

# AGENDA

## Planning Committee

Date: **Wednesday 8 August 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**

Tel: 01432 261885

Email: [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk)

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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**

**Councillor PGH Cutter**

**Vice-Chairman**

**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 MAF Hubbard**

**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**

## AGENDA

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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.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 18 July 2012.	1 - 18
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6.	<b>APPEALS</b> To be noted.	19 - 24
7.	<b>ENFORCEMENT REPORT - 1 OCTOBER 2011 - 31 MARCH 2012</b> To update the Committee in respect of Planning Enforcement Performance for the period 1 October 2011 – 31 March 2012	25 - 26
8.	<b>N121348F - PENCOMBE HALL REST HOME, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL</b> New building for the care of the elderly mentally infirm (Dementia Unit) providing accommodation for 30 residents.	27 - 38
9.	<b>S112612F - LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ</b> Residential development comprising of 29 dwellings with associated access, carparking, landscaping and open space.	39 - 56
10.	<b>N121260CD - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP</b> Removal of Condition 4 of Planning Permission DMNC/100481/CD regarding boundary wall.	57 - 62
11.	<b>N121109FH - UPPER HORTON FARMHOUSE, THORNBURY, BROMYARD, HEREFORDSHIRE HR7 4NG</b> Erection of an open fronted single storey double bay garage with adjoining closed storage/workshop bay.	63 - 66
12.	<b>S121627F - IVY GREEN COTTAGE, ABBEYDORE, HEREFORD</b> Proposed replacement dwelling.	67 - 72
13.	<b>DATE OF NEXT MEETING</b> Date of next site inspection: 28 August 2012 Date of next meeting: 29 August 2012	



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## HEREFORDSHIRE COUNCIL

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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 18 July 2012 at 10.00 am**

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

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

**In attendance:** Councillors H Bramer, ACR Chappell, MJK Cooper, GJ Powell, R Preece and P Rone

**Councillor JD Woodward**

Members stood for a silent tribute in memory of Councillor JD Woodward who had recently passed away.

**20. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RC Hunt and PJ Watts.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AM Atkinson and AW Johnson attended the meeting as substitute members for Councillors RC Hunt and PJ Watts.

**22. DECLARATIONS OF INTEREST**

The Locum Lawyer (Planning and Regulatory) advised Members that until the new Code of Conduct was adopted by Council, Members should continue to declare both Personal and Prejudicial Interests and that by declaring a prejudicial interest, as set out in the current code of conduct, they would also be declaring a pecuniary interest as defined by the Localism Act.

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

Councillor GJ Powell, Prejudicial, The Councillor declared a prejudicial interest as the relevant portfolio holder in accordance with paragraph 7.5.13.7 of the Council's Constitution.

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

Councillor MD Lloyd-Hayes, Personal, The Councillor works with disabled children throughout the County.

8. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF.

Councillor DW Greenow, Personal, The Councillor has previously grazed sheep on the site.

8. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF.  
Councillor PJ Edwards, Personal, The Councillor is a trustee of the Cider Museum.

9. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD.  
Councillor AM Atkinson, Personal, The Councillor is a member of the Wye Valley AONB board.

9. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD.  
Councillor J Hardwick, Personal, The Councillor is a member of the Wye Valley AONB board.

9. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD.  
Councillor PGH Cutter, Personal, The Councillor is Vice-Chairman of the Wye Valley AONB board.

10. N120896/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.  
Councillor DW Greenow, Personal, The Councillor supplies potatoes.

11. N121483/F - SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB.  
Councillor JW Hope MBE, Prejudicial, The applicant is the Councillor's niece.

## 23. MINUTES

**RESOLVED: That the Minutes of the meeting held on 27 June 2011 be approved as a correct record and signed by the Chairman.**

## 24. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

## 25. APPEALS

The Planning Committee noted the report.

## 26. 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.

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. He commented on a number of issues, including:

- The local authority was committed to providing the best education and care to young people throughout the county.
- Blackmarston School had grown and was still over crowded despite the addition of temporary classrooms.
- The proposed extension would be adequate in addressing the long term growth of the school.



- A new school, as referred to in the previous meeting, would cost in excess of £20m instead of the £4.6m required for the extension to the existing school.
- The updated report detailed the reasons why the proposed sites at Aylestone and Whitecross would not be suitable as well as including an update from Sport England regarding their objection.
- The proposed site was affordable and future proof and should be approved.

Councillor Powell left the Council Chamber immediately after speaking and took no further part in the debate.

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

- The case officer was praised for a thorough report and a recommendation based on her interpretation of the key policies.
- There was a need for a special school and it had to be the best facility available.
- A full investigation had been requested to address concerns throughout the application process.
- Sport England's comments had to be taken into account.
- Public money had to be spent correctly and transparently.
- Meetings of school governors should be more transparent and quarterly reports should be submitted to the Council.

Councillor R Preece, another of the local ward members, commented on a number of issues, including:

- There was clearly no alternative plan, a fact that was confirmed through the additional information submitted following the previous deferral.
- The Council could not afford a new school so the proposed extension to the existing school was in the best interest of all parties.
- There were currently 70 children in a school designed for 40.
- There had been four objection letters received from three neighbouring dwellings, these concerns were valid and needed to be addressed.
- Any screening should be commenced at the earliest opportunity to mitigate the impact on the neighbouring residents.

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

- The choice of which school to send their child to was an important decision to any parent.
- No parent would want to send their child to a school which was above capacity and bursting at the seams.
- The concerns of the three neighbouring residents were valid but were outweighed by the needs of the school.

The Committee noted that the application had been previously deferred pending further discussions with the applicant and Sport England. The updated report addressed the issues in respect of alternative sites and the sustained objection from Sport England to the possible loss of playing field which would occur if the proposed extension was re-oriented.

Members discussed the cost implications in relocating the school to a new location at either Whitecross or Aylestone. A Resolution to Grant Planning permission was moved and seconded on the basis that there were no other suitable and available sites; the proposed redevelopment of the current site was viable, affordable and achievable; there

was an overriding need for the development; that the mitigation measures would reduce the impact on the neighbouring residents so that the impact would not then be significant; and the development would not prejudice amenity of the adjoining land. Therefore the development would be in accordance with Policies DR2 and CF5.

The Committee discussed the policy issues in respect of the application and came to the conclusion that the following Unitary Development Plan policies supported the proposal.

- DR2 – As there was no better use for the land.
- S11 – As the proposal would result in a community facility.
- S1 – As the development was sustainable and met the growing need.
- DR1 – In respect of land use and activity.

It was noted that there would be an impact on the three nearby dwellings who had objected to the application although it was considered that the impact could be mitigated through mature screening and landscaping. Further to this it was proposed and seconded that the three local residents who were most affected and who had objected to the application be consulted in respect of conditions to address their concerns. This consultation was to take place in conjunction with the Chairman and Local Ward Members.

Members discussed the possible increase of traffic on the site and felt that it would be negligible. It was further noted that traffic movements could be greatly increased if the school was relocated and the existing school used for a different purpose. Members also discussed the removal of the Portacabins currently on the site

In response to a question from the Locum Lawyer (Planning and Regulatory), the mover of the motion to approve the application contrary to the recommendation contained within the report stated that the application would not result in a significant impact and was in accordance with policies DR2 and CF5 and that any possible impact could be mitigated. It was also confirmed that the reasons for granting the application were need; the fact that there were no viable alternatives; the development was sustainable and that the proposal would result in a much needed community facility. In response to a further question the Member who had moved the recommendation confirmed that the wording of the decision notice be delegated to officers in consultation with the Chairman and Local Ward Members, and that the wording of the conditions also be delegated in the same manner but with the additional input from the three neighbouring residents who had objected to the application in relation to the specific design of the landscaping and mitigation package..

Councillors Preece, Rone and Chappell were given the opportunity to close the debate. They reiterated their opening remarks and made the following additional comments:

- The decision to defer the application previously was correct as it resulted in a full report coming before the Committee.
- The Council had a responsibility to vulnerable young people throughout the County.
- The decision to include neighbouring residents in consultations in respect of the conditions was correct and welcomed.
- Any screening should be done early in the process to ensure maximum benefit to neighbouring residents.

**RESOLVED:**

**That officers named in the scheme of delegation be authorised to issue planning permission and to finalise the wording of the decision Notice in consultation with the Ward Councillors and the Chair of Planning Committee subject to:**

1. **Any conditions considered necessary by officers including the removal of portacabins currently on the site (screening and landscaping conditions to be discharged in consultation with the three neighbouring residents who had objected to the application).**

**27. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF**

The Development Manager (Hereford and Southern Localities) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. He added that the update sheet contained details of drainage concerns and that the Council were unable to grant permission until these were resolved.

In accordance with the criteria for public speaking, Mr Davies, representing Bartestree and Lugwardine Parish Council, and Mr May, the applicant, spoke in support of the application and Dr Dowling, a neighbouring resident, spoke in objection.

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

- The site visit had been beneficial in making a judgement in respect of the site.
- The comments from the County Land Agent were endorsed.
- Need to take all comments received from all parties into consideration prior to making a judgement.

The debate was opened with a Member of the Committee proposing that the application be approved contrary to the case officer's recommendation. Unitary Development Plan Policy H8 was quoted in support of the application. It was considered that the other reasons for refusal contained within the report could be overcome.

Other Members were of the opinion that the application should be refused in accordance with the recommendation as the need for a dwelling on the site had not been demonstrated and the drainage issues had not been overcome. The impact the development would have on the nearby conservation area was also quoted as a reason for refusing the application.

The Committee discussed the application and had concerns in respect of the drainage on the site and also in respect of the lack of a clear financial case for a dwelling on the site. It was also considered that measures securing the long term retention and management of the orchard should be pursued. The applicant was advised to address these issues in consultation with the case officer prior to the application being brought back before the committee at a later date. The Democratic Services Officer was asked to advise the Committee in respect of the Council's Constitution. He advised that under standing order 4.1.16.24 a motion to adjourn the debate could be moved whilst another motion was under debate.

**RESOLVED**

**That the determination of the application be deferred pending further discussions with the applicant.**

**28. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD**

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

In accordance with the criteria for public speaking, Mrs Lewis, representing Weston Under Penyard Parish Council, and Mr Evans, a neighbouring resident, spoke in objection to the application and Mr Pitt, the applicant's agent, spoke in support.

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

- The application site was in the centre of Pontshill.
- The requirement for the water treatment plant was due to the Environment Agency finding the previous septic tank utilised for four former council houses at Woodview unacceptable.
- The proposed water treatment plant should be located at Woodview, and could be sited on part of the large gardens of the four dwellings.
- The report referred to a previous application which was refused on the site, however the reason for refusal on the previous application was highway issues.
- The treatment plant would be more central to the village if situated at Woodview.

In response to comments from the local ward member, the Principal Planning Officer advised that the proposed sewage pumping station could in the future serve the whole village and not just the four dwellings referred to in the report. She added that the site had been proposed as it had an electricity supply and was also near to a watercourse, a requirement for a water treatment plant.

The Committee discussed the application and noted the concerns of the local ward member and the local residents in respect of the location of the proposed facility. However it was further noted that large tankers would have to travel through the village if the facility was relocated to the garden area of the Woodview dwellings as proposed by the local ward member. It was also considered that due to the majority of the treatment plant being underground, the visual impact in respect of the site would be minimal with the highest structure being just 1.45 metres in height.

It was noted that the proposed water treatment plant was a large facility for four dwellings however it was appreciated that Welsh Water were applying for a facility that could meet the future needs for Pontshill.

In response to a question, the Principal Planning Officer advised that the applicant had stated that it would not be technically feasible to move the treatment plant to Woodview due to the lack of a watercourse. Members noted that a plant of the type applied for would not be viable at Woodview but that a biodisc and soakaway system could be viable and could meet the needs for the four dwellings in question.

One member of the Committee noted that the Committee had previously requested mapping information for mobile phone masts and that similar information for sewerage units throughout the county would also be welcomed. He also requested that a notice be put at the water treatment plant giving contact details for the public in case of any fault or emergency at the site.

Councillor Bramer was given the opportunity to close the debate. He reiterated his opening remarks and raised additional points, including:

- The proposed site was inappropriate.
- A solution to the drainage issues of the Woodview residents should be located at Woodview.

**RESOLVED:**

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **No 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, 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)**
  - (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:**

- 1. 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.**

#### **29. N120896/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ**

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

In accordance with the criteria for public speaking, Mrs Ford, a neighbouring resident, spoke in objection to the application and Mr Worrall, representing the applicant, spoke in support.

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

- The local community supported Tyrell's as a brand and a company but they had clearly outgrown their current site.
- The proposed development would have an impact on neighbouring residents due to traffic, odour, noise and light pollution.
- There had been an improvement in respect of the smell of popcorn in the vicinity recently.
- Tyrell's should look into moving their operation to either the enterprise zone in Hereford or the Enterprise Park in Leominster.

The Committee discussed the application with some members of the opinion that the operation had clearly outgrown its existing site. It was suggested that Tyrell's should therefore seriously consider moving either part of or all of their production to an industrial environment, the Enterprise Park in Leominster was referred to as a suitable location by one Member.

The Committee made significant reference to the transport issues on the site with some members of the opinion that the transport plan should be amended to only allow vehicles to exit the site in one direction. The Development Manager advised the Committee that the Transport Management Plan had been approved via a condition as part of an earlier application and could not be amended through the current application.

The issue of odour was discussed but members were advised that existing odour issues on the site could not be addressed as part of the application in front of them and that they needed to therefore determine the application on its merits.

Councillor Cooper was given the opportunity to close the debate. He reiterated his opening remarks and raised additional points, including:

- There was a clear odour of popcorn in the vicinity of the site.
- The Council should support local enterprises but Tyrell's had become a full scale production site.
- There would be further applications on the site in the future.
- Tyrell's should be encouraged and supported in moving their enterprise to a purpose build facility.

A motion to approve the application in accordance with the case officer's recommendation was lost. The Committee debated the possibility of refusing the application due to it being contrary to Unitary Development Plan Policies T8 and DR4 but were advised that neither reason would be defensible at a planning appeal. The Committee therefore deferred the item for further information.

## **RESOLVED**

**That the determination of the application be deferred for further information.**

### **30. N121483/F - SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB**

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

## **RESOLVED:**

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

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

**31. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.45 pm

**CHAIRMAN**



# PLANNING COMMITTEE

18 July 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.

**7 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**

**For: Property Services, Herefordshire Council per Amey Consulting, Explorer 2, Fleming Way, Crawley, W Sussex, RH10 9GT**

### ADDITIONAL REPRESENTATIONS

Following further discussion with Sport England, the following confirmation of the Sport England position has been received:

**From:** John Berry  
**Sent:** 16 July 2012 15:41  
**To:** Reid, Robert  
**Subject:** FW: Blackmarston School, Hereford

Dear Rob,

These were our comments from a year ago as discussed. Our initial thoughts, which I expressed in my email, have not changed. In fact, since that initial assessment I believe that the Council's draft playing pitch strategy has identified a shortage of junior and mini playing pitches in Hereford City. In more recent correspondence, my colleague Maggie Taylor rightly indicated that we would be willing to consider further the suggestion that recent tree planting had ruled out the use of the boundary of the Marlbrook Primary School playing field for use for a playing pitch and/or run-off area. The photographs of the newly planted line of trees have been helpful. I do not believe that this very recent planting scheme alters my initial assessment under exemption E3, that the affected area appears capable of being used for a playing pitch. The trees are young and could be moved, as they would need to be in order to build on this area.

