site. This has revealed a clear interest in developing a proportion of this site to meet the aspirations of the village community.

- 5.5 13 letters of objection have been received from local residents, and also a petition containing 95 signatures. In summary the points raised in the representations are as follows:

- The extent of the 2011 Housing Needs Survey is questioned, particularly as it includes, Upper Hill, Birley and Dinmore.
- The survey is considered to be misleading and biased.



- The housing to be built will not cater for the needs identified.
- It is unnecessary development with more suitable sites available in the middle of the village.
- The applicant's have chosen the wrong site and should have looked to develop the site next to the playing fields.
- A substantial amount of housing has been erected in the village and there is ample to meet local requirements.
- It would amount to ribbon development and contradict previous planning decisions.
- Play space for under 12's should be provided on site.
- The design of the dwellings is considered to be inappropriate.
- The development will be detrimental to the residential amenities of the residents of Valentine Court.
- It would result in the loss of an old hay meadow to the detriment of the local ecology of the area.
- The loss of the road side hedge would be to the detriment of the village and would remove a useful buffer between the road and footpath.
- The development would give rise to issues of highway and pedestrian safety
- The proposal will ultimately lead to the development of the rest of the land.

5.6 CPRE objects to the application on the following grounds:

- The application relates to a Greenfield site beyond the village settlement boundary.
- The need for affordable housing has not been demonstrated.
- Residents would need to walk a considerable distance to facilities within the village.
- A brownfield site within the settlement boundary is identified in the UDP
- Old, uncultivated pasture is a rare commodity within Herefordshire. A brief botanical survey provides evidence of its quality.
- Hedges on both east and west boundaries have a good mix of species and should be retained.
- The eastern boundary hedge should be retained as a buffer rather than removed.
- The proposal will be visually intrusive and detrimental to the local landscape.

5.7 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 lies beyond the settlement boundary of the village and therefore, if the proposal is to be considered to be acceptable, it must demonstrate that it meets one of the exceptions outlined by Policy H7 of the Unitary Development Plan. In this case it relies on the final criteria in that it seeks to provide rural exception housing in accordance with Policy H10.
- 6.2 Policy H10 says that affordable housing may be permitted on land within or adjoining an established rural settlement which would not normally be permitted for housing provided that the scheme would contribute to meet a proven genuine and quantifiable local need through an up-to-date needs survey, and that it is evident that local housing conditions would not otherwise satisfy the need.
- 6.3 Canon Pyon is identified as a main village by Policy H4 of the UDP and the site is immediately adjacent to the settlement boundary. Setting aside all other material planning considerations in the first instance, the site meets the first requirement of Policy H10.
- 6.4 Questions have been raised by the objectors about the validity of the most recent needs survey completed in March 2011 in that only 18 out of 508 households responded and that it included parishes that a remote from Canon Pyon, particularly Dinmore and Upper Hill.

- 6.5 The methodology used to assess local need is considered to be transparent. It is very clearly set out in the report and includes a copy of the questionnaire used. The fact that only 18 households replied is not in itself evidence of a lack of need as is suggested by the objectors. Residents were asked to complete the survey only if their household foresees a need for affordable housing in the survey area. 18 replied and of these 14 were considered to represent genuine need cases.
- 6.6 It is accepted that it casts a wide net in that it includes parishes that are some distance away from Canon Pyon. However, if the Council's stated aim of promoting sustainable communities is to be met, it should look to target development to those villages capable of accommodating it. In comparison to many other villages in North Herefordshire, Canon Pyon benefits from a range of facilities and lies on a bus route, unlike the other smaller settlements that have been included with it for the purposes of the needs survey. If there is a fundamental question about the sustainable credentials of developments like this, the other alternative is that affordable housing is simply provided within the market towns. Whilst this might serve a purpose in terms of reducing people's needs to travel, it would not serve to create inclusive and diverse rural communities, but would rather be counter-productive and see rural communities stagnate and the need for local service provision reduce yet further. The approach that has been taken is therefore considered to be appropriate and the requirements of Policy H10 are met.

### **Site selection**

- 6.7 Before submitting the application, the applicant's embarked upon a series of pre-application discussions with Council Officers. It seems that two alternative sites were put forward as realistic options, the site to which this application relates and one slightly further to the north, adjacent to the playing fields and opposite the Nags Head public house.
- 6.8 The Parish Council has clearly stated its preference for the latter, suggesting that it is more centrally located within the village and better placed in relation to local services. Some objectors have also suggested that the site opposite the Nags Head public house is much closer to the school.
- 6.9 The application site is 70 metres away from the shop and post office and is located at the southern end of the village. The site preferred by the Parish Council is 135 metres away. It is accepted that the Parish Council's preferred site is perhaps more central in terms of its relationship to other built development, although it should be noted that there is no other residential development of note on this side of the A4110 to the north, and is better placed in terms of its proximity to the playing fields. The suggestion that parents would be more inclined to walk their children to school from a site that is 200 metres closer is questionable and does not carry any significant weight in terms of identifying preference for one site over the other. However, these points are marginal and it is not considered that this application should be refused on the basis that there is a preference for one site over another, particularly since the need exists and this site is currently available and has been progressed as a viable scheme and to this detailed level by the applicant.
- 6.10 Both sites offer a natural and logical extension to the village and have both been identified as having minor constraints in the Council's Strategic Housing Land Availability Assessment. It is your Officer's opinion that they both offer opportunities for residential use in the longer term should Canon Pyon continue to be identified as a settlement where development is accepted. This application should be considered on its merits and it is considered to provide an acceptable location for an exceptions site in accordance with Policy H10 of the UDP.

