

AGENDA

Planning Committee

Date: **Wednesday 29 August 2012**

Time: **10.00 am**

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

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AN Bridges

Councillor 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

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 8 August 2012.	1 - 14
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	15 - 18
7.	S112612/F - LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ Residential development comprising of 29 dwellings, with associated access, car parking, landscaping and open space.	19 - 40
8.	S121065/F, 121066/L & 121076/C - ELMHURST, VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE Proposed refurbishment and extension to provide 51 bed spaces. Demolition of outbuildings.	41 - 54
9.	S121244/F - LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD Proposed new dwelling.	55 - 62
10.	4 N121172/FH - 1 BALLARD CLOSE, COLWALL, HEREFORDSHIRE, WR13 6RD Proposed first floor extension to existing bungalow to provide two storey element incorporating dormer windows and one and a half storey wings.	63 - 68
11.	DATE OF NEXT MEETING Date of next site inspection: 18 September 2012 Date of next meeting: 19 September 2012	

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 8 August 2012 at 10.00 am

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

Councillors: PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, TM James, Brig P Jones CBE, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, FM Norman and PJ Watts

In attendance: Councillors PJ McCaull and SJ Robertson

32. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, AN Bridges, G Lucas, and GR Swinford.

33. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors TM James and JF Knipe attended the meeting as substitute members for Councillors PA Andrews and AN Bridges.

34. DECLARATIONS OF INTEREST

10. N121260CD - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP.

Councillor Brig P Jones CBE, Disclosable Pecuniary, The Councillor advised that he was a board member for LARC and that this had been declared on his register of interests.

10. N121260CD - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP.

Councillor RC Hunt, Disclosable Pecuniary, The Councillor advised that he was a board member for LARC and that this had been declared on his register of interests.

12. S121627F - IVY GREEN COTTAGE, ABBEYDORE, HEREFORD.

In accordance with paragraph 5.13.18 of the Council's Constitution Rebecca Jenman left the room during the consideration of the item as it related to her own planning application.

35. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 July 2012 be approved as a correct record and signed by the Chairman.

36. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements made.

37. APPEALS

The Planning Committee noted the report.

38. ENFORCEMENT REPORT - 1 OCTOBER 2011 - 31 MARCH 2012

The Team Leader (Enforcement) presented the report detailing enforcement action undertaken between October 2011 and March 2012. In response to a question from the Committee he advised that 'untidy land' applied to not only land but also buildings that had a detrimental impact on the locality, he added that it was a subjective matter and that there was no strict definition for 'untidy land'.

In response to a question in respect of staffing levels, the Team Leader confirmed that the enforcement section was operating with a full complement of staff.

One Member of the Committee requested that the Council take a proactive approach to enforcement with closer working with social landlords in respect of untidy gardens and such matters.

RESOLVED

THAT the report be noted.

39. N121348F - PENCOMBE HALL REST HOME, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL

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

In accordance with the criteria for public speaking, Mr Mitchell, a neighbouring resident, spoke in objection to the application and Mr Brown, the applicant's agent, spoke in support.

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

- The proposal was not acceptable due to the scale and mass of the development and the proposed location.
- The development would result in a dominant and discordant feature in an isolated and unsustainable location.
- The application was not finely balanced, as suggested in the officer's report, and it should be refused contrary to the recommendation.
- Due to the isolated rural location and infrequent bus service the application was contrary to Unitary Development Plan Policy CF7.
- A previous application on the site was refused by Committee in 2007 due to the fact that the site was unsustainable.
- The application was found to be contrary to Policies S1, S2 and DR7 at that time, the policies all remain and a refusal should be based on those same policies.
- It could not be guaranteed that either beds or jobs associated with the proposal would go to local people.
- An application was approved for 40 beds in 2007, which had never been implemented, and surely this proved that there was not a need for such a large number of additional beds in the County.
- A condition had been recommended limiting the use of the beds to elderly mentally infirm patients, would this be enforceable.
- The application could not be viewed as an extension as it was a separate self-contained unit which would raise doubts over the future of Pencombe Hall.

- The proposed development was oversized, overbearing and dominant and did not compliment Pencombe Hall as the proposed finish was completely different to the existing building.
- The concerns raised by the residents of the neighbouring coach house in respect of light pollution and overlooking should be considered.
- Landscaping on the site should enhance the proposed development and not try to hide it; if a development has to be hidden is it really acceptable.