We appreciate the need and urgency for the extension to Blackmarston School, but our initial thoughts remain valid and a scheme which once again proposes building onto the Marlbrook Primary School playing field would leave us with no alternative but to object.

Regards  
John

**8 S113607/O - PROPOSED THREE BEDROOM DETACHED AGRICULTURAL DWELLING AT TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF**

**For: Mr Henry May, Knockmoyle, Strone, Dunoon, Argyll, PA23 8TB**

### **ADDITIONAL REPRESENTATIONS**

Since the publication of the Committee report, the applicant has sent 2 further letters dated 8 and 11 July. These largely concern the issues of the discharge of phosphates to the River Lugg/Wye.

The first draws attention to the granting of planning permission for the Hereford Rugby Club development and suggests that his application is being treated unfairly by comparison given its limited size. It is also critical of local comments about the motivation for obtaining planning permission for the new house, which is described as “smear”

The second letter concerns the applicant’s criticism of the objection raised by Councils Ecologist and requests that the determination of the application is held in abeyance pending a satisfactory response.

The Council has now completed a Habitat Regulations Assessment Screening Report. This concludes that in the absence of technical information relating to projected flow rates and

phosphate outputs associated with the existing Klargester system coupled with the proximity of the site to the River Lugg, there is uncertainty and therefore a potential risk of adverse impacts on water quality. The Screening Report therefore concludes that there would be likely significant effects upon the River Lugg and River Wye Special Area of Conservation substantiating the fourth refusal reason.

The Screening Report has been forwarded to Natural England for comment and it is suggested that the issuing of any decision should await the outcome of this.

### **OFFICER COMMENTS**

The applicants own efforts to address the phosphate output issue are acknowledged, but it remains the case that further technical evidence and possibly further mitigation is required to provide sufficient comfort that the water quality of the River Lugg will not be subjected to further phosphate discharges. The current situation is such that permission cannot be granted until such time as this matter has been addressed

### **CHANGE TO RECOMMENDATION**

It is recommended that the reasons for refusal set out in the report should remain pending the final response from Natural England.

**9 S121015/N- SEWAGE PUMPING STATION, INCLUDING CONTROL KIOSK AND ASSOCIATED WORKS AT LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD**

**For: Dwr Cymru Welsh Water per Mr Allan Pitt, 4 Pierhead Street, Cardiff, Glamorgan, CF10 4QP**

**ADDITIONAL REPRESENTATIONS**

1. An email has been received on behalf of the residents of the thirteen properties at Coughton Brook Close, in support of the proposal and reiterating comments made previously. High costs for maintaining existing non-mains sewerage (biodisc) arrangements are cited, and affirmation that these residents would be interested in their properties being linked up to the proposed system.
2. The Senior Ecologist has confirmed verbally that her earlier comments relating to the possible presence of European Protected Species (Great Crested newts) were precautionary. She has also confirmed that the presence of newts is unlikely since they do not habitually use watercourses in their aquatic phases.
3. The Drainage Advisor has commented that the Flood Risk Assessment is satisfactory and almost all of the site is in Flood zone 1. No objections.

**OFFICER COMMENTS**

1. The email confirms support from residents in Coughton Brook Close. It does not raise any new issues but highlights the range of local views on this proposal.
2. Following discussion with the Senior Ecologist to clarify her comments, minor amendments to proposed Condition 5 to remove references to European Protected Species as this is now deemed unnecessary.
3. No further comments on drainage
4. Minor typographical corrections: on page 40 of the Agenda, the reference to PPS10 should be numbered 2.4 and the reference to the Herefordshire Unitary Development Plan should be numbered 2.5, and on page 48 the Reason for proposed Condition 4 should read 'Circular 06/2005'

**NO CHANGE TO RECOMMENDATION**

**10 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 TYRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ**

**For: Tyrells Potato Crisps per Drivers Jonas Deloitte, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ**

### **ADDITIONAL REPRESENTATIONS**

A further letter has been received from Mr & Mrs Cooke, Boxers Castle, Stretfordbury reiterating their objections on highway safety grounds. The letter includes photographs showing congestion caused on two occasions when vehicles have met in the lane.

### **OFFICER COMMENTS**

The traffic issues that are highlighted relate to the authorised use of the site for the production of potato crisps. The transport assessment submitted with the application concludes that the traffic movements created by additional employees (5-6 people) will be negligible, and that there will not be any cumulative increase in HGV movements. These findings are accepted and it is concluded that this application will not give rise to any demonstrable detriment to highway safety when considered cumulatively with the existing use of the site. However, it is considered reasonable to require that this proposal should adhere to the Transport Management Plan approved under application DCNW/100313/F and the imposition of an additional condition is recommended to reflect this.

It should be noted that the site falls within the River Lugg catchment. However, the whole site drains to an existing cess pit which is emptied on a regular basis. The plans indicate that there is no discharge to the River Lugg. The proposal is for a change of use of the two buildings. The surface water from both currently drains to the existing cess pit and this will remain unchanged. The plans do not show the installation of additional toilet or washroom facilities and therefore the proposal does not give rise to any water quality issues. The recommendation includes a condition to ensure that the development is carried out in accordance with the approved plans, and this includes drainage arrangements.

### **CHANGE TO RECOMMENDATION**

It is recommended that the following condition is added:

The development hereby approved shall be carried out in accordance with the Transport Management Plan as approved under application DCNW/100313/F.

Reason: In the interests of highway safety and to comply with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

It is also recommended that the following sentence is added to the Reasons for Approval:

All other matters that are material to this application have been considered and the proposal is considered to accord with the Herefordshire Unitary Development Plan in all other respects.

**11 N121483/F - ERECTION OF AGRICULTURAL STORAGE / GENERAL PURPOSE BUILDING AT SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB**

**For: Mr & Mrs N Cooke, Southview, Winforton, Herefordshire, HR3 6EB**

**ADDITIONAL REPRESENTATIONS**

Eardisley Group Parish Council raise no objections to the proposed development.

**NO CHANGE TO RECOMMENDATION**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>8 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

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**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the progress in respect of the following appeals.

### **Key Decision**

This is not a key decision

### **Recommendation**

That the report be noted

## **APPEALS RECEIVED**

### **Application No. N111899/O**

- The appeal was received on 2 July 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 Ms Nikki Harrison, Marsten Developments Ltd
- The site is located at Porthouse Farm, Tenbury Road, Bromyard, Herefordshire
- The development proposed is An outline application for the erection of up to 127 dwellings (35% to be affordable) with all matters except access to be reserved for future consideration
- The appeal is to be heard by Written Representations

**Case Officer: Mr R Close on 01432 261803**

### **Application No. N113184/F**

- The appeal was received on 5 July 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 Wellington Chapel
- The site is located at Chapel Cottage, Main Street, Wellington, Herefordshire, HR4 8AX
- The development proposed is Replacement dwelling.
- The appeal is to be heard by Written Representations

**Case Officer: Mr C Brace on 01432 261795**

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

### **Application No. N120930/FH**

- The appeal was received on 5 July 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 Wayne Lewis
- The site is located at South Winds, Dinmore, Herefordshire, HR1 3JP
- The development proposed is Proposed first floor and single storey extensions.
- The appeal is to be heard by Householder Procedure

**Case Officer: Mr C Brace on 01432 261795**

### **Application No. S113119/F**

- The appeal was received on 18 July 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 Mrs Alison Dean
- The site is located at Doward Park Campsite, Great Doward, Symonds Yat, Ross on Wye, Herefordshire, HR9 6BP
- Proposed new vehicular entrance parking and turning area to service existing managers mobile home.
- The appeal is to be heard by Written Representations

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

### **Application No. S120210/F**

- The appeal was received on 19 July 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 Carlos Felices
- The site is located at Castle Lodge Hotel, Green Court, Wilton, Herefordshire, HR9 6AD
- Removal of Conditions 13 and 16 of Planning Permission
- DMS/102971/F. To remove conditions linking the ancillary use of the restaurant to the hotel.
- The appeal is to be heard by Written Representations

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

## **APPEALS DETERMINED**

### **Application No. S110750/V**

- The appeal was received on 25 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 Stuart Sayce
- The site is located at Smallbrook Farm, Clehonger, Herefordshire, HR2 9TP
- The application dated 22 March 2011 was refused on 4 July 2011
- The development proposed was additional commercial storage containers
- The main issue is whether at the date of the application was made the proposed stationing of storage containers would have amounted to development for which planning permission would have been required

**Decision:** The application was refused under delegated powers on 4 July 2012  
The appeal was dismissed on 18 June 2012.

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

### **Application No. S111901/F**

- The appeal was received on 21 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 S Galvin
- The site is located at Friars House, 9 Friars Street, Hereford, HR4 0AS
- The application dated 13 July 2011 was refused on 12 October 2011
- The development proposed was the demolition of existing building and construction of 3 storey block of 6 apartments
- The main issues are (i) the effect of the proposed development on the character and appearance of the Hereford Central Conservation Area and the adjoining locality; (2) the effect on the living conditions of adjoining occupiers and whether the proposed development would provide satisfactory living conditions for its future occupants and (3) whether the absence of the car parking would have a harmful effect on highway safety and local parking conditions

**Decision:** The application was refused by Committee, contrary to Officer Recommendation, on 12 October 2011  
The appeal was dismissed on 22 June 2012

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

### **Application No. S111902/C**

- The appeal was received on 13 January 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 S Galvin
- The site is located at Friars House, 9 Friars Street, Hereford, HR4 0AS
- The application dated 13 July 2012 was refused on 12 October 2011
- The development proposed was the demolition of existing building and construction of 3 storey block of 6 apartments
- The main issue is the effect of the proposed demolition on the character and appearance of the conservation area

**Decision:** The application was refused by Committee, contrary to Officer Recommendation, on 12 October 2011  
The appeal was dismissed on 22 June 2012

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

### **Application No. S112878/A**

- The appeal was received on 14 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 The Owner and/or Occupier
- The site is located at Tile Giant, 44b Holmer Road, Hereford, Herefordshire, HR4 9RS
- The application dated 13 October 2011 was refused on 9 December 2011
- The development proposed was a fascia sign over shop front, panel sign on gable.(retrospective)
- The main issue is the effect of the proposed sign on the character and appearance of the area

**Decision:** The application was refused under delegated powers on 9 December 2011  
The appeal was allowed on 25 June 2012.

**Case Officer: Mark Lane on 01432 260 474**

### **Application No. S112967/F**

- The appeal was received on 26 January 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 Anthea Morton-Saner
- The site is located at Nupend Barn, Woolhope, Herefordshire, HR1 4QH
- The application dated 3 November 2011 was refused on 23 December 2011
- The development proposed was proposed solar photovoltaic panels attached to roof.
- The main issue is the impact of the proposal on the special architectural and historic interest of this listed building

**Decision:** The application was refused under delegated powers on 23 December 2011  
The appeal was Dismissed on 28 June 2012

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

### **Application No. S112474/F**

- The appeal was received on 13 January 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 L Andrews
- The site is located at 40 Blackmarston Road, Hunderton, Hereford, HR2 7AJ
- The application dated 3 August 2011 was refused on 10 November 2011
- The development proposed was the proposed demolition of garage and construction of attached two-bed dwelling
- The main issue is the effect of the proposed development on the character and appearance of the surrounding area, the effect on the living conditions of neighbours and whether acceptable parking arrangements would be provided

**Decision:** The application was refused under delegated powers on 10 November 2011  
The appeal was dismissed on 27 June 2012

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

### **Application No. S112968/L**

- The appeal was received on 26 January 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 Anthea Morton-Saner
- The site is located at Nupend Barn, Woolhope, Herefordshire, HR1 4QH
- The application dated 20 October 2011 was refused on 23 December 2011
- The development proposed was Proposed solar photovoltaic panels attached to roof.
- The main issue is the impact of the proposal on the special architectural and historic interest of this listed building

**Decision:** The application was refused under delegated powers on 23 December 2011  
The appeal was dismissed on 28 June 2012

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

### **Application No. N111371/RM**

- The appeal was received on 28 October 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 Morgan
- The site is located at Bank House, High Trees, Leintwardine, SY7 0LU
- The application dated 26 May 2011 was refused on 4 October 2011
- The development proposed was the erection of an affordable dwelling with detached garage.

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

- The main issue is whether the proposed details would provide an affordable dwelling

**Decision:** The application was refused under delegated powers on 4 October 2011  
The appeal was dismissed on 8 July 2012  
An application by the Council and Appellant for costs was not awarded

**Case Officer: Mr C Brace on 01432 261795**

**Application No. N111357/F**

- The appeal was received on 14 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 Graham Fillery
- The site is located at Bleathwood Manor Farm, Bleathwood, Herefordshire, SY8 4LT
- The application dated 23 May 2011 was refused on 11 August 2011
- The development proposed was a replacement cattle shed on site of original cattle shed (retrospective application)
- The main issues are (i) The impact of the proposal on the setting of the Grade II listed Bleat wood Manor; (ii) The effect of its use on the living conditions of nearby residential occupiers and (iii) Whether there is a specific functional agricultural justification for the building

**Decision:** The application was refused under delegated powers on 11 August 2011  
The appeal was dismissed on 11 July 2012

**Case Officer: Mr C Brace on 01432 261795**

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>8 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<b>ENFORCEMENT REPORT</b>

**CLASSIFICATION:** Open

### Wards Affected

Countywide

### Purpose

To update the Committee in respect of Planning Enforcement Performance for the period 1 October 2011 – 31 March 2012

### Key Decision

This is not a key decision.

### Recommendation

That the report be noted

### ENFORCEMENT PERFORMANCE – 6-MONTHLY REPORT - 1 OCTOBER 2011 to 31 MARCH 2012

There are no national Performance Indicators for planning enforcement. The Planning Enforcement Policy includes a requirement for reporting on Enforcement activity to this Committee. The tables below set out the results for the period 1 October 2011 – 31 March 2012, the third such report.

Cases opened 1 October 2011 – 31 March 2012

Type	Total
D01 Breach of Planning Condition	77
D03 Development contrary to approved plans	13
D04 Unauthorised operational development	116
D05 Unauthorised material change of use	89
D06 Unauthorised works to Listed Building	21
D09 Unauthorised Advertisement	11
D11 Untidy land	6
D26 Unauthorised Works to a Hedgerow	2
LA5 Other	1
<b>Total</b>	<b>336</b>

Closed Cases 1 October 2011 – 31 March 2012

Type	Total
D01 Breach of Planning Condition	89
D03 Development contrary to approved plans	32
D04 Unauthorised operational development	116
D05 Unauthorised material change of use	82
D06 Unauthorised works to Listed Building	26
D09 Unauthorised Advertisement	12
D11 Untidy land	6
D12 Various breaches	1
D13 Unauthorised Access	1
D15 Unauthorised Building	9
D17 Engineering Operations	1
D18 Unauthorised Householder Ext	1
D19 Unauthorised Mobile Home	1
D22 Other Unauthorised Operations	1
D26 Unauthorised Works to a Hedgerow	1
LA5 Other	2
Grand Total	381

Enforcement Outcomes 1 October 2011 – 31 March 2012

Code	Total
C01 No apparent breach (not development)	88
C02 No apparent breach (permitted development)	51
C03 Immune from action (4/10 yr rule)	8
C04 Not expedient to take action	66
C05 Resolved through negotiation or compliance	110
C06 Resolved by planning permission being approved	45
C07 Enforcement action taken - compliance secured	7
C08 Passed onto other service area	3
Grand Total	378

Notices Served 1 October 2011 – 31 March 2012

Count of type	Total
Type	Total
P01 Planning Contravention Notice	13
P02 Breach of Condition Notice	2
P03 Enforcement Notice	2
P05 Section 215 Notice	3
P08 Temporary Stop Notice	1
P10 Section 16 Requisition	1
Total	22

In addition 516 notifications of commencement from Building Control have been checked. This involves checking that planning permission has been received, where required, and whether or not any pre-commencement condition requirements have been met. It can result in requests for planning applications or in letters seeking submission of details of conditions.