## **Design**

- 6.11 Canon Pyon does not have a strong architectural identity. Its original core of buildings would have centred on the Nags Head public house and it is clear that the buildings that surround it are of some age. It is likely that the village evolved from here, predominantly along the eastern side of the A4110 where the majority of older buildings lie. These are a combination of timber frame, brick and stone construction and the majority are either rendered or painted, giving their appearance a degree of uniformity. The western side is dominated by post war developments of red brick bungalows and two storey dwellings arranged in a linear fashion along the road frontage, with later cul-de-sac developments at the northern and southern ends of the village as described earlier in this report.
- 6.12 The application as originally submitted proposed dwellings with mono-pitched roofs. The applicants are keen to ensure that the dwellings are as sustainable as possible and the original design was intended to maximise the south facing roof slope for the installation of photovoltaic panels. However, following the submission of objections from local residents and discussions with the case officer, the design of the dwellings has now been amended for a more typical dual pitch roof. The compromise in terms of sustainability is that there is a lesser roof slope to face in a southerly direction and consequently the area available for the installation of photovoltaic panels is reduced. The plans indicate that the dwellings will be faced with a combination of brick and render with tiled roofs, the details of which are to be agreed by condition should planning permission be granted.
- 6.13 The layout follows the linear pattern of the village. Dwellings are set back from the roadside edge and fronted onto the A4110. The existing roadside hedge will have to be removed in order to provide adequate visibility splays, but the plans indicate the creation of a new hedge boundary behind the edge of the widened footpath. A second staggered row of dwellings are set behind.
- 6.14 The design, layout and orientation of the dwellings is borne out of the desire to maximise the opportunity to employ sustainable energy measures and there is a degree of compromise between this and what might be considered as a more traditional approach towards residential development. However, your officers consider this to be acceptable in this particular case and the proposal is considered to accord with Policies S1, DR1 and DR13 of the UDP.

## **Highway Issues**

- 6.15 The plans have been amended since their original submission in order to secure compliance with the Council's Highway Design Guide. This has resulted in a requirement for an additional length of the hedgerow to be removed and re-planted in order to achieve adequate visibility in a southerly direction. It also requires the footpath to be widened to a minimum of 2 metres.
- 6.16 The site lies within the 30 mph speed limit that applies through the village and the road is straight. It is accepted that some highway users may exceed the speed limit, but this does not render this part of the road network as inherently unsafe and visibility is good in both directions. Some objectors have suggested that the existing hedge offers a buffer between the footpath and the road and that its removal will compromise the safety of pedestrians. The situation with the position of the hedge and footpath is very unusual and there is no doubt that it provides a buffer. Its removal to accommodate this development however, will not cause the safety of the footpath to be compromised. The footpath will not be significantly closer to the road and its widening is considered to be beneficial as it is currently rather narrow. The proposal is considered to accord with Policies DR3 and T8 of the UDP.

## **Ecology**

- 6.17 A number of representations, including one from CPRE have referred to the application site as forming part of an ancient hay meadow that has been uncultivated for many years. They also refer to the significance of the roadside hedge and that forming the western boundary to the site.
- 6.18 The site is not afforded any particular protective designation and the habitat survey that accompanies the application does not conclude that the site should not be developed. It recommends a series of mitigation and enhancement measures to be undertaken should planning permission be granted. The scheme does include a vegetated buffer between the proposed dwellings and Valentine Court to the north and this area would certainly contribute towards this. The hedgerow along the western boundary is to be retained. Not only will this maintain an important habitat feature, it will also give the dwellings along this boundary a sense of openness as they look out across open countryside. The comments of the Council's Ecologist have yet to be received but it is considered unlikely that they will give rise to any fundamental objection to the principle of development. It is considered that matters of mitigation can be addressed through the imposition of appropriately worded conditions and the proposal is considered to accord with Policies NC1 and NC7 of the UDP.

### **Residential amenity**

- 6.19 Two properties within Valentine Court do look out across the application site and, at their closest point, lie within 15 metres of the dwelling proposed for plot 14. The flank wall of this property is blank, as is the same opposing wall of the dwelling on plot 1.
- 6.20 The relationship between the properties is considered to be appropriate. There will inevitably be a change in the outlook that is currently enjoyed by the properties in Valentine Court, but in terms of a typical residential context, this is considered to be acceptable and in accordance with Policies DR1 and H13 of the UDP.

### **Section 106 Agreement**

- 6.21 Affordable housing is largely exempt from the requirements for Section 106 contributions, an indication of the high priority afforded to the delivery of such schemes. This exemption does not extend to the appropriate provision of recreational open space. The applicant has submitted a Draft Heads of Terms Agreement as part of the application. Within this is contained a financial contribution towards the provision of off-site play equipment. Whilst Policy H19 of the UDP does suggest that a small infants play area should be provided on sites of 10-30 family dwellings the Council's preference is now that larger sites are provided. The reason being that small areas within residential developments are costly to maintain. The off-site contribution included in the Heads of Terms is supported by the Parks and Countryside team who were consulted before the application was submitted.

## **7. Conclusion**

- 7.1 The application has raised significant local interest and there is a clear preference within the village for an alternative site to be developed. However, this application should be treated on its own merits and it is your officer's opinion that it does accord with the relevant policies of the UDP. An up-to-date housing needs survey has been completed and the need for 14 dwellings has been demonstrated. The design and layout of the development has been determined both by the linear pattern of development within the village and the desire to create a scheme that maximises sustainable energy methods. It has been shown that a safe means of access and an improvement to the existing footpath can be achieved and that the relationship between existing and proposed dwellings is acceptable. Although the loss of the meadow is regrettable, a balanced view must be taken against the benefits of providing an affordable housing scheme and it is as a consequence of this that the application is recommended for approval.

**RECOMMENDATION**

Subject to no new material planning considerations being raised as a result of outstanding consultation responses, that planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B03 Amended plans**
- 3. **B07 Section 106 Agreement**
- 4. **C01 Samples of external materials**
- 5. **F14 Removal of permitted development rights**
- 6. **F15 No windows in side elevation of extension**
- 7. **G04 Protection of trees/hedgerows that are to be retained**
- 8. **G10 Landscaping scheme**
- 9. **G11 Landscaping scheme - implementation**
- 10. **G14 Landscape management plan**
- 11. **H03 Visibility splays**
- 12. **H09 Driveway gradient**
- 13. **H11 Parking - estate development (more than one house)**
- 14. **I16 Restriction of hours during construction**
- 15. **I55 Site Waste Management**
- 16. **I56 Sustainable Homes Condition**
- 17. **K4 Nature Conservation - Implementation**
- 18. **L01 Foul/surface water drainage**
- 19. **L02 No surface water to connect to public system**
- 20. **L03 No drainage run-off to public system**

**INFORMATIVES:**

- 1. **N15 Reason(s) for the Grant of Planning Permission**
- 2. **N02 Section 106 Obligation**
- 3. **HN01 Mud on highway**
- 4. **HN04 Private apparatus within highway**
- 5. **HN05 Works within the highway**
- 6. **HN10 No drainage to discharge to highway**
- 7. **N11C General**

Decision: .....

Notes: .....