In response to a question from the Committee, the Principal Planning Officer advised that the previous application on the site, although for outline permission only, was in a similar location to the current proposal but it was larger.

Members discussed the application with a number of the Committee in general agreement with the local ward member. They felt that the proposed development was out of keeping with the existing Pencombe Hall due to its scale, mass and design. They also had concerns in respect of the unsustainable nature of the site. It was suggested by two members of the Committee that a smaller 20 bed courtyard style development on the site would be welcomed.

However other Members of the Committee were of the opinion that the application should be approved with an additional condition tying the new building to the existing Pencombe Hall in order to address concerns in respect of the long term future of the existing building. It was noted that a 40 bed facility had already been granted on the site in 2007, although it was further noted that the permission had now lapsed.

One Member of the Committee noted that Pencombe Hall had been an EMI unit for 25 years, it was considered that the facility would not have remained open for such a long period of time had it not been sustainable. It was further noted that due to the way the land sloped the original building would still remain the dominant feature on the site.

In response to the point in respect of a legal tie between the two buildings, to ensure that the development remained as an extension and addition to the existing Hall, and could not be sold off and operated independently from the Hall, the Locum Lawyer (Planning and Regulatory) advised that this could be achieved through a Section 106 agreement. In response to a further question the Head of Neighbourhood Planning confirmed that the tie could also be achieved through a suitable condition but that a section 106 agreement would be more legally secure.

Members continued to debate the application and noted that the application was finely balanced. The concerns in respect of drainage were addressed by the Committee with reference being made to the committee report and update sheet which advised that the drainage issues had been overcome. The support from the Parish Council was also noted.

In reference to the rural setting of the development, a number of members were of the opinion that this was one of the key factors that would make the development appealing to people seeking the required level of care.

In response to a question from a Member of the Committee, the Principal Planning Officer confirmed that the proposed building was 52 metres in length at its longest point and 23 metres wide at its widest point.

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

- The application had resulted in just three letters of support but had received 13 letters of objection as well as a petition signed by 45 people.

- The proposed extension was larger than the existing building.
- The proposal would result in 60 care beds in an unsustainable location.

A motion to refuse the application contrary to the case officer's recommendation was lost and the resolution as set out below was then agreed.

RESOLVED:

That subject to the completion of a Section 106 agreement and there being 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. **The development hereby approved shall not commence until a plan/specification identifying the treatment of foul and surface water drainage from the whole site, based on sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The plan shall give projected flow rates for foul discharge and shall also ensure nutrient out-fall is below the consented threshold. The scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.**
- Reason: To protect the water environment, ensure foul drainage complies with consented minimum discharges and to conform to Policy DR4 of the Herefordshire Unitary Development Plan and Habitats Regulations 2010.**
10. **B01 Development in accordance with the approved plans**
 11. **That the facility be used solely for the usage as specified in the application.**

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.

INFORMATIVE

- 1. The applicant is advised to contact the Local Planning Authority in relation to condition 9 above prior to submitting details so that advice can be given in relation to nutrient out fall and the consented thresholds.**

40. S112612F - LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ

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. He advised the Committee that amended plans had been received that addressed the outstanding design and layout matters and the recommendation was therefore amended accordingly.

In accordance with the criteria for public speaking, Ms Jackson, the applicant's agent, spoke in support of the application.

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

- The Parish Council apologised for not being in attendance to speak at the meeting.
- There were concerns in respect of sewerage issues in the area.
- The locality had been described as of great archaeological interest in a 1990 survey.
- The existing foul water system had still not been adopted by Crest Nicholson despite this commitment being made when their 2009 planning permission was considered by committee.
- The site was a greenfield site, the Council should look at availability of brownfield sites and more sustainable sites before granting permission on the application site.
- The Section 106 agreement did not include a contribution to Holmer school or the Wentworth Park play area which was in need of updating.

The Committee opened the debate by discussing their concerns in respect of the application. They discussed the National Planning Policy Framework which required the authority to demonstrate a 5 year housing land supply as well as a 5% buffer on top of this. However they were of the view that there were other, more suitable, plots of land throughout the county which could fulfil the demand. The Committee felt that developers should investigate the possibility of developing brownfield sites within the city prior to applying for residential development on rural, greenfield sites. They were also of the opinion that the NPPF guidance should not be viewed as an opportunity for developers to expand already substantial housing developments.

They also voiced their concerns in respect of the previous issues of non-compliance in respect of commitments to adopt the existing drainage network.