Applications to vary a premises licence under the Licensing Act 2003 are also checked along with Festival and Show Events. These can also can result in requests for planning applications.

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Further information on the subject of this report is available from Mark Tansley, Development Manager (Monitoring and Compliance) - 01432 261815





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>8 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>N121348/F - NEW BUILDING FOR THE CARE OF THE ELDERLY MENTALLY INFIRM (DEMENTIA UNIT) PROVIDING ACCOMMODATION FOR 30 RESIDENTS AT PENCOMBE HALL REST HOME, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL</b></p> <p><b>For: Mr Cope per Mr Richard Harris, Georgian House, 24 Bird Street, Lichfield, Staffs, WS13 6PT</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121348&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121348&amp;NoSearch=True</a>

**Date Received: 9 May 2012**

**Ward: Bromyard**

**Grid Ref: 360221,252172**

**Expiry Date: 8 August 2012**

Local Members: Councillors A Seldon and JG Lester

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

- 1.1 Pencombe Hall is a large impressive Victorian house that is currently in use as a 30 bed care home for the elderly. It is largely constructed from stone and is set in 5 acres of landscaped gardens, located around half a mile to the south of the village of Pencombe, east of the C1117 which runs between Pencombe and Little Cowarne. It has been used as a care home for 25 years. The property occupies a raised position in the landscape with extensive views to the north towards the village. The grounds which surround the building have a parkland appearance with a number of mature specimen trees and a tennis court to the North West. To the north-east is the former coach house, which is now occupied as an entirely independent dwelling.
- 1.2 The home specialises in caring for adults over 65 who suffer from dementia and mental health conditions. Planning permission was granted under application DCNC2007/0667/O for the erection of additional building for provision of care to the elderly mentally infirm. The permission was granted on the 28th September 2007 and was subject to the application for approval of reserved matters being made to the planning authority before the expiration of three years. On the 16th September 2010 under planning application N101895/O the permission was extended by 1 year. A year later an application for reserved matters was submitted on the 14<sup>th</sup> September 2011, however unfortunately the application was found to be invalid as the site location plan did not match that of outline.
- 1.3 This new full application follows extensive pre-application discussions with officers and proposes a new building within the existing grounds of Pencombe Hall to accommodate 30 bedrooms for the care of the elderly mentally infirm (Dementia Unit). The new building is to be located to the north of the existing building, taking a linear form following the eastern boundary. The proposed building would sit largely on the areas of the tennis court and some of the parking area. The new building takes advantage of the existing change in levels across

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

the site, being single storey on the southern end facing onto Pencombe hall, then stepping down into a split level as it progresses east. The building has a broken linear plan with interplay of ridges and gable.

- 1.4 The proposed building is to be constructed with a dark grey concrete slate roof with ridge tiles and roughcast render with dressed stone quoins, window dressing, plinths and parapet copings. There are small sections of the render broken up with vertical timber boarding. As part of the application a new enclosed sensory garden is proposed on the western side of the new building.
- 1.5 The property enjoys two accesses either end of the site. There will be no change to the existing access arrangements. A total of 16 parking spaces are provided in the existing parking area between the existing building and the proposed, with room for a further 8 outside the front of the existing building.

## **2. Policies**

### **2.1 National Policy**

NPPF - 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:

- 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 .....

### **2.2 Herefordshire Unitary Development Plan**

S1	-	Sustainable development
DR1	-	Design
DR2	-	Land use and activity
LA2	-	Landscape character and areas least resilient to change
LA3	-	Setting of settlements
LA5	-	Protection of trees, woodlands and hedgerows
CF7	-	Residential nursing and care homes

- 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 N112554/RM - Site for the erection of a building for the provision of care for the elderly mentally infirm. Application invalid.

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

- 3.2 N101895/O - Extant planning permission for application number N070701/O Site for erection of additional building for provision of care for the elderly mentally infirm.– Approved 16<sup>th</sup> September 2010 (Approved for 1 year only).
- 3.3 N073472/F - Proposed conservatory extension at the rear of care home. Approved 26<sup>th</sup> November 2007
- 3.4 N070701/0 - Site for the erection of an additional building for provision of care to the elderly, mentally infirm. Approved 4<sup>th</sup> October 2007

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

##### Statutory Consultees

- 4.1 NHS Primary Care Trust has made the following comments:

Capacity for Elderly Mentally ill beds (EMI) in the county remains constrained and additional market capacity would clearly be useful in ensuring patient choice and allowing commissioners to work within a competitive market.

Dementia prevalence within Herefordshire is set to increase year by year over the next decade and it is estimated that a further 28-30 beds will be needed in the Bromyard area alone.

- 4.2 Welsh Water: No comments received at the time of writing the report.

##### Internal Council Advice

- 4.3 The Traffic Manager considered there to be adequate parking with no highway implication. Recommends approval.
- 4.4 The Conservation Manager (Landscape) makes the following comments:

The site is located approx. 700m south of the village of Pencombe. The landscape character type is timbered plateau farmlands. A bridleway runs just outside the north site boundary (PG7). The buildings are not nationally listed, but are of local historic importance. The main Hall building sits in landscaped grounds, with a lawn and parkland trees to the north and a wooded area to the south. The trees are an important landscape feature and provide good wildlife habitat on the site.

##### Landscape character

The application includes a landscape survey and appraisal that provides a very good summary of the existing site conditions. It is clearly marked, provides a summary of the wider setting and offers a balanced view of site features that form landscape constraints and / or potential. Landscape character is also included in the Design and Access Statement (D&AS). I agree with the D&AS that a suitable location for a new building has been identified. Although there will be a considerable change to the landscape, the proposal does not detract from the character and appearance of the Hall or its parkland setting. Use of the already levelled tennis court area minimises additional earthworks that would otherwise be required on this sloping site. Views into the site from north west corner (junction of bridleway and highway), will be of the new building, but a majority of the open lawn will be retained.

##### Trees

The tree survey has been carried out in accordance with BS5837. No trees of public amenity value will need to be removed. The proposed development takes full account of the tree constraints plan. If the application is to be approved then a condition should be added to ensure that temporary tree protection fencing is erected during the construction period.

##### Landscape scheme

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

Three revised drawings have been submitted (ref. PHP 002 rev. B, PHP 003, PHP 004). These are all fully detailed. The proposals provide a good balance between respecting the existing site character, providing an amenity space suitable to the specific site users and also offering wildlife habitat. This will ensure that the development integrates appropriately into its surroundings. If the application is to be approved then a condition should be added to ensure that this landscape scheme is implemented in accordance with the above drawings.

If the proposed sewage treatment system is to be implemented, then details of this could have an impact on the landscape, particularly through a pump house, underground pipes and grassland management. As the parkland setting is particularly important at this site, in landscape terms it would be preferable for the development to be connected to the main sewer system. This should be determined before the application is decided.

In conclusion there is no landscape objection to this application. It meets the requirements of UDP landscape policies, in particular it demonstrates that the identifiable landscape change has been considered (LA2), that existing trees will be protected (LA5) and a suitable landscape scheme has been provided (LA6).

#### 4.5 The Conservation Manager (historic/listed buildings) makes the following comments:

This application follows on from extensive discussions with the agents for the site after the previous application was refused.

Pencombe Hall is considered to be a local heritage asset since it dates from 1862 having been built by the Arkwright family as a rectory. It is an impressive stone Jacobean revival building of two high storeys plus an attic and though it is not a nationally listed building, it does have local importance and historic significance. It has been a care home for about 25 years and still sits within wooded and parkland grounds appropriate to its size and original status. Various other buildings that historically relate to the main Hall are now in other ownership and are situated to the north-east of Pencombe Hall. Except for the Coach House which shares a common boundary with the application site, the other buildings are not within the setting considered in these comments.

The revised position of the proposed one and two storey application building is to the north of the existing parking area and the north elevation of the Hall. The parking area would be significantly upgraded to provide an appropriate entrance to the new building and an improved rear entrance to the Hall.

In order to retain the maximum amount of garden area, the new building has been positioned as far to the east boundary as possible without compromising the trees and landscaping. This does leave sufficient open space and definition to the setting of the historic asset and indeed to the proposed building. The building would sit largely on the areas of the tennis court and parking and would minimise the loss of existing soft landscaping, especially in terms of existing tree coverage along the boundary with The Coach House.

The traditional materials proposed should assist in blending the relatively large building into the setting and the quality should support the existing standard of the Hall itself. However the quality of the workmanship employed will need to be carefully monitored to avoid the design and materials falling short of producing a building of suitable merit.

It is acknowledged that the proposal is for a large building on the site. It is considered that the mass and scale has been addressed by reducing and breaking up the building into smaller elements and by utilising simple angles and architectural devices such as small bays and projections and chimneys in a similar way to the main Hall. In addition the use of a simple palette of traditional materials differentiates between the variety of functions within the building, making it more legible and visually interesting.

After further consultation and comment a variety of the east elevation windows on the first floor have been given obscure glazing. In one instance windows that could have resulted in

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

overlooking have been “blocked up” and the rooms will be lit by rooflights instead. The “blocked up” window has the same stone surround as other windows in the scheme and serves to avoid an unattractive large blank gable. These amendments should address issues of overlooking to the garden of the next door property.

- 4.6 The Conservation Manager (Planning Ecologist) has undertaken a Habitats Regulations Assessment Screening Report for the development on the potential pollution to the River Wye SAC from phosphate levels via groundwater ingress to the River Frome, then to the River Lugg and River Wye from a package treatment plant to a soak away. The report has identified there will be a significant increase in water resource use from the proposed development. The increased levels of sewage passing through a proposed Klargester sewage treatment works to a soak-away places indirect, increased risks on local ecology and receiving waters with potential disturbance to qualifying features of the SAC which rely on good water quality. These risks are from subsequent increase in ground water levels for a non-mains foul discharge and from the level of phosphate given that these will be 2 mg/l at outfall. A foul discharge connection could be established to the main sewage treatment works (STW), via a new connection. Although placing additional burden on the sewage treatment works, this falls within the current capacity through the means of EA’s consents, confirmed by EA’s recent review of consents of STWs which are Habitat Regulation compliant. The report concludes that treatment of foul drainage would give consented discharge at 1mg/l from the main sewage treatment works.
- 4.7 Environmental Health Officer – No objections to the proposed development.

## **5. Representations**

- 5.1 Pencombe Parish Council held a public meeting attended by 32 residents to discuss the application. The following comments have been made:

The majority of people who attended the meeting were pleased that their concerns raised last October - i.e. style of build, size and materials to be used, had been addressed and therefore approved of the new plan subject to the sewerage concern being dealt with. Many people had immense sympathy for the need for such a unit and had no concerns that it be placed in Pencombe.

Strong opposition to the plans was voiced by Mrs Mitchell of the Coach House, Mr and Mrs Tilling of The Glebe and Mrs Brazier of High Orchard. Mrs Mitchell stated that her concerns were threefold:

1. The preservation of the Arkwright Legacy
2. Personal opposition with the building being too close to The Coach House
3. To retain the character of Pencombe Village

At a show of hands five people were against the proposal, one person abstained and the remainder showed support with the proviso that the sewerage problem was addressed.

Finally, Pencombe Group Parish Council endorsed the view of the meeting and welcomed the proposal of the new build, subject to the sewerage issue being dealt with. The Council particularly welcomed the possibility of additional employment for local people.

- 5.2 In response to the original consultation, 13 letters and e-mails of objection have been received. This includes a letter from a local architect, employed by the immediate neighbours. The main points raised are: -
- Impact on the setting of nearby listed buildings
  - The increase in traffic by visitors unfamiliar with the area will impose a further hazard to the existing dangerous highway.

- Trees will need to be felled to accommodate car parking.
  - Sewage disposal is already a problem at the site and a soakaway would run through a footpath and onto farm land in the direction of the village.
  - Unsustainable location as the site is 3 miles away from any main road via narrow country lanes unsuitable for construction and supply traffic.
  - Limited public transport
  - Visual and environmental impacts have not been addressed
  - There is not the need for the additional beds in Herefordshire, and the beds are likely to be filled with people from outside of the county.
  - Scale of the building obtrusive in the landscape and its surroundings
  - The development would put unacceptable demands and pressure on the local infrastructure
  - Sited unnecessarily close to the neighbouring Coach House with its height and windows intruding on the privacy and potential noise and light pollution.
  - The design of the extension is alien to the original design and divides the earlier architect's composition.
  - The proposal dominates the Hall and adjoins Coach House, rather than 'ensuring sympathetic integration'.
  - The proposed building would alter and damage the Victorian design composition of buildings and landscape.
  - Detrimental to the parkland setting which does have historic importance and is distinctive in the context of the local landscape.
  - Concern that the local GP provision would be overstretched if development approved
  - Development would have a detrimental impact on the overall rural charm
  - The scale and design of the proposed development is not in keeping with surrounding area.
- 5.3 A petition with 45 signatures has been submitted objecting to the application on grounds that there will be 'no social or economic benefit to the local community and will destroy the amenity of an historic site'.
- 5.4 In response to the re-consultation on the amended proposals, at the time of completion of this report, a further 6 letters and e-mails of objection have been received. The points raised largely summarised above.
- 5.5 In response to the original consultation, 3 letters and e-mails of support have been received. The main points are as follows: -
- The proposal will provide jobs and employment within the area
  - Proposal is has been sympathetically designed and positioned to remain in keeping with the surrounding area and landscape
  - There is a great need for the specialist care within the area and the rural setting which the site provides can only enhance the quality of life for patients, as well as allowing people to receive care in the countryside where they have lived.
- 5.6 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 R Jenman on 01432 261961

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

6.1 The key considerations in the assessment of this proposal are as follows:

- The principle of the development/need for additional beds
- Siting, scale and design of new building
- Visual and Landscape Impact on surrounding area
- Impact on residential amenity of adjoining neighbours
- Drainage/ Habitat Regulations

### **The Principle of the development/Sustainability**

- 6.2 Policy CF7 which deals specifically with residential care homes comments that such development should be located within areas that are suitable for other forms of residential accommodation and ideally be situated close to local services and public transport routes. It is important to ensure that a satisfactory standard of accommodation is provided for residents, with appropriate levels of external amenity space.
- 6.3 Although the site lies in an area of open countryside where there is a presumption under policy CF7 against further new residential development, Pencombe Hall is an existing established nursing home, offering specialist EMI care. The proposed extension is all contained within the existing planning unit, therefore the principle of extending is considered to be acceptable. Whilst the issue of sustainability is recognised, especially in relation to the reliance on the private motor vehicle by staff and visitors, it is also acknowledged the benefits for the residents being in such a specialist facility provided in such a tranquil rural environment. Furthermore the proposal would undoubtedly increase employment opportunities in the area.
- 6.4 As part of the application the applicant has submitted a resident admission list identifying where each resident was living previously. Out of the 26 patients submitted since 2010, 13 were previously living in Bromyard, 4 in Hereford and 3 in Leominster. The 6 others came from the villages of Ullingswick, Bodenham and Wellington. The only patient to come from outside of the County had family living in Ledbury. The PCT have confirmed that there is an increasing need within Herefordshire for EMI beds, especially in relation to dementia. They have also provided a figure of between 28-30 beds needed within the Bromyard area alone. From the information contained on the admission list it is clear that Pencombe Hall is already providing a service to local people living within the area. This extension proposed under this application will further meet the needs within the Bromyard area.
- 6.5 A number of the local residents have raised the matter of sustainability, particularly given that the site is 3 miles away from any main road via narrow country lanes. Within the design and access statement submitted in support of the application, details of existing vehicle movements to and from the site are provided. A breakdown of the existing staff shows that there is potential for a maximum of 7 staff cars on site at any one time. In addition to staff, on average the Hall will receive 3 visitors per day, all arriving by car. Nursing homes do not generate vast amounts of traffic, and on visiting the site there has always been very few parked cars. The proposal is not introducing a new use into the open countryside, its expanding on an existing use and facilities already being provided.
- 6.6 The Councils 'Highways Design Guide for New Developments' requires C2 nursing homes to provide 1 space per 4 beds. The application complies with this requirement providing 24 spaces in total for the whole site. Taking into account existing figures there could be a maximum of 14 staff at any one time on site, leaving 10 spaces for any visitors. The car-park therefore has more than sufficient space for parking.