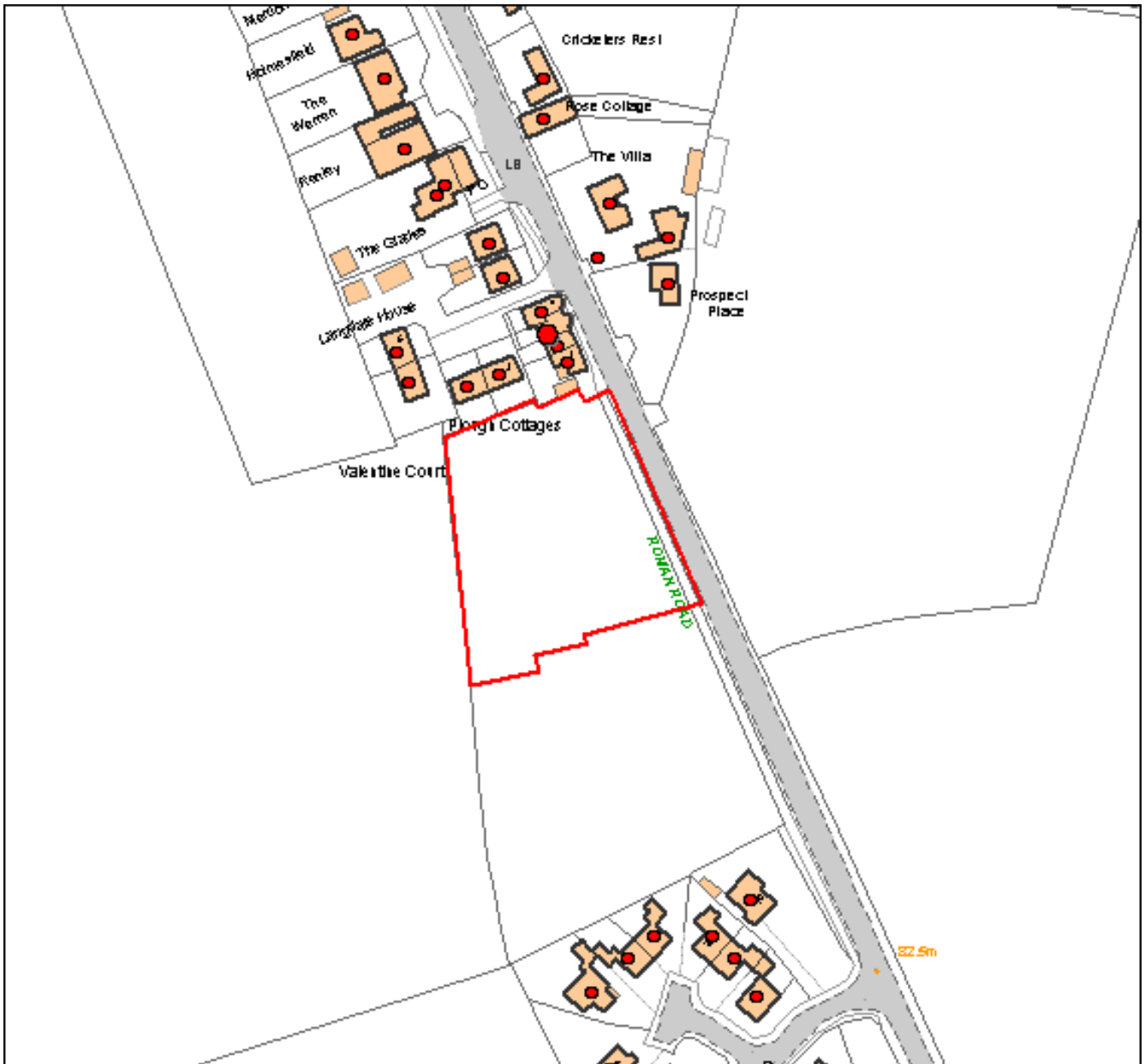
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**Background Papers**

Internal departmental consultation replies.

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



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**APPLICATION NO:** DMN/111770/F

**SITE ADDRESS :** LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ

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**DRAFT HEADS OF TERMS**  
**Proposed Planning Obligation Agreement**  
**Section 106 Town and Country Planning Act 1990**

Erection of 14 affordable housing units on land adjacent to Valentine Court, Canon Pyon, Herefordshire, HR4 8NZ

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of play, sport and recreation facilities to serve the development to pay Herefordshire Council the sum of £20,692 for off-site play provision at the existing play facility in Canon Pyon.
2. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. All of the financial contributions shall be Index linked from the date of the permission and paid on or before commencement of the development or in accordance with the phasing of the development as agreed in writing with Herefordshire Council.
4. The residential units shall be "Affordable Housing" which meets the criteria set out in policy H10 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations. All affordable housing shall be constructed to Housing Corporation Design and Quality Standards and Joseph Rowntree Lifetime Homes. None of the Affordable Housing shall be occupied unless Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing.
5. The development shall be designed and constructed to meet a Code Level 3 of the Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used toward the cost of monitoring and enforcing the Section 106 Agreement.







|                         |   |
|-------------------------|---|
| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>            | <b>11 JANUARY 2012</b>  |
| <b>TITLE OF REPORT:</b> | <p><b>DMS/111711/F- SITING OF TEMPORARY LIVING ACCOMMODATION FOR AGRICULTURAL WORKER AT LAND AT LOWER LYDE (PARCEL 7209), SUTTON ST NICHOLAS, HEREFORD, HR1 3AS</b></p> <p><b>For: Mr I Joseph per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL</b></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

## INTRODUCTION

This application was subject to a site visit on the 10 January 2012. At the time of preparation there are no updates to the original report below.