The Committee continued to debate the application and expressed their concerns in respect of the expansion of an already large development of 300 houses. They had concerns in respect of the impact the application would have on the neighbouring landscape as well as the lack of infrastructure capacity both above and below ground. In this regard, they also had concerns regarding increased traffic on Roman Road.

In response to a question in respect of the Landscape Officer's comments, the Principal Planning Officer advised that the objection related to the landscape character and not visual impact.

The Committee went on to discuss the key policies in respect of the application. They were of the opinion that the application was contrary to Unitary Development Plan policies H7, CF2, DR4 and LA2 and should therefore be refused.

In response to the issues raised in respect of drainage, the Principal Planning Officer advised that the drainage from the site would discharge to the adopted drainage network via the main development which was also subject to an adoption agreement with Welsh Water thus by-passing the unadopted system. He added that the Roman Road pumping Station had now been adopted and that a new pumping station would also be adopted by Welsh Water. Therefore inadequate drainage would not be an appropriate reason for refusing the application particularly as Welsh Water raised no objection.

The head of Neighbourhood Planning and the Locum lawyer (Planning and Regulatory), representing the Monitoring Officer, both felt that the decision would be difficult to defend if challenged and as a result of this it was advised that a Further Information Report would be required. The determination of the application would therefore be deferred until the next meeting of the Planning Committee.

Councillor Robertson was given the opportunity to close the debate. She reiterated her opening remarks and added that she felt that the application should not be deferred.

RESOLVED:

THAT the determination of the application be deferred in accordance with paragraph 4.8.10 of the Council's constitution pending a Further Information Report.

41. N121260CD - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP

The Team Leader (Enforcement) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. In respect of an issue raised at the site visit attended by members on the previous day, the team Leader advised that the tree referred to by Members was subject of a Tree Preservation Order. He also advised the Committee that the cost of demolishing the existing wall and building a new wall would be £20,000; the cost of stabilising the existing wall would be £13,000; and the cost of erecting a new fence would be £14,000

In accordance with the criteria for public speaking Mrs Hamilton and Mrs Butler spoke in objection to the application and Mr Hunt, the applicant's agent, spoke in support.

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

- The site visit undertaken the previous day had been beneficial.
- The condition was put in place to safeguard the privacy of Mrs Butler and it should be enforced.
- Mrs Butler had been patient during the works which had been expected to be concluded in August 2011 but were still ongoing.
- The communications between Council officers did nothing to enhance the Council's reputation.

The Committee discussed the application and were disappointed that the condition had not been adhered to and was now subject to an application to remove it. They felt that Mrs Butler had been tolerant and patient during the development process and that the Council should honour the existing condition and raise the height of the wall as initially agreed. It was noted that the application related to a £2.9 million development and that the cost of raising the wall was a small fraction of this.

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

- Grange Court had been moved from Broad Street to its current location and was going to be a major tourist attraction for the County.
- Mrs Butler previously lived next door to a quiet garden area but this had now been transformed into an area which would attract a high number of visitors.
- The condition should remain in order to protect the privacy of Mrs Butler.

RESOLVED:

THAT the application be refused as the increase in the height of the wall is required to protect the amenity and privacy of the neighbouring property and the conditions still serves a planning purpose.

42. N121109FH - UPPER HORTON FARMHOUSE, THORNBURY, BROMYARD, HEREFORDSHIRE HR7 4NG

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. 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.

43. S121627F - IVY GREEN COTTAGE, ABBEYDORE, 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.

RESOLVED:

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. The recommendations set out in the Method Statement documents dated 6 August 2012 should be followed in relation to the identified species and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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

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**

44. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.20 pm

CHAIRMAN

PLANNING COMMITTEE

8 August 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.

8 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

For: Mr Cope per Mr Richard Harris, Georgian House, 24 Bird Street, Lichfield, Staffs, WS13 6PT

Members are advised that the Council's decision to invalidate the RM application N112554/RM is subject to a Legal Challenge, but for the purposes of this application the Committee should not have regard to that challenge and the Council's decision on the RM application should be considered a valid decision.

ADDITIONAL REPRESENTATIONS

The Planning Ecologist has updated his Habitats Regulation Assessment Screening Report due to further investigations being undertaken. The highlighted changes of the report are as follow;

There will be a significant increase in water resource use from the proposed development through the conventional mains foul drainage system. The proposed use of a package sewage treatment works (PTW) to a soak-away places indirect impacts on local ecology and receiving waters with a small risk of potential disturbance to qualifying features of the SAC which rely on good water quality. These risks could be from subsequent increase in ground water levels for a non-mains foul discharge and from the level of phosphate given that these may be 2 mg/l at outfall from the PTW.

