

# AGENDA

## Planning Committee

Date: **Wednesday 18 July 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

**Chairman**  
**Vice-Chairman**

**Councillor PGH Cutter**  
**Councillor BA Durkin**

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

## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

### What is a personal interest?

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

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

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

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

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

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

### What is a prejudicial interest?

You have a prejudicial interest in a matter if;

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

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

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

## AGENDA

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.  Further guidance will be available to Members in respect of Pecuniary Interests under the Localism Act 2011.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 27 June 2012.	1 - 10
5.	<b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6.	<b>APPEALS</b> To be noted.	11 - 14
7.	<b>S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX</b>  An extension, part single storey and part double storey to existing school building, with associated landscaping and appearance of existing school.	15 - 28
8.	<b>S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF</b>  Proposed three bedroom detached agricultural dwelling.	29 - 38
9.	<b>S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD</b>  Sewage pumping station, including control kiosk and associated works.	39 - 50
10.	<b>N120896/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</b>  Change of use of Building 1 from agricultural building to storage; change of use and adaptation of old factory building (Building 2) from offices and storage to offices, storage & manufacturing.	51 - 58
11.	<b>N121483/F - SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB</b>  Erection of agricultural storage / general purpose building.	59 - 62
12.	<b>DATE OF NEXT MEETING</b>  Date of next site inspection: 7 August 2012  Date of next meeting: 8 August 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.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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## 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 27 June 2012 at 10.00 am**

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

Councillors: PA Andrews, AM Atkinson, AJM Blackshaw, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, RC Hunt, AW Johnson, JG Lester, MD Lloyd-Hayes, FM Norman, R Preece, P Rone, GR Swinford and JD Woodward

**In attendance:** Councillors ACR Chappell, JLV Kenyon and GJ Powell

**10. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JW Hope MBE, Brig P Jones CBE, G Lucas, RI Matthews and PJ Watts.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AJM Blackshaw, AM Atkinson, AW Johnson, R Preece and P Rone attended the meeting as substitute members for Councillors JW Hope MBE, Brig P Jones CBE, G Lucas, RI Matthews and PJ Watts.

**12. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

7. S102921/ O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN.

Councillor DW Greenow, Personal, The Councillor rents a farm from the developer.

7. S102921/ O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN.

Councillor JLV Kenyon, Prejudicial, The Councillor is a member and sponsor of the rugby club.

8. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX.

Councillor MD Lloyd-Hayes, Personal, The Councillor is Chairman of 'Riding for the Disabled'.

8. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX.

Councillor RC Hunt, Personal, The Councillor declared an interest due to his involvement in Westfield School, Leominster.

9. N121311/F - LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT.

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

9. N121311/F - LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT.  
Councillor JG Lester, Personal, The Councillor knows the applicant.

### 13. MINUTES

Members noted the correction to the minutes made at the Planning Committee meeting on 6 June 2012 and asked for further clarification to be inserted to make it clear that they wished for the trees to be replaced in High Town.

**RESOLVED: That subject to the amendment detailed above, the Minutes of the meeting held on 6 June 2012 be approved as a correct record and signed by the Chairman.**

### 14. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

### 15. APPEALS

The Planning Committee noted the report.

### 16. S102921/ O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN

The Principal Planning Officer gave a presentation on the application. He added that 3 further letters of objection had been received after the updates sheet had been produced. These letters had been submitted from previous objectors and raised no new material planning considerations.

In accordance with the criteria for public speaking, Mr Townson, representing Hampton Bishop Parish Council, and Mr Westoby, a neighbouring resident, spoke in objection to the application and Mr Griffiths, the applicant, and Councillor JLV Kenyon, the neighbouring ward member who had declared a prejudicial interest in respect of the application, spoke in support. Councillor Kenyon left the Council Chamber immediately after speaking and took no further participation in the debate.

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

- The benefits to Rugby in Herefordshire were not argued, however the proposed location was wrong and there were access and highways issues with the proposed site.
- The only way the application could go ahead was through the requirement of 190 dwellings.
- The application was in open countryside in a rural approach to the city.
- The area was an important area of the Wye Valley and was only serviced by a B road.
- The Parish Council and the Objector had both voiced their concerns and their comments should be noted.

Prior to the debate the Principal Planning Officer was asked a question in respect of the requirement to consider Brownfield and Greenfield sites for housing as outlined in the recently introduced National Planning Policy Framework. In response to the question the Principal Planning Officer confirmed that the NPPF required the Council to demonstrate a 5 year supply of deliverable housing land as well as a 5% buffer. He added that there



was now a requirement to consider releasing Greenfield and Brownfield land outside of the settlement boundary and that the NPPF stipulated that housing proposals should be considered in the context of a presumption in favour of sustainable development.

The Committee opened the debate by voicing their disappointment that the application had been bought back before them, however they appreciated the reasons for this as outlined in the Officer's report. They discussed a number of key policies and made the following comments:

- Policy RST10 of the Unitary Development Plan which related to major sports facilities highlighted the importance of regional and sub-regional facilities. It was accepted that there were no other alternative sites which were viable, suitable and available.
- The proposal was in keeping with policy T8 of the Unitary Development Plan as the site was sustainable with good public transport links.
- Policy NC6 of the Unitary Development Plan in terms of biodiversity was also addressed through the protection of the orchard.
- The application was also in accordance with both policies LA2 and LA3 of the UDP in terms of landscaping and the setting of the settlement. Also within 3-5 years the organic status of the retained orchard would be established enhancing the landscape, wildlife and presence of wild flowers on the site.
- The proposal to include 35% affordable housing was in accordance with policy of H9 of the UDP.
- The proposed development would provide much needed housing in Hereford, with 5000 people on the housing waiting list.
- The application was also in accordance with Policy DR2 of the UDP in terms of land use.
- DR4 of the UDP had also been complied with due to the high construction standard of the proposed dwellings achieving code level 4.
- At £6.1 million, the Section 106 agreement was the largest contribution secured in the history of Herefordshire Council and would result in a number of community infrastructure benefits to the residents of the County including the provision of 36 allotments and the transfer of the existing rugby club site to the Council.
- Due to the Ecological Management Plan submitted by the applicant, the application was also now in accordance with Policy S7 of the UDP. This was demonstrated by the withdrawal of an objection by Natural England.

Following the comments made in support of the application a Member of the Committee moved that the application be approved contrary to the case officer's recommendation. In moving the recommendation UDP Policies RST10, T8, NC6, LA2, LA3, H9, DR2, DR4, DR5 and S7 were all given as policies that supported that application.

In seconding the motion another Member of the Committee also put forward Policy S8 of the UDP as being another reason for approving the application. It was also suggested that the application was also supported by Section 3 of the National Planning Policy Framework regarding prosperous rural economies, and section 8 regarding sports venues.

The Committee continued to debate the application with another Member noting the four key requirements of the previous Planning Committee resolution as outlined in paragraphs 7.2 to 7.10 of the officer's report. These issues related to further comments received and the protection of additional orchard, the withdrawal of Natural England's objection, the agreed design code, and the provision of the Section 106 agreement, all of which had now been resolved. He went on to reiterate the policies referred to by previous speakers which supported the application. Finally in summing up he also noted that the approval of the application would protect a large part of the existing orchard

which was not currently protected and could be removed at any time by the farmer, it was felt that this was a benefit in supporting the application. The following points were expressed in supporting the application:

- The 4 requirements outlined in the case officer's report had been met.
- A major sporting facility would be provided which would give the opportunity for improved fitness and wellbeing.
- An approval would secure retention of part of the orchard in a key approach to the city.
- Code Level 4 standard for environmental design was welcomed on the site.
- The 35% affordable housing element with a balanced provision of homes was welcomed.
- The site was well placed in sustainability terms with particular reference being made in respect of the forthcoming Sustrans cycleway to Rotherwas.
- The proposed application also provided a number of community allotments.

Other members spoke in support of the application and noted that the NPPF gave a presumption in favour of sustainable development and therefore the application should be supported. Concern was also expressed in respect of the site being referred to as open countryside as it was accepted that there were a number of dwellings within the Tupsley ward in close proximity to the proposed site.

Some members did however express concern in respect of the application and advised that they would be voting against the motion. It was noted that there were some positives as referred to by previous speakers but that these were outweighed by the negatives which included visual intrusion; the loss of sections of the orchard; the impact on one of the main routes into the city; the traffic concerns; the flood risk; as well as the impact the application would have on the neighbouring residents.

The Councillor who had moved the motion to approve the application agreed that the Section 106 Heads of Terms were as set out in the report, and the inclusion of any necessary conditions as well as the wording of the decision notice, including the conditions, should be delegated to officers in consultation with the ward member, the neighbouring ward member and the Chairman of the Planning Committee. In response to a number of questions from the Locum Lawyer (Planning and Regulatory) he confirmed the following:

- That he accepted that by approving the application the application would be considered as a departure from Policy H7 of the UDP, but that this was justified through the NPPF, through the provision of affordable housing and the lack of a five year housing land supply.
- That the application conformed to the criteria as set out in policies LA2 and LA3 of the UDP as it would not adversely affect the landscape setting and character due to the comprehensive Ecological Management Plan and layout.
- That in respect of policy RST10, the environmental impact was deemed as acceptable with any concerns outweighed by the provision of regional sporting facility on a suitable, viable and affordable site. This was reiterated through the withdrawal of an objection by Natural England.
- That the proposed Ecological Management Plan and the withdrawal of Natural England's objection addressed Policies S7 and NC6.
- That he adopted the reasoning on the other planning issues as set out in the report.

Councillor J Hardwick was given the opportunity to close the debate. He reiterated his opening remarks and requested and made the following additional comments:

- The issues of flooding and visual impact had not been addressed by the applicant.
- 40% of the existing orchard would be lost as part of the application.
- The provision of floodlighting on the site was of concern to the neighbouring residents.
- The agricultural access between the two junior pitches was also a concern in respect of health and safety.
- The impact on the villages of Mordiford and Hampton Bishop as a result of increased traffic was also noted.
- The site was not acceptable and there were clearly more suitable sites within the county.
- The application should therefore be refused in accordance with the case officer's recommendation.

A Named Vote was called for and taken in accordance with paragraph 4.1.16.38 of the Council's constitution.

The following Members voted for the motion:

Councillors PA Andrews, PJ Edwards, DW Greenow, KS Guthrie, RC Hunt, MD Lloyd-Hayes, JD Woodward, AJM Blackshaw (substitute), AM Atkinson (substitute), A Johnson (substitute), P Rone (substitute), R Preece (substitute) BA Durkin (Vice-Chairman), PGH Cutter (Chairman).

The following Members voted against the motion:

Councillors AN Bridges, JG Lester, FM Norman, GR Swinford

As Local Ward Member, Councillor J Hardwick was not entitled to vote on the motion. The motion was carried by 14 votes to 4.

#### **RESOLVED:**

**That officers named in the scheme of delegation be authorised to issue planning permission in consultation with the Ward Councillor, adjoining (Tupsley) Ward Councillors and the Chair of Planning Committee subject to:**

1. **Any conditions considered necessary by officers.**
2. **The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms as detailed in the officers appraisal.**

#### **17. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX**

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. She added that a petition containing 1251 signatures had been received in support of the application on the morning of the meeting.

In accordance with the criteria for public speaking, Mrs Bailey, the Head teacher for the school, spoke in support of the application.

Councillor GJ Powell, the Cabinet Member for Education and Infrastructure, addressed the Committee in support of the application in accordance with paragraph 5.13.7 of the



Council's Constitution. Councillor Powell left the Council Chamber immediately after speaking and took no further participation in the debate.

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

- The school was moved to its current location in the 1990's after previously being located on Ross Road.
- The school was built for 40 pupils but now accommodated in excess of 70.
- 64 of the signatures on the petition came from people who lived in close proximity to the school.
- The school was clearly above capacity, a fact confirmed by the LEA, with no viable alternative option apart from an extension to the existing site.

Councillor P Rone, another of the local ward members, commented on a number of issues, including:

- The site visit had highlighted the scale of the proposal.
- The extension to the school would be 24 metres away from the nearest dwelling.
- The school was only open during the week and was not used at weekends.
- The need for the extension was apparent.

Councillor ACR Chappell, the other local ward member, also commented on a number of issues, including:

- The application would have a negative impact on the amenity of neighbouring residents and should be moved onto the playing field of the neighbouring Marlbrook School.
- Sport England have not formally objected and should be approached by the applicant with a view to relocating the extension on the school field.
- The new vacant former Whitecross High School had been designated for a primary school and would be a more appropriate site.
- The proposed extension to the school may need to be extended further in the future.

The Committee discussed the application and had concerns in respect of the close proximity of the proposed extension to the nearby dwellings, that the planned capacity would not be sufficient to meet future needs resulting in further extension being necessary, and the overdevelopment of the site. Members asked for the determination of the application to be deferred pending further discussions with the applicant and Sport England in order to establish if the proposed extension could be relocated into a small area of the playing field of the neighbouring Marlbrook School.

The Committee also discussed the possibility of relocating the entire school to either the now vacant former Whitecross High School site or any other appropriate site within the City.

Councillors Preece, Rone and Chappell were given the opportunity to close the debate. They reiterated their opening remarks.

## **RESOLVED**

**THAT determination of the application be deferred pending further discussions with the applicant and Sport England in respect of the possible re-siting of the proposal onto neighbouring school land or identifying alternative sites within the County.**

**18. N121311/F - LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT**

The 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.

Councillor JG Lester sought advice in respect of a possible interest in the application. The Locum Lawyer (Planning and Regulatory) advised that Planning Committee Members would not necessarily have a personal interest in a fellow Member's planning application by virtue of the fact that they regularly met at public meetings or were members of the same political party. She added that something more than a political acquaintance was required in order for a declaration of interest to be required. Following the guidance Councillor Lester declared a personal interest in the application.

Members noted that the application had only come before the Committee as it had been submitted by the husband of a Councillor. It was further noted that the application would have been approved under delegated powers had this not been the case.

**RESOLVED:**

**Subject to there being no material planning issues raised by the outstanding consultation responses 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.**

**Reason for Approval:**

- 1. The proposed development is considered to be acceptable by the Local Planning Authority as it is well sited, well designed and of an appropriate scale and appearance in the context of the site. It is also considered to be reasonably necessary for the purposes of agriculture and will not harm the amenities of nearby residential dwellings. As such the development is considered to comply with Policies S1, S2, S7, DR1, DR2, DR4, E13, LA2 and CF4 of the Herefordshire Unitary Development Plan 2007 and the Central Government advice contained within the National Planning Policy Framework.**

**19. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 12.50 pm

**CHAIRMAN**



# PLANNING COMMITTEE

27 June 2012

## 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.

**N121311/F – TO ERECT A NEW BUILDING TO BE USED FOR A MIXED USE FOR THE PURPOSES OF AGRICULTURE AND TO INSTALL A WOOD CHIP BOILER TO PROVIDE A HEAT SOURCE TO THE DWELLINGHOUSES KNOWN AS "LEADON COURT" AND "LITTLE LEADON" AT LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE HR8 1HT**

**For: Mr Morgan per John Ruck Construction Ltd, Longmead, Elms Green, Leominster, Herefordshire HR6 0NS**

### ADDITIONAL REPRESENTATIONS

The following comments have been received:-

Conservation Manager (Historic Building Officer): "Leadon Court is a grade II listed building with a detached hopkilm and outbuilding to the north which is listed in its own right. These building are situated to the east of the farm complex and the proposed site of the agricultural barn to the west edge, next to an existing modern shed. Given the distance, topography and intervening barns it is not considered that the proposed barn would have any effect or impact on either of the listed building."

Conservation Manager (Landscape): "The build will be located adjacent to existing large agricultural buildings in an established functional area. As included in the Design and Access Statement, no trees or hedgerows will need to be removed. There will not be a significant negative impact on the site or surrounding landscape and there is no objection to this building."

Traffic Manager: No objection to the application.