### 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

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

### 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<br>29.12.04                 |
|     | DCCW2004/4080/F | Retrospective application for siting of caravan and subsequent appeal | - | Refused 06.01.05<br>Appeal dismissed |

### 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 tests required to justify a temporary agricultural dwelling.

- 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. This application has been accompanied by an appraisal that has been scrutinised by the County Land Agent and it is concluded that there is a reasonable justification for this temporary accommodation.
- 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.**

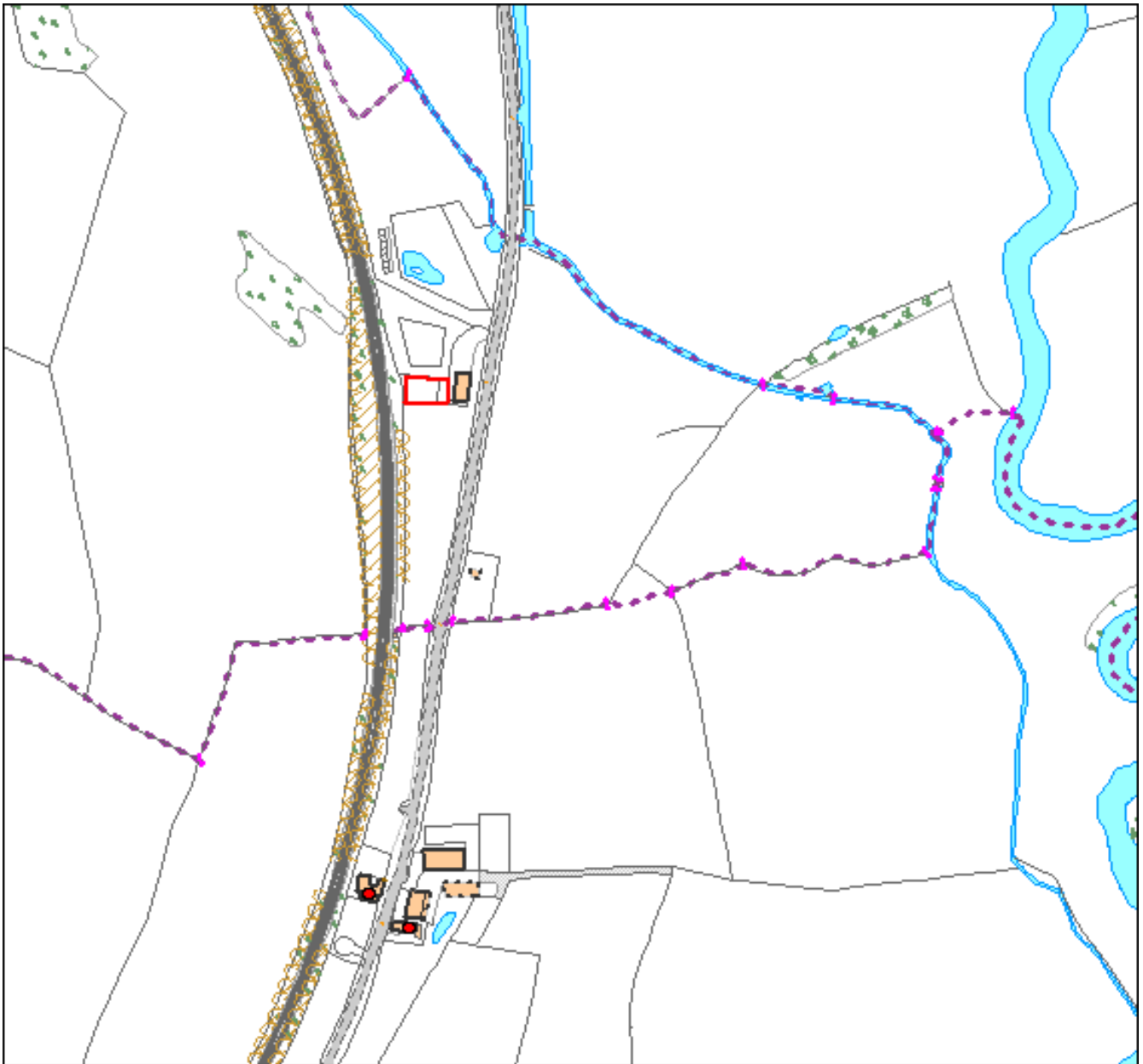
Decision: .....

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





|                         |   |
|-------------------------|---|
| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>            | <b>11 JANUARY 2012</b>  |
| <b>TITLE OF REPORT:</b> | <p><b>DMS/112643/F - PROPOSED ERECTION OF TWO DWELLINGS AT WESTHOLME, FOWNHOPE, HEREFORDSHIRE, HR1 4NN</b></p> <p><b>For: Messrs Paton per Mr Paul Lodge, Jamieson Associates Architects, 30 Eign Gate, Hereford, HR4 0AB</b></p> |

**Date Received: 23 September 2011**    **Ward: Backbury**

**Grid Ref: 357633,234743**

**Expiry Date: 24 November 2011**

Local Member: Councillor J Hardwick

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

- 1.1 The 0.198 hectare site lies between a bungalow known as Westholme and the residential development of Scotch Firs on the northeastern side of the B4224, within the main village of Fownhope. The site is within the village's Conservation Area and the Wye Valley Area of Outstanding Natural Beauty. The site comprises part of the residential curtilage of Westholme and is predominantly laid to lawn with boundary hedgerows of differing heights and two fruit trees. There are two trees adjacent to the existing site access, one being within the application site, the other in front of Westholme. Both are the subject of Tree Preservation Orders. The land levels rise up into the site from the road. The surrounding land is in residential use.
- 1.2 It is proposed to erect two detached dwellings with double garages and a shared access driveway that would link into the existing vehicular access off the B4224. The proposal includes the improvement of the existing access to increase the visibility splay to 90 metres in both directions.
- 1.3 The proposed dwellings would have identical floor plans and a crucifix footprint. At ground floor, in a single storey section to the front of the properties there would be a double garage linked to a study and in the two storey section of the dwellings there would be a living room, open plan dining/kitchen area, snug, hall, utility and cloak room with four bedrooms above with two ensuite facilities, dressing room and a family bathroom.
- 1.4 Amended plans have been received which have relocated the ensuite bathrooms to the rear of the properties, reduced the height of the dwellings from 8.1 metres to 7.5 metres and resited the dwellings further into the site away from the south-eastern boundary with Scotch Firs. The proposed dwellings would be relatively modern in design and externally would be finished in timber boarding with light and 'traffic' grey colour stain and natural slate roofs.
- 1.5 The site has a substantial planning history with applications being refused and dismissed on appeal for residential development of the site. Planning permission was granted in 1992 for a dwelling and garage (the property now known as Westholme). This permission was subject to

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

a Section 106 Obligation stating that no further residential development of the site would be permitted. A current application (Ref DMS/11321/G) has been submitted to discharge the requirements of this legal agreement on the basis that it no longer serves a useful purpose. This is because when the Section 106 Obligation was entered into the site lay outside of the Fownhope settlement boundary and therefore was in the open countryside. In respect of the consideration of this planning application there has been a significant change in planning policy, as the site is now within the main village of Fownhope, as defined in the Herefordshire Unitary Development Plan.