### **Siting, scale and design of new building**

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

- 6.7 Significant work has been done at the pre-application stage in relation to the siting, scale and design of the proposed new building. In designing the extension there were several key constraints that need to be considered. The site itself has a number of constraints including the site contour levels, the historic and architectural importance of the existing Hall building, the relationship with its neighbours to the east, its parkland setting and the overall visual landscape setting.
- 6.8 As the proposal has developed there have been several schemes that have been explored and dismissed due mainly to the visual impact of the surrounding landscape or the overall setting of the existing building. The building that is under consideration is positioned in the area of the existing tennis court and parking. This is considered the most suitable location within the site for a new building as it not only minimises the loss of existing soft landscaping but also ensures there is more than adequate garden area and open space which contributes to the overall setting of the historic asset and indeed the proposed new building.
- 6.9 The building is of a large scale and covers a significant area. However the overall mass of the building has been successfully broken up into smaller elements by utilising simple angles and using architectural details similar to that of the main building. The traditional materials are considered to assist in blending the relatively large building into the setting and the quality should support the existing standard of the Hall itself. The ridge and eaves height step down the sloping site away from the Hall respecting the change in levels and the overall landscape character and topography.
- 6.10 Pencombe Hall is an impressive building and one that is considered locally important. The design of the new building is considered to promote and reinforce the distinctive character and appearance of the building. The overall design is considered to provide an attractive environment and makes full use of the existing site features, which does not adversely affect the appearance and setting of the building.

#### **Visual and Landscape Impact on surrounding area**

- 6.11 Previous applications have not been supported in landscape terms due to the lack of tree surveys and loss of parkland setting. Pencombe Hall sits in landscaped gardens, with a lawn and parkland trees to the north and a wooded area to the south. The landscape officer has identified the trees as an important landscape feature whilst also providing good wildlife habitat on site. The application has been supported with a tree survey and a landscape scheme.
- 6.12 Given the scale of the building proposed there will undoubtedly be considerable change to the landscape. However the siting and the design of the new building, and the effective use of the existing levels, will ensure the proposal does not detract from the character and appearance of the Hall or its parkland setting. The scheme is considered to respect the visual landscape context of the site and has taken into account the landscape character and topography. There will be glimpses of the new building in the wider landscape and from the bridle path to the north of the site, however overall the proposed new building will not adversely affect the overall character of the landscape. The landscape officer is fully in support of the application and is satisfied that the proposal has demonstrated that the design and layout of the building has taken the landscape character into consideration.

#### **Impact on residential amenity of adjoining neighbours**

- 6.13 A number of the objections received have made reference to the new proposed building dominating the adjoining residential property the 'Coach House', with the building extending along its western front elevation. The existing boundary consists of a 2m high boarded fence with significant dense vegetation, including trees of significant height. However the majority of the vegetation is on the neighbour's side. The existing vegetation will screen the majority of the new building.



- 6.14 The design has been amended to ensure a number of the east elevation windows on the first floor are obscure glazing. The applicants have also removed the most easterly windows that could have resulted in overlooking and used roof lights instead. The windows have been blocked up so there is still a feature in the projecting gable. These amendments have gone some way to address issues of overlooking to the garden of the next door property. There will still however be glimpses of the building through the vegetation. However the landscaping scheme proposes further additional planting and landscape mitigation to minimise the impact on the neighbouring property and ensure that the building integrates into the existing site, with minimum harm to the amenities enjoyed by the adjoin neighbour.

### **Drainage/Habitat Regulation**

- 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. The site is 6.6 km from the River Wye SAC but 864m from a tributary of the River Frome which feeds the River Lugg and then the River Wye.
- 6.16 The Planning Ecologist has undertaken a Habitats Regulations Assessment Screening Report for the development on the potential pollution to the River Wye SAC from phosphate levels via groundwater ingress to the River Frome, then to the River Lugg and River Wye from a package treatment plant to a soak away. The report identifies that there will be a significant increase in water resource use from the proposed development. The recommendation is that the development is connected to the mains drainage. This is on the basis that the output levels of phosphates to the natural environment (and potentially the River Wye SAC) is given as 2mg/l for the alternative to main drainage with unknown levels on further treatment scenarios. Treatment of foul drainage would give consented discharge at 1mg/l from the main sewage treatment works.
- 6.17 A number of representations received have highlighted the existing septic tank on site is failing and is in need of updating. The applicant's agent has confirmed that they are agreeable for the proposed development and that of the existing to connect to the mains. On the advise of the Planning Ecologist and the HRA Screening report it is recommended that a condition be attached to the decision requiring all foul drainage from the development and the existing home be connected to the existing mains drainage to ensure no likely significant effect directly or indirectly to the SAC. This will maintain potential phosphate discharge levels to the SAC at the consented minimum of 1mg/l and ensure betterment from the existing failing septic tank.

### **7. Conclusion.**

- 7.1 The determination of this application is finely balanced. There is, without doubt, a need for additional EMI beds within Herefordshire, and specifically in the Bromyard Area. The proposal is for an extension to an existing home which is already offering specialist facilities in relation to dementia and mental health conditions. In your officer's opinion, given the need for additional beds and the acknowledged benefits for the residents being in such a specialist facility provided in such a tranquil rural environment, the proposal is acceptable.
- 7.2 It has been demonstrated that the proposed new building can be accommodated on the site without detriment to the visual landscape character or setting of the impressive Pencombe Hall building. The design, scale and siting are considered to respect the context of the site whilst working with the constraints and enhancing the overall character and appearance.
- 7.3 Policies also seek to protect the amenities of residents and the enjoyment of their properties. On balance it is your officers opinion that in this instance the scale, siting , proximity and mass of the proposed extension would not have a significant or detrimental impact on the amenities of the residents of the Coach House. There will be glimpses of the building from the

neighbour's garden and this will depend on the time of year. However the additional planting proposed and the amendments to the window arrangements will ensure overlooking is minimal and the building will integrate into the existing site.

- 7.4 For the reasons outlined above there are no adverse environmental, visual or amenity impacts that cannot be controlled by way of an appropriate planning condition and its therefore recommended for approval subject to the conditions set out below.

## **RECOMMENDATION**

**That subject to no objection from Natural England planning permission be granted subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
2. **C01 Samples of external materials**
3. **D04 Details of window sections, eaves, verges and barge boards**
4. **D10 Specification of guttering and downpipes**
5. **F17 Obscure glazing to windows**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **G11 Landscaping scheme - implementation**
8. **I16 Restriction of hours during construction**
9. **No development hereby permitted shall commence until a connection of the whole site to the mains public sewerage system has been agreed in accordance with details to be submitted and approved by the local planning authority in liaison with Dwy Cymru Welsh Water's Network Development Consultant. The work shall be carried out in accordance with the approved scheme and the development hereby permitted shall not be occupied until the connection to the mains public sewerage system for the whole of the site has been established.**  
**Reason: To ensure potential phosphate discharge levels to the SAC at or below 0.5 mg/l, or the consented minimum whichever is the lesser.**
10. **B01 Development in accordance with the approved plans**

## **REASON FOR APPROVAL:**

1. **The proposal is an addition to an existing, well established site, with the new proposed building contained within the existing planning unit. Therefore the principle of an extension is considered acceptable and sustainable. The overall scale of the building reflects the current identified need within the area and has been carefully designed and sited on the site to minimise the landscape impact, whilst ensuring the context and constraints of the existing site are protected. The proposal will not harm the visual landscape character or setting of the impressive existing Hall building. The overall design of the proposal has also ensured that there will be no significant harm to the amenities of nearby residents. The proposal therefore accords with Policies S1, CF7 and DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

Decision: .....

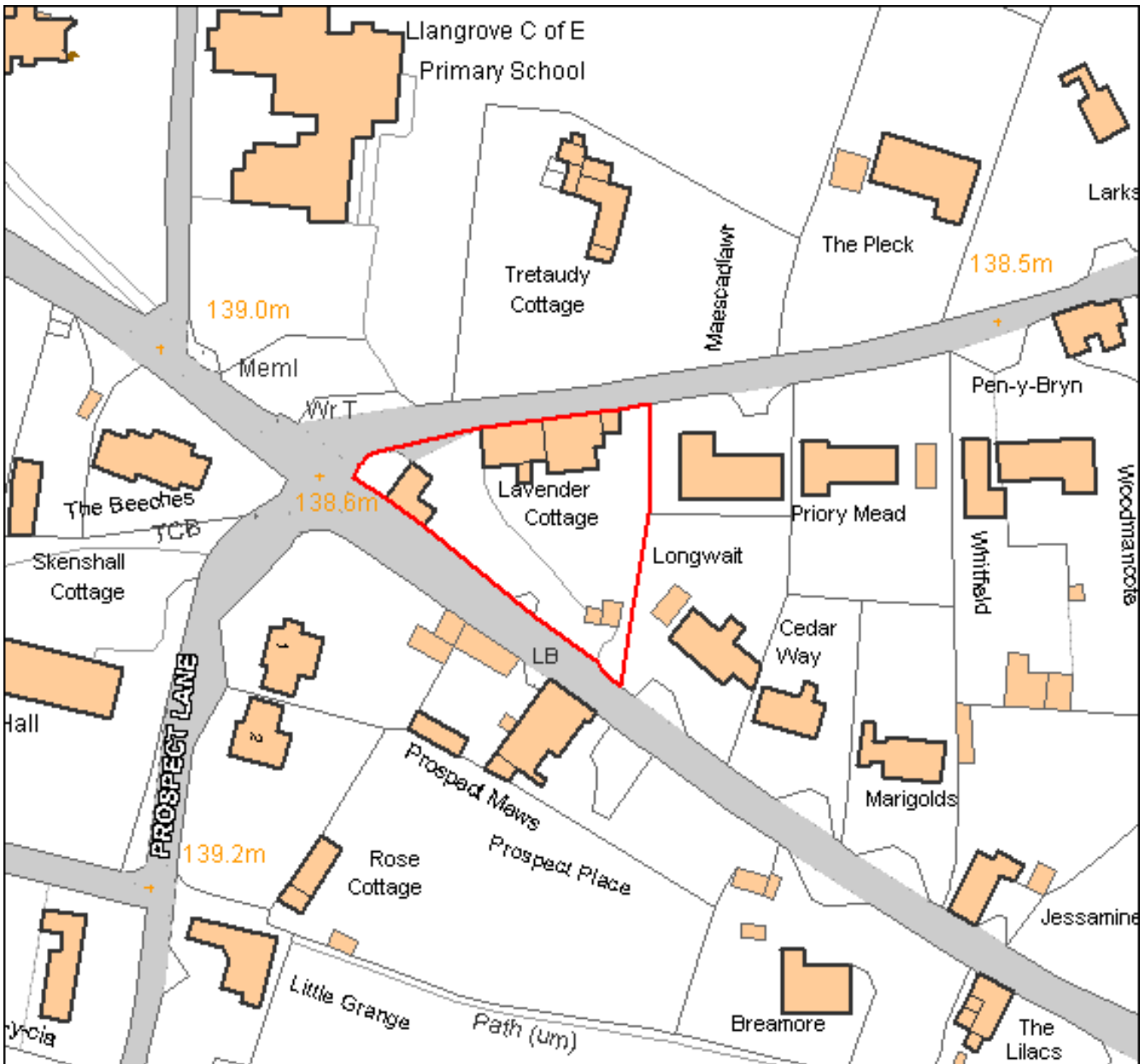
Notes: .....

## **Background Papers**

Internal departmental consultation replies.

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961



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**APPLICATION NO:** N/121348/F

**SITE ADDRESS :** PENCOMBE HALL REST HOME, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>8 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S112612/F - RESIDENTIAL DEVELOPMENT COMPRISING OF 29 DWELLINGS, WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND OPEN SPACE AT LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ</b></p> <p><b>For: Crest Nicholson South West, C/O D2 Planning Limited, Suites 3 &amp; 4 Westbury Court, Church Road, Westbury on Trym, Bristol, BS9 3EF</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=112612&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=112612&amp;NoSearch=True</a>

**Date Received: 20 September 2011**    **Ward: Burghill, Holmer and Lyde**    **Grid Ref: 351203,242459**

**Expiry Date: 23 January 2012**

Local Member: Councillor SJ Robertson

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

- 1.1 The site comprises of 1.8 hectares of undeveloped agricultural land located 50 metres north east of Attwood Lane on the northern fringes of the city. More specifically, the site is broadly rectangular in shape and borders Public Right of Way H08A to the south and east, the former builder's yard employment site known as Pomona Works to the west and an existing small stream to the north. South east of the site is the 300 dwelling housing development currently under construction, south west is Holmer Court Residential Care Home, beyond which is Wentworth Park residential estate. The site is largely enclosed by native hedgerow interspersed with semi mature trees. Levels fall northwards within the site towards the stream corridor.
- 1.2 The site falls outside of Hereford City settlement boundary as defined by the Herefordshire Unitary Development Plan and therefore falls within open countryside in planning policy terms. The site has no statutory landscape designation but is identified as being of high/medium sensitivity in the council's urban fringe sensitivity analysis report. The lower part of the site adjoining the watercourse is also identified as being liable to flood although it is not designated as floodzone.
- 1.3 The application now proposes 29 dwellings, 35% of which (10 units) will be affordable housing consisting of a mixture of social rent and intermediate tenure. The originally submitted scheme was for 31 dwellings covering a larger development footprint with a different access alignment. Access is proposed via Roman Road through the permitted 300 house development with informal play and public open space being created in the northern half of the site. In addition to detailed plans, the application is supported by reports covering ecology,

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288

transport, landscape, archaeology, trees, drainage, flood risk, community consultation, design and access and planning policy. Some of these documents have been updated in light of the amended proposal.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

- Introduction – Achieving sustainable development
- Section 6 – Delivering a wide choice of high quality homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting healthy communities
- Section 11 – Conserving and enhancing the natural environment

### 2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
ARCH1	-	Archaeological Assessment and Field Evaluations
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
RST4	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage

### 2.3 Supplementary Planning Documents

Landscape Character Assessment  
Planning Obligations  
Design

## Biodiversity and Development

### 2.4 Other Guidance

Strategic Housing Land Availability Assessment  
Annual Monitoring Report  
Urban Fringe Sensitivity Analysis  
Green Infrastructure Study

- 2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation and guidance 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 CW2006/2619/O – Residential development of 300 dwellings including new access off Roman Road, balancing pond, roads, public open space, footpaths, cycleways and engineering works. Outline planning permission approved 28 July 2008
- 3.2 CW0009/1678/RM - Residential development of 300 dwellings. Reserved matters approval 29 October 2009.
- 3.3 DMS/102691/F – Residential development of 40 dwellings with associated access, parking, public open space and landscaping. Application withdrawn 10 March 2011.
- 3.4 DMS/110884/RM – Construction of 300 dwellings. Reserved matters approval 14 September 2011.
- 3.5 DMS/121554/F – Demolition of existing buildings and erection of 35 houses and garages together with roads, sewers and associated external works. Application undetermined.