### OFFICER COMMENTS

For clarification the boiler which will located within the new building will be served by a flue which will stand 1.5m off the roof of the building, taking the maximum height of the development to 7.3m.

### NO CHANGE TO RECOMMENDATION





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

**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. N 120680/F

- The appeal was received on 26 June 2012
- 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 A Cupper
- The site is located at Glebe Edge, Whitbourne, Worcester, WR6 5RT
- The development proposed is Proposed demolition of existing bungalow and redevelopment with replacement two storey detached dwelling with associated infrastructure works
- The appeal is to be heard by Written Representations

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

### Application No. EN/001595/ZZ S121685

- The appeal was received on 12 June 2012
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mill Lane Enterprises Ltd
- The site is located at Land at Mill Farm, Mill Lane, Credenhill, Herefordshire, HR4 7EJ

The breach of planning control alleged in this notice is:

- without planning permission the unauthorised material change of use of land from agriculture to the stationing on land of a caravan for residential purpose.

The requirements of the notice are:

- Cease the residential use of the land.
- Permanently remove the caravan.
- Remove all material from the land that facilitates the stationing of the caravan, including but not the exclusively, the wooden access steps of the caravan and return the land to its former condition.
- The appeal is to be heard by Hearing

**Case Officer: Mark Lane on 01432 261970**

**Application No. S113262/FH**

- The appeal was received on 27 June 2012
- 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 Robert Garner
- The site is located at St Andrews Mead, Allensmore, Herefordshire, HR2 9AG
- The development proposed is Installation of photovoltaic panels on South facing roof.
- The appeal is to be heard by Householder Procedure

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

**APPEALS DETERMINED**

**Application No. N111654/F**

- The appeal was received on 2 December 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 Alfred Morgan
- The site is located at Caravan Site, Munderfield Harold, Bromyard, Herefordshire, HR7 4SZ
- The application dated 6 August 2011 was refused on 30 September 2011
- The development proposed was Change of use from agricultural land for extension to existing static caravan site by 15 additional units. Change of use from agricultural land (non productive) and small site for touring caravans/campers. Proposed toilet/shower block
- The main issues are:
  - The character and appearance of the site
  - Highway safety

**Decision:** The application was refused under Delegated Powers  
The appeal was Dismissed on 7 June 2012

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

**Application No. S113187/F**

- The appeal was received on 28 February 2012
- 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 G Spratling
- The site is located at Land to the rear of, 42 Grandstand Road, Hereford, HR4 9NB
- The application dated 4 November 2011 was refused on 6 January 2012
- The development proposed was Erection of one dwelling and garage.
- The main issues are
  - The layout and design of the proposed development with respect to the appearance and character of the site and surrounding Conservation Area (CA)
  - The effect the development would have on the living conditions of neighbours regarding dominance, outlook and privacy

**Decision:** The application was refused under Delegated Powers  
The appeal was Allowed on 1 June 2012

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

### **Application No. S110105/F**

- The appeal was received on 29 November 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr C Stanford
- The site is located at Graftonbury Garden Hotel, Grafton Lane, Herefordshire, HR2 8BL
- The application dated 5 January 2011 was refused on 5 April 2011
- The development proposed was Change of use from Hotel (C1) into HMO for upto a maximum of 52 people
- The main issues are:
  - Whether the proposed development complies with national and local policies relating to sustainable development.
  - The effect of the proposal on the character and appearance of the appeal site and its surroundings
  - Whether the proposal would be likely to increase the fear criminal and anti-social behaviour in the area and the resultant effect on the living conditions of neighbouring residential occupiers

**Decision:** The application was refused under Delegated Powers  
The appeal was Dismissed on 29 May 2012  
The application for award of costs by both parties was refused

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

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>18 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S120539/CD - AN EXTENSION, PART SINGLE STOREY AND PART DOUBLE STOREY TO EXISTING SCHOOL BUILDING, WITH ASSOCIATED LANDSCAPING AND INCORPORATING AMENDMENTS TO LAYOUT AND APPEARANCE OF EXISTING SCHOOL AT BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX</b></p> <p><b>For: Property Services, Herefordshire Council per Amey Consulting, Explorer 2, Fleming Way, Crawley, W Sussex, RH10 9GT</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120539&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120539&amp;NoSearch=True</a>

**Date Received: 17 February 2012    Ward: St Martins and Hinton    Grid Ref: 350248,238313**

**Expiry Date: 18 May 2012**

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

### **Update to Report**

At the last committee, members were advised that a petition of 1251 signatures (from nearby neighbours and residents around the county) had been received in support of this application. This stated:

*Blackmarston is Herefordshire's ONLY Primary Special School for children with severe and complex learning difficulties and disabilities. The current school was originally built to accommodate 40 pupils, our population is increasing and we now have over 70 children on roll. As a result some of our children have to be accommodated in unsuitable portacabins and we all manage in a limited space with our essential specialist facilities being based in converted cupboards and shower rooms. These are Herefordshire's most vulnerable children and yet, at present, the proposal is to reject our planning application which would allow us to extend the school to provide the learning space and facilities our children of the future so desperately need and richly deserve.*

Following the last committee meeting the applicant has been considering the issues raised and has provided an update statement as follows:

Herefordshire Council recognises the importance of identifying and assessing all options, when considering a capital investment. This is particularly so for major schemes such as the one proposed for Blackmarston Special School.

The Council has adopted a robust governance and scrutiny process which ensures that options are fully assessed and challenged to ensure they offer the best solution. Cabinet and Cabinet Member

authorisation to commit capital funds requires officers to report on the assessment of alternative options.

Consequently, alternative options are always assessed prior to funding approval being awarded for any major capital scheme.

With regard to Blackmarston Special School, the overriding limitation for the viability of any alternative site option is insufficient capital resource to deliver what would need to be a completely new school. With a budget of £4.6m, a new school on a new site is not affordable. Capital receipts from the disposal of the existing school site would be inadequate. This would also be the case if the Council were minded at all to build a new all age special school to replace existing provision at Blackmarston and Barrs Court schools.

Consideration of specific sites referred to at Planning Committee on 27 June 2012.:

### **Aylestone Business & Enterprise College**

This site was assessed when considering options for future accommodation for Barrs Court Special School. The option appraisal concluded that there was insufficient land available, given that Aylestone Business & Enterprise College is identified for expansion to accommodate additional pupils from new housing when the Local Development Framework is adopted. Since that appraisal was done, the school has applied to become an Academy. If the application is successful, the current land and buildings will be transferred to the new Academy Trust on a 125 year lease, in line with statute.

### **Former Whitecross High School site**

When this site was vacated by Whitecross High School in 2006, following the construction and occupation of a new school on a new site, the site was offered to the governors of Lord Scudamore Primary School, subject to the availability of capital resources to build a new primary school. This was a real possibility in 2007 when the Government announced a 14 year primary school rebuild and refurbishment programme. The governors of Lord Scudamore Primary School declined the offer. The Government funded programme has since been stopped by the Government as part of its austerity measures.

The 'brown field' part of the site has been sold subject to contract. The playing field is subject to the usual national and local planning policy constraints relating to development on playing fields. The playing fields also provide a flood plain for the Yazor Brook. In addition, there remains the overriding factor of insufficient capital funds to deliver a new primary, or indeed all through, special school on this or any other site.

### **Consideration of reorientation of the proposed extension to encroach onto the Marlbrook Primary School playing field.**

Following the Planning Committee deferral of a decision on the application, officers have been asked to reconsider this proposal which was originally discounted following detailed discussion with Sport England. The Planning Officer has advised this would require reorientation of the new extension by 20m to alleviate the Planning Officer's view about the impact of the proposed extension on the amenity of neighbouring properties.

As required, officers from People's Services and Property Services have reviewed this option.

This option was originally discounted following discussion with Sport England, a statutory planning consultee, where Sport England advised that they would object. The advice of the Planning Officer at that time was that they would not support a development which was subject to a Sport England refusal. Consequently, detailed plans for this option were not developed or costed. A revised scheme was therefore developed to deliver the much needed new facilities, within the existing school

boundary. This scheme was developed with the professional input of the management, staff, governors and parents of children at Blackmarston Special School, who fully endorse the scheme.

Given the concerns of the Planning Officer about the impact on the amenity of some neighbouring properties, the Planning Officer has been proactive in contacting Sport England to test if they are open to negotiation on their stated position, given the Planning Officer's wish to support a much needed development for the children and families who are reliant on the school. In particular, the Planning Officer has drawn to the attention of Sport England the fact that Marlbrook Primary School has planted trees along its boundary with Blackmarston Special School, proposing that this can therefore no longer be classed as playing field.

The written response from Sport England makes their position clear.

*“Essentially you need to ensure no area of the playing field is lost which can function as playing field. You need to demonstrate that any modifications to the proposal would meet one of the exceptions set out in our policy.”*

The exceptions are:

- E1. There is a carefully quantified and documented assessment of playing field provision in the catchment that can robustly justify an excess of playing field provision.
- E2. The proposed development is ancillary to the principal use of the site and it does not affect the potential quantity and quality of pitches that have the capacity to be provided.
- E3. The proposed development affects land that is in capable of forming a part of a playing pitch as defined within the statutory instrument.
- E4. There are plans to replace the lost playing field with compensatory provision of an equivalent of better quality or quantity.
- E5. The playing field loss is intended to be replaced by an alternative indoor or outdoor sports facility which would outweigh the detriment caused by the loss of the playing field.

Sport England go on to say:

*“From what you imply, some of the land affected (due to tree planting) could not have a sports pitch laid out, and if this is correct then Exception E3 might apply. However, this would need to be demonstrated. If this was not the case then you could seek to replace the lost playing field elsewhere on site or somewhere appropriate offsite. If that is not possible Sport England are likely to object.”*

Given that the row of trees planted by Marlbrook Primary School very recently are small saplings, it is the belief of People's Services and Property Services officers that we could not demonstrate that this area could not have a sports pitch laid out. However, further discussion on this matter will take place with Sport England, the outcomes of which will be reported verbally to the Planning Committee on 18 July 2012.

None of the other 4 exceptions apply. Herefordshire's draft playing pitch strategy identifies a shortage of playing pitches in Hereford City, particularly at junior and mini levels.

In addition to the above exceptions, Sport England also say:

*“I would refer to the new National Planning Policy Framework and par 74 in particular. Any proposal would need to both comply with at least one of our exceptions E1 to E5 and par 74 of the NPPF.”*

Paragraph 74 of the NPPF says:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

As part of the review of this option following deferral of a decision, a survey of the Marlbrook school playing field has been carried out to determine whether encroachment onto the playing field would impinge on the existing pitches on that site. The survey has concluded that it would. It has also concluded that it would not be possible to relocate or reorientate the pitch within the site without extensive and costly ground works at the other end of the playing field to create a level pitch and associated drainage. As the pitch cannot be compensated for, this will not satisfy the relevant Sport England exemption criteria.

A view was expressed at Planning Committee on 27 June that Sport England will always object to development on playing fields. Unless one of the 5 exceptions can be demonstrated and proven by the applicant and in addition the requirements of National Planning Policy Framework paragraph 74 can be satisfied, then yes, Sport England will object. An objection from Sport England is not to be taken lightly. The consequences of an objection from this statutory consultee are significant in terms of both time and cost.

If planning permission is granted following an objection from Sport England, the matter is referred to the Secretary of State. Sport England can then call-in the decision, resulting in a planning inquiry. The timescale for any inquiry is unknown, but 6 - 12 months is not uncommon. The estimated cost to Herefordshire Council of a planning Inquiry is £100,000. Permission may still not be granted.

It is also important to note a fact which was not made clear at Planning Committee on 27 June. The Sport England and National Planning Policy Framework protection of playing fields is not just a national requirement. It is also mirrored in our local planning policy RST 4 in the Herefordshire Unitary Development Plan 2007: "Safeguarding Existing Recreational Space". Thus in making a realignment of the proposed extension onto the Marlbrook playing field, this would be resolving one planning policy objection only to replace it with another.

Whilst it is the belief of People's Services Officers and Property Services Officers that we could not demonstrate to the satisfaction of Sport England that a newly planted line of trees is sufficient to no longer consider the area to be playing field and therefore capable of being made into a sports pitch and or run-off area, officers are pursuing a definitive view from Sport England to be available for report at Planning Committee on 18 July 2012.

The likelihood of a Sport England objection is further heightened by the fact that the Local Authority has already agreed and documented with Sport England that the playing field at Marlbrook Primary School is to be used as amelioration for the under provision of playing field at The Hereford Academy, due to its confined site area not allowing for the recommended playing pitch area for a school of its size.

In addition to the likely objection from Sport England and the associated costs and undefined but substantial programme delay that would result, other following factors have been considered.



Reorientation would increase the footprint of the extension by 48 sq mtr and require build up of the existing school playing field to the existing Blackmarston 'plateau' to ensure single story access for pupils. The cost of this is calculated to be an additional £500,000, for which there is no budget.

Finally, concern was expressed at the Planning Committee on 27 June 2012 that the capacity of the new school would not be sufficient to cope with future demand for places at the school. The capacity of the school, subject to planning permission being granted will be 80 pupils. Again, the future proofing of capital investment is something which is required to be demonstrated through the robust and challenging capital funding authorisation process for major projects like this application, prior to Cabinet or Cabinet Member approval to allocate the funding for the scheme.

The school has 71 pupils on roll with higher year group numbers due to move on to secondary school in the next few years, with lower numbers further down the school, reflecting the overall reduction in pupil numbers across Herefordshire. While there has been a slight rise in the birth rate in Herefordshire in the last two years, it is not at or anywhere near the level which saw the peak of demand for school places in Herefordshire during the 1990s. Mainstream schools have witnessed falling rolls due to lower birth rates and this is reflected in the special school population. While this reduction is mitigated to some extent by advances in medical technology which sees more children surviving with complex and multiple learning difficulties and disabilities, we will not see the kind of growth in demand for places witnessed over the past 20 years. A capacity of 80 allows for some growth, including for additional children from proposed new housing in the draft Local Development Framework.

In summary:

- None of the identified alternative sites are available to relocate the school.
- There is insufficient capital funding to deliver a new school on a different site.
- Sport England's position has been made very clear. They will object if we cannot satisfy one of the exemptions and the National Planning Policy Framework requirements.
- People Services and Property Services officers do not believe that Herefordshire Council can demonstrate that it can meet any of the exceptions:
  - The area of land is playing field
  - It could form part of a pitch, including run-off area.
  - The scheme will affect an existing pitch and running track.
  - The Marlbrook playing field has already been used as amelioration for an under provision of playing field at The Hereford Academy
  - The Council's own draft playing pitch strategy identifies a shortage of playing pitches in Hereford City.
  - We cannot replace the lost pitch area elsewhere.
- Planning approval is highly likely to result in a Sport England call-in and subsequent planning Inquiry, with an estimated cost to the Council of £100,000 and no guarantee that permission will be granted at the end of it.
- The additional footprint and works required to build up the ground is estimated at £500,000.
- There is no additional budget to meet the estimated additional costs.
- The new capacity of the school, at 80, will provide for future demand.

If there is any change in the Sport England position prior to the Planning Committee determining this application on 18 July 2012, the Planning Committee will be updated verbally at the meeting.

This further information will be evaluated and a further update will be provided at the Committee.