## 2. Policies

### 2.1 National Planning Guidance:

|      |   |  |
|------|---|--|
| PPS1 | - | Delivering Sustainable Development       |
| PPS3 | - | Housing                                  |
| PPS5 | - | Planning for the Historic Environment    |
| PPS7 | - | Sustainable Development in Rural Areas   |
| PPS9 | - | Biodiversity and Geological Conservation |

### 2.2 Herefordshire Unitary Development Plan:

|      |   |   |
|------|---|---|
| S1   | - | Sustainable Development   |
| S2   | - | Development Requirements  |
| S3   | - | Housing   |
| DR1  | - | Design  |
| DR2  | - | Land Use and Activity   |
| DR3  | - | Movement  |
| DR4  | - | Environment   |
| H1   | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Area |
| H4   | - | Main Villages: Settlement Boundaries  |
| H7   | - | Housing in the Countryside Outside Settlements  |
| H13  | - | Sustainable Residential Design  |
| H14  | - | Re-using Previously Developed Land and Buildings                                      |
| H15  | - | Density   |
| H16  | - | Car Parking   |
| LA1  | - | Areas of Outstanding Natural Beauty   |
| LA2  | - | Landscape Character and Areas Least Resilient to Change                               |
| LA3  | - | Setting of Settlements  |
| LA5  | - | Protection of Trees, Woodlands and Hedgerows  |
| HBA6 | - | New Development Within Conservation Areas   |
| HBA9 | - | Protection of Open Areas and Green Spaces   |

## 3. Planning History

|     |             |   |
|-----|-------------|---|
| 3.1 | SH861190/PF | Bungalow. Approved 17 December 1986.  |
| 3.2 | SH861299/PO | Residential development for 10 two storey dwellings. Refused 21 January 1987. Appeal dismissed 27 October 1987. |
| 3.3 | SH880607/PO | Residential development for 6 dwellings. Refused 29 June 1988. Appeal dismissed 27 October 1988.                |
| 3.4 | SH891775/PF | Two proposed dwellings. Refused 6 October 1989. Appeal dismissed 2 May 1991.                                    |

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Further information on the subject of this report is available from Mrs CL Atkins on 01432 260536



- 3.5 SH920169/O Erection of one bungalow. Approved 20 August 1992 subject to a S106 Agreement restricting further residential development.
- 3.6 SH921165/RM New bungalow and double garage. Approved 22 October 1992.
- 3.7 DMS/113213/G Discharge of planning obligation SH920169PO. Undetermined.

#### **4. Consultation Summary**

##### Statutory Consultations

- 4.1 Welsh Water: No objections, recommends conditions.

##### Internal Council advice

- 4.2 Traffic Manager: Recommends conditions. 90 metres visibility is achievable to the north, but will require the removal of a section of hedgerow to the south. Set back of 2.4 metres is required to enable drivers to gain visibility.
- 4.3 Conservation Manager: No objection. The subdivision of the plot is consistent with the surrounding area. The dwellings would be quite prominent due to the sloping nature of the site, but they aspire to a quality of architectural expression which will justify this visibility. The scheme's re-interpretation of suburban norms is refreshing. The site can accommodate two dwellings without a significant landscape impact on the setting of the settlement. The tree survey and landscaping are suitable. With regards to the amended plans, which include the encroachment of Plot 1 under the tree canopy of a protected tree, this is not ideal for such an old tree that is already in decline. An Arboricultural Method Statement should be provided.

#### **5. Representations**

- 5.1 Fownhope Parish Council: Concerned regarding the scale of the dwellings, which would be surrounded by bungalows. Single storey development would be better. There is a restriction on the land preventing further development. Minded to support subject to the suggested amendment and providing there is no restriction preventing development.
- 5.2 Amended plans: scale of development is still unsupported and plot now encroaches into root protection zone, so is not supported. Until section 106 has been officially discharged no development can be granted.
- 5.3 Letters of objection have been received from 12 local households, some have sent more than one letter. The main points raised in summary are:
- The development would be overbearing, overshadowing, would reduce privacy and views.
  - The access is dangerous and increased use would make this worse.
  - Not appropriate for two storey dwellings due to surrounding development being single storey and the site being within the Conservation Area and the Area of Outstanding Natural Beauty.
  - Trees on site are subject to Tree Preservation Orders. One has been reduced in height, so predicted root zone would be inaccurate.
  - Ecological Survey/Environmental Impact Assessment is required.
  - Development would reduce property values in Scotch Firs.
  - Government discourages 'garden grabbing'
  - Land is an important area of open space that has been used by the village for public events historically.
  - Development is for financial gain.

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Further information on the subject of this report is available from Mrs CL Atkins on 01432 260536

- Affordable homes and/or bungalows would be preferred.
- Existing sewerage system does not have the capacity for further development.
- Other sites in the village are more suitable for the development.
- Bungalows in Scotch Firs have not been allowed to be extended to provide first floor accommodation by the Council.
- Permission has been previously refused for residential development of the site.
- Legal agreement prevents residential development of the site.

5.4 A Design and Access Statement and a Tree Survey and Arboricultural Constraints Report were submitted with the application. In summary these state:

- The site is within the settlement boundary and the principle of development is acceptable.
- The dwellings would be unashamedly modern in appearance whilst retaining a traditional form and composition. They would sit comfortably in their landscape and in the Conservation Area.
- Dwellings have been located on their plots to respect the position of Westholme and the staggered line of development in Scotch Firs.
- Plot 1 has been sited to provide adequate distance to Scotch Firs and to protect the root zone of the protected trees.
- High quality design is proposed, which will blend traditional and contemporary. Reference has been taken from Hope House, within the village.
- Dwellings would achieve Level 3 of the Code for Sustainable Homes, with ground source heat pumps with under floor heating, recycling grey water systems and porous bound gravel to driveways and parking areas. Whole house ventilation systems with heat recovery will be incorporated into the design. Highly insulated timber frame is proposed.
- Natural slates are proposed, which are considered appropriate for this location. Timber boarding stained in shades of grey and slimline aluminum for the glazed link between the garage and study are proposed.
- Native hedgerow, trees and shrubs are proposed within the site and to the boundaries.
- These family homes would be sited in a thriving village and would be sustainable through their design and location.