### 4. Consultation Summary

- 4.1 The comments below are in relation to the consultation on the amended proposals only.

#### Statutory Consultees

- 4.2 Welsh Water

No objection subject to conditions concerning foul and surface water drainage.

#### Internal Council Advice

- 4.3 Traffic Manager

The traffic impact of the development is detailed in the Transport Assessment, which was produced in respect of 50 additional dwellings rather than the 29 dwellings now proposed. The impact is less than 0.3% on flows at Starting Gate roundabout and is considered acceptable.

The principle of the revised access position from the initial Crest development is considered acceptable. Minor design changes to the road alignment, new footpaths and crossings of the existing public footpath are required. It is noted that the proposed garages appear are undersized to accommodate cycles as well as cars and should be a minimum of 3m wide for single and 6m wide for double garages, and 6m in length.

#### 4.4 Conservation Manager (Landscape)

##### Landscape Description

The site is located on the very north edge of Holmer, to the north of Hereford. It is outside of the urban landscape character area and lies within the Landscape Character Type of Principal Settled Farmlands. This shows the transitional nature of the site in this urban fringe area. In the Urban Fringe Sensitivity Analysis (UFSA): Hereford and the Market Towns (Jan 2010) it is designated as having a High-Medium Sensitivity to built development, meaning that key characteristics of landscape are susceptible to change and/or have value as a landscape resource. That document states that Holmer has an intricate, intimate landscape character. The key local characteristic is the setting of the stream valley and the topography that frames this linear feature. It should be noted that the adjoining brownfield site may be developed for housing in the future and that land further to the north is included in the northern corridor for a possible Hereford Relief Road.

##### Landscape and visual impact (LVIA)

The LVIA provided with this application has been updated (May 2012). It now includes reference to the National Planning Policy Framework, and sections 3 and 4 have been updated / re-worded to provide a clearer understanding of the landscape process undertaken. Section 3 provides an analysis of the existing landscape conditions and section 4 explains how this has led to the landscape and development strategy.

I disagree with the document conclusion and remain of the view that the principle of development on this site is not acceptable based on the Urban Fringe sensitivity classification. This site is of high-medium sensitivity, meaning that key characteristics of the landscape are vulnerable to change and have a high value as a landscape resource. On this site the intimate, rural character along the stream valley is vulnerable to change and this will be reduced as a result of this housing development. The small-scale pastoral fields are a high value as a landscape resource and this field will be lost to housing and amenity space.

The key public viewpoints have been assessed in the LVIA. As well as the public footpath along the boundaries of the site, view point 5 will undergo the most significant visual impact. The existing small field slopes directly across the valley to this viewpoint and is currently open and rural in appearance. The introduction of development on this site will be highly visible and change the character of the valley. I agree with the LVIA that in longer distance views the site would be seen as the new northern fringe of the city, which is also filtered by existing topography and vegetation.

It is acknowledged that there are other landscape changes on land adjacent to this site, notably the large housing development to the east of Attwood Lane (fronting Roman Road), which will alter the northern boundary of the city. This development, however, purposely stops built development to the south of the natural valley and it is considered that overall the scheme will integrate well into the surrounding landscape with little impact on the visual quality of the area. The new balancing ponds are the only change that will take place within the valley and although this land will no longer be of agricultural character, the landscape will remain open and free from built development. The development proposed in this application does not readily connect or integrate with the existing housing area. The access road has been realigned; however it remains as a spur that does not relate well to the landscape.

##### Site layout/Landscape Design

If there are other planning policies that mean this site is deemed suitable for housing, then comparison between three different schemes for the site show that positive design progress has been made in landscape terms. In particular housing is now contained in upper area, directly related to the adjoining depot site and clearly shows a transition between smaller, dense units to the south and larger detached units to the north. The public open space has good integration with the housing and the adjoining balancing pond area. There will be some green infrastructure enhancement to the site boundaries and stream corridor.



There are further improvements to the layout that could be considered to better relate to the existing landscape character of the valley, particularly to remove plot number 26 from the corner of the development, so that the new edge follows the shape of the valley, rather than cutting a new straight line across the contours.

The landscape scheme is detailed in the Landscape Masterplan and the Soft Landscaping Proposals (ref: Bir.3511\_01E), both are suitable to the site and reflect the existing landscape character. The curved roads and paths within the development help to provide a sense of transition between the urban and rural land use. There are good sized gaps between the houses on the northern boundary that allow integration with the public open space. The public open space is directly linked to the adjoining balancing pond area and retains part of the open feel of the valley. The proposed planting will be long-lived and present a major contribution to the environmental quality of the area. In particular the inclusion of Black Poplar is welcome, as this is a local biodiversity action plan species. The structure of landscaping allows for the free movement of people and wildlife around and within the site.

This landscape scheme has been designed specifically for the landscape and development requirements, however it does not compensate for the negative impact on the landscape character. No development on this site would be of a suitable scale and form to be in keeping with the intimate, rural character along the stream valley or the small-scale pastoral fields.

#### Conclusion

Remains contrary to UDP LA2 as the development would cause unacceptable adverse change to the landscape character.

If planning officers are minded to approve then a condition should be added for implementation of the landscape scheme and for a landscape & ecology management plan to be provided.

#### 4.5 Conservation Manager (Ecology)

The soft landscaping plan including native species is broadly acceptable. However, the ornamental planting along the northern boundary of the housing should be changed to a native, species-rich hedgerow. I endorse the comments of the landscape officer regarding strengthening of the riparian corridor along the northern boundary of the site. Future appropriate management of all the boundaries will need to be secured.

It is understood from previous survey work that great crested newts are present in some of the nearby ponds, and that a mitigation strategy has been implemented for the adjacent development site. Further clarification on the mitigation strategy for great crested newts for this site is required. This should also refer to the three tests and how they may be satisfied.

The three tests that must be satisfied are:

1. That the development is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.
2. That there is “no satisfactory alternative”
3. That the derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range”

A satisfactory mitigation strategy must be provided before this application can be approved.

Subject to this, and if this application is to be approved, conditions should be imposed to secure

- The implementation of the recommendations of the ecological report and mitigation strategy

- The submission and implementation of a full working method statement and habitat enhancement scheme
- The submission and implementation of an appropriate habitat management scheme

#### 4.6 Public Rights of Way Manager

The amended proposal will affect public footpath H08A where the route is crossed by the new access road. The PROW department request that this footpath is surfaced with tarmac or similar hard wearing material as this route will become a major suburban link due to the surrounding new housing development. If the development works are likely to endanger users of the footpath, a temporary closure order should be sought.

#### 4.7 Housing Development Officer

The affordable housing unit mix now more closely reflects the requested size and tenure mix and is acceptable.

There continue to be concerns about the location of the units in one corner of the site although ultimately, this is not sufficient to object to approval of the application.

#### 4.8 Parks and Countryside Manager

The area and location of the public open space is acceptable and fulfils the requirements of UDP policy RST3 and the creation of an informal kick-a-bout area will create opportunities for sport and recreation.

Delivery of the play provision required by UDP policy H19 through the S106 as an off-site contribution is also considered acceptable and opportunities exist to create a nature trail within the balancing pond area. The contribution to indoor/outdoor sports is in accordance with the SPD.

In terms of the landscaping, there are concerns with the proximity of some of the new tree planting to paths, benches and the houses in terms of the future maintenance but this could be addressed with minor changes to the landscaping. A controlled access for maintenance vehicles to the open space will also be required.

#### 4.9 Children and Young Peoples Manager

The educational facilities provided for this development site are North Hereford City Early Years, Broadlands Primary School, St Francis R C Primary School, Aylestone High School and Hereford City Youth. A contribution is sought in accordance with the Planning Obligations SPD towards the enhancement of educational infrastructure at the schools and facilities where capacity does not currently exist and the heads of term meets the requirements.

4.10 In response to the consultation on the original proposals, comments were also received from Conservation Manager (Historic Buildings) and Environmental Health (Pollution) and Library Services officer. All these consultees raised no objection to the application.

### 5. **Representations**

#### 5.1 Holmer and Shelwick Parish Council

The development site falls out of the settlement boundary and the UDP and has not been included as part of the strategic housing allowance. Due to the shortfall on the five year land bank it was acknowledged by Cabinet on 12 July that development sites should be considered on the following criteria:-

1. Fall at locations which currently have settlement status within the UDP.
2. Are located adjacent to the existing settlement boundary.
3. In terms of sites of five or more units, they should be sites which have been assessed through the Strategic Housing Land Review as having low or minor constraints.

This site fails on 2 of the above criteria. In respect of landscaping, the supporting evidence with the application indicates that this site has medium to high landscaping restraints. The site is bounded on three sides with hedgerows and being open sided on the lower side which therefore exposes the built up development to a high degree when viewed from Coldwell's Road. No attempts within the landscaping proposals have been made to close this open site to help reduce the visual impact of the development.

It is doubtful whether this development can be drained by gravity and requests for more details of floor levels to enable the full landscaping impact have not been forthcoming. It would appear that the properties to the north side of the development would need to be raised at least a metre to enable the drainage to work and this would have a further devastating effect on the landscaping impact.

It is indicated on the proposed layout that there will be a football pitch and the parish requests further information to be provided as to how this football pitch would work on such sloping ground?

The site is presently a pastoral field retaining an historic field pattern with rural character, despite its proximity to the City.

The Parish Council objects to the inappropriateness of this site for residential development.

5.2 Two objections have been received from Mr and Mrs Preece of Coldwells Cottage, Holmer. The main points raised are:

- Although this amended scheme is a little better than the higher density original, it is continued urban sprawl with few proven figures to justify it
- The development will add to the eyesore of the existing on going development
- Flora and Fauna will continue to be destroyed
- The local infrastructure, particularly transport, is insufficient.
- If approved, conditions requiring heavy screening to mitigate the visual, noise and light impact for local residents should be imposed along with a new footpath along Attwood Lane,

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:

- 1) The Principle of the Development
- 2) The NPPF and Housing Land Supply
- 2) Landscape Impact
- 3) Layout and Design
- 4) Other Matters
- 5) Conclusion

### **The Principle of the Development**

6.2 The site falls outside of the settlement boundary for the city as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. New residential development in the countryside can be permitted where it meets one of the exceptions listed

within UDP Policy H7 such as a conversion of a rural building or a dwelling for a full time agricultural worker. This development does not satisfy any of the exception criteria within this policy and therefore is contrary to policy H7 of the UDP. However, it is necessary to consider whether are any other planning policy or material planning considerations to support the principle of development.

- 6.3 The Core Strategy is not sufficiently advanced to be given due weight in the consideration of the application and in any event, there are no specific policies or proposals that relate to this particular site. The National Planning Policy Framework (NPPF) came into force in March this year. Paragraph 215 of the NPPF clarifies that due weight can still be given to the relevant UDP policies for a period of 12 months from the date of adoption of the NPPF providing those policies are largely consistent with the NPPF. The consistency of the UDP housing policies within the UDP is therefore key to whether the principle of development can be supported.

#### **The NPPF and Housing Land Supply**

- 6.4 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF now requires that local planning authorities should identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire.

- 6.5 Earlier this year, the Council published its Annual Monitoring Report (AMR) which monitors housing land availability. Based on the AMR figures, the Council currently has a shortfall of 216 units which equates to a 4.6 year supply. This shortfall also does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units. The data collection for the 2011/2012 period has commenced and this will provide a more up to date land supply position but it is not anticipated that the shortfall will have decreased a great deal, if at all.

- 6.6 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP policy H7 is not a reason for refusal of the application that could be sustained.

- 6.7 This position was also endorsed by the Council's Cabinet on 12<sup>th</sup> July 2012. The agreed process for considering proposals of this nature being that with larger developments, the focus should be on sites that have been identified as having low or minor constraints in the Strategic Housing Land Availability Assessment unless it can be demonstrated that the location is sustainable and appropriate for additional housing development and the environmental and other impacts of the development are acceptable.

#### **Landscape Impact**

- 6.8 The site itself has no statutory landscape designation but is designated as *Principal Settled Farmlands* in the Councils adopted Landscape Character Assessment Supplementary Planning Document and has been categorised as *high/medium sensitivity to built development* in the Council's Urban Fringe Sensitivity Analysis. This means that key characteristics of the landscape are susceptible to change and/or have value as a landscape resource. With this site and the surrounding landscape, the key characteristic is the setting of the stream valley and topography that frames this leaner feature.

- 6.9 The application is supported by a Landscape and Visual Impact Assessment, updated to reflect the amended scheme. This concludes that:  
*.... "the development proposal has taken into consideration the constraints and opportunities identified in the landscape assessment and will be acceptable in landscape and visual impact terms".*
- 6.10 However, the Conservation Manager (Landscapes) considers the principle of the development to be unacceptable commenting that  
*"....the intimate rural character along the stream valley is vulnerable to change and this will be reduced as a result of the development. The small scale pastoral fields are a high value as a landscape resource and this field will be lost to housing and amenity space".*
- 6.11 It is acknowledged that the development of this greenfield site will have an impact on both the visual and landscape character of the site. Visually, when viewed from the north, the development site is seen in the context of existing built development somewhat softened by a backdrop of mature trees along the footpath corridor. When viewed from the east, the immediate context is the former builder's yard, upon which an application has been submitted for the construction of 34 units. From the west, the recently constructed sustainable drainage balancing pond serving the 300 house development provides the backdrop.
- 6.12 One of the principal amendments to the scheme is a reduction in the number of units and more importantly, a reduction in the extent of built development. The northern edge of the housing area now broadly aligns with the northern edge of the adjacent builder's yard which means that when viewed from the west and east, the notional building line will be safeguarded. The amended scheme and the proposed landscaping will ensure the visual impact of the development can be acceptably mitigated and this conclusion, although not the principle of the development, is supported by the landscape officer.
- 6.13 This amendment to the scheme is also relevant to the landscape character considerations as although part of the field will be lost to development, the lower section of the field will be dedicated to informal open space and landscaped with appropriate native species including Black Poplar which is a Biodiversity Action Plan Species. Consequently, the stream corridor itself and the immediate adjoining land forming part of the stream valley will be safeguarded.
- 6.14 The Conservation Manager (Landscapes) also supports the design and layout evolution of the development commenting as follows:  
*"If there are other planning policies that mean this site is deemed suitable for housing, then comparison between the three schemes shows good design development progress has been made. In particular housing is now contained in upper area, directly related to the adjoining depot site and clearly shows a transition between smaller, dense units to the south and larger detached units to the north. The public space open space has good integration with the housing and the adjoining balancing pond area. There will be some enhancement to the site boundaries and stream corridor".*
- 6.15 UDP Policy LA2 states that developments that will adversely affect the overall landscape character or its key attributes and features should not be permitted. The NPPF places a requirement to protect and enhance valued landscapes (paragraph 109) but highlights the need to distinguish between the *.....hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and give appropriate weight to their importance and the contribution they make to the wider ecological networks* (paragraph 113).
- 6.16 The site is one of many small fields in the area that make up the small scale pastoral landscape character forming the northern edge to this part of the city further characterised by the stream corridor. This is a distinctive character that should be protected, although it has no

formal or statutory protection. It is considered that the amended scheme achieves this requirement in that whilst part of the field will be lost to development which will reduce this landscape resource, the distinctive stream corridor landscape character will be safeguarded including views along and into this feature. It is considered that the landscape character can absorb the impact of development on the southern half of the field which will be further mitigated, in time, with the proposed landscaping. On balance, the landscape impact is considered acceptable.