The report that was presented to committee remains unaltered as follows:

## 1. Site Description and Proposal

- 1.1 Blackmarston School was built in the late 1990's and provides special needs school provision for the wider Herefordshire community. The school is sited in a primarily residential area to the South of the city, and is accessed via Honddu Close (from Dulas Close to the north and Greencroft / Standale Road to the south).
- 1.2 The school is unusual in its design being octagonal in shape. The building is single storey with all rooms sited around a central atrium / courtyard area. The school building is sited to the east of the application site with car parking to the west of the school building. The land levels then slope considerably westwards towards the dwellings on Stanberrow Road. The schools play area and mobile classrooms are sited to the rear of the main school building (north east).
- 1.3 The application proposes an extension to the school to provide additional classrooms, hygiene facilities, hall and facilities and first floor staff accommodation. The extension projects away from the existing building in a westerly direction and is 70m in length and would run parallel with, and approximately 4m from the existing boundary with Marlbrook School. The first part of the extension would be single storey (5m) in height, rising to 8m for 23m in length before reducing in height. The building has been designed to accommodate a change in levels and as such, although the height reduces, it would continue to be 7m in height (above ground level). One of the key requirements of the school is to have a hall of sufficient height, positioned at the front of the school to assist with the arrival and departure of the children that are brought in by minibus. This hall and associated rooms are located within a part of the extension that projects in a northerly direction towards the dwellings on Dulas Avenue. This projects forwards by approximately 22m, and would be 8m from the boundary with the adjacent neighbour. This element also has to cope with the changes in levels and as such the eastern section would be approximately 4.5m to eaves height and the western part of the hall would be 7m to eaves height. The plans have been amended to try and address the concerns raised, and part of this forward projection has now been reduced, the plant room roof has been altered to a flat roof, and the wall moved back slightly to increase the planting area. The facing wall of this projection is proposed to be painted with a mural. The remaining building utilises brickwork at lower levels with lightweight panelling and standing seam profiled sheet metal cladding to roof.
- 1.4 The internal road layout will be altered with the 'roundabout' and central parking (12 spaces) retained at the entrance, in a revised form. A 4.5m wide roadway is proposed along the northern boundary of the site leading to a car park accommodating 22 spaces. Planting and landscaping is proposed along the boundaries of the car park and roadway.

## 2. Policies

### 2.1 National Planning Policy Framework:

The following paragraphs (extracts of) are of particular relevance

#### *Paragraph 17*

'always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and building'

'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'

#### *Paragraph 58*

'...Planning policies and decision should aim to ensure that developments:

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

- Will function well and add to the quality of the area, not just for the short term but over the lifetime of the development; .....
- Are visually attractive as a result of good architecture and appropriate landscaping .....

*Paragraph 72*

The government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; .....

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR14	-	Lighting
T11	-	Parking Provision
T14	-	School Travel
CF5	-	New Community Facilities

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.asp>

**3. Planning History**

3.1	HC940012JZ	Construction of new Blackmarston Special School of 1100 sq m floor area associated play areas and vehicular parking and turning facilities. Approved 31 January 1994.
3.2	HC940462JZ	Construction of new Blackmarston Special School of 1100 sq m floor area associated play areas and vehicular parking and turning facilities. Approved 12 December 1994.
3.3	DCCW2004/2623/F	Provision of modular building for use as temporary nursery. Council Approved Application 7 September 2004.
3.4	DCCW2005/2099/F	Landscaping of existing turfed area between playground and boundary. Approved 12 December 1994.
3.5	S100582/CD	Provision of 1 no. new mobile to provide additional facilities for children with special needs with hygiene room and canopy linking outside space to adjacent mobile. Withdrawn 21 May 2010.
3.6	S101203/CD	Retention of existing mobile building and provision of 1 no. mobile building and link canopy adjacent to provide additional facilities for children with special needs. Council Approved Application 24 June 2010.

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

## 4. Consultation Summary

### Statutory Consultees

#### 4.1 Sport England comments as follows:

The area proposed for the school extension lies adjacent to the boundary with Marlbrook School Playing Field. This boundary means that the area affected by the application is physically and functionally separate from the adjacent playing field and its function is considered to be general open space and landscape area associated with Blackmarston School.... In addition to not affecting the adjacent playing field, or prejudicing its use, the proposed development would also appear not to impact on any other opportunities for sport. This being the case, Sport England does not wish to raise an objection to this application.

### Internal Council Advice

4.2 The Traffic Manager recommends condition and comments that the proposed increase in car parking and minibus parking is considered to be acceptable provision for the proposed development.

4.3 The Environmental Health Manager raises no objection to the proposed development but requests conditions in respect of external lighting and hours of working during construction.

4.4 The Conservation Manager (Landscape) makes the following comments:

It is a shame that the size of the new building significantly limits the amenity space available to create a high quality landscape setting for this school. The access and car park requirements further reduce the areas available for planting and dominate the front of the site. Proposals for a combination of high quality, varied, hard surface materials could be used to improve the appearance of these areas. There are several trees, including a small woodland area that will be lost during development and the roughly marked up drawing does not represent a thorough tree survey. It is noted that new planting is shown to the boundaries, however for a development such as this I would expect a proposed landscape scheme to be detailed as an integral part of the application.

If this application is to be approved then I request the following conditions are added:

- Tree protection for retained trees in accordance with BS5837:2005 'Trees in relation to construction'.
- A hard and soft landscape scheme.
- Details of the construction and material for the gabion retaining wall and boundary fencing.
- Details of the new play area, including the tree planted sensory area.

## 5. Representations

5.1 Hereford City Council make the following comments: We support the principle, however, we are worried about the impact of the increased traffic on the surrounding roads. The new site should also have an adequate screening to prevent overlooking of the neighbouring residential properties.

Amended plans - Although we appreciate the necessity for extension, the plans, as presented, will be too overpowering and will have too great impact over the neighbours.

5.2 Letters of objection have been received from:

L V Yarwood, 31, Dulas Avenue  
Mr and Mrs G Jones, 29 Dulas Avenue

Angela Poyner (adjacent neighbour)

These letters raise the following issues:

- Impact on privacy / overlooking
- Impact on view and loss of light / sunlight / make everything darker
- Object to car park at bottom of garden due to noise and disturbance
- Request fence be erected on boundary with car park
- Additional fencing may be like caging us into our property overlooked by a monstrosity of a building
- May generate more noise / car fumes
- Querying why extension cannot run alongside the side of the building nearest to Marlbrook?

5.3 The application has also generated significant amount of support as follows:

32 letters of support from parents / staff / local residents

24 signatures on copied letters (no addresses)

9 letters from the children at the school

These letters raise the following issues:

- The school is the only school in Herefordshire that caters for children with special needs both physically and mentally.
- The school was built for 40 pupils and already has over 70 pupils and is 'bursting at the seams'. The pattern for demand will continue to grow.
- There has been / is an increase in children with profound multiple learning and physical learning difficulties that need / require specialist equipment (wheelchairs, walkers, standing frames etc)
- Huge demand for space and lack of availability impacts upon level and quality of care and support to children as well as parents and carers
- Classes are cramped so not all classes have the full range of activities
- Existing portacabins are unsuitable for children and their needs (leaking roofs, uneven floors, temperature of buildings)
- School hall used for many activities, but there is a lack of storage and as such limited on how it can be used.
- Examples of some of space issues within the school:
  - The school has a large team of dedicated staff.
  - Small and inadequate staff room.
  - The existing school was built due to problems of overcrowding, lack of space etc, and these problems have re-occurred and we are in the same situation with a desperate need for additional accommodation to house the children that are already in the school.
  - Query why other main stream school have had new schools and buildings?
  - Refusing planning permission will mean that the children would not receive the education that they are entitled to and families would lose a life line (break for child care).
  - Acknowledgement of the help and support that the school gives parents and carers.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

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

## 6. Officer's Appraisal

6.1 The key issues for the consideration of this application are:

- The principle of and need for the proposed development
- Design and impact
- Landscaping
- Parking and Highways
- Drainage
- Habitat Regulations

The principle of and need for the proposed development

6.2 Herefordshire Unitary Development Plan Policy CF5 is broadly supportive of development that would result in the provision of new or improved community facilities, including educational facilities, where they are considered to be appropriate in scale to the need of the community and reflect the character of the locality; are located within or around the settlement or area they serve; would not significantly impact upon the amenity of neighbour residents; and incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.

6.3 Blackmarston School outgrew its original building on Ross Road and the new Blackmarston School opened in 1997. It was designed to accommodate 40 pupils. This need at the time was primarily for children with learning difficulties. The school was designed operationally with this in mind, but now has to cope with many more physical disabilities. The school is currently accommodating around 70 pupils age 2 - 11, and is utilising 3 mobile classrooms located within the playground / outside area. The school is the only primary aged special school in Herefordshire that caters for children with severe and complex learning difficulties and disabilities. There has been a significant increase in the schools population in the last 4 years and national projections suggest continued rises in the births and survival of children with severe and complex learning difficulties and disabilities.

6.4 As represented in the significant number of letters received from parents and staff, the school, and its staff are operating with significant limitations in respect of space for teaching, therapies, hygiene rooms and care, storage and many operational restrictions that are hampering the ability of the school to provide appropriate levels of education and care. The lack of space also restricts the schools ability to offer support to parents and carers of the pupils.

6.5 Having visited the school, and in taking account the representations from the parents, teachers and governors, it is clear that the school is, without doubt, in need of additional space to provide the facilities that are required to provide the full specialist educational provision to meet the needs of their pupils. The proposed school would provide facilities for 80 pupils, with one additional teacher and three additional support staff.

6.6 The school serves the whole of the county, and as such, its location within Hereford City is such that it is central to the wider community that it serves. The present need for a facility of this size is apparent, with the proposed extension providing for the 71 children currently enrolled, plus the ability to take an extra 9. Therefore the extension is responding to an identified need and is not considered to be out of scale given its wide County catchment.

Design and impact

6.7 In designing this extension there are several key constraints and parameters that needed to be considered. The site itself has a number of constraints, including road access, overlooking, security, site contours and levels, relationships with neighbours and Marlbrook school. There is also a restricted budget and the need to ensure that the works are planned and phased

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

around the operation of the school to ensure continued running in a safe way and not causing distress to pupils.

- 6.8 Notwithstanding the identified and pressing need, it is a requirements of Policy CF5 that the development; should not significantly impact upon the amenity of neighbour residents;
- 6.9 As the project has developed there have been several schemes that have been explored and dismissed for sound reasons, including budgetary, land constraints and construction constraints. This included the potential for utilising some land within the Marlbrook school boundary, however this conflicts with the policies and principles in relation to the protection of playing fields and was considered likely to have attracted an objection from Sport England.
- 6.10 The design of the building that is now being considered is such that it meets the requirements and functional needs of the school, meets budgetary constraints and can be built whilst accommodating the existing school. The building is a large building, that is significant in scale and mass, and is some 3m taller than the original school. The bulk and mass of the building has been broken up somewhat by the mix of materials and differences in roof heights, but, nonetheless it is of a considerably different scale than the original building and of the residential properties that surround it.
- 6.11 The key issue is not the detailed design of the building, but the context that it sits within. The existing school sits in a position that is elevated above those of the dwellings that face this application site (Dulas Avenue and Stanberrow Road). The ground (garden) level of number 29 Dulas Avenue is over 2m lower than that of the height of the adjoining land which then rises to the car park of the existing school. Therefore when the site is viewed from the first floor bedrooms of this dwelling, the cars parking is at the same level. The boundary of this property is already a substantial and imposing height of almost three metres, over which the parked cars can be viewed. The proposed extension would be sited 8m from the boundary of these dwellings, with a roadway in between. The distance from the rear of number 29 (that has been extended by projecting rearwards) to the wall of the proposed extension would be approximately 20m. The proposed building would be 4.5m to the eaves from the existing raised ground level and over 6m in height rising as the roof slopes away towards the main part of the building to a height of 6.5m (above ground level). The main building being 8m in height (above existing ground level). The close proximity coupled with the scale and mass of the building would represent a development that would be overbearing and intrusive, and that would impact on the living conditions and amenities currently enjoyed by the occupants of these dwellings. Whilst the occupants of number 29 are likely to be most affected, those that reside in numbers 31 and 33 are also likely to be adversely affected due to the proximity, size and scale of the proposed extension.
- 6.12 In order to try and address the concerns raised by officers the plans have been amended. These amendments do go some way to improving the relationship by reducing the extent of the of the hall roof, reducing the plant room roof height and setting back the wall to allow further planting. However, it is your officer's opinion that the proposed extension would still be unacceptable. There is mitigation proposed by way of planting, but this will do little to address the imposing nature of the building, which at this scale and in such close proximity cannot be readily softened. As such, the proposal would fail to comply with the requirements of Policies DR2 and CF5 that seeks to ensure that new community facilities would not significantly impact upon the amenity of neighbouring residents.

#### Landscaping

- 6.13 Letters of representation also raise concern about the car park that would be sited on the boundary of the adjacent properties. Whilst no fence is proposed, this is something that could be provided by way of a condition, and which would go some way to protecting the privacy and amenities of neighbours from car park users. Landscaping could, in time, also help to form a

more robust boundary. Additional landscaping throughout the site is also proposed, and a comprehensive landscaping scheme could be sought through a condition as recommended by the Council's Landscape Officer and as required by Policy LA6 of the Herefordshire Unitary Development Plan.

#### Parking and Highways

- 6.14 One of the key considerations raised during the pre-application process was the need to provide sufficient parking for the staff and parents to ensure that parking provision does not spill out onto the adjacent residential roads. The Traffic Manager is satisfied that enough parking has been provided within the site to accommodate the high numbers of staff that are employed at this special school. The majority of children are brought in by minibus from across the County and arrivals and departures are carefully co-ordinated with the school. This reliance upon mini-bus travel was a key consideration in the design of the school, with the hall being located close to the drop off point as children are gathered in the hall to wait for buses and in the mornings. Given the specialist nature of the school, and its large catchment, the use of mini-buses is the most sustainable method of transport for many of the pupils. The proposal would also not result in a practical significant increase in pupils at the school and as such, traffic movements and parking provision is unlikely to impact on highway safety in accordance with the requirements of Policies DR3 and CF5 of the Herefordshire Unitary Development Plan.

#### Habitat Regulation Assessment

- 6.15 The Council has recently identified an issue regarding phosphate levels in some of its watercourses. These are particularly high in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on it. This is different from the normal planning position of balancing competing issues or demands and assessing cases whereby impacts can be traded off against each other. The Regulations effectively superimpose on the normal process a structured, precautionary process which must be followed in order that a lawful decision can be reached. Because the cumulative 'in combination' effects of individual small scale schemes need to be assessed as part of that process, the Council must be convinced that the scheme in question will not adversely affect the integrity of the watercourse. If it cannot satisfy itself on that point, the scheme cannot proceed.
- 6.16 The development is likely to increase phosphates entering the Special Area of Conservation, however the recent SIMCAT report from the Environment Agency demonstrates that there is sufficient headroom regarding phosphate levels for this application alone or in combination with other plans and projects, as referred to in the table below, to comply with the Conservation Objectives for the SAC. In the event that members resolve to approve this application, a formal HRA screening would need to be undertaken. Notwithstanding this, the position is potentially subject to change and if required a further update will be provided at the Committee meeting.

#### Conclusions

- 6.17 There is, without doubt, a need for this school to be extended to provide the additional space for the facilities that are required to provide the full specialist educational provision to meet the needs of pupils. However, there is a need to balance policies that seek to support the needs of this school and its pupils with the policies that seek to protect the amenities of residents and the enjoyment of their properties. In this instance it is your officers opinion that, by virtue of its size, scale, siting, proximity and mass this proposed extension would have a significant and detrimental impact on the amenities of the these residents. As such the proposed



development is recommended for refusal as it would be contrary to the requirements of Policies CF5 and DR2 of the Herefordshire Unitary Development Plan.