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 main considerations in the determination of this application are the principle of the development, the impact of the scheme on the character and appearance of the Conservation Area and Wye Valley Area of Outstanding Natural Beauty, the affect on the neighbouring properties, highway safety, the affect on protected trees and the capacity of the sewerage system.

6.2 The site lies within the settlement boundary for Fownhope. As such policy H4 of the Herefordshire Unitary Development Plan (HUDP) applies. This policy states that residential development is acceptable, subject to compliance with other relevant policies of the Plan. The existence of the Section 106 Obligation is noted. However an application has been submitted to discharge this, because it no longer serves a useful purpose as the site is now within the defined main village. It is anticipated that the application to discharge the Section 106 Obligation will have been determined by the date of this Committee meeting and an update will be provided. There has been a significant change in planning policy to distinguish this application from the earlier refusals of planning permission and dismissed appeals. This is a material planning consideration of significant weight. As such the principle of development of the site is acceptable, as set out in policy H4 of the HUDP. In respect of a scheme for two

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Further information on the subject of this report is available from Mrs CL Atkins on 01432 260536

dwellings on a site of this size, there is no planning policy requirement for the provision of affordable housing.

- 6.3 Turning to the detail of the scheme, as the site is within the Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area as required by section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. Policy HBA6 of the HUDP requires development to preserve or enhance the Conservation Area's character and appearance.
- 6.4 The proposed dwellings would be two storey and whilst their proportions would be relatively traditional their external materials would be more modern in appearance. The existing development in the vicinity comprises predominantly single storey dwellings. Those to the immediate east of the site are modest in scale, with larger and slightly more elevated properties to the north and Westholme to the west. It is accepted that the proposed dwellings would differ in appearance and scale to these single storey properties. However due to their orientation in relation to the properties in Scotch Firs and the presence of other two storey development both within the Scotch Firs development and immediately opposite the site, it is not considered that a two storey development would be out of keeping with the mixed residential character of the locality. Furthermore, by virtue of the quality of the design of the dwellings proposed it is considered that due to the prominent position they would occupy, in particular Plot 1, they would contribute positively to the rural street scene. The Conservation Manager supports the proposal in terms of its impact upon the Conservation Area.
- 6.5 The site is within the Wye Valley Area of Outstanding Natural Beauty. Within the context of the site in a developed area and between residential properties it is considered that the erection of two dwellings would not adversely affect the natural beauty and scenic quality of the landscape. The Conservation Manager has no objections in terms of any wider landscape implications. With regards the setting of the settlement it is considered that the site represents an important transition between the open countryside and the more densely developed village. In light of this the siting of the dwellings, set back in the site and retaining mature trees is considered to respect this existing character. A native hedgerow is proposed to be planted to the rear of the improved visibility splay to the south.
- 6.6 Scotch Firs bounds the northern and eastern boundaries of the site. These properties are single storey. Similarly to the application site, levels rise from the south up to the north. Amended plans have been submitted, which have relocated the dwellings further into the site. This has increased the separation distance between plot 1 and 1A, Scotch Firs to 20 metres. The distance between the rear elevation of Plot 2 and numbers 3 and 4 Scotch Firs would be 19.5 metres and 18.5 metres respectively. These distances are taken from rear elevations and not directly facing first floor windows. On the first floor of the rear elevation of the proposed dwellings there would be 6 windows. Of these 4 would serve either an ensuite bathroom or a dressing room, so could be conditioned to be obscurely glazed. On this basis and given the site's context in a main village the separation distances proposed are considered to be acceptable in terms of privacy. Furthermore, due to the distance between the dwellings they would not be unduly overbearing or have an overshadowing affect. This is demonstrated by the submission of a satellite image of the site by the applicant, which clearly shows that the shadow of the existing trees within the curtilages of numbers 1 and 1A, Scotch Firs at mid afternoon during the summer. By extension of this assessment it is considered that the shadow from the proposed dwellings would be unlikely to fall within the curtilages of the dwellings in Scotch Firs until late afternoon/early evening.
- 6.7 There are no objections to the proposal in highway safety terms. The Traffic Manager has requested improved visibility in a southerly (towards the village) direction. This is achievable through the removal of a section of hedgerow of approximately 5-7 metres. The Conservation Officer has no objection to the removal of this length of hedgerow, as it is not native, provided

that a native hedgerow is planted to the rear of the improved visibility splay. In due course this would represent an enhancement to the site and surrounding locality.

- 6.8 The trees adjacent to the access make a significant contribution to the character and appearance of the Conservation Area and the setting of the settlement. The scheme retains the trees and has sought to protect their longevity. The amendments to the scheme, to improve the distance separation between Plot 1 and 1A Scotch Firs have resulted in a corner of the building projecting 2.5 metres into the root protection area. This section of building would be single storey only. The Conservation Manager has no objection in principle, taking the constraints of the site into account, but advises that an Arboricultural Method Statement is provided. This would be secured by condition.
- 6.9 A number of objectors have raised concerns regarding the capacity of the existing sewerage system to serve the development. Welsh Water have raised no objections to the proposal, but recommend conditions in respect of the separate drainage from the site of foul and surface water drainage. It should also be noted that the proposal includes recycling grey water systems and porous bound gravel to driveways and parking areas, thus reducing the drainage from the site into the public drainage system compared to older properties.
- 6.10 As the proposal is for residential development the provisions of the Supplementary Planning Document – Planning Obligations are applicable. At present there is a temporary suspension on Section 106 contributions for proposals for developments of five or less dwellings provided that development commences within one year of the grant of permission. The applicants have requested that if planning permission is granted that a one year commencement condition is imposed and as such no financial contributions would be required.
- 6.11 In conclusion, the proposal is considered to accord with local planning policies and there are no material planning considerations that would outweigh this.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. C01 Samples of external materials**
- 4. F07 Domestic use only of garage**
- 5. F17 Obscure glazing to windows**
- 6. G11 Landscaping scheme - implementation**
- 7. G07 Protection of trees covered by a Tree Preservation Order**
- 8. G03 Retention of existing trees/hedgerows**
- 9. G12 Hedgerow planting**
- 10. H03 Visibility splays**
- 11. H09 Driveway gradient**
- 12. H13 Access, turning area and parking**

13. H27 Parking for site operatives

14. Foul water and surface water discharges shall be drained separately from the site.

Reason To protect the integrity of the public sewerage system.

15. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

16. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/112643/F

**SITE ADDRESS :** WESTHOLME, FOWNHOPE, HEREFORDSHIRE, HR1 4NN

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Further information on the subject of this report is available from Mrs CL Atkins on 01432 260536



|                         |   |
|-------------------------|---|
| <b>MEETING:</b>         | <b>PLANNING COMMITTEE</b>   |
| <b>DATE:</b>            | <b>11 JANUARY 2012</b>  |
| <b>TITLE OF REPORT:</b> | <p><b>DMS/112675/F - VARIATION OF CONDITION 21 OF PLANNING PERMISSION DCCW0009/0958/F TO ALLOW FOR USE OF THE FLOODLIGHTS TO THE ALL WEATHER PITCH ONLY TO BE EXTENDED TO SATURDAYS AND SUNDAYS BETWEEN THE HOURS OF 0900 AND 2000 AT THE HEREFORD ACADEMY, MARLBROOK ROAD, HEREFORD, HEREFORDSHIRE, HR2 7NG</b></p> <p><b>For: The Hereford Academy, Marlbrook Road, Hereford, HR2 7NG</b></p> |

**Date Received: 26 September 2011    Ward: St Martins and Hinton    Grid Ref: 350160,237975**  
**Expiry Date: 17 January 2012**

Local Members: Councillors ACR Chappell, R Preece and P Rone

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

- 1.1 The Hereford Academy is located at the western end of Marlbrook Road, Redhill, Hereford. It is located on a triangular site with Great Western Way forming the northwest boundary, Southdale residential estate adjoins the southeastern boundary whilst residential development along Stanberrow Road backs onto the eastern boundary.
- 1.2 The school site has recently been redeveloped (application DCCW0009/0958/F) with a new school, 6th Form and community building located at the southern eastern end of the existing playing fields near the entrance to the school off Marlbrook Road.
- 1.3 As part of the redevelopment there has been a significant emphasis on sports provision with three main sports pitches proposed along the northwest boundary, a full size grass rugby pitch and to the north a three quarter football pitch and mini soccer pitch. In the top corner of the site high and long jump facilities are provided with a rounders pitch. A jogging and fitness track runs along the northern end of the site. Central to the site and to the north of the school building is a part floodlit multi use games area (MUGA).
- 1.4 The element that is the subject of this application is the full size synthetic turf football and hockey pitch (All Weather pitch) sited to the South of the site (north west of Beaufort Avenue and east of the Great Western Way).
- 1.5 This all weather pitch would be lit with the times controlled by Condition 21 of the Planning Permission DCCW0009/0958/F which states the following:

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

*The floodlighting hereby permitted for the MUGA and all weather area shall not be switched on outside of the following times: - 0900 - 2200 Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays.*

*Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.*

- 1.6 This application seeks to vary this condition to allow the floodlights to all weather pitch (not MUGA) to be utilised on Saturdays and Sundays from 0900 to 2000.

## **2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007:

|      |   |  |
|------|---|--|
| DR2  | - | Land Use and Activity                                  |
| DR4  | - | Environment  |
| DR14 | - | Lighting   |
| T16  | - | Access for All   |
| LA6  | - | Landscaping Schemes                                    |
| RST1 | - | Criteria for Recreation, Sport and Tourism Development |
| CF5  | - | New Community Facilities                               |

## **3. Planning History**

- 3.1 CW2003/0508/F Extensions and alterations to the staff accommodation and dining room. Approved 26 March 2003.
- 3.2 DCCW2005/1557/F Erection of detached single storey youth drop in centre. Withdrawn 23 June 2005.
- 3.3 DCCW2005/3221/F Extension to house, relocated kitchen. Approved 7 November 2005.
- 3.4 DCCW2006/0763/F Extension to provide store. Approved 12 May 2006.
- 3.5 DCCW2006/1728/F Remove existing defective perimeter fencing. Erect new perimeter fencing and entrance. Approved 14 July 2006.
- 3.6 DCCW2008/1677/CD Covered area in courtyard for pupil use. Approved 14 August 2008.
- 3.7 DCCW2008/3037/CD Mobile classroom building to house sixth form centre and ancillary office accommodation (temporary). Approved 4 February 2009.
- 3.8 DCCW0009/0958/F Construction of new secondary school buildings including landscaping and other associated works and demolition of existing school buildings. Approved 18 August 2011.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 Traffic Manager: Raises no objection to the grant of planning permission.



4.3 Environmental Health Manager: I have examined the application and have no objection to the proposed development. I consider that the pitch is sufficiently distant from occupiers for the proposed use, within the proposed hours, to proceed without giving rise to nuisance.

## **5. Representations**

5.1 Hereford City Council: Is happy to support this application with regards to allowing longer hours on Saturdays, however feel that due to light pollution issues and considerable noise levels the hours on Sundays should be restricted to 10 am and 6 pm only, and this new arrangement should be put in place for a period of 12 months only to see if there will be any complaints from residents. Providing there are no complaints the permission should be automatically extended.

5.2 Two letters have been received from M Chamberlain, 34 Beaufort Avenue and Mr and Mrs J Birkinshaw, 85 Beaufort Avenue.

These letters raise the following issues:

- As the pitches are not finished it is difficult to judge the real impact
- After the floodlights are off will there still be cars coming and going? How secure will the car park be?
- Could the decision be deferred until after the winter to allow residents to assess the use?
- Concern that 8pm is too late? Could 5pm be considered?
- Confirmation sought that this still excludes Bank Holidays?
- It would be useful to also see the lettings policy (which should include the conditions of use, including what time they should vacate the pitch, etc).

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 Condition 21 of the Planning Permission DCCW0009/0958/F seeks to control the use of the floodlighting of the all weather and Multi Use pitches. This application relates to the all weather pitch only. This condition does not specifically control the hours of use of these pitches, which could be used at any time of day, only the floodlighting of these pitches.

6.2 The use of floodlights on Saturday and Sunday in the late afternoon and evenings (before 8pm) during the late autumn, winter and early spring is therefore the key consideration, and whether this additional use along with use during the week, would be considered unacceptable to the amenities enjoyed by local residents. It is noted that during the week, the lights could be used until 10pm but this late finish is not sought for the weekend hours. Nor is the use of lights requested on Bank Holidays.

6.3 The letters that have been received raise concern about this extended period of use. Partly because it is an unknown quantity at present as the pitches have yet to be completed and used. The principle of the use of this all weather pitch has already been considered in the original application and its proximity to the dwellings was deemed acceptable, including the use of floodlights until 10pm during the week.