### **Layout and Design**

- 6.17 The proposal has been amended three times to address officer and consultee concerns regarding the development extent, the layout and design. The original scheme submitted under application ref S102691/F in 2010 was for the construction of 40 dwellings which occupied the majority of the site. This current application was originally for the construction of 31 dwellings occupying approximately two thirds of the site. The built development within the current scheme now occupies around half of the site area and the unit numbers have been reduced to 29. This creates a more compact development without comprising the overall development density and will continue the notional building line and pattern of development to the west whilst also assisting in mitigating the landscape impact.
- 6.18 The format of the layout has also been amended to better assimilate the development into its setting. The density is higher at the southern end of the site nearest existing built development with a transition to larger detached properties at a lower density to the north. The road structure also becomes less formal from south to north with the northern edge to the development further softened with the proposed soft landscaping including a native hedge. Street trees are also proposed along with variations in the road surface material to create additional interest within the public spaces.
- 6.19 Although some of the gardens are relatively small, they are generally commensurate with the size of the dwellings and adequate spacing exists between properties to safeguard an acceptable level of privacy. This also applies to the relationship with the proposed residential development on the adjacent site.
- 6.20 Vehicular access to the development is via Roman Road through the 300 house development currently under construction immediately to the south. The alignment of the access road has also been modified to minimise its intrusion into the previously agreed planting area. Adequate parking is to be provided per dwelling with the majority also having garages. Amended plans have been requested increasing the size of the garages to ensure they are sufficiently large to be used for storage and parking of a vehicles along with minor changes to the access road design to address the Traffic Managers comments.
- 6.21 Beyond the housing, the northern half of the site is to be dedicated as open space including an informal kick-a-bout area. The character and appearance of this area will be retained ensuring the stream valley which also acts as a wildlife corridor is protected and enhanced. New footpaths will link the development with this space whilst informal grass paths will link the public open space with existing local footpaths. No formal play equipment is proposed in this area and there will be no material changes in levels. Whilst this will not result in a flat area for football or other sports, it will create a usable area of open space. New play equipment is to be provided on the adjoining development to meet the policy requirements which is supported by the Parks and Countryside Manager.
- 6.22 A contemporary design theme is proposed for the dwellings in terms of the type and composition of the materials, style and arrangement of fenestration and design of the porches although the form is traditional and the height is all two storey. There is no prevailing vernacular or materials in the area therefore the site offers the opportunity to adopt a different design approach. The proposed dwelling designs will provide the site with its own identity whilst the palette of materials including stone and cedar cladding will soften the external

appearance of the dwellings. Minor changes have been requested to some elevations to create additional surveillance over footpaths and the public open space.

- 6.23 UDP Policy H13 along with Section 7 of the NPPF emphasises the importance of good design both in terms of the architecture of the buildings, the function of the public and private spaces and integration with the wider environment. Paragraph 60 of the NPPF highlights that planning authorities should not stifle innovation, originality or initiative in design and having regard to the requirements of these policies, the proposed amended layout and house designs are considered acceptable.

### **Other Matters**

#### Housing Mix

- 6.24 The general market housing mix comprises of thirteen four bedroom units of four different sizes and six three bed units or three different sizes in the form of terrace, semi detached and detached units. Whilst this represents a relatively high proportion of four bedroom units, given the character and location of the site on the fringes of the city, the mix of house types and the broad mix being delivered on the larger development, the balance of provision is considered acceptable.
- 6.25 Ten of the units will be affordable housing comprising seven for social rent and three for intermediate tenure (shared Ownership) which are to be located in two clusters. The Strategic Housing Officer supports the number and tenure of the affordable and whilst they do not object to the affordable provision, they have requested a different mix of units to meet the current priority need. An alternative mix has been proposed by the applicants that more closely meets the housing requirements and is now considered acceptable.

#### Traffic and Accessibility

- 6.26 Access is via Roman Road through the larger development. The access has capacity to accommodate the additional traffic and the principal internal road structure is all being designed and constructed to an adoptable standard. A Traffic Assessment has also been provided which demonstrates the local road infrastructure including key junctions have capacity to accommodate the development, the traffic increase during peak hour periods being less than 0.3%.
- 6.27 The site will also be accessible by non car based modes of transport being within acceptable walking distance of the nearest bus stop and other community services and facilities. The site will also be directly connected to the existing public right of way network whilst a series of new cycleways are proposed within the larger development connecting to existing routes. The site is considered sustainable in terms of its location and accessibility to sustainable transport modes.

#### Section 106 Agreement

- 6.28 A Section 106 Heads of Terms is appended to the report. This provides for contributions towards the provision of new and the enhancement of existing community infrastructure in line with the adopted Planning Obligations Supplementary Planning Document. This includes an education, sustainable transport, off site play and sport and library contribution. Additionally, the applicants have agreed to the whole development being designed and constructed to meet level 4 of the Code for Sustainable Homes. This will ensure the dwellings are more energy and water efficient, exceeding current Building Regulations by 25% whilst requiring the introduction of other site wide measures to enhance the sustainability of the development.

#### Flood Risk and Drainage

- 6.29 The land adjoining the stream corridor is identified as an area that is liable to flood and the application is supported by a flood risk assessment. The amended scheme removes all physical development further away from this flood area although the flood depths are shallow

and will not present any danger. The development accords with the requirements of policy DR7 and the NPPF in this regard.

- 6.30 A drainage statement has also been provided addressing foul and surface water drainage. This demonstrates that the newly installed foul and surface water drainage network within the main development has capacity to accommodate the additional drainage flows from this development. Welsh Water also raise no objection to the drainage proposals.

#### Biodiversity

- 6.31 An updated ecological survey has been completed which does not identify the presence of any protected species on site. Recent records exist of protected species locally; this includes great crested newts which have been translocated to adjacent land. The Council's ecologist has requested further information on how this species and their habitat will be safeguarded as a result of the development. The applicants are currently prepared a method statement to address this matter. The new landscaping will also enhance the existing habitat and wildlife corridor and create new habitat enhancing the biodiversity value of the site.
- 6.32 Additionally, all applications are presently being screened to establish the likely impact on local protected watercourse which in this instance is the River Wye. This concerns the increased foul drainage discharges from the development and the consequential impact on phosphate levels within the watercourse. In this regard, the screening opinion has concluded that the development will not have any likely significant effects on the River Wye Special Area of Conservation.

#### Conclusion

- 6.33 Paragraph 14 of the NPPF states that:  
"..... a presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision-taking. In terms of the latter, this means
- approving development proposals that accord with the development plan without delay; and
  - where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:
    - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
    - Specific policies in the NPPF indicate development should be restricted."
- 6.34 It has already been established that the UDP housing supply figures are not up to date due to the deficit in housing land supply. The development offers benefits in terms of the delivery of additional housing potentially as early as next year including ten affordable units and it is accepted that the development is sustainable in terms of location of the site and accessibility by non car based transport modes, the revised layout and design and the commitment to construct to a high sustainability standard. The only outstanding issue is therefore the landscape considerations.
- 6.35 The development of a greenfield site will undoubtedly result in a visual impact and change the landscape character of the immediate area. The consideration is whether this impact is harmful and if it is, whether other benefits of the development outweigh the harm. Views of the site from public vantage points will materially change but the Council's landscape officer supports the view that the amended scheme and proposed landscaping will ensure the development integrates into the local environment and any visual impact is acceptably mitigated.
- 6.36 In terms of landscape character, the overall character of the wider landscape will be unaffected by the development and therefore the consideration is the localised impact on key features that contribute to this character, namely on the stream corridor and loss of part of a



small pastoral field. Referring back to the NPPF test quoted above, on balance, it is not considered that impact of the development on the landscape character of the area significantly and demonstrably outweighs the benefits of the development. The application is therefore recommended for approval in accordance with the requirements of the NPPF and the relevant UDP policies and the interim protocol agreed by the Council's Cabinet on 12<sup>th</sup> July 2012.

## **RECOMMENDATION**

**That officers named in the scheme of delegation be authorised to issue planning permission subject to:**

- 1. The submission of amended plans and further information addressing the issues raised in the officer's report**
- 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 appended to this report.**
- 3. The conditions set out in this report and any additional conditions considered necessary by officers.**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. G04 Protection of trees/hedgerows that are to be retained**
- 4. G10 Landscaping scheme**
- 5. G11 Landscaping scheme - implementation**
- 6. G14 Landscape management plan**
- 7. H11 Parking - estate development (more than one house)**
- 8. H18 On site roads - submission of details**
- 9. H29 Secure covered cycle parking provision**
- 10. I16 Restriction of hours during construction**
- 12. I18 Scheme of foul drainage disposal**
- 13. I22 No surface water to public sewer**
- 14. I51 Details of slab levels**
- 15. K2 Nature Conservation - site protection**
- 16. K4 Nature Conservation - Implementation**

### **Reason for Approval:**

- 1. In reaching the decision to grant planning permission, regard has been had to the relevant policies in the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The local planning authority was also mindful of other**

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288

supplementary planning guidance and other relevant documents.

The site falls outside the city boundary as defined in the Herefordshire Unitary Development Plan where new residential development is ordinarily only permitted if it meets one of the exceptions identified within UDP Policy H7. The development does not accord with the requirements of this policy.

The National Planning Policy Framework requires the council to maintain a 5 year supply of deliverable housing land and where this requirement is not being met, the relevant development plan policies concerning the supply of housing land should not be regarded as up to date. As such, the conflict with UDP Policy H7 is not, in itself, a reason for refusal.

The development offers benefits in terms of the delivery of additional housing within the next five years including ten affordable units and the development is sustainable in terms of location of the site and accessibility by non car based transport modes, the revised layout and design and the commitment to construct to a high sustainability standard. The amended proposals and accompanying landscaping also acceptably mitigates the visual impact of the development whilst the landscape character will be safeguarded.

The need to deliver additional housing land and the requirement to consider new residential development in the context of a presumption in favour of sustainable development along with the benefits the development will bring outweigh the conflict with policy H7, in this instance. The development is considered to comply with other relevant UDP policies and is therefore considered acceptable.

**Informatives:**

1. **N02 Section 106 Obligation**
2. **Consideration should be given to the possibility of encountering contamination on the site and specialist advice should be sought should any contamination be found during the course of the development.**
3. **HN02 Public rights of way affected**

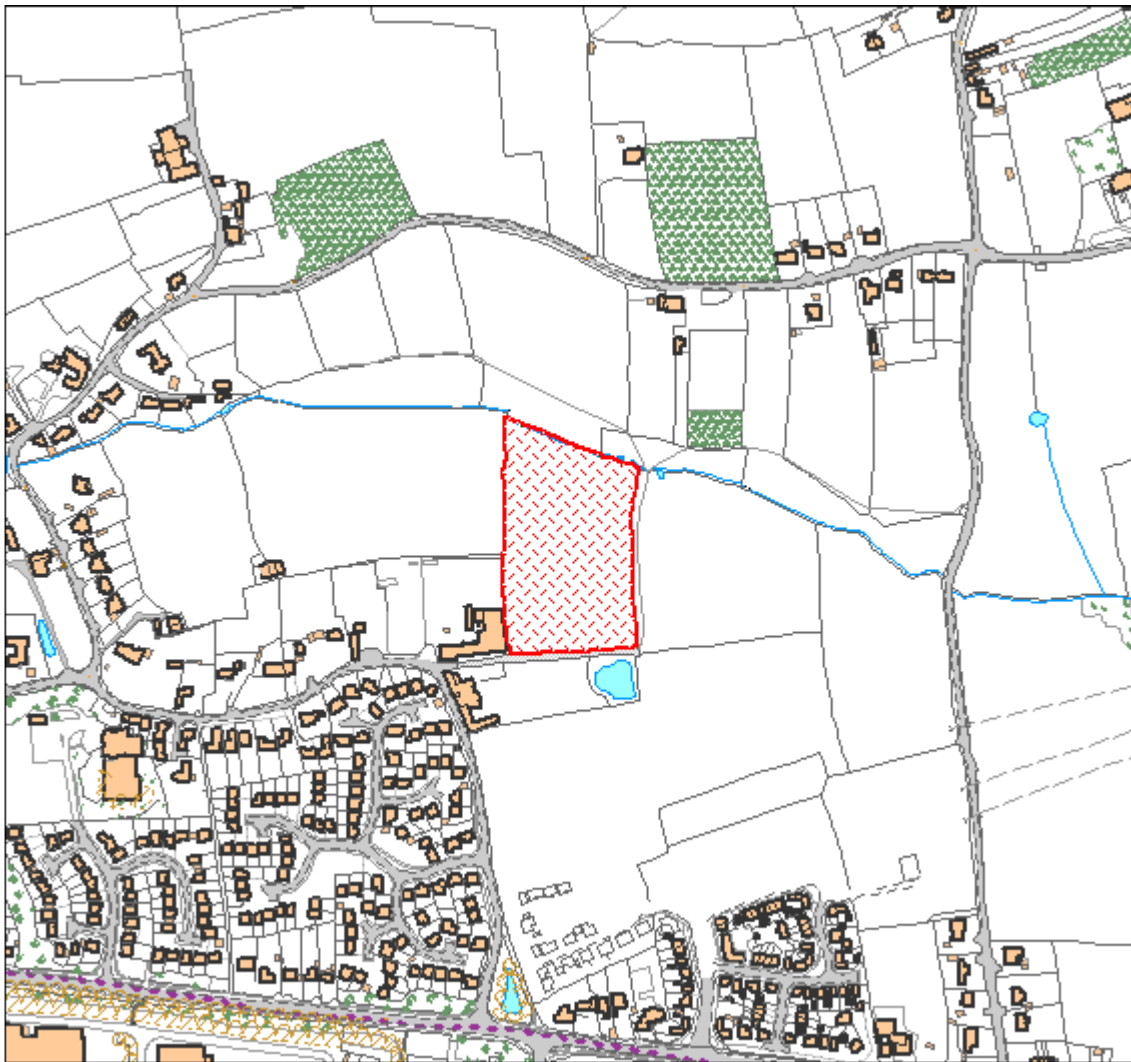
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** S/112612/F

**SITE ADDRESS :** LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288

# HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

This Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1<sup>st</sup> April 2008. All contributions in respect of the residential development are assessed against general market units only.