## **RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. The proposed development, by virtue of its size, scale, mass, siting, proximity to the boundary would have a significant and detrimental impact on the amenities of the adjoining residential properties, contrary to Policies DR2 and CF5 of the Herefordshire Unitary Development Plan.**

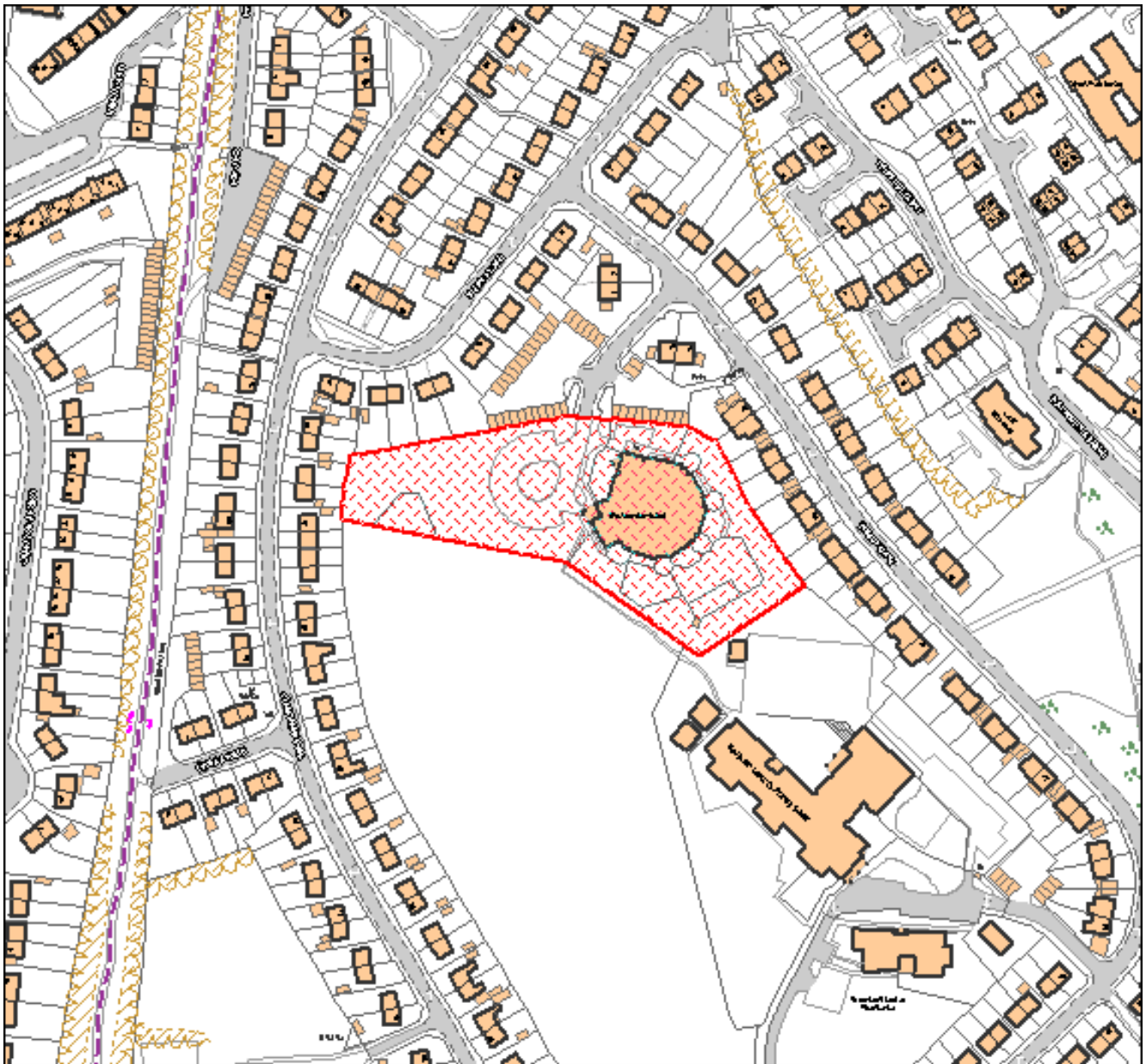
Decision: .....

Notes: .....

.....

## **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** S/120539/CD

**SITE ADDRESS :** BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX

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



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>S113607/O - PROPOSED THREE BEDROOM DETACHED AGRICULTURAL DWELLING AT TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF</b>  <b>For: Mr Henry May, Knockmoyle, Strone, Dunoan, Argyll, PA23 8TB</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113607&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113607&amp;NoSearch=True</a>

**Date Received: 28 December 2011**    **Ward: Hagley**

**Grid Ref: 356067,239647**

**Expiry Date: 9 April 2012**

Local Member: Councillor DW Greenow

## 1. Site Description and Proposal

- 1.1 Tidnor Wood Orchards are located on the north side of Tidnor Lane (C1144) approximately 1.5 km from the village of Bartestree. The orchard extends to approximately 10 hectares (25 acres), of which just over 2 hectares (5 acres) is managed as a Museum Orchard. The total collection includes nearly 400 different cider apple varieties.
- 1.2 The main entrance to the site is in the south east corner of the holding close to Longworth Lodge. The access road serves a small collection of buildings that has been developed by the applicant since around 2005. These buildings include a cider making building (Cider House), the stable block which provides facilities for the educational courses and community events that are organised at the site through the Tidnor Wood Orchards Community Interest Company. This building also appears to provide for a low level of residential use from the first floor (based upon my observations). The remaining buildings provide for the storage requirements of the enterprise.
- 1.3 The site is in open countryside and land whilst relatively flat adjacent to the road rises in a northerly direction toward Tidnor Wood. The site falls within the Unregistered Park and Garden of Longworth. Longworth Hall itself is a Grade II Listed Building that lies to the east beyond the buildings associated with Longworth Hall Farm, some of which have been converted for residential use.
- 1.4 To the south of the site beyond the C1144 is predominantly agricultural land forming the Flood Plan of the River Lugg, a designated Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI)
- 1.5 The application seeks outline permission for the erection of a dwelling to provide full-time accommodation for the management of the orchard, the small scale production of cider and other products (including honey and sheep rearing) and the various educational and community initiatives that would continue to be organised.

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Further information on the subject of this report is available from Mr S Withers on 01432 260612

- 1.6 The proposed dwelling would be served off an extension of the existing access road to the west of the existing buildings within part of the established orchard, and would be located to the north of the stable block. A three bedroom traditional cottage design utilising reclaimed bricks, timber cladding and slate is proposed. Accommodation extending up to 100 sq. m (200 sq m gross) floor area is identified in the supporting documentation. All matters of reserved and as such this proposal essentially seeks approval for the principle of establishing a permanent residential presence at the site.
- 1.7 The application is accompanied by a Design and Access Statement, an Ecological Appraisal and indicative plans identifying the location and layout of the proposed dwelling

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF):

Paragraphs 28 (Supporting a prosperous rural economy), 55 (Delivering a wide choice of high quality homes), 56-68 (Requiring good design) and Section 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) are considered to be of particular relevance to this application.

### 2.2 Herefordshire Unitary Development Plan (HUDP):

- S1 - Sustainable Development
- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR3 - Movement
- DR4 - Environment
- H7 - Housing in the Open Countryside Outside Settlements
- H8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses
- T8 - Road Hierarchy
- LA2 - Landscape Character
- LA4 - Protection of Historic Parks and Gardens
- LA5 - Protection of Trees, Parks and Gardens
- LA6 - Landscaping Schemes
- NC1 - Biodiversity and Development
- NC3 - Sites of National Importance
- NC5 - European and Nationally Protected Species
- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- HBA4 - Setting of Listed Buildings
- CF2 - Foul Drainage

### 2.3 Supplementary Planning Documents:

Landscape Character Assessment 2004

### 2.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

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Further information on the subject of this report is available from Mr S Withers on 01432 260612

### **3. Planning History**

- 3.1 DCCE2005/0444/S Proposed secure store Prior Approval Not Required 4 March 2005.
- 3.2 DCCE2005/2054/S Open store Prior Approval Not Required 7 July 2005.
- 3.3 DCCE2006/1654/F Cider house/store/packing shed Approved 26 July 2006.
- 3.4 DCCE2006/3753/F Siting of a mobile home for a maximum period of 2 years - associated with building work. Approved 16 January 2007.
- 3.5 DCCE2008/0099/F Stable block to include toilet, store, stable, office/crew room with hay loft above - for agriculture Refused 11 March 2008.
- 3.6 DCCE2008/1831/F DCCE2008/0099/F New stable block type complex for agriculture, re-submission of Approved 5 September 2008.
- 3.7 S102609/S Steel clad shed. Prior Approval Not Required 19 October 2010.

### **4. Consultation Summary**

#### Statutory Consultees

- 4.1 Welsh Water: No comments received

#### Internal Council Advice

- 4.2 Traffic Manager raises no objections on the grounds that traffic generation is unlikely to increase as a result of an orchard worker residing at the site. A condition requiring details of parking arrangements is recommended
- 4.3 County Land Agent advises that there is no agricultural need for an agricultural worker to be on site throughout the year. The area involved is 25 acres of orchard and although it generates an average gross income of approximately £15K per annum, the financial test requires a profit of £20K per annum. The project should be self-financing but it is very unlikely that the profitability after costs will be sufficient to cover a full-time worker, even were it considered that there was a functional need. No such functional need exists based upon the 25 acres of orchard.
- 4.4 Conservation Manager (Senior Landscape Officer):

#### Landscape Character

The landscape character type is Principal Settled Farmlands, although the main character of the site is as an orchard. Tidnor Wood is a designated Ancient Replanted Woodland and, being located on rising ground, it is an important landscape feature in the wider setting. The orchard has been established on lower slopes to the south of the woodland. The site falls within the Unregistered Park and Garden of Longworth, which is of local historic interest. Longworth Hall is a Grade II listed building and the lodge building on the southern entrance corner is associated with the historic estate. There are some small buildings existing on the site, which are of functional appearance and small scale.

#### Landscape Impact

A proposed residential building on this site would represent development in open countryside. The proposed compact, three-bedroom dormer style cottage would be significantly larger than the existing buildings. The associated residential garden boundary, together with other domestic paraphernalia (such as refuse collection, patio, washing line), has not been addressed at this outline stage, but would have an impact on altering the landscape character of the site.

The application is for a site to the north of the existing buildings. The aim of grouping buildings is that they will have a relationship to each other, their infrastructure should work together and reduce the spread of development. The alternative site, close to the entrance, would not do this. It would not be appropriate as it would detract from the importance of the neighbouring historic lodge building.

The proposal would significantly alter the character of the site, if either location is chosen. Both sites result in the loss of orchard trees and associated habitat, changing the character to domestic.

## CONCLUSION

This change is not acceptable in landscape terms as it will adversely affect the orchard character of the site, contrary to Herefordshire Unitary Development Plan Policy LA2. The proposed development will also affect the historic structure and setting of the protected historic park of Longworth, contrary to Herefordshire Unitary Development Plan Policy LA4.

If the need for a dwelling on this site is established, then further detail should be provided to demonstrate that the development could be achieved without a negative landscape impact. Consideration should be given to any opportunities to offset or compensate for, the loss of orchard trees and the change in character. A more detailed site survey and landscape impact assessment would be required, including a historic landscape appraisal. The design details, particularly ground levels and proposed boundary treatments, would need to be carefully considered, if the development is to be appropriately integrated into the landscape.

- 4.5 Conservation Manager (Senior Ecologist): Thank you for consulting me on the above application. I visited the site in March 2012 and note that it is currently a traditional, commercial orchard. I have received the ecological report by Wildways dated 7 February 2012 detailing an ecological assessment of the site that was undertaken in late January 2012. This is not a suitable time of year for surveys to assess grassland vegetation, but I agree that the grass sward did not appear to be particularly diverse outside the wildflower area.

Traditional orchards are listed as a Habitat of Principal Importance in England in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The Local Authority also has a duty to have regard for biodiversity under this Act. Herefordshire's Unitary Development Plan Policy NC6 also seeks to protect Herefordshire's priority habitats, including orchards.

There are two proposed locations for the new dwelling; one just inside the existing access and the other to the rear of the existing buildings. Therefore, both proposals will result in a loss of area of traditional orchard. There is also no indication of garden or domestic curtilage with the proposals which could result in further loss of orchard habitat. A permanent dwelling would also increase disturbance at the site, such as through external lighting at night. No compensation or mitigation measures for loss of habitat have been submitted as part of the application. I would expect this to include at least a long-term management plan to secure the future of the remaining orchard.

I note that the development proposals include the use of the existing access gate but that there is an additional access track proposed across the orchard and wildflower area. It is not

clear whether more trees are to be removed to accommodate this; frequent vehicle movements through the orchard could also have a negative impact on the orchard trees.

### Conclusion

I am unable to support this application due to the loss of Herefordshire Biodiversity Action Plan Priority Habitat. It is not clear why a new dwelling on the site is required for the management of the orchard. In addition, no compensation or mitigation measures have been submitted as part of the application.

### Reasons:

The proposal does not comply with Circular 06/2005 and Policies NC1, NC4, NC6 and NC7 within Herefordshire's Unitary Development Plan. The proposal also does not comply with Policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 4.6 Conservation Manager (Water Quality) – in summary an objection is raised on the basis that the application does not currently provide sufficient information to assess whether the application is likely to have a significant effect upon the River Lugg SAC.

## **5. Representations**

- 5.1 Bartestree and Lugwardine Parish Council support the application

- 5.2 Three letters of objection have been received from JE Smith, Parkwest, Longworth, Lugwardine, Hereford, HR1 4DF; E Price, Longworth Mill, Lugwardine, Hereford, HR1 4DF and M Dowling, Tidnor Mill, Lugwardine, Hereford, HR1 4AS. The objections can be summarised as follows:

- agricultural activity is unlikely to have sufficient turnover and profits to cover the wages and costs of a full time employee
- no livestock in need of constant care and attention
- there is a vacant farmhouse within 100metres of the orchard that could be available for letting
- applicant already has one person living on the site in a caravan

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

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

- 6.1 The key considerations in the determination of this application are as follows:

- (a) the acceptability of the principle of a permanent new dwelling at this rural location;
- (b) the impact of the proposed dwelling on the character and appearance of the locality and
- (c) the impact of the proposed dwelling on biodiversity (including water quality implications)

Principle of a permanent new dwelling

- 6.2 The NPPF is broadly supportive of proposals that promote sustainable development, which encompasses the need to support a prosperous rural economy and good quality design whilst maintaining strict control over the circumstances in which new isolated homes in the countryside will be permitted. The applicant has submitted a supporting statement which sets out the nature of the activities that operate at Tidnor Wood Orchards. It is clear that there has been a record of investment and expansion at the site, which is evidenced by the steady growth of buildings from which the enterprise operates. The applicant has developed collection of older apple varieties (Museum Orchard) which is supported by the cider apple crop produced on the remainder of the site. Around this, a small scale cider production business has been established together with other educational and community orientated activities.
- 6.3 The supporting information indicates that these established activities could be further developed by enabling an orchard worker to reside permanently on site. It is suggested that this too would provide security and enable better maintenance of the orchards.
- 6.4 The NPPF advises that local planning authorities should avoid new isolated houses in the countryside unless there are special circumstances such as an essential need for a rural worker to live permanently at or near to their place of work. Policy H8 of the HUDP is also relevant and requires there to be evidence of a long term genuine need as an essential part of a financially viable business. The policy also suggests that use should be made of existing buildings where possible and that new dwellings should be carefully sited, be of an appropriate scale and design and be commensurate in size with any established functional need.
- 6.5 In this case, whilst the intentions of the applicant to maintain and protect both the Museum and working orchards and develop the educational/community based initiatives are acknowledged, it is not considered that there is any functional requirement associated with the activities on the site that would warrant a full-time residential presence. The day-to-day management of the orchards does not require a level of supervision that would require any one to reside permanently and whilst mention is made of security benefits, no convincing evidence of theft or damage to property is provided and in any event, this is not in and of itself a reason for allowing a new dwelling.
- 6.6 The supporting information advises that the existing activities are financially “self sufficient” and advice provided by the County Land Agent confirms that the project should be self financing but is very unlikely that it would be sufficiently profitable to cover a full-time worker.
- 6.7 Accordingly, it is not considered that this proposal demonstrates a sufficiently robust functional need and the financial model, whilst potentially self sustaining, suggests that there would be serious concerns about the long term viability of the enterprise. In both these respects, the conclusion is that a dwelling on site may well be convenient in terms of developing the enterprise, it is not an essential requirements and as such a new dwelling in this isolated and otherwise unsustainable location would be fundamentally contrary to Policies H7 and H8 of the HUDP and para 55 of the NPPF.