The use of the alternative PTW discharging to a soak-away would impact much less phosphate to the natural environment if coupled with a reed-bed system. The risk of the latter remains unknown as do flow rates and phosphate overspills/outfall from a reed-bed system but as understood, there is limited capacity for the establishment of such a wet system within the landscaping.

A foul discharge connection could be established from the proposed package sewage treatment works to main sewage treatment works (STW), via a new connection. With treatment through the PTW facility the optimal 2 mg/l discharge of phosphate could significantly reduce the load upon the sewage treatment works (STW) from the existing system. EA consents for those STWs with phosphate stripping technology allow for discharge concentrations of 1 mg/l of phosphate, confirmed by EA's recent review of consents of STWs which are Habitat Regulation compliant. The local STW Pencombe sewage treatment works, has EA consent for discharges in excess of this.

OFFICER COMMENTS

The HRA screening report is clear that a connection with the mains drainage to the public sewage treatment works would ensure levels reaching the receiving watercourses including the R. Wye SAC are via EA's current Habitat Regulation compliant consents for STWs. However it is understood that this position is

potentially subject to change. Therefore it is recommended that should planning approval be given a condition is attached requiring further plans/specifications identifying the treatment of foul and surface water drainage from the whole site before any work commences.

CHANGE TO RECOMMENDATION

That condition 9 be amended as detailed below:

9. The development hereby approved shall not commence until a plan/specification identifying the treatment of foul and surface water drainage from the whole site, based on sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The plan shall give projected flow rates for foul discharge and shall also ensure nutrient out-fall is below the consented threshold. The scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.

Reason – To protect the water environment, ensure foul drainage complies with consented minimum discharges and to conform to Policy DR4 of the Herefordshire Unitary Development Plan and Habitats Regulations 2010.

That the following informative note be added:

Informative:

1. The applicant is advised to contact the Local Planning Authority in relation to condition 9 above prior to submitting details so that advice can be given in relation to nutrient out fall and the consented thresholds.

9 S112612/F – RESIDENTIAL DEVELOPMENT COMPRISING OF 29 DWELLINGS, WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND OPEN SPACE AT LAND NORTH WEST OF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ

For: Crest Nicholson South West, C/O D2 Planning Limited, Suites 3 & 4 Westbury Court, Church Road, Westbury on Trym, Bristol, BS9 3EF

ADDITIONAL REPRESENTATIONS

Amended plans have been received relating to:

- 1) Changes to the alignment of the access road and adjoining footpaths
- 2) Amendments to some house elevations to introduce surveillance over the public open space and footpaths
- 3) Submission of slab levels details
- 4) Submission of a great crested newt mitigation strategy which includes two newt tunnels
- 5) Increases in the sizes of all garages to accommodate a parked car and cycle storage

In response, the Conservation Manager (Ecology) and Traffic Manager both confirm acceptance of the amended plans and information.

An email has been received from Bill Wiggin MP referring to a telephone conversation with a local resident who requests the development should not be approved until the historic drainage network has been adopted.

The applicants have also confirmed that a pumping station would be required as part of the new foul drainage infrastructure.

OFFICER COMMENTS

The amended plans address all the design and layout issues raised in the report.

The adoption of the historic drainage network is dealt with independently of the Council and the resolution of this process would not be a justifiable planning reason to withhold permission on this site.

CHANGE TO RECOMMENDATION

An extra condition requiring the submission of details of the pumping station is required.

12 S121627/F - PROPOSED REPLACEMENT DWELLING AT IVY GREEN COTTAGE, ABBEYDORE, HEREFORD,

For: Mr & Mrs Bowen per Mr Mark Owen, Second Floor Front Office, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG

ADDITIONAL REPRESENTATIONS

The applicant's appointed ecologist has submitted a Method Statement as required by condition 12 in the recommendation to this report. This statement sets out the timetable for works on the site in the interests of biodiversity. The Council's Planning Ecologist has confirmed that the Method Statement submitted recently is satisfactory and accordingly a condition requiring submission of a method statement is no longer needed.

The Planning Ecologist recommends the following condition:

The recommendations set out in the Method Statement documents dated 6 August 2012 should be followed in relation to the identified species and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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

OFFICER COMMENTS

The applicants have met the requirements of condition 12, which is the standard condition attached to planning permissions that are the subject of biodiversity appraisals such as this item on the agenda.