Erection of 29 dwellings incorporating 35% affordable (10 units) – land east of Attwood Lane, Holmer, Hereford (Crest).

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £82,095 to provide enhanced educational infrastructure at North Hereford City Early Years and St Francis Xavier primary schools, Hereford City Youth Service with 1% allocated for Special Education Needs. No secondary school contribution is required as capacity presently exists in all year groups. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £60,200 to provide new highway and sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- 2.1. Improvements to the Old School Lane/College Road/Venns Lane signalised junction
  - 2.2. Localised sustainable transport infrastructure to enhance the accessibility of the site for non car based modes of transport including but not limited to:
    - a) traffic calming measures on Cleve Orchard,
    - b) a new pedestrian crossing of the A49 north of the Starting Gate roundabout
  - 2.3. Enhancement in the usability of the localised public right of way network
  - 2.4. Provision of park and share and park and cycle facilities
  - 2.5. Provision of intelligent parking management infrastructure
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £53,353 for the provision of new or the enhancement of existing play and sports facilities in the locality (contribution based around the requirements of saved policies H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The money shall be used by Herefordshire Council for priorities identified in the Indoor Sports Facilities Strategy, the emerging Play Facilities Strategy and emerging Playing Pitch Strategy including the extension of Hereford Skate park and new sports facilities at Aylestone Park.
  4. The developer covenants with Herefordshire Council to pay Herefordshire Council a 15 year commuted sum for the future maintenance of the on site open space.
  5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £4,321 towards the provision of new and enhanced Library facilities in Hereford City. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
  6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,280 towards the provision of new or the enhancement of existing waste and recycling facilities

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Further information on the subject of this report is available from Mr R Pryce on 01432 260288

in Hereford City (if appropriate provision/facilities are not provided on site).

7. The developer covenants with Herefordshire Council that ten (10) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
8. Of those Affordable Housing units, at least eight (7) shall be made available for social rent with the remaining three (3) being available for intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
9. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
10. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-
  - 10.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
  - 10.2. satisfy the requirements of paragraphs 9 & 10 of this schedule.
11. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
  - 11.1. a local connection with the parish of Holmer & Shelwick; or
  - 11.2. in the event of there being no person having a local connection to the parish of Holmer and Shelwick, a person with a local connection to one of the following parishes Burghill, Pipe & Lyde, Withington, Sutton St Nicholas, Bartestree & Lugwardine or Aylestone and Three Elms Wards
  - 11.3. in the event of there being no person with a local connection to any of the above parishes or Wards any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 1.5.1 or 1.5.2 above.
12. For the purposes of sub-paragraph 9.1 or 9.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
  - 12.1. is or in the past was normally resident there; or
  - 12.2. is employed there; or
  - 12.3. has a family association there; or
  - 12.4. a proven need to give support to or receive support from family members; or
  - 12.5. because of special circumstances.
13. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and

following occupation of the last dwelling confirming compliance with the required standard.

14. The developer covenants with Herefordshire Council to construct all residential units to a minimum of Code Level four (4) of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes'. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.
15. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 5 and 6 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
16. The sums referred to in paragraphs 1, 2, 3, 5 and 6 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
17. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
18. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

## **HEADS OF TERMS 11/06/2012**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>8 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<b>N121260/CD - REMOVAL OF CONDITION 4 OF PLANNING PERMISSION DMNC/100481/CD REGARDING BOUNDARY WALL AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP</b>  <b>For: Property Services, Herefordshire Council per Walker &amp; Duckham, 14 The Tything, Worcester, WR1 1HD</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121260&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121260&amp;NoSearch=True</a>

**Date Received: 25 April 2012      Ward: Leominster South      Grid Ref: 349916,259074**

**Expiry Date: 25 July 2012**

Local Members: Councillors RC Hunt and PJ McCaull

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

- 1.1 Grange Court is a Grade II\* listed building and is very much a landmark in the town. It is located on the eastern side of The Grange, a large open space at the heart of Leominster and set within a mature landscape. The area is also within Leominster's Conservation Area and the outer precinct of Leominster Priory, which is the town's only Grade I listed building and also a Scheduled Ancient Monument.
- 1.2 As described below, planning permission and listed building consent has been granted for the adaptation and extension of the building in order that it can be used for a range of uses for community and voluntary organisations and local businesses.
- 1.3 An amendment was sought to the original permission, and this was granted in 2010, subject to conditions imposed primarily to protect the resident amenity of the neighbouring property of 2 Pinsley Road. The conditions included one requiring the height of the boundary wall to be increased. The wall is one brick thick throughout and, when measured from the southern side (Grange Court) measures 2.2 metres at its highest, and 1.85 metres at its lowest point, being stepped by four brick courses at a midway point. The ground levels are approximately 0.5 metres higher within the curtilage of 2 Pinsley Road. A timber fence of 0.9 metres has been fixed to the top of the wall for its full length.
- 1.4 Information submitted to, and accepted by, the local planning authority, agreed that the height of the wall would be increased by up to eight brick courses, or approximately 0.6 metres, with the timber fence being replaced on the top. This would take the top of the fence to the eaves level of the adjoining Coach House for the entire length of the boundary.
- 1.5 Since the original determination of the application, it has been established that the boundary is a Party Wall between Grange Court and 2 Pinsley Road.

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

- 1.6 This application now seeks the removal of this condition. It is accompanied by a letter from a structural engineer that advises that the wall is at its design limit and that it would be vulnerable to high winds should its height be increased.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan:

- DR1 - Design
- E8 - Design Standards for Employment Sites
- HBA1 - Alterations and Extensions to Listed Buildings

- 2.2 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 DCNC2009/0435/CD & DCNC2009/0436/L Proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent. Planning Permission granted 7 August 2009, Listed Building Consent granted by Secretary of State 1 September 2009.
- 3.2 DMNC/100481/CD Proposed removal of existing minor extensions, internal alterations and new extension to form offices and community rooms for rent (Amendments to previously approved planning permission application DCNC2009/0435/CD) Planning Permission granted 26 April 2010, Listed Building Consent by Secretary of State 26 May 2010.

## 4. Consultation Summary

### Statutory Consultees

- 4.1 English Heritage: No objection.  
Internal Council Consultations
- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: No objection as the condition was not intended to serve a conservation purpose but sought to protect the amenity of the neighbour.

## 5. Representations

- 5.1 Leominster Town Council: Recommends refusal. No material change has been made that would effect the condition being removed. The condition was put there to protect the resident of the adjacent property.
- 5.2 Seven letters of objection have been received, including one from the resident of 2 Pinsley Road. In summary the points raised are as follows:
- Removal of the condition would seriously affect the privacy and amenity of 2 Pinsley Road, not only through visual intrusion, but also from noise from the increased use of Grange Court and the provision of parking beside the wall.

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



- The garden of 2 Pinsley Road could easily be accessed over a low wall by people using Grange Court. Intruders have previously been found in the garden and this has been reported to the police.
- There has been no change in circumstances since planning permission was granted.
- Local residents have suffered noise and inconvenience whilst the works to re-develop Grange Court have continued.
- If the safety of the wall is in question then consideration should be given to its reconstruction
- Costs, rather than structural concerns, are the overriding factor.

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 Notwithstanding the concerns that have been raised about the noise and disturbance suffered by local residents during the construction phase of this development, the key issue with respect to this application is one of residential amenity, and whether the raising of the height of the wall by approximately 0.6 metres will result in a demonstrable improvement over and above the situation as it presently exists.
- 6.2 There are two windows in the opposing elevation of Grange Court that might give rise to some loss of privacy. On the approved plans these are shown to light a toilet and a stair case. The window of the toilet is required to be obscure glazed by a separate condition, leaving only the window to the stair case.
- 6.3 The combined height of the wall and the fence is considered to be sufficiently high to protect residential amenity. The case officer has made an inspection from the garden of 2 Pinsley Road as well as from Grange Court. This had not taken place prior to the imposition of the condition to raise the height of the wall. Both windows in the opposing elevation of Grange Court are visible from within the curtilage of 2 Pinsley Road, but they are obscured by a mature Yew tree and approximately 10 metres from the boundary. Furthermore the window to the toilet will be obscure glazed. The loss of privacy likely to be suffered as a result of the development is considered to be minimal, and the raising of the wall is considered to be a disproportionate requirement in this regard.
- 6.4 Within the application site, the area immediately adjacent to the boundary wall will be used as a point of access from Pinsley Road into the parking courtyard created between the Coach House and the new extension. Parking will not occur along the boundary wall. The area will predominantly be used by cars travelling at very low speeds. They will not be visible from the curtilage of 2 Pinsley Road and their passage alongside the wall as they enter and leave the site is unlikely to cause a demonstrable nuisance whether the height of the wall is raised or not, particularly as Grange Court was in use as offices prior to these most recent of permissions.
- 6.5 Issues relating to security were not part of the justification for the imposition of the condition originally. However, the access to the rear of Grange Court was previously gated and the approved plans indicate that this would continue to be the case. It is not evident from the objections raised in this respect that access was gained to the garden of 2 Pinsley Road directly from Grange Court. The use of the premises would, in itself, be a deterrent to antisocial behaviour during the day and the gates to the car park will be locked when the premises are closed. The height of the wall is not a critical aspect to security.

- 6.6 Whilst the structural integrity of the wall is the primary reason for seeking relief from the condition, the matter to be considered, as highlighted at the beginning of the appraisal, is one of residential amenity. Following a visit to the site and the neighbouring property, it has been concluded that the raising of the wall would offer a minimal improvement in privacy and amenity and consequently the removal of the condition is considered to be acceptable.
- 6.7 If both parties decide that the wall is so structurally unsound that it needs to be taken down and re-built it would need to be the subject of a separate application and subject to additional policy considerations relating to conservation objectives.
- 6.8 On the basis that the wall and fence will be retained as they presently exist and the condition to raise the height will be removed, it is concluded that there will not be demonstrable harm to residential amenity. The proposal accords with Policies DR1 and E8 of the Herefordshire Unitary Development Plan and the application is recommended for approval.

**RECOMMENDATION**

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

- 1. B04 Amendment to existing permission**

**Reason for Approval:**

- 1. The proposal to remove the condition has been considered both from the application site and from the neighbouring property of 2 Pinsley Road that is most likely to be affected. It is considered that the combination of wall and fence is of a sufficient height to ensure that privacy and amenity is protected and the removal of the condition is accepted. Further protection to residential amenity is also afforded through an existing condition on DMNC/100481/CD to ensure that a toilet window in the opposing elevation of Grange Court is obscure glazed. The proposal is considered to accord with Policies DR1 and E8 of the Herefordshire Unitary Development Plan.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.







<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>8 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>N121109/FH - ERECTION OF AN OPEN FRONTED SINGLE STOREY DOUBLE BAY GARAGE WITH ADJOINING CLOSED STORAGE/WORKSHOP BAY AT UPPER HORTON FARMHOUSE, THORNBURY, BROMYARD, HEREFORDSHIRE HR7 4NG</b></p> <p><b>For: Mr Dearing per Mr Mike Dearing, Upper Horton Farmhouse, Thornbury, Bromyard, Hereford, HR7 4NG</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121109&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121109&amp;NoSearch=True</a>

**Date Received: 13 April 2012**

**Ward: Bringsty**

**Grid Ref: 363068,258400**

**Expiry Date: 6 July 2012**

Local Members: Councillor GR Swinford

## 1. Site Description and Proposal

- 1.1 Upper Horton Farmhouse is a detached two storey farmhouse constructed from stone under a slate roof. It is located to the north of Bromyard, West of Edwyn Ralph in Thornberry. It has a large curtilage which extends to the front of the property. It is no longer a working farm, with the original traditional farm building to the north east of the property all having been converted into independent dwellings.
- 1.2 This application proposes a detached 3 bay garage to be located to the front of the property to the west of the drive. The building will measure 5.3 x 8.3m with a maximum ridge height of 3.8m. It is to be constructed on a brick plinth with close softwood cladding above under a slate roof to match that of the existing property. One of the bays is to have garage doors whilst the other two are to be left open. There is an existing 4m high leylandii hedge immediately to the north which is not going to be affected.

## 2. Policies

### 2.1 National Policy

NPPF - National Planning Policy Framework

### 2.2 Herefordshire Unitary Development Plan 2007:

S1 - Sustainable Development  
 DR1 - Design  
 H18 - Land Use and Activity

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961

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

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

### **3. Planning History**

- 3.1 No planning history

### **4. Consultation Summary**

- 4.1 Transportation Manager has no objection

### **5. Representations**

Thornbury Group Parish Council

- 5.1 No objections fully support the application.
- 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)

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 As the proposal relates to a building incidental to the enjoyment of a dwelling Policy H18 has direct relevance. In summary the policy requires that all proposals should allow the original dwelling to remain the dominant feature; should be in keeping in with the character of the existing dwelling in terms of scale, massing and detailed design; the development should not result in a cramped development or threaten neighbouring amenity; and parking levels should remain appropriate to serve the enlarged property.
- 6.2 The proposed building is considered to be of an appropriate scale and design and in a location as not to detract from the original dwelling. There is sufficient vegetation and fences on the boundaries and within the site which will largely screen the building from any public vantage point. The materials are appropriate and in keeping with the existing dwelling. There will be no harm to the amenities of neighbouring properties. Overall the proposal is considered to be an appropriate development which will not detract from the overall visual amenities of the surrounding area or detract from the character or scale of the host dwelling.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. I16 Restriction of hours during construction**