#### Impact on character and appearance of the locality

- 6.8 The site lies within an attractive area of countryside on the edge of the floodplain of the River Lugg with the landscape character type identified as “Principal Settled Farmlands”. The existing buildings and indeed the proposed site for the dwelling are on a relatively flat part of the site, which then rises up towards Tidnor Wood. The site also falls within the Unregistered Park and Garden of Longworth Hall.
- 6.9 The chosen location for the dwelling is well related to the existing and established range of buildings at the site but the introduction of a residential use would in my view be at odds with the low key agricultural nature of these buildings. The dwelling would be taller than the existing



buildings and would necessitate the removal of a number of orchard trees as well as introducing additional hardstandings and domestic paraphernalia.

- 6.10 It is acknowledged that the proposed location would have a limited impact in the wider landscape by reason of its relatively inconspicuous position in relation to public vantage points. There would however be a change in the character of the site, and in the absence of any overriding justification for a dwelling, it is considered that such development should be resisted in order to protect the character of the site and surrounding area from unwarranted and unjustified development. In this context, it is considered that the application would be contrary to Policies LA2 and LA4 of the HUDP

#### Impact on Biodiversity

- 6.11 In common with the assessment set out above, the lack of any overriding justification for the dwelling must be given significant weight in the decision-making process. In the absence of such a need, the inevitable loss of orchard trees and the associated loss of, and impacts upon the associated habitats should be accorded more weight in my opinion. In this respect it is considered that the proposal would fail to satisfy Policies NC1, NC6, NC7 and NC8 of the HUDP.
- 6.12 In addition to the direct impacts of the construction of the proposed dwelling, it is also of significant importance to establish the likely impacts of foul drainage discharges from the site in order to properly assess the impacts of such discharges upon the biodiversity of the local watercourses. This has become of particular significance of late in the light of the recognition that further discharges into the River Lugg are likely to have significant effects on its biodiversity value as a designated Special Area of Conservation.
- 6.13 It remains the case, despite recent exchanges that there is insufficient information to determine the likely significance of effects on the biodiversity value of the local watercourses, and this would be a basis for refusing the application and effectively means that planning permission cannot be granted until the requirements of the Habitat Regulations have been addressed.

#### Conclusion

- 6.14 Whilst the applicant has invested significant time and resources in establishing and maintaining the orchards and developed a self financing enterprise offering small scale apple and cider production alongside the provision of educational and community based activities, it is not considered that the aspiration to further develop these activities would amount to an essential need for a dwelling and as such it is maintained that in this isolated rural location the proposal is unacceptable as a matter of principle. In reaching this conclusion it follows that the unwarranted residential development would have an impact on the site and surrounding locality as well as the biodiversity value of the site. The implications for foul discharges remain unresolved and it remains the case that the proposal is unacceptable in a number of other respects and as such the application is recommended for refusal.

### **RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. In the absence of any exceptional circumstances demonstrating that there is an essential need for a full time and permanent presence on the site, the erection of a dwelling in this isolated rural location would represent unwarranted and unsustainable development that would be contrary to Policies S1, H7 and H8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

- 2. In the absence of any exceptional circumstances justifying the introduction of a dwelling in this location, its siting, design and layout would result in harm to the character and appearance of the site and the surrounding locality. The unwarranted erosion of this attractive landscape which forms part of an Unregistered Park and Garden would be contrary to Policies LA2 and LA4 of the Herefordshire Unitary Development Plan.
  
- 3. In the absence of any exceptional circumstances justifying the introduction of a dwelling in this location, its siting would result in harm to the biodiversity value of the site through the loss of trees and associated habitat. The unwarranted and unmitigated loss of orchard habitat would be contrary to Policies NC1, NC6, NC7 and NC8 of the Herefordshire Unitary Development Plan.
  
- 4. The application contains insufficient information to demonstrate that there would not be an unacceptable effect on the biodiversity value of the local watercourses through the discharge of effluent from the drainage system on the site. Accordingly the proposal would be potentially damaging to the integrity of a Special Area of Conservation and Sites of Special Scientific Interest contrary to Policies NC1, DR4 and CF2 of the Herefordshire Unitary Development Plan and the Conservation of Habitats and Species Regulation 2010.

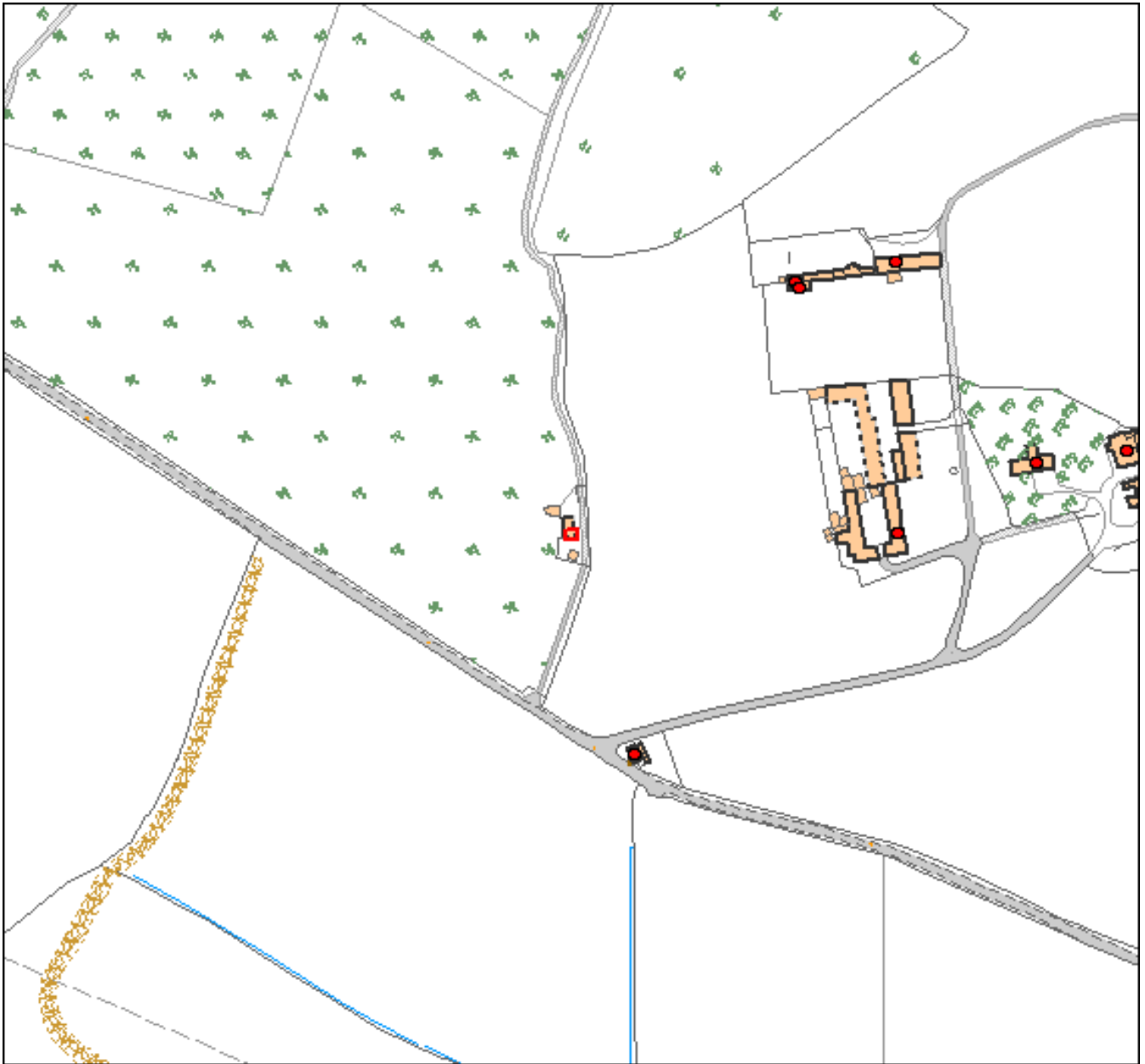
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** S/113607/O

**SITE ADDRESS :** TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF

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Further information on the subject of this report is available from Mr S Withers on 01432 260612





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>S121015/N- SEWAGE PUMPING STATION, INCLUDING CONTROL KIOSK AND ASSOCIATED WORKS AT LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD</b>  <b>For: Dwr Cymru Welsh Water per Mr Allan Pitt, 4 Pierhead Street, Cardiff, Glamorgan, CF10 4QP</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121015&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121015&amp;NoSearch=True</a>

Date Received: 2 April 2012

Ward: Penyard

Grid Ref: 363874,222092

Expiry Date: 23 July 2012

Local Member: Councillor Harry Bramer

## 1. Site Description and Proposal

- 1.1 The application site lies on a minor road in the village of Pontshill, approximately 4 kilometres southeast of Ross-on-Wye. The proposal is being made by Dwr Cymru Welsh Water, to install a Sewage Pumping Station (SPS) on agricultural land on the north side of the C1275, opposite to 'Penheligan House'. This includes a change of use of the land. The proposal is initially to address a requirement of the Environment Agency to discontinue the use of a communal septic tank serving 4 or 5 properties to the south-east of the site along the unclassified U70123 road. However the applicant has stated that potentially 50 or 60 local properties might subsequently be linked to mains drainage through this solution, subject to suitability.
- 1.2 The development would consist of the following:
- Below-ground chambers (4 no, plus an earth pit) to include storm overflow control, pumps, valves and flow meter;
  - Above ground these would have flat access covers on a 15 cm high concrete plinth and two further manhole covers;
  - Washwater booster set and MCC control kiosks, 1.22m x 1.38m x 1.45m high and 1.45m x 0.45m x 1.45m high, respectively;
  - Fenced compound (19.8m x 18.3m), with a new standard gate and access from the existing highway and a 'grasscrete' turning area within the site. The fence would be approximately 1.5m high, consisting of timber post-and-rail.
  - Emergency overflow and headwall to adjoining watercourse.
- 1.3 The layout would comprise a rectangular compound approximately 20.3 metres x 18.3 metres. The gate would be set back 10 metres from the highway.

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

## 2. Policies

### Legislation

- 2.1 Groundwater Directive (80/68/EEC)
- Water Framework Directive (2000/60/EEC)
- Groundwater Daughter Directive (2006/118/EC)
- Environmental Permitting Regulations 2010
- Town and Country Planning (General Permitted Development) Order 1995 (as amended)

### National Planning Policy Framework (NPPF)

- 2.2 The NPPF does not specifically deal with this type of facility, generally relying on legislation other than planning. It is established that the planning system should not seek to duplicate the requirements of other legislation. However the general emphasis in the NPPF on sustainable development, rural communities, design, health, and conservation of the natural environment, are all relevant. Section 7 deals with good design, requiring development to 'add to the overall quality of the area' and to 'respond to local character and history'. However, the weight to be given to these points will depend on other issues and the need for the development as essential infrastructure. Section 11 requires pollution prevention and protection of the natural environment, with particular reference to valued landscapes, biodiversity assets, and minimising adverse impacts.
- 2.3 Technical Guidance to the NPPF contains a section on flood risk requirements
- PPS10 - Sustainable Waste Management
- 3.4 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

### Herefordshire Unitary Development Plan

- 2.4 S1 - Sustainable Development
- S2 - Development Requirements
- S6 - Transport
- S10 - Waste
- S11 - Community Facilities and Services
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR7 - Flood Risk
- T8 - Road Hierarchy
- LA2 - Landscape Character
- NC1 - Biodiversity
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- W1 - New Waste Management Facilities
- CF1 - Utility Services and Infrastructure
- CF2 - Foul Drainage
- CF5 - New Community Facilities

### **3. Planning History**

- 3.1 This application is a resubmission of application reference DMS/112822/N, which was withdrawn by request on 30 January 2012. This resubmission includes amendments made following negotiation and a public consultation by the applicant. It seeks to address matters of concern which were raised at the time and which will be discussed in the appraisal below.
- 3.2 SH810782 PO (DCH810522/O): Outline application for 6 dwellings with cess pits - refused

### **4. Consultation Summary**

#### Statutory Consultees

- 4.1 The Environment Agency has no objections; notes that the scheme is part of the wider Dwr Cymru Welsh Water Asset Management Plan (Period 5). The Agency states that the proposal 'represents an environmentally sustainable solution for waste management in this locality ..... [enabling] the future connection of circa 60 properties'. In the Agency's view, this offers future-proofing and flexibility in the event that other private discharges are closed or dis-consented.

#### Internal Council Consultations

- 4.2 Transportation Manager – questions raised regarding the technical specifications on visibility; in particular seeking assurances that no vehicles would be reversing out of the site to the highway. On the previous application, concerns were raised about visibility at the access, and the existing stone wall.
- 4.3 Environmental Services Manager – no objections or other comments
- 4.4 Conservation Manager –  
(Landscape)- There will be some negative landscape impact, although the additional information and amendments to the previous scheme are acknowledged as an improvement. The impact has been minimised. Landscape change must be weighed against the necessity of the new infrastructure.
- (Ecology)- The submitted Ecological Assessment is the same as was previously submitted. Noted that the compound would be smaller and further away from the watercourse. Also less intervention to the stone wall although the access bellmouth would be wider, with a net loss of stone. If the application is to be approved the stream corridor must be protected during the works and any works to the wall. Condition recommended to secure the findings in the Ecological Report.
- 4.5 Public Rights of Way Manager: The Right of Way will not be affected.

### **5. Representations**

- 5.1 Weston-under-Penyard Parish Council: Concerned that the unit will give out odour problems and that drainage will go into the nearby stream. Concerned that screening is not sufficient and should be addressed as it is near to residents' homes. This is the centre of the village and the unit would be better placed some 80m away which would not be so sensitive to village life.
- 5.2 8 Letters of objection have been received:

The comments made are summarised as follows:

- Local high water table and/or flooding could cause problems
- Cumulative visual impact from other infrastructure (signs, poles, bins etc)

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

- There must be a more cost-effective solution
- There is no need for this proposal
- The new access will cause traffic hazards
- Too close to dwellings
- I do not believe there will be no odour or noise
- Question the merits of an emergency discharge to the watercourse
- There will not be a 'negligible impact' on the village as stated
- The proposal will impact on the working of a commercial farm
- Drainage will be affected
- The proposal is on our land and will severely disrupt the running of our business
- The position of the fence will be dangerous for livestock crossing the stream
- It will restrict grazing and is the only flat part of the field
- There has been no consultation with the landowner
- Knocking down and rebuilding the wall is unnecessary vandalism
- The site is in the heart of the village and visible from every direction
- The proposal is disproportionate to the problem and is in an inappropriate location
- The proposal is contrary to policy CF1
- It does not complement or enhance the local environment
- The works will significantly impact on Penheligan House and several other properties, with a loss of amenity
- The application fails to give a balanced view
- Vehicles park opposite the site to visit the parish notice board
- No credible detail is given regarding alternatives considered
- The road is used by HGVs visiting farms, and the school bus

5.3 A list of people supporting the project was received by email from local residents. A total of 13 households expressed support and a desire to be linked to the new mains system once installed. Existing annual costs of over £7,000 per household were quoted as applying to the properties currently served by private package sewage treatment units (biodisc).

5.4 The consultation responses can be viewed on the Council's website by using the following link:- [www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:- [www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

6.1 In considering points arising under the previous application along with this resubmission, officers have identified the following key issues:

- Need and purpose of the development
- Site choice and land use
- Local concerns and public consultation
- Access and highways
- Ecology
- Landscape and visual impact
- Groundwater, hydrology and flood risk
- Emergency discharge
- Odour, noise

### Need and purpose

6.2 The applicant is Dwr Cymru Welsh Water (DCWW). Wood View is a group of four former Council houses provided with a communal septic tank maintained at public expense. The Water

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



Framework Directive and subsequent EU legislation requires English watercourses to meet required standards. The Environment Agency is charged with delivery; it has required DCWW to assess the effectiveness of its operational assets in this field and rectify any failures. Conventional non-mains sewerage is widely used in rural areas, but soakaways can cause cumulative diffuse pollution. At Wood View, tests have shown that existing discharge is affecting groundwater. The Environment Agency requires DCWW to provide an alternative solution since the existing Discharge Consent may soon be terminated. Initially, the proposal would be intended to meet this immediate need. However DCWW considers it expedient to build-in suitable infrastructure to enable future connection for a number of local properties likewise dependent on non-mains sewerage, to avoid a costly repeat exercise at a later date.