6.4 The technical details of the floodlighting have been agreed through the submission of details in respect of Condition 22, 23 and 24 of this permission and this should ensure that the light spillage would not adversely impact upon residential amenities of local residents in accordance with Policies DR14 and DR2 of the Herefordshire Unitary Development Plan.

6.5 In this context the focus of attention is therefore in relation to possible disturbance to residents associated with the extended use at weekends. This would be until 8pm only on weekends. The Environmental Health Officer has been consulted on this matter and raises no objections. It is however suggested that planning permission is granted for a temporary period of two years. This would allow a reasonable period to establish the facility and consider the impact on the local residents. This would allow any problems or concerns that have arisen to be fully considered.

6.6 It is also noted that Condition 32 of the planning permission requires the following:

*Prior to occupation a Community Use Scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of pricing policy, hours of use, access by non-school users, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.*

*Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with PPG17 and Herefordshire Unitary Development Plan Policy S1.*

6.7 This is a further mechanism to consider how the facilities are managed, an issue that local residents have also raised. It will also allow for a review should there be concerns or problems arising from the use.

6.8 On the basis of the above, it is considered that a temporary permission would be an acceptable mechanism by which to support this proposal. It would allow the community facility to establish whilst also ensuring a review mechanism should weekend (evening) use prove to cause unacceptable nuisance to neighbouring residential properties.

## RECOMMENDATION

**That condition 21 of the planning permission DCCW0009/0958/F be varied as follows :**

**1. The permission hereby granted is an amendment to planning permission DCCW0009/0958/F dated 18 August 2011 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

**Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.**

**2. The floodlighting hereby permitted for the MUGA shall not be switched on outside of the following times: - 0900 - 2200 Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or Public Holidays**

**Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.**

**3. The floodlighting hereby permitted for the All Weather Pitch shall not be switched on outside of the following times: - 0900 – 2200 Mondays to Fridays and 9.00 and 20.00 on Saturdays, Sundays nor at any time on Bank or Public Holidays.**

**To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.**

4. This permission shall expires on 11 January 2014, after which time, the use of the MUGA and all weather pitches shall refer back to the restrictions imposed by Condition 21 of Planning Permission DCCW0009/0958/F unless otherwise agreed in writing (planning permission) by the local planning authority.

Reason: To enable the planning authority to give further consideration to the acceptability of the proposed use on Saturdays and Sundays after the temporary period has expired and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

**Informative:**

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

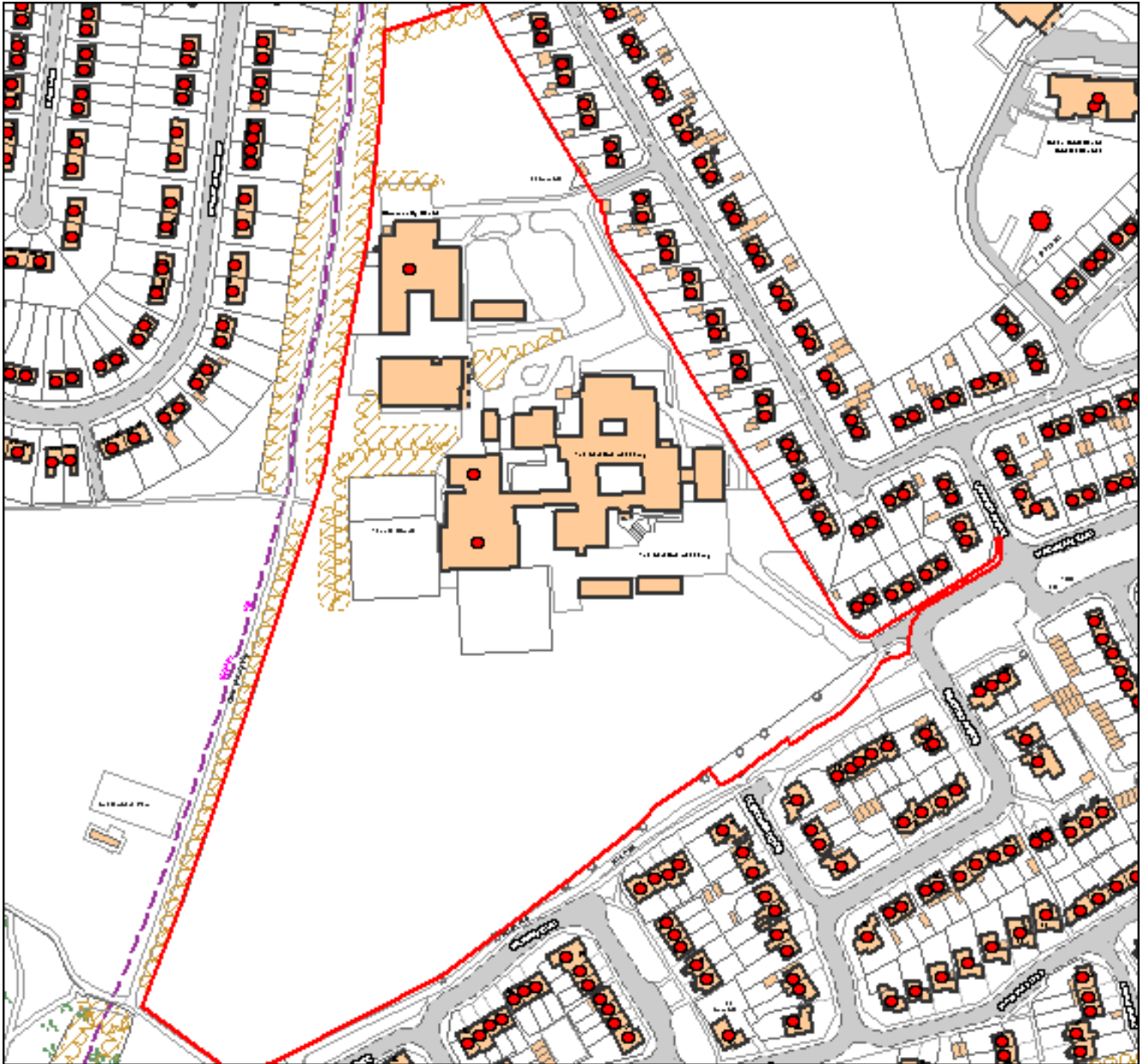
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DMS/112675/F

**SITE ADDRESS :** THE HEREFORD ACADEMY, MARLBROOK ROAD, HEREFORD, HR2 7NG

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