## Reasons for Approval

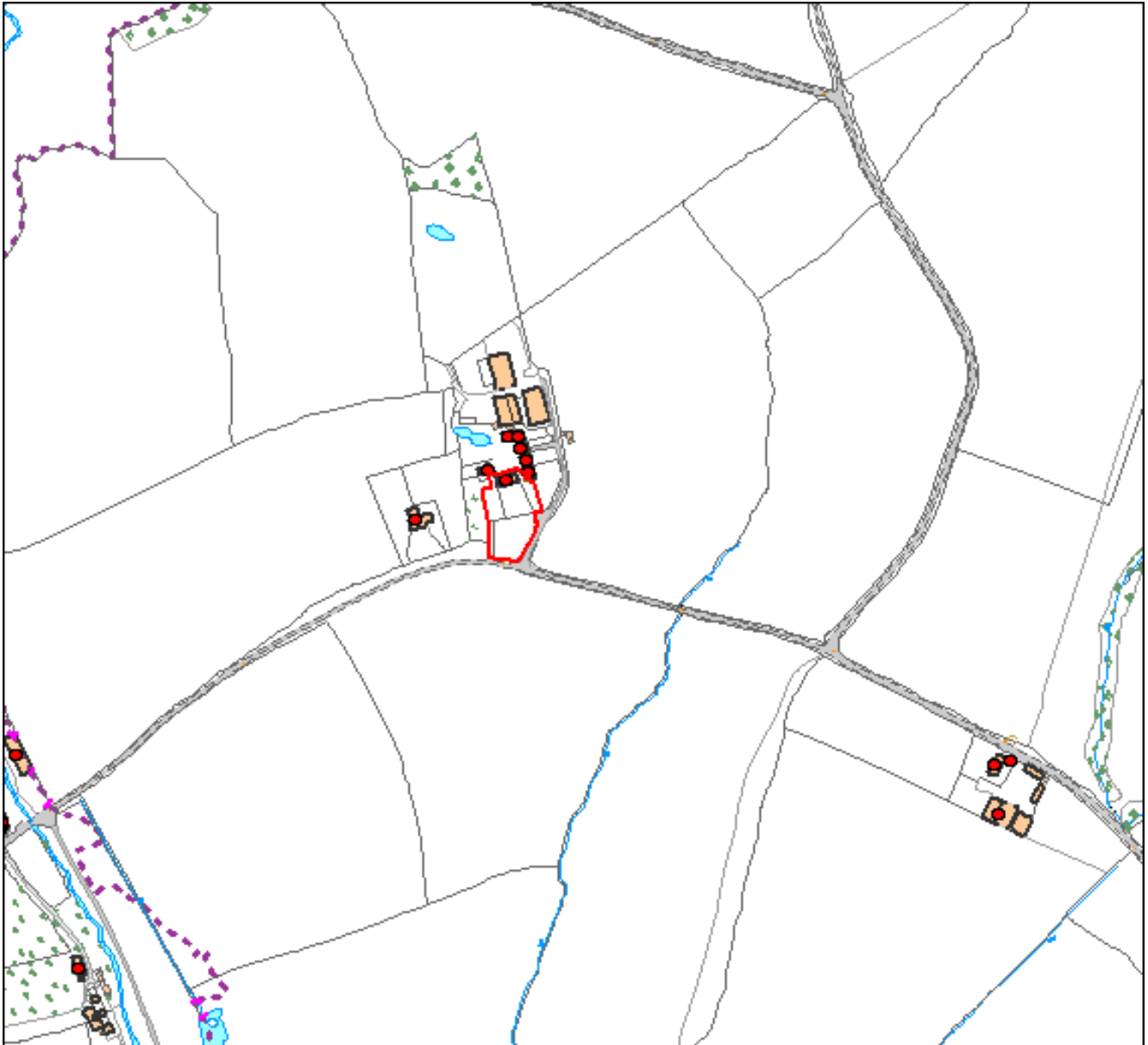
In reaching this decision the local planning authority had regard to the scale, size and design of the proposed garage building in relation to the host dwelling and its surroundings. The proposed building is not considered to detract from the original building and is in keeping with the overall character of the existing dwelling. The proposal is therefore considered to comply with policies DR1 and H18 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

Notes: .....

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## Background Papers

Internal departmental consultation replies.



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**APPLICATION NO:** N/121109/FH

**SITE ADDRESS :** UPPER HORTON FARMHOUSE, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NG

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>8 AUGUST 2012</b>
<b>TITLE OF REPORT:</b>	<b>S121627/F - PROPOSED REPLACEMENT DWELLING AT IVY GREEN COTTAGE, ABBEYDORE, HEREFORD</b>  <b>For: Mr &amp; Mrs Bowen per Mr Mark Owen, Second Floor Front Office, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121627&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121627&amp;NoSearch=True</a>

Date Received: 7 June 2012

Ward: Golden Valley South

Grid Ref: 339305,231320

Expiry Date: 7 August 2012

Local Members: Councillor GJ Powell

## 1. Site Description and Proposal

- 1.1 The application site comprises a white painted brick dwelling on the western side of the C1212 road. This classified road turns eastwards 70 metres to the north east where it joins the C1225 road. The C1212 road leads uphill from the Dore Valley further to the southwest and is characterised by extensive hedgerow planting and sporadically sited properties cut into the slope. The application property is above the level of the road. The existing access point is to the north east of the property. There is also a pedestrian gate with concrete steps leading directly out onto the C1212 road. The roadside boundary has metal railings, some stone walling and hedging. There are evergreen trees on the south western boundary. The rear boundary fence is almost at eaves level. It comprises a simple post and rail fence. The northern boundary is defined by post and rail fencing. There are mature trees on the other side of this boundary which are in third party ownership.
- 1.2 The existing dwelling is 4.1 metres wide and 10 metres long and 6 metres at its tallest. It provides two bedrooms. A single storey white painted block work lean-to runs along the majority of the rear or north-west elevation. This lean-to provides a kitchen, pantry, bathroom and utility room. The accommodation also includes a 3 metre high building at right angles to the existing dwelling that projects towards the classified road. This provides a garden store which is accessible via a lean to lobby/porch on the front or roadside elevation of the property.
- 1.3 The replacement dwelling proposed is aligned south-west to north-east and will be sited on the same footprint as the existing dwelling albeit with increases in footprint to the rear and south westwards. The main part of the proposed dwelling will be 5.5 metres wide, 11 metres long and 6.7 metres to the ridge and will provide three bedrooms including an en-suite at first floor. The ground floor will be open plan and provides a sitting room, dining room and kitchen. A two-storey element will project out 5.7 metres from the rear wall. This element will provide a study, utility room and shower on the ground floor and a bathroom and fourth bedroom on the first floor. There will also be a garden room on the south western end projecting out 3.8 metres from the gable end wall and 49.9 metres wide. The ridge of the slate covered roof will be 3.9 metres. The garden room and front elevation will have a natural stone plinth (600mm high and

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

the walls will be covered in off white coloured lime render and the roof will be covered in reclaimed Welsh slate.

- 1.4 There are two existing outbuildings to the north east of the existing property; one will need to be demolished in order to provide a turning and parking area and access to a proposed double garage. The other timber clad building will remain and will be used by the applicants as stables and a tack room. The new garage will be up slope from the main dwelling and will be 6 metres deep and wide. The ridge height will be 4.2 metres. The walls will be rendered and slate covered to match the proposed new dwelling. The existing access point will be enlarged and a tarmac surfaced entrance provided. Existing trees will remain around the site. These will be supplemented by a new roadside hedgerow set back in order to facilitate improved visibility south westwards down the C1212 road. The new dwelling and garage will need to be cut into the bank and as consequence a 1 metre high retaining wall needs to be erected to the rear of the replacement dwelling.
- 1.5 The application was accompanied by a Design and Access Statement and an ecological appraisal relating primarily to the presence of bats. The applicants have also confirmed that in the event planning permission is granted they would opt for a shortened implementation period.

## **2. Policies**

### **2.1 National Planning Policy Framework**

It is considered that sections 7 (Requiring good design), 11 (Conserving and enhancing the natural environment) and 12 (Conserving and enhancing the historic environment) are particularly relevant to this application

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

- S2 - Development requirements
- H7 - Housing in the countryside outside settlements
- HBA8 - Locally important buildings
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- LA2 - Landscape character
- NC1 - Biodiversity and development
- NC3 - Sites of national importance
- NC7 - Compensation for loss of biodiversity

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

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

## **3. Planning History**

- 3.1 None identified

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None applicable

## Internal Council Advice

- 4.2 The Traffic Manager recommends conditions that will improve visibility and on-site parking
- 4.3 The Conservation Manager (Senior Ecologist) is satisfied, subject to a condition that appropriate habitat mitigation is provided on this site

## **5. Representations**

- 5.1 Abbey Dore Parish Council's response is 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)

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 main issues are considered to relate to the principle of demolishing and replacing this modest cottage, the scale and design of the replacement dwelling, the means of access and biodiversity issues.
- 6.2 The initial policy test is to confirm that the existing dwelling has still got established use rights and if this is the case whether it is considered to be of local importance. It is clear from inspection that the existing dwelling benefits from established use rights and therefore this criterion in Policy H7 of Herefordshire Unitary development Plan satisfies. As regards the merits of retaining this modest dwelling , it is not considered that it is of sufficient architectural and historical interest to substantiate a case for its retention and as such Policy HBA8 of Herefordshire Unitary Development Plan is not relevant .
- 6.3 The proposed new dwelling is sited on the footprint of the existing dwelling and will involve a modest 700mm increase in ridge height such that it will not have a significantly increased presence within the landscape. The two storey rear projecting element will need to be cut into the bank and enables the additional accommodation to be provided with only a negligible impact in the wider landscape. The single storey addition on the southern gable end is proportionate in scale and massing with the main dwelling. The use of reclaimed slates will assist in settling the new dwelling into the hillside as will the use of a lime render. These are both materials that reflect the local vernacular and therefore I am satisfied that the scale, massing, design and use of materials accord with Policies DR1, H7, H13 and LA2 of the Herefordshire Unitary Development Plan and the provisions of the National Planning Policy Framework as it relates to the need for good design. The retention of mature trees and hedgerow and replacement hornbeam hedging on the roadside will also assist in integrating the new dwelling and detached garage into the site.
- 6.4 The existing access point can be improved upon by setting hedgerow back which will improve visibility particularly downhill in a south western direction. There is limited scope in the opposite direction due to the bend in the classified road and proximity to a hedgerow on adjoining property. Nevertheless. The speed of traffic, as the Traffic Manager confirms, establishes that with further improvements to visibility splays the access can be made safer without significant visual implications.. The Traffic Manager has also requested that there is sufficient room for three parking spaces within the site. These two matters are being addressed at the time of drafting this report and will form part of an update. The Traffic Manager has recommended conditions on the basis of securing the improved visibility and 3 on-site parking space.

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

- 6.5 The final issue relates to the presence of bats within the existing dwelling. The Ecologist is satisfied that the appraisal that accompanied this proposal addresses the interests of biodiversity in particular to the presence of bats and has accordingly recommended a condition be attached requiring the submission and agreement to a method statement. Therefore, this application addresses the interests of biodiversity as required by Policies NC1, NC3 and NC7 of Herefordshire Unitary Development Plan.

#### Conclusion

- 6.6 This proposed new dwelling will replace a building of limited architectural and historical interest with a dwelling of proportionate scale and massing that is of appropriate design and materials. Existing trees and hedgerows around the site together with specified new planting will assist in integrating this new building into the hillside. A new improved access will be needed for this 4 bedroom dwelling providing improved visibility and on-site parking. This can be achieved subject to conditions . There is a limited biodiversity interest identified and this can be addressed by the submission of a method statement before works start on site.

### RECOMMENDATION

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

1. The development hereby permitted shall be begun before 8 August 2013.

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

2. **B02 Development in accordance with approved plans and materials**
3. **F07 Domestic use only of garage**
4. **F14 Removal of permitted development rights**
5. **G11 Landscaping scheme - implementation**
6. **H03 Visibility splays**
7. **H05 Access gates**
8. **H06 Vehicular access construction**
9. **H09 Driveway gradient**
10. **H12 Parking and turning - single house**
11. **H13 Access, turning area and parking**
12. **K4 Nature Conservation - Implementation**

**Reason for Approval**

- 1. The new dwelling replaces a dwelling with established use rights and one not of significant architectural or historic interest. The new dwelling is proportionate in scale and massing to the existing dwelling and utilises sympathetic materials. A new access and on-site parking will improve highway safety and the interests of biodiversity have also been addressed. Therefore, the proposal accords with Policies H7, HBA8, DR1, DR2, DR3, NC1, NC3 and NC7 of Herefordshire Unitary Development Plan together with the NPPF.

**INFORMATIVES:**

- 1. HN01 Mud on highway
- 2. HN04 Private apparatus within highway
- 3. HN05 Works within the highway
- 4. HN10 No drainage to discharge to highway
- 5. HN28 Highways Design Guide and Specification

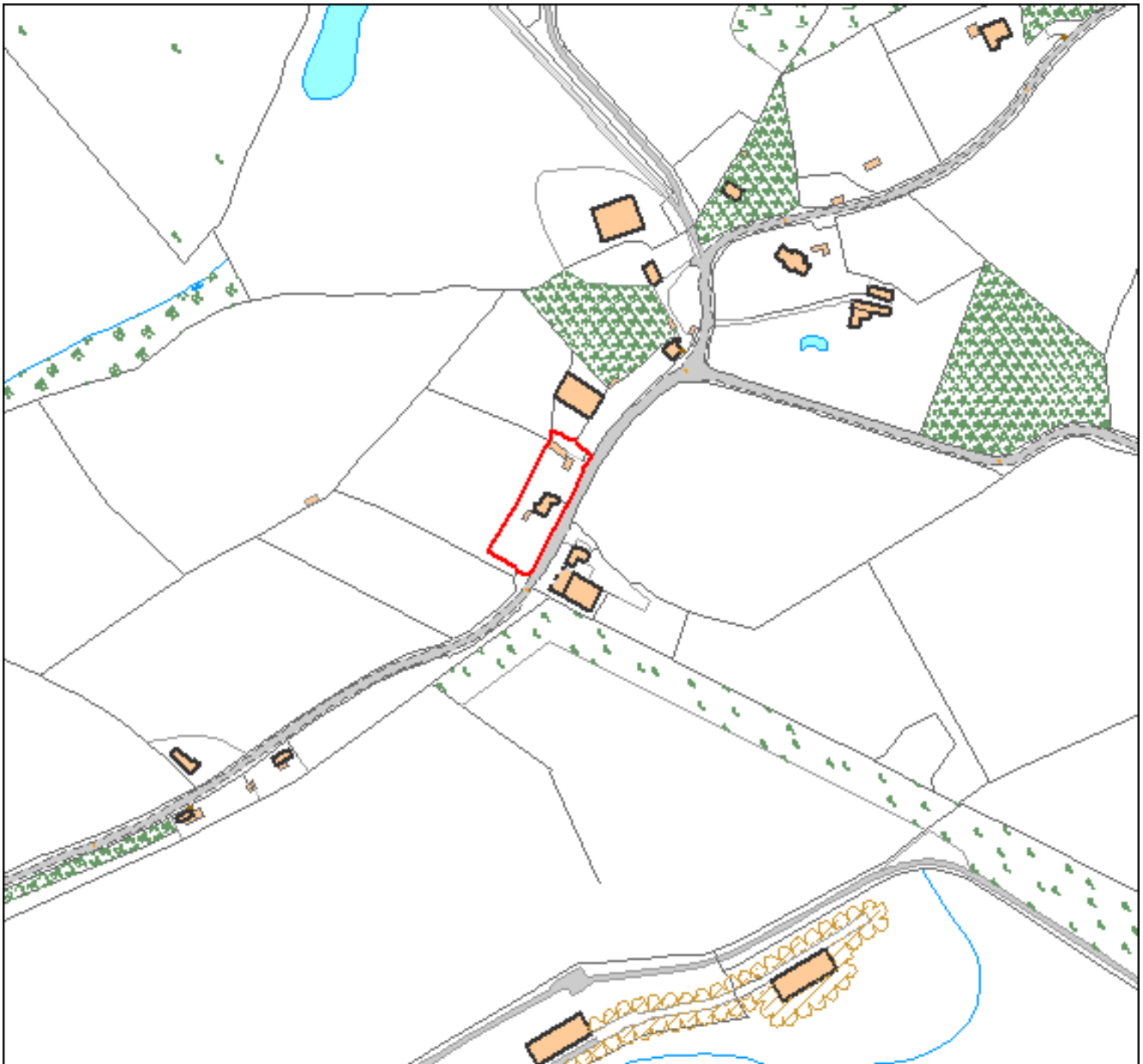
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** S/121627/F

**SITE ADDRESS :** IVY GREEN COTTAGE, ABBEYDORE, HEREFORD

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