- 6.3 Non-mains sewerage requires a Discharge Consent. In addressing the Water Framework Directive, the Environment Agency has indicated a high likelihood that such Consents will have to be tightened or revoked in the near future, making the provision of more efficient foul drainage imperative. The proposal would be a simple 'pump-away' system to take sewage, initially from Wood View, via new below-road mains to the pumping station. From there it would be piped to the nearest existing consented facility at Weston-under-Penyard.
- 6.4 The Environment Agency has confirmed that an alternative to the Wood View septic tank must be found as a matter of urgency, and that simply replacing it *in situ* would not be acceptable. It has assessed the proposal to be an environmentally sustainable solution offering flexibility for future users and capable of compliance with its own regulatory legislation.
- 6.5 Records reveal that an outline application for 6 dwellings on this site 'having individual cess pits' was refused in the 1980s. Cess pits are generally not supported as a non-mains sewerage solution. This and the fact that other modern housing in the village is served by biodiscs are indications of local problems with drainage options.
- 6.6 On the basis of the above, officers recognise an overriding need to minimise pollution, provide sustainable infrastructure and to comply with EU legislation. In operational terms the installation would be regulated by other bodies under legislation other than planning. The weight to be given to planning policies is thus reduced, but some conflict with UDP policies S1, S2, DR4 and CF1 in particular is acknowledged. Nevertheless the extent of this conflict is not considered so significant as to be irreconcilable, in light of the identified need.

#### Site choice and land use

- 6.7 Para 2.2 of the submitted Design & Access Statement explains site choice and the alternatives considered, stating that every effort has been made 'to locate the site in a position that minimises potential impact on the environment and on existing properties'. Topography and ground type need to be suitable, along with an optimum distance from user sites. In considering these and other factors such as flood risk, access and gradient, DCWW regards the proposal site as the only expedient option, being relatively flat and broadly within the required location. However, the application also recognises that the proposal will have some visual impact on immediate neighbours to the site. It asserts that there is no suitable site that would avoid all such impacts and the site offers the least number of impacts. Officers observe that this approach complies with UDP policies S10 and W1, partly because it constitutes the Best Practical Environmental Option (BPEO). Although this concept has been removed from national and sub-national policy it remains in force in the UDP for the time being.
- 6.8 By enabling connection to other households - in anticipation of further future discharge restrictions - the requirement of a new mains pipe along the road has also influenced site choice. Officers accept the points put forward, in principle and without prejudice, on the basis that the proposal would be essential infrastructure.

6.9 The gross land-take area would be approximately 620 square metres of grazing land. UDP policy requirements favour development on previously-developed land 'where possible' (e.g. policy S1). This emphasis carries little weight here because (a) no such suitable site was found, (b) this is not a conventional development proposal, and (c) the site must foremost be located in accordance with need and the technical specification. The revised proposal takes account of previous concerns about site size, fence height and the scale of the compound, as far as possible. The efforts made to minimise the impact and address the need for the facility are important factors. Officers consider the proposal to have some conflict with parts of UDP policies S1 and DR2, but again this is outweighed by need, and because the proposal is in itself sustainable development.

#### Local representations and public consultation

6.10 For the previous application (reference S112822/N) the applicant did not undertake any prior consultation with residents. To rectify this and to inform this resubmission, DWCC's consultation exercise entailed the following:

- correspondence with landowners regarding possible alternative sites;
- meetings with local councillors;
- letter-drop to all local households;
- a public drop-in exhibition event, advertised in the Ross Gazette

6.11 The stated aim was to explain the shortfalls of the existing non-mains sewerage arrangements, the need for and nature of the proposed scheme, the technical specifications, and the demanding legal requirements of the Environment Agency and EU law.

6.12 A Statement of Community Involvement (SCI) is included with the application, reporting that 32 residents, the local Member Mr H Bramer, and two Parish Councillors attended the event. The SCI outlines the discussion topics, the methodology and the outcomes, including that feedback forms were distributed. The analysis highlighted a split in local opinion between those who remained opposed to the scheme and those who support it and/or wish to be connected up to mains drainage. The SCI itemises all comments received. Positive comments (19) exceeded negative ones (10), and 6 neutral comments were received. The report concludes that the majority of participants understand that the development is necessary and either support it or are neutral about it, and generally accept the points made. Where negative comments were made, DCWW have sought to address them as far as possible

#### Access and highways

6.13 Representations have highlighted that the road is used by large agricultural vehicles and the school bus, and that people park by the public notice board opposite the application site. The site boundary along the road is bordered by an attractive stone wall of varying height but approximately 1-1.5 metres high. The application makes it clear that the proposed infrastructure requires a secure gated compound, to include a vehicle access so as to prevent parking by operatives on the highway.

6.14 The previous (withdrawn) application indicated that the only existing access to the field would have been subsumed within the new compound, a point on which the landowner objected. The resubmission and smaller site size avoids this and maintains the owner's access for agriculture.

6.15 The applicant has reduced the size of the compound to an absolute minimum, and has confirmed the following:

- there would be one maintenance visit per week, using a van (the driver of which would be able to see over the wall);
- there would be one tanker visit every 3-6 months;

- that to avoid having to reduce the height of the wall only vehicles of an optimum size would be used (i.e. a van and small tanker)
- That the compound includes sufficient turning space for the above vehicles to avoid reversing out into the road.

6.16 The submitted plans maintain that, under the above circumstances, visibility of 40 metres in each direction could be achieved. An alternative would be to remove the wall coping stones, take it down one course, and replace the coping. Officers would resist alteration of the wall unless absolutely necessary for highway safety, since it contributes to the character of the village. The final arrangements could be secured by condition to ensure compliance with UDP policies S6, DR3 and T8.

### Ecology

6.12 Section 11 of the NPPF requires local planning authorities to ensure enhancement of the natural environment, with particular reference to protecting environmental assets, recognising the wider benefits of ecosystems, minimising adverse impacts on biodiversity, preventing pollution and offering mitigation where appropriate. All of these factors are relevant to this case. The application includes an Extended Phase 1 Ecological Survey. This assesses current biodiversity around the site and makes recommendations to protect wildlife during and after construction. Earlier concerns regarding the stream and the stone wall have been partly alleviated by the reduced scale of the project and because the compound would be moved further away from the watercourse. The Senior Ecologist has offered detailed advice, recommending a condition to secure the report's recommendations and reinstatement of any lost habitat is on completion of the works. These measures would ensure compliance with UDP policies NC1 and NC7.

### Landscape and visual impact

6.13 Although the proposal is low-key and small-scale in terms of actual above-ground development, the applicant acknowledges there would be some visual impact to the properties immediately opposite the site. The proposal would likewise have some negative effect on the local landscape. However the Senior Landscape Officer accepts the efforts made by the applicant to address her concerns and to minimise those impacts. The development would be utilitarian, but the compound would be small, with low fencing and the majority of the infrastructure located below ground. Above ground there would be the access arrangements, the fence, and necessary control kiosks. Manhole covers would be at just 15 cm above ground level. In re-designing and reducing the size of the site, the Senior Landscape Office agrees that the applicant has taken all reasonable steps to comply with UDP policy LA2. The site is not within the AONB or any other designation. Appropriate tree planting could be required to provide some screening. Officers take the view that, taking account of the proposed efforts to reduce the impact as far as possible, the need for the facility is an over-riding factor.

6.14 At present there is an ad-hoc bridge across the watercourse next to the highway bridge, constructed of corrugated metal, understood to be used by the landowner for transferring livestock from one field to another without using the highway. As originally submitted, the proposal would have created a narrow corridor between the new compound fence and the stream, along which animals would have to move. This was regarded as dangerous because the bank is steep and uneven. The resubmission entails a smaller compound which would be moved further away from the stream and thus leaving a wider margin. However the Design & Access Statement also offers to provide a new robust stock/foot bridge further north. This option could be investigated and implemented if deemed necessary.

### Groundwater, hydrology and flood risk

- 6.15 The application includes a detailed geotechnical report, which explains the preliminary investigations undertaken when choosing the site. The Environment Agency has accepted the findings of this report, has not raised any objections, and has not recommended any planning conditions. The report makes recommendations for ground investigations to confirm its findings prior to starting any work and these could be secured by planning conditions. Since the planning system should not seek to duplicate other legislation, in this instance the requirements of the Water Framework Directive carry full weight.
- 6.16 The application also includes a Flood Risk Assessment. Part of the site lies within a high flood risk zone, although it has not been known to flood. According to Environment Agency guidelines, this type of proposal is classified as 'less vulnerable' and an exception test is not required. A site-specific Sequential Test has been undertaken. The report's findings include that the ground is permeable, but any surplus surface water would flow overland in a westerly direction away from the site. The proposal includes a package of mitigating features, stating that:
- site levels would not be raised and the access/turning area would be permeable 'grasscrete', such that available flood storage capacity and the rate of flow to the brook would not be impacted;
  - all chambers would be double-sealed to eliminate water penetration;
  - all essential electrical controls would be placed at up to 600 mm above extreme flood levels;
  - The site would be included within the Environment Agency's flood warning system;
  - A fail-safe alarm would alert operators in the event of electrical failure;
  - A similar alarm system would alert operators to any pump failure, and there would be more than adequate freeboard of storage capacity of foul drainage;
  - The effects of climate change have been taken into account.
- 6.17 The report concludes that the proposal would conform to flood risk requirements and guidelines, that flood storage capacity and risk would not be exacerbated, that the installation design would be flood-proofed to provide adequate protection, and overall flood risks could be managed to an appropriate level. The Environment Agency has accepted this report and has not asked for any further information. On that basis there is no conflict with UDP policy DR7 or the Technical Guidance to the NPPF.

#### Emergency discharge

- 6.18 All sewerage requires emergency contingency measures to be deployed in the event of a breakdown or failure. This application states that under such circumstances there would be discharge to the nearby watercourse. Local residents have questioned the wisdom of this in light of the stated purpose of the proposal to prevent pollution. The applicant has responded, stating that such measures are standard but 'only to be used in extreme circumstances'. They are subject to Environment Agency consent and specific control standards. The overflow would be fitted with a screen. According to the applicant these measures, along with in-built storage freeboard and auxiliary pumping arrangements, would enable a 2-hour window within which DCWW should be able to rectify any fault before the emergency outfall would be deployed. The outfall would need to be in existence but only in very extreme circumstances would it be required. The Environment Agency would set the regulatory standards and has not expressed any concerns about the proposed arrangements. On that basis no conflict with UDP policies DR1, DR4 or CF1 is implicated.

#### Odour, noise

- 6.19 Local concerns regarding possible odour and noise are addressed in the Design and Access Statement. This states that pumps would be below ground and noise would be negligible, and that the pumping station would be sealed such that there would be no odour impact from the unit. It goes on to state that 'air relief valves on the rising main would be within sealed

chambers with a water supplement system .... to prevent odour' and further mitigation measures are available if deemed necessary. Officers take the view that these assurances are adequate to address local concerns, and note that other rural areas have pumping stations with no adverse effects.

## Conclusion

- 6.20 Planning law requires that planning applications be determined in accordance with adopted policy unless material considerations dictate otherwise. However, much of the work of sewerage undertakers and water companies is either Permitted Development, and/or regarded as a necessary provision under separate legislation. Consequently, national and local planning policies barely mention this type of development and do not seek to control it. In this case the fencing, access and kiosks require permission but need to be viewed in the light of the above key point.
- 6.21 This report indicates that whilst there are objections to the proposal there is also significant support. Likewise, whilst there is some conflict with planning policy in terms of visual amenity, highways and landscape impact, the above-ground development would be low-key and small scale. Traffic generated by the development would be extremely low. The applicant has demonstrated that alternative sites and options were considered and rejected for technical reasons. Furthermore, the wider environmental benefits from future-proofed mains sewerage provision, the requirements of the Water Framework Directive through the Environment Agency, and the imminent decommissioning of existing sewerage arrangements for the properties at Wood View, are over-riding factors which outweigh any perceived harm from these conflicts. On the basis of these points the proposal is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. No development shall take place unless or until a Ground Investigation has been carried out in accordance with the proposals in section 5 of the submitted Geotechnical Desk Study report dated 27 October 2011 and the results, including any mitigation measures or amendments to the submitted plans and specifications, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved findings.**

**Reason: To ensure a satisfactory form of development in the light of actual ground conditions, to prevent pollution of the water environment, to safeguard the amenity of the area and to comply with the requirements of policies S1, S2, S11, DR4, and CF5 of the Herefordshire Unitary Development Plan.**

- 4. Before the development hereby permitted begins, a habitat protection and biodiversity enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following in particular:**
  - (i) That an appropriately qualified and experienced ecological clerk of works shall be appointed to oversee the ecological mitigation work;**
  - (ii) That all of the four recommendations set out in the submitted Extended Phase 1 Ecological Survey report (Section 6, page 6) shall be followed in full;**
  - (iii) Measures to be implemented during the construction phase to protect the watercourse, unaffected length of the roadside wall, and all field margins,**

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

- hedges and trees, around the application site and including along the route of the cross-field pipeline;
- (iv) Confirmation that construction works will avoid the bird nesting season with particular reference to ground-nesting birds (v) Proposals for creating or enhancing biodiversity and habitats
  - (v) Timescales for all the above, and provision for review and tool-box talks.

The scheme shall be implemented in accordance with the approved details.

**Reason:** To ensure that all species under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulation 2010 are protected; to comply with the National Planning Policy Framework, Circular 06/2009, the NERC Act 2006 and policies NC1, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.

5. Before the development hereby permitted begins a Method Statement for the removal of the section of stone wall required for the new access shall be submitted to and approved in writing by the local planning authority. The Method Statement shall include the following in particular:
- (i) Preliminary checking of biodiversity associated with the wall, with particular reference to the possible presence of European Protected Species;
  - (ii) Protective measures and mitigation to be implemented in the event of such protected species being found to be present;
  - (iii) Methodology for dismantling the wall, storage of materials etc;
  - (iv) Details of the works necessary to make good the remaining wall and new terminals on both sides of the access;
  - (v) An assessment of the volume of surplus stone arising;
  - (vi) How the surplus stone and other materials would be disposed of (see informative).
  - (vii) Timescales for the above, and provision for review and tool-box talks.

The Method Statement shall be implemented in accordance with the approved details.

**Reason:** To minimise the production of waste, to ensure a satisfactory form of development including in the interests of any European Protected Species, and to ensure compliance with policies S1, S2, S7, S10, DR1, NC1, NC7 and NC9 of the Herefordshire Unitary Development Plan.

6. **G10 Landscaping scheme**
7. The development hereby permitted shall not be brought into use unless or until the mitigation measures recommended in the submitted Flood Risk Assessment dated 3 November 2011 (page 10, section 12) are implemented in full.

**Reason:** To ensure satisfactory flood protection measures are in place in accordance with policies S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.