CHANGE TO RECOMMENDATION

New condition 12 as set out above.



MEETING:	PLANNING COMMITTEE
DATE:	29 AUGUST 2012
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. S 113263/L

- The appeal was received on 3 August 2012
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Robert Garner
- The site is located at St Andrews Mead, Allensmore, Herefordshire, HR2 9AG
- The development proposed is Installation of photovoltaic panels on South facing roof.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Prior on 01432 261932

APPEALS DETERMINED

Application No. N111754/FH

- 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 William Rowlatt
- The site is located at 6 Castle Close, Eardisley, Hereford, Herefordshire, HR3 6NL
- The application dated 5th September 2011 was refused on 31 October 2011
- The development proposed was Installation of photovoltaic solar energy panels to the roof.

- The main issues are the effect of the proposal on the character, appearance and special interest of the building and on the settings of nearby listed buildings, and whether it would preserve or enhance the character or appearance of the Conservation area

Decision: The application was refused under delegated powers on 31 October 2011.
The appeal was dismissed on 18 July 2012.

Case Officer: Mr P Mullineux on 01432 261808

Application No. N112601/L

- The appeal was received on
- 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 William Rowlatt
- The site is located at 6 Castle Close, Eardisley, Hereford, Herefordshire, HR3 6NL
- The application dated 5 September 2011 was refused on 31 October 2011
- The development proposed was Installation of photovoltaic solar energy panels to the roof.
- The main issue is whether the proposal would preserve the listed building and any features of special architectural or historic interest it possesses

Decision: The application was refused under delegated powers on 31 October 2011.
The appeal was Dismissed on 18 July 2012.

Case Officer: Mr P Mullineux on 01432 261808

Application No. N111375/F

- The appeal was received on 27 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 Paul Thorne
- The site is located at Lucton School, Lucton, Herefordshire, HR6 9PN
- The application dated 31 May 2010 was refused on 20 July 2011
- The development proposed was New equestrian manege for school and community use with improvements to road access.
- The main issues are: The impact of the proposal on the setting and enjoyment of the adjacent Croft Castle Grade II* registered historic park and garden, the setting of the nearby Grade II* listed building of Lucton School, and appearance and character of the area in general

Decision: The application was refused under delegated powers on 20th July 2011.
The appeal was dismissed on 19 July 2012.

Case Officer: Mr C Brace on 01432 261795

Application No. S111711/F

- The appeal was received on 21 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 I Joseph
- The site is located at Land at Lower Lyde (Parcel 7209), Sutton St Nicholas, Hereford, HR1 3AS
- The application dated 24th June 2011 was refused on 11 January 2012
- The development proposed was Siting of temporary living accommodation for agricultural worker.
- The main issue is whether the agricultural enterprise justifies the residential accommodation proposed, having regard to the aims of national and local planning policies and guidance which seek to restrict new development in the countryside.

Decision: The application was refused by Committee, contrary to Officer recommendation on 11 January 2012.
The appeal was allowed on 20 July 2012.

Case Officer: Mr M Tansley on 01432 261815

Application No. S110387/O

- The appeal was received on 2 December 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Peter Smith
- The site is located at Land North of, Hawthorn Rise, Peterchurch, Hereford, HR2 0RQ
- The application dated 7th February 2011, was refused on 2 November 2011
- The development proposed was Erection of sixteen dwellings, construction of vehicular access and associated works.
- The main issue is the effect of the proposed access road on the living conditions of the occupiers of existing dwellings, with particular regard to noise and disturbance

Decision: The application was refused contrary to officer recommendation on 2 November 2011.
The appeal was Dismissed on 20 July 2012.

Case Officer: Andrew Prior on 01432 261932

Application No. S120077/FH

- The appeal was received on 31 May 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 A Houghton
- The site is located at Brick Kiln Barn, Ufton Court, Holme Lacy, Herefordshire, HR2 6PH
- The application dated 5 January 2012 was refused on 28 February 2012
- The development proposed was Proposed detached garage with games room over.
- The main issue is the effect of the proposed building on the character and appearance of its surroundings

Decision: The application was refused under delegated powers on 5 January 2012.
The appeal was dismissed on 26 July 2012.

Case Officer: Mr Edward Thomas on 01432 260479

Application No. N120930/FH

- The appeal was received on 5 July 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 Wayne Lewis
- The site is located at South Winds, Dinmore, Herefordshire, HR1 3JP
- The application dated 22 March 2012 was refused on 23 May 2012
- The development proposed was Proposed first floor and single storey extensions.
- The main issues are the effects of the proposals on (a) the character and appearance of the host property and surrounding area, and (b) on biodiversity.

Decision: The application was refused under delegated powers on 22 March 2012.
The appeal was dismissed on 3 August 2012.
An application for award of costs made by the Council against the appellant was allowed.

Case Officer: Mr C Brace on 01432 261795



MEETING:	PLANNING COMMITTEE
DATE:	29 AUGUST 2012
TITLE OF REPORT:	<p>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</p> <p>For: Crest Nicholson South West, C/O D2 Planning Limited, Suites 3 & 4 Westbury Court, Church Road, Westbury on Trym, Bristol, BS9 3EF</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=112612&NoSearch=True

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

Expiry Date: 23 January 2012
Local Member: Councillor SJ Robertson

FURTHER INFORMATION REPORT

1. Background

- 1.1.1 This application was reported to Planning Committee on 8th August 2012 where in accordance with Section 4.8.10 of Part 4, Section 8 of the Constitution, consideration was deferred. The reason for this as agreed by the Head of Neighbourhood Planning and the Monitoring Officer was that a refusal of the application would be difficult to defend if challenged.
- 1.2 The report to the 8th August meeting incorporating the updates as reported to that meeting is appended to this report.
- 1.3 Planning Committee concluded that the application should be refused on the following grounds:
- a) Housing in the countryside
 - b) Landscape impact,
 - c) Highway impact,
 - d) Drainage and infrastructure capacity,

2. Further Information

- 2.1 The Planning Rules set out in Section 4.8.10.2 of the Constitution the requirements for the content of this report as follows:
- 2.2 **Updating Members on any additional information received**

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

2.2.1 The applicants have provided a plan that identifies the existing drainage network in the area, proposed new drainage network serving this and the main development and the adjacent historic network which remains unadopted.

2.2.1 The Conservation Manager (Archaeology) has also confirmed no objection to the development.

2.3 Reporting on any discussions that have taken place with the applicant/objectors since the initial meeting

2.3.1 Other than the request for the submission of a drainage plan as reported above, no further discussion has taken place with any parties with an interest in the proposed development.

2.4 Setting out the legal procedure and likely financial implications of proceeding with the initial resolution

2.4.1 Members expressed a number of concerns with the development culminating in a recommendation of refusal on several grounds which are now considered further.

Housing in the countryside

2.4.2 Policy H7 relates to the consideration of residential development outside of identified settlements as defined in the UDP. This site lies adjoining but outside the city settlement boundary and therefore falls within the countryside in planning policy terms. Approval would therefore be a departure from policy H7. However, the NPPF explicitly states that where a local planning authority cannot demonstrate a 5 year supply of deliverable housing land with an additional 5% buffer, the relevant policies for the supply of housing should not be regarded as up to date (Para 49). The Council is currently not able to meet this requirement. It should be noted that even accounting for recent approvals such as the rugby club development which includes 190 dwellings, the Council still will not be able to demonstrate a 5 year supply of deliverable housing land.

2.4.3 Furthermore, paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. As set out above, policy H7 is inconsistent with the NPPF in so far as the delivery of additional sustainable housing land is concerned. To refuse the development on the basis of being contrary to policy H7 would not, therefore, be a defensible position if challenged on the basis that the clear policy direction within the NPPF has not been followed.

Landscape Impact

2.4.4 The Council's Senior Landscape Officer considers that the visual impact of the development is acceptably mitigated with the revised proposals. An objection remains, however, due to the impact of the development on the landscape character of the area. Any greenfield housing development is inevitably likely to impact on landscape character; the test is whether the impact is adverse and if it is, whether other material planning considerations outweigh the adverse impacts.

2.4.5 The conclusion within the officers appraisal is that the impact of the development on the visual and landscape character of the area is acceptable. The visual impact is acceptably mitigated with the design, reduced development area and proposed landscaping whilst the overall landscape character will be adequately preserved again, in part, due to the revised proposals.

2.4.6 Notwithstanding this conclusion, if it were considered that the development did result in an adverse landscape impact, in terms of the test set out in the NPPF against which the application must be judged, it is not considered that this adverse impact significantly and demonstrably outweighs the benefits of the development when considered as a whole. If Planning Committee were minded to draw a different conclusion on this matter and refuse

planning permission on the issue of landscape character, officer advice is that such a decision would be difficult to defend if challenged.