8. **H05 Access gates**
9. **H15 Turning and parking**

**Reason for Approval:**

The proposal has been considered with regard to the need for the development, its essential nature, the requirements to comply with EU legislation, site choice options, access and highways, landscape and visual impact, pollution prevention, groundwater protection and flood risk. The impact from partial conflict with certain elements of local policies, with particular reference to visual impact and highways concerns, has been carefully considered by the applicant and officers, and moderated and minimised as far as possible by the revised plans. In particular, policies DR1 parts (1) and (2), DR2 part (4), LA2 and CF1 part (1) of the Herefordshire Unitary Development Plan are relevant. Notwithstanding this, the site is small, the identified impacts are limited, and the overriding need for a new sewerage facility to serve Pontshill is a significant material consideration which outweighs any conflict. Various alternative options have been considered by the applicant in terms of site choice and methodology, but the conclusion has been that the scheme as proposed is a viable option for sustainable development, which would meet requirements, would be capable of appropriate mitigation and would comply with relevant legislation. In light of the above, the proposal is considered to accord overall with policies S1, S2, S11, DR3, DR4, DR7, NC1, NC7, NC8, NC9, CF2 and CF5 of the Herefordshire Unitary Development Plan, and the requirements of the National Planning Policy Framework.

**INFORMATIVES:**

1. The applicant is urged to consider provision of a robust alternative foot/stock bridge over the watercourse at a suitable location to the north/north-west of the proposal site to facilitate movement of livestock for the landowner, in accordance with the details set out in the submitted Design and Access Statement and subject to negotiation with the landowner. The existing stock bridge close to the road bridge should then be decommissioned and removed.
2. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
3. N11C General
4. Required proposals for habitat creation and biodiversity enhancement in condition 4 are acknowledged as likely to be limited to a very small space. However any gesture would be welcomed, such as the planting of fruit trees or a patch of bee-friendly perennial (low maintenance) flowering plants within the compound (if practical to do so). Any further mitigation that may be negotiated with the landowner would also be welcomed in a submitted scheme.
5. With regard to point (vi) of condition 5 of this permission, all soils and the materials from the stone wall in particular should remain within the farm holding as a priority. Care is needed to minimise the volume of waste arising from this development and to conserve seedbanks and other biodiversity associated with the wall. Only as a last resort should any material be removed from the holding. Stone may be useful in creating a small habitat area within the application site.

Decision: .....

Notes: .....

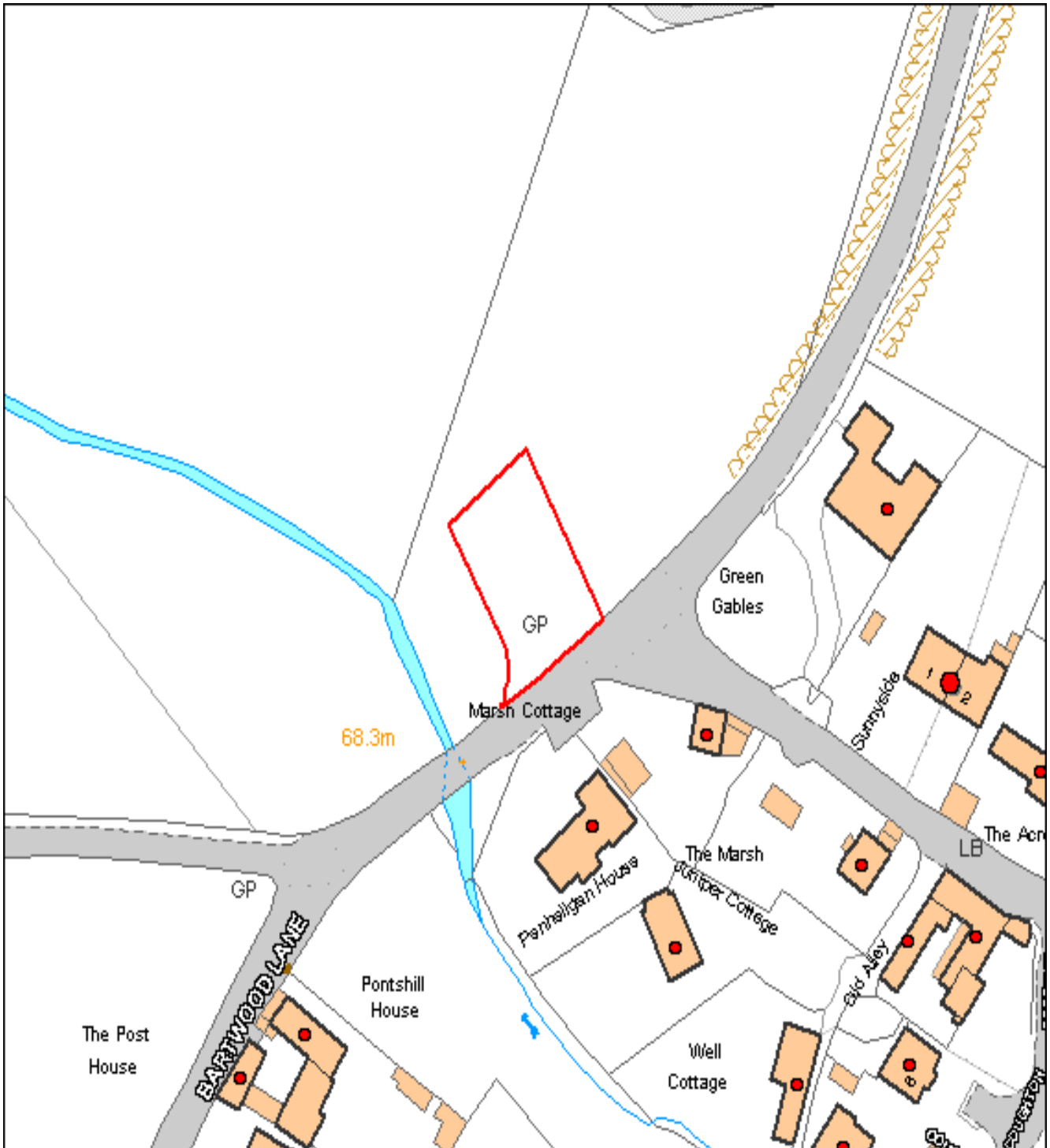
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**Background Papers**

Internal departmental consultation replies.

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



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**APPLICATION NO:** S/121015/N

**SITE ADDRESS :** LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>N120896/F - CHANGE OF USE OF BUILDING 1 FROM AGRICULTURAL BUILDING TO STORAGE; CHANGE OF USE AND ADAPTATION OF OLD FACTORY BUILDING (BUILDING 2) FROM OFFICES AND STORAGE TO OFFICES, STORAGE AND MANUFACTURING AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</b></p> <p><b>For: Tyrells Potato Crisps per Drivers Jonas Deloitte, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120896&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120896&amp;NoSearch=True</a>

**Date Received: 22 March 2012**

**Ward: Golden Cross with Weobley**

**Grid Ref: 343073,255836**

**Expiry Date: 25 May 2012**

Local Member: Councillor MJK Cooper

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

- 1.1 The application site occupies an area of land comprising approximately 4 ha. It is used for commercial purposes and successfully produces and distributes potato crisps nationwide. The site is located to the south of the A4112 and west of the B4457 and is capable of being accessed via two unclassified roads – the U93208 and U93209. Access into the site is gained from two positions. HGV access is via a purpose built access point into the site from the U93208, while access for staff and visitors is via the original access that is sited adjacent to Tyrrells Court at the junction of the two unclassified roads and leads directly into the car parking area.
- 1.2 Much of the site is covered by a series of utilitarian commercial buildings, some of which have been converted from a former agricultural use. They are fairly typical in their appearance, being a dark coloured profiled sheet, and are used to provide storage, areas for crisp production and office space.
- 1.3 There are two elements to the application. The first is to change the use of one remaining agricultural building on the site (building 1) to a storage use in connection with the manufacturing processes being undertaken on the site. The second part would see a second building (building 2) change from a mixed use of office and storage to include a new product manufacturing and packaging use within the rear part of the building.
- 1.4 Specifically, this would allow the further expansion of the company in order to manufacture popcorn. Information submitted in support of the application advises that this new element to the business would lead to the creation of 5-6 new jobs in the short term. The equipment used

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

for popcorn manufacture has been installed and therefore this element of the application is now effectively retrospective.

- 1.5 The application is accompanied by a planning statement, a flood risk assessment and a transport statement.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
E6	-	Expansion of Existing Businesses
E8	-	Design Standards for Employment Sites
E11	-	Employment in the Smaller Settlements and Open Countryside
T8	-	Road Hierarchy

### 2.2 National Planning Policy Framework:

Paragraph 14 – Sustainable Development

Paragraph 18 to 22 – Building a Strong Competitive Economy

Paragraph 28 – Supporting a Prosperous Rural Economy

Paragraphs 109 and 120 to 123 – Conserving and Enhancing the Natural Environment

- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. Planning History

- 3.1 There are a number of applications relating to the site. The following are considered to be most relevant to this application.

3.2 NW2001/3173/F Change of use of part of portal frame building to potato packing/storage to potato crisp making. Approved subject to conditions 13 February 2002.

3.3 DCNW/2004/2397/F Change of use of potato store to food room for frying of potato chips. Approved subject to conditions 3 November 2004.

3.4 DMNW/100313/F Retrospective application for change of use from agriculture to a mixed commercial use of B1 and B8, loading bay extension, temporary portacabin and various items of ancillary plant. Approved subject to conditions 24 December 2010.

- 3.5 In addition to the permissions described above, the following application has also been lodged with the local planning authority but as yet remains undetermined.

3.6 DMN/113427/F Change of use of agricultural building to storage (building 1), adaptation of office/storage building (building 2) for mixed use of office, store and popcorn manufacture, and change of use of

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

storage building (building 7) for additional crisp manufacture, associated infrastructure improvements and additional car parking.

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

##### Internal Council Advice

- 4.1 Traffic Manager: Raises no objection to the proposal provided that the Traffic Management Plan approved under condition 13 of application reference DMNW100313/F is amended so that no traffic movements are permitted along the B4457 between Stretford Bridge (A4110) and U93208.
- 4.2 Environmental Protection Manager: Confirms that he has visited the site and that popcorn making was in progress at the time. Odour from the manufacture of popcorn, along with that from the cooking of crisps was detected on the site, but was not detected beyond the boundaries of the factory. Cooking odours from the popcorn are considered to be minimal and are extracted through a flue without any filtration.
- 4.3 Economic Development Manager: Supports the proposal on the basis that it would create 5 jobs and help to safeguard 145 existing ones.

#### **5. Representations**

- 5.1 Dilwyn Parish Council: The parish council has no objection to the proposals as long as the issues relating to smell, noise, lighting, etc. are dealt with satisfactorily before change of use is granted.
- 5.2 River Lugg Drainage Board: No objection as the proposals will have no direct effect on the Board's operational interests or watercourses under its control subject to there being no increase in impermeable area.
- 5.3 Six letters of objection have been received from local residents. In summary the points raised are as follows:
- The proposal will contribute materially to the existing a future problems of vehicle use of the narrow local lanes to the site.
  - Parts of the Transport Statement do not accurately reflect the actual use of the local road network.
  - Vehicles are not complying with the requirements of the Transport Management Plan and are leaving the site and travelling in a southerly direction along the B4457 to its junction with the A4110.
  - The proposals represent a further intensification in the use of the site and should be relocated to a location and premises appropriate for manufacturing such as Leominster, Rotherwas or Moreton on Lugg.
  - Failure to require re-location will lead to yet further expansion on the site as product ranges are increased.
  - Tyrrells Court is a factory and as such should be on an industrial estate.
  - It would be more sustainable for an expanding factory to move closer to its workforce as few staff come from the Dilwyn area.
  - Further planning permissions should not be granted until all of the conditions of earlier permissions have been satisfied.

- The manufacture of popcorn has given rise to additional odour problems and its distinct smell can be identified some distance away.

5.4 The consultation responses can be viewed on the Council's website by using the following link:-

[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

Internet access is available at the Council's Customer Service Centres:-

[www.herefordshire.gov.uk/community\\_and\\_living/consumer\\_advice/41840.asp](http://www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp)

## 6. Officer's Appraisal

6.1 The application has generated some objection amongst people living locally to the site. Matters specifically relevant relate to highway safety and the impact of the proposal on the local road network and potential nuisance that might be caused through odours directly attributable to the production of popcorn. Other matters relate more generally to the on-going use of the site but are of relevance. These include the suitability of the location of a manufacturing process in the open countryside in terms of sustainability, a desire amongst local residents to see the factory re-locate, and a perception that the applicants have failed to comply with conditions imposed on earlier planning permissions. Each of these matters will be considered in turn.

### Highway Matters

6.2 Following the grant of planning permission under application reference DCNW100313/F, a number of improvements were secured to improve accessibility to and from the site via the U93208 and the B4457. These have included the widening of the junction of the U93208 and the B4457, resurfacing of the carriageway, re-grading of highway verges, refreshing of white lines and new directional signage. All of these have been implemented.

6.3 A condition was also imposed to require the submission of a Transport Management Plan. This has been submitted to and accepted by the local planning authority. It provides that vehicles should enter and leave the site via the U93208 and that HGV's leaving the site should head north towards the A44/A4112 junction (Golden Cross) rather than to the south. Vehicles approaching the site from the south, using the A4110, are however, permitted to use the southern approach of the B4457 on arrival. The basis for this was to avoid all traffic being concentrated along the northern part of the B4457 and passing an objectors dwelling who had raised objections in relation to vehicle movements and highway safety.

6.4 The current application is supported by a Transport Statement and it concludes that the proposal will not give rise to any significant increases in traffic movements. It contends that the 5 car movements (two-way trips) that might be attributed to an increase in staffing levels are negligible, and that the change of use proposals will not lead to a cumulative increase in traffic movements. This is due to the fact that popcorn has previously been manufactured at another premises and brought on to site as a finished product to be redistributed.

6.5 The Transportation Manager has not questioned the accuracy of the Transport Assessment. The objections received in this respect are non-specific, and would appear to relate to a perception of non-compliance with the Transport Management Plan rather than a questioning of the accuracy of the information provided in support of this proposal.

6.6 The Transportation Manager has however, recommended that the Transport Management Plan is amended to affect a change so that traffic movements are not permitted along the B4457 between Stretford Bridge (A4110) and U93208. Given the rationale behind the Transport Management Plan so that movements were not all concentrated to pass a single property, and the fact that the Transport Assessment demonstrates that the traffic movements

associated with this proposal would be limited, it is not considered necessary to amend the Management Plan as recommended. Furthermore, any such amendment would have to apply to the whole of the site, and this would appear unreasonable when its detail has only been recently agreed under the auspices of an earlier planning permission.

- 6.7 The objections tend to relate to non-compliance with the Transport Management Plan and this is a matter to be dealt with separately. It is otherwise concluded that this proposal will have a very limited impact in terms of additional traffic movements to and from the site. In isolation it will not result in any demonstrable detriment to highway safety and the proposal is considered to accord with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

### **Odour**

- 6.8 Popcorn production represents a small element of manufacturing on the site and it takes place concurrently with the main business of crisp frying. The site has been visited separately by the case officer and the Environmental Health Officer, both with the specific intention of observing the manufacturing process of the popcorn. In each case both officers have concluded that they have been unable to detect the smell of popcorn beyond the boundaries of Tyrrells Court.
- 6.9 Although not directly related to this particular application, it is also considered by officers that odours directly attributable to crisp frying have been reduced through a series of improvement and maintenance works that have been undertaken over the past 6 – 12 months. Notwithstanding this, the requirements of a condition relating to mitigation required for odour associated specifically with the cooking of crisps does currently remain outstanding. However, any odour associated to this is a separate matter.
- 6.10 It is concluded that the manufacture of popcorn does not, in isolation, give rise to nuisance through odour and consequently is not considered to be detrimental to residential amenity. Production is taking place on a small scale and this can reasonably be limited through the imposition of a condition to limit production to the two kettles that have already been installed. The matters raised by the parish council are not considered to relate directly to this proposal, but to other on-going issues associated with crisp manufacture and the condition referred to above. The proposal is therefore considered to accord with Policy DR4 of the Herefordshire Unitary Development Plan.