Highway Impact

- 2.4.7 The application is supported by a Transport Assessment (TA) which considers the traffic impact of the development on the A4103 (Roman Road) along with the suitability of the access, parking provision and accessibility by alternative modes of transport. The TA was carried out on the basis of 50 additional dwellings and therefore represents a robust technical assessment given the scheme now proposed is for 29 dwellings.
- 2.4.8 The conclusions of the TA are fully supported by the Traffic Manager and have previously been supported by the Highways Agency (on the basis of a 40 dwelling scheme). This being that the most sensitive junction is the Starting Gate roundabout and that the development will result in an increase in traffic through this junction of between 0.1% and 0.3% during peak periods. This change is unlikely to be perceptible and would not have any detrimental impact on Roman Road or the A49 Trunk Road. Consequently, the Traffic Manager raises no objection.
- 2.4.9 There is no technical evidence to support a highway refusal of the development and therefore to refuse the development on this ground would not be a defensible position if challenged particularly as that the statutory consultee raises no objection.

Drainage and Infrastructure Capacity

- 2.4.10 The site is to be connected to the new drainage infrastructure serving the main 300 house development. This is then pumped to the adopted pumping station on Roman Road which forms part of the adopted drainage network falling under the jurisdiction of Welsh Water. The new drainage network is also subject to a Section 104 Adoption Agreement with Welsh Water which is a contractual agreement for the new drainage infrastructure to be adopted. Technical information has been provided to demonstrate that the new network including the pumping station have adequate capacity to accommodate the development. Welsh Water raise no objection on drainage design or capacity grounds.
- 2.4.11 Surface water is to be discharged to the newly completed balancing pond adjoining the site which again has been designed to have capacity to accommodate the additional discharges from the development. This system is a sustainable drainage system that ensures that no surface water discharges into the public sewage system in line with best practice; and is also to be adopted by the Council. The drainage network serving the development including the adopted system therefore has capacity for the additional dwellings. All other community infrastructure considerations are also acceptable or are being mitigated through the Section 106 Agreement.
- 2.4.12 A separate matter is the adoption of historic drainage network serving the nearby residential estate constructed in the 1990's. Neither the current application nor the adjoining new development under construction has a connection with this historic network and so the adoption of this system is not a material planning consideration that is relevant to the consideration of this application. The applicants retain ownership of this historic system as they were the developer and they have appealed to Ofwat against Welsh Water's proposed adoption. The Council understands that Ofwat's decision on the appeal is due within the next two months. However, the outcome of this appeal has no bearing on the drainage serving this development. Therefore, to refuse the application on the basis of inadequate drainage capacity or that other drainage networks have not yet been adopted would not be a defensible position if challenged.

Other matters raised by Planning Committee Brownfield Land

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

- 2.4.13 A query was raised regarding the extent of available brownfield land in the city that could be developed for housing. Excluding all existing commitments (i.e. brownfield land already allocated for housing or brownfield land already with extant planning permission) which are already included within the existing housing land availability figures, there are no unrestricted brownfield sites within the city. Development on further brownfield land would therefore primarily entail speculative development of existing employment sites or safeguarded employment land which would be contrary to adopted policy and is likely to be difficult to deliver due to the need to re-locate businesses. The only exception to this is the adjoining site for which an application for 35 houses has already been submitted.
- 2.4.14 An analysis of available brownfield land has also been carried out as part of the work on the Core Strategy. The draft core Strategy proposes to allocate further brownfield housing land within the Edgar Street Grid but this is unlikely to come forward within the next 5 years. Sequentially, there are therefore no other available and deliverable brownfield sites that would make up the current deficit in the Councils housing land supply.

Strategic Housing Land Availability Assessment (SHLAA)

- 2.4.15 This document considers the availability of housing land across the county and includes a basic assessment of each sites suitability in respect of factors such as access, location, landscape, flood risk and ecology. The application site had been considered through the SHLAA assessment and dismissed at that time as being unsuitable on the basis of access and landscape impact grounds. However, the access is now proposed to be via the main development which therefore addresses this issue and with the benefit of a full landscape and visual impact assessment, the landscape impact is now also considered acceptable.