### **Sustainability and Re-location**

- 6.11 It is acknowledged that there will come a point where there is a degree of conflict between policies that encourage farm diversification and the re-use of existing buildings; which is itself considered to be a sustainable approach to the re-use of existing buildings, if an enterprise becomes successful. Tyrrells is very much an exceptional case and the business has grown from what was originally a farm diversification project into a brand that is recognised world-wide.
- 6.12 In different circumstances, a new enterprise in this location would not comply with policy and would most likely be refused; but this is not what the local planning authority is being asked to consider. This proposal is considered to be an adjunct to the existing, established and lawful use of the site for the production of crisps. The product expansion to allow the manufacture of popcorn is, as described above, to be small-scale in comparison to the use of the site as a whole. This is reflected in the number of people who are employed specifically in this aspect of the business. It relies on existing and established facilities and in this respect is considered to be sustainable.
- 6.13 The refusal of this application would not see the re-location of the business and it is not the role of the local planning authority to seek to bring this about in this way when a business is

legitimately established. If the company expresses a desire to re-locate, officers from all disciplines within the authority would provide assistance to help to find an appropriate site within the county, but this is not material to the determination of this application.

- 6.14 The relevant policy is E6 of the Herefordshire Unitary Development Plan which relates to the expansion of existing businesses. It has been demonstrated above that this proposal is modest in relation to the use of the site as a whole and that its impacts are limited in terms of additional traffic generation and odour. The proposal can be adequately accommodated within the site and it is considered that it fully accords with Policy E6.

### **Other Matters**

- 6.15 Planning permission granted under reference DCNW100313/F included a range of conditions in relation to crisp manufacture. All of the conditions, with one exception, have been complied with. As referred to earlier in this report, the outstanding issue relates to odour mitigation and the applicants have been working with your officers to resolve this. However, this is not material to the determination of this application and should not form a basis for the refusal of this application.
- 6.16 The proposal relates primarily to the use of existing buildings and requires little alteration to their exteriors. They are seen in the context of the site as a whole and their use as proposed will not have any demonstrable detrimental visual impact. The scheme therefore accords with Policy LA2 of the Herefordshire Unitary Development Plan.

### **Conclusion**

- 6.17 The application demonstrates that there will be limited traffic movements associated with the proposal and it is not considered that its cumulative impact with the existing use of the site would give rise to a demonstrable increase in the risk to highway safety. The condition proposed by the Transportation Manager could not be reasonably imposed to apply across the whole of the site. The Transport Management Plan previously agreed under the conditions to the earlier permission for the whole of the site gives some relief from traffic to one of the objectors as it permits some traffic approach from the south. If this ability were to be removed it would exacerbate concerns by increasing traffic movements past this property. The proposal accords with policies DR3 and T8 of the Herefordshire Unitary Development Plan.
- 6.18 The potential odour associated with this proposal has been carefully considered but it cannot be concluded that it would cumulatively add to any nuisance that might already exist. Issues relating to crisp manufacture are being dealt with separately but this proposal is not considered to be detrimental to residential amenity. The proposal accords with Policy DR3 of the Herefordshire Unitary Development Plan.
- 6.19 Finally, the proposal is an addition to an existing, well established site. Whilst its location may not be the most sustainable, this proposal would benefit from being incorporated within the existing site. It uses existing buildings and is of a small scale in comparison to the use of the site as a whole. The proposal therefore accords with Policy E6 of the Herefordshire Unitary Development Plan.
- 6.20 Consideration has been given to all other matters, but none of these give rise to any issues that give rise to such concerns to warrant the refusal of this application. The scale of production can be limited through the imposition of a condition to limit the number of kettles for popcorn production to two. This would allow the local planning authority to consider the impact of further intensification should it arise.
- 6.21 It is therefore concluded that it accords with The Herefordshire Unitary Development Plan and the National Planning Policy Framework and is accordingly recommended for approval.

**RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1. **B01 Development in accordance with the approved plans**
- 2. **Notwithstanding the provisions of Schedule 2, Part 8, Class B of the Town and Country Planning (General Permitted Development (Amendment) Order 2010, the development hereby approved shall be limited to the installation of two kettles to be used for the manufacture of popcorn.**

**Reason: In order that the local planning authority can consider the implications of any further intensification in the production of popcorn and to comply with Policies DR4 and E6 of the Herefordshire Unitary Development Plan.**

**Reason for Approval:**

The proposal represents a small element of the overall use of the site and it takes place concurrently with the main business of crisp frying. It has been demonstrated that there will be limited traffic movements associated with the proposal and it is not considered that its cumulative impact with the existing use of the site would give rise to a demonstrable increase in the risk to highway safety. The proposal accords with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

It is considered that the manufacture of popcorn does not, in isolation, give rise to nuisance through odour and consequently is not considered to be detrimental to residential amenity. Production is taking place on a small scale and this can reasonably be limited through the imposition of a condition to limit production to the two kettles that have already been installed. The proposal accords with Policy DR3 of the Herefordshire Unitary Development Plan.

The proposal is an addition to an existing, well established site. It uses existing buildings and is of a small scale in comparison to the use of the site as a whole. The proposal therefore accords with Policy E6 of the Herefordshire Unitary Development Plan.

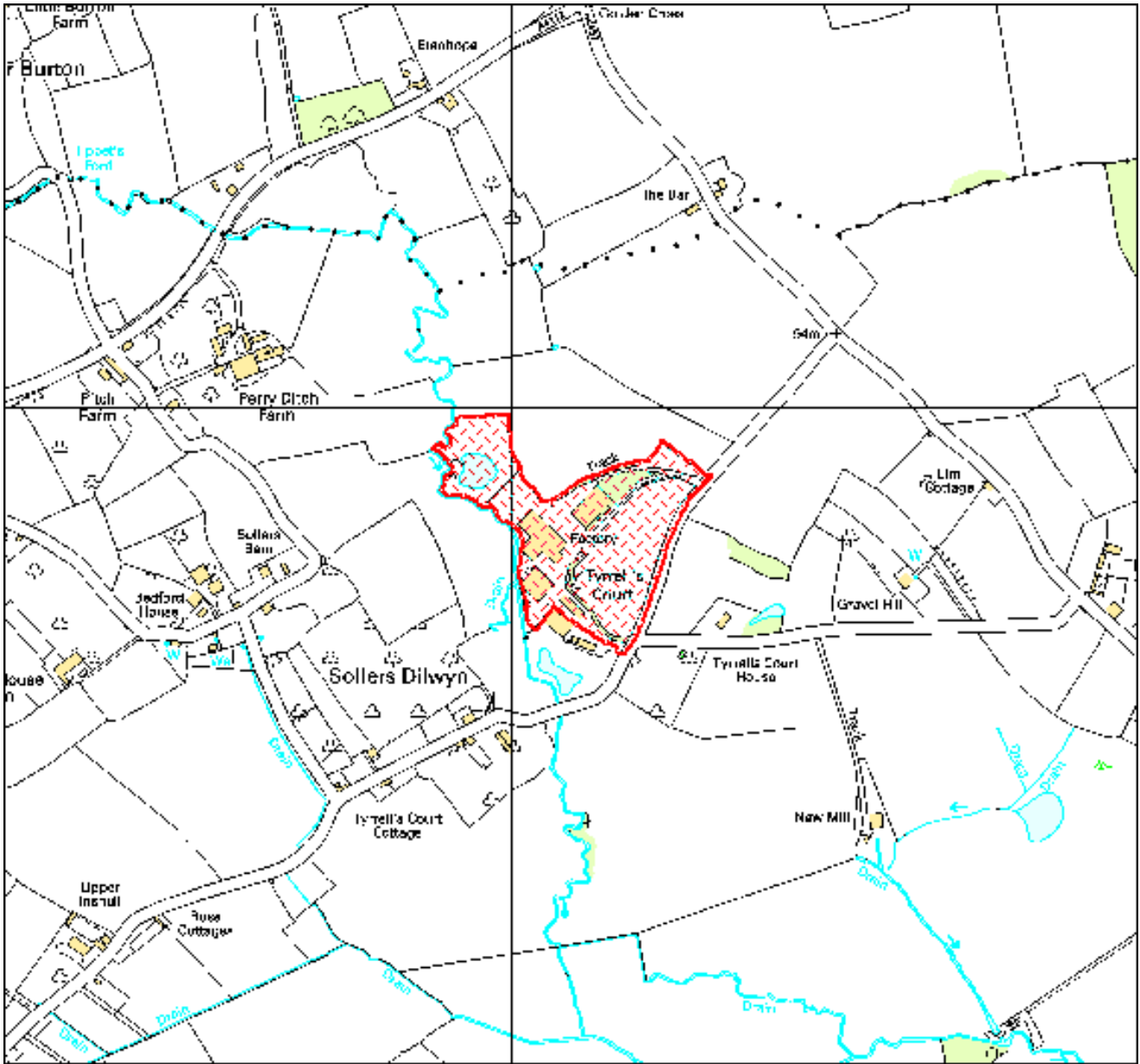
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** N/120896/F

**SITE ADDRESS :** TYRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>18 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>N121483/F - ERECTION OF AGRICULTURAL STORAGE / GENERAL PURPOSE BUILDING AT SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB</b>  <b>For: Mr &amp; Mrs N Cooke, Southview, Winforton, Herefordshire, HR3 6EB</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121483&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121483&amp;NoSearch=True</a>

**Date Received: 21 May 2012**

**Ward: Castle**

**Grid Ref: 329976,247383**

**Expiry Date: 16 July 2012**

Local Member: Councillor JW Hope, MBE

## 1. Site Description and Proposal

- 1.1 The site is located to the rear of a detached brick constructed dwelling that forms one of a small cluster of detached dwellings in a rural location. .
- 1.2 The development site forms part of a grassland field surrounded by farmland adjoining the applicants dwelling, this is situated alongside the southern side of the application site. Adjacent to the west elevation is a native hedgerow which acts as boundary between two separate fields.
- 1.3 The application proposes construction of an agricultural storage building of timber and brick construction under a profile tin sheeted roof.
- 1.4 The proposed building has internal floor space of approx. 55 square metres, and a maximum height of 3.5 metres.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S2 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- E13 - Agricultural and Forestry Development
- E15 - Protection of Green Field Land
- LA2 - Landscape Character and Areas Least Resilient to Change
- NC1 - Biodiversity and Development

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 2.2 National Planning Policy Framework
- 2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Councils website by using the following link:-

<http://www.herefordshire.gov.uk/housing/planning/29815.asp>

### 3. Planning History

- 3.1 DCNW2007/1271/F Replacement dwelling and garage. Approved subject to conditions 13 July 2007.

### 4. Consultation Summary

- 4.1 The Transportation Manager raises no objections.

### 5. Representations

- 5.1 The Parish Council's observations are awaited. .
- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

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### 6. Officer's Appraisal

- 6.1 The application proposes a timber and brick constructed agricultural building for general agricultural storage purposes.
- 6.2 The principle of the proposed development is considered acceptable in consideration of the land under the applicants control and nature of the farming being undertaken..
- 6.3 The overall scale and design of the proposal is also considered acceptable in relation to the surrounding built environment and landscape character. The site for the proposed development is the most suitable and the least conspicuous site within the field where the native hedge to the west of the site and adjoining domestic curtilage to the south, will help mitigate the proposal into the countryside.
- 6.4 The building is also considered acceptable in relationship to surrounding residential amenity and no privacy issues are raised. Finally there are no concerns in relation to the public highway.
- 6.5 Accordingly the proposal is considered to comply with the Development Plan.

### RECOMMENDATION

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The external colour of the roof shall be coloured a dark grey colour, or other dark colour approved in writing with the local planning authority prior to any**

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

development on site.

**Reason:** In consideration of the visual amenity of the surrounding area and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

**Reason for Approval:**

1. **The development is of a scale and design considered acceptable for the location of the development with no significant adverse impact on the surrounding landscape with adequate justification for the requirement for the development.**

**The development considered acceptable in relationship to surrounding residential amenity and privacy issues, and is also considered satisfactory in relationship to public highway issues.**

**The development is considered to be in accordance with policies of the Herefordshire Unitary Development Plan, key policies of which are Policies S1, DR1, DR2, E13 and LA2. The development is also considered to be in accordance with the National Planning Policy Framework.**

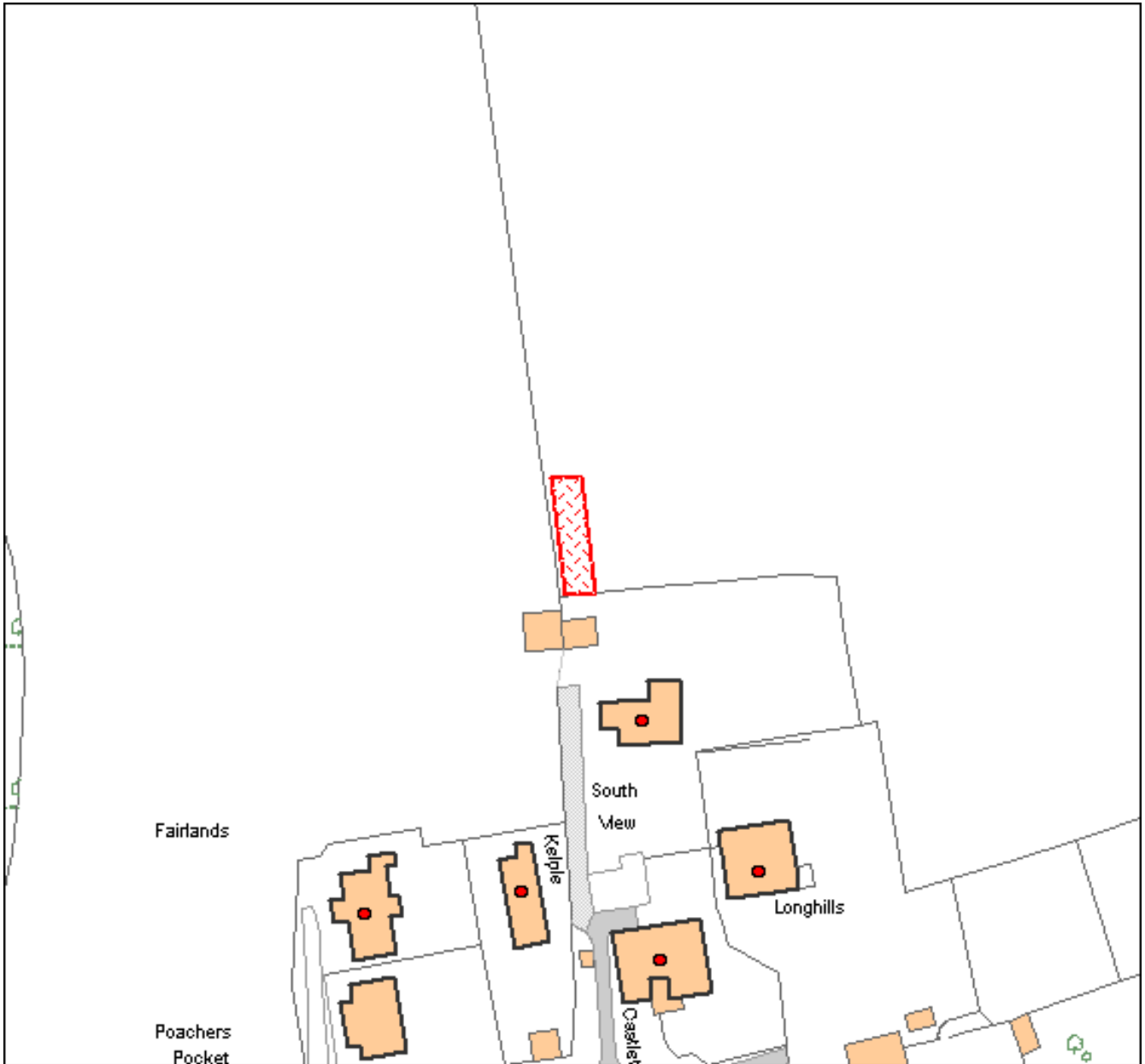
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** N/121483/F

**SITE ADDRESS :** SOUTHVIEW, WINFORTON, HEREFORDSHIRE, HR3 6EB

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