Conclusion

- 2.4.16 The Council is required to determine applications in accordance with the Development Plan, unless material considerations indicate otherwise. In Herefordshire, the UDP can be regarded as up to date where the policies are consistent with the NPPF. As explained at 2.4.2 and 2.4.3, in respect of UDP policies that govern the supply and distribution of housing land, the UDP cannot be regarded as up to date. Therefore, sustainable housing developments such as this should be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the NPPF as a whole.
- 2.4.17 Whilst each application must be considered on its merits, an examination of recent planning appeal history is also considered relevant in this instance. It is clear that both Planning Inspectors and the Secretary of State are consistently allowing developments on appeal where the development is considered sustainable and the authority cannot demonstrate a 5 year supply of deliverable housing land. This is the case even where the conclusion has been that the development would harm the landscape.
- 2.4.18 However, the decision is ultimately for Members to take and Members are not bound to accept the recommendation of Officers. In the event Planning Committee wish to re-confirm their recommendation to refuse the development, Members must show reasonable planning grounds for taking a different view and clear specific technical evidence would need to be provided in the event of an appeal to support each reason for refusal. If such evidence is not produced and/or the evidence does not provide a respectable basis for such stance at appeal, the council could be at risk of costs.
- 2.4.19 If the application is refused, it is also recommended that consideration be given to the absence of a signed Section 106 Agreement. An additional reason for refusal on these grounds would then enable the Council to defend this position if challenged or as is often the case, work with the applicant to complete a Section 106 Agreement prior to any challenge being heard.

2.5 Monitoring Officer Advice

- 2.5.1 When determining the application, as a matter of law, the Council should not have regard to matters which are not material planning considerations. To do so and to refuse permission based on such reasons could leave the Council open to complaint and to an adverse costs award at Appeal.

UPDATED OFFICER REPORT

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, 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 |

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

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.aspx>

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. The amended layout and revised garages sizes are also now acceptable.

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.

Monitoring surveys in 2012 have found a few great crested newts still present in Pond 1 (on the corner of Attwood Lane). The mitigation strategy for the first phase of the development included provision of two ponds as well as terrestrial habitat for great crested newts in the north east of the main site. This area will also provide mitigation for this phase 2 development as it is the same population of newts that are affected. The proposed mitigation strategy also includes provision of two newt tunnels to maintain connectivity from ponds 1 and 4 to the new ponds and the wider countryside. An EPS license was granted by Natural England for the phase 1 works and an amendment to this license will be sought for this phase. It is my opinion that the proposed mitigation measures will maintain the favourable conservation status of the species. I also note that most of the exclusion fencing is still in place although the fencing along the Holmer Stream has been removed.

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

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”

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 Conservation Manager (Archaeology)

The archaeological field surveys and monitoring done in the area have all been very negative; I think be unreasonable to insist on further archaeological measures here. Consequently I raise no objection to the development.

4.7 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.

4.8 Housing Development Officer

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

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.

4.9 Parks and Countryside Manager

The area and location of the public opens 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 acces for maintenance vehicles to the open space will also be required.

4.10 Children and Yound 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 acordance with the Planning Obligations SPD towards the enhancment of educational infrastructure at the schools and facilities where capacity does not currently exist and the heads of term meets the requirements.

4.11 In response to the consultation on the original proposals, comments were also received from Conservtaion Manager (Historic Buildings) and Environmental Health (Pollution) and Libaray 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 assessment 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 and an e-mail from Bill Wiggin MP reporting a telephone conversation with a local resident. 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.
- The development should not be approved until the historic drainage network has been adopted.

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

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

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 12th 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. Levels details have now also been submitted which identify the development being broadly constructed at existing site levels thus integrating the development with the existing site contours further mitigating the visual impact.
- 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 submitted increasing the size of the garages to ensure they are sufficiently large to be used for storage and parking of vehicles.
- 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. The proposed roof material is considered unacceptable but this matter can be dealt with by condition. Amended plans have also been submitted 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. A great crested newt method statement and mitigation strategy has now been submitted which addresses the Council's ecologist requirements and demonstrates how the favourable conservation status of the protected and other species within the site will be safeguarded. 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 12th July 2012.

RECOMMENDATION

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

- 1. 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.**
- 2. 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. Submission of details of the pumping station**
 - 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 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 sustainable 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, the commitment to construct to a high sustainability standard and the social and economic benefits that the development will bring. The amended proposals and accompanying landscaping also acceptably mitigates the visual impact of the development, the landscape character will be safeguarded and the favourable conservation status of the flora and fauna will not be adversely affected.

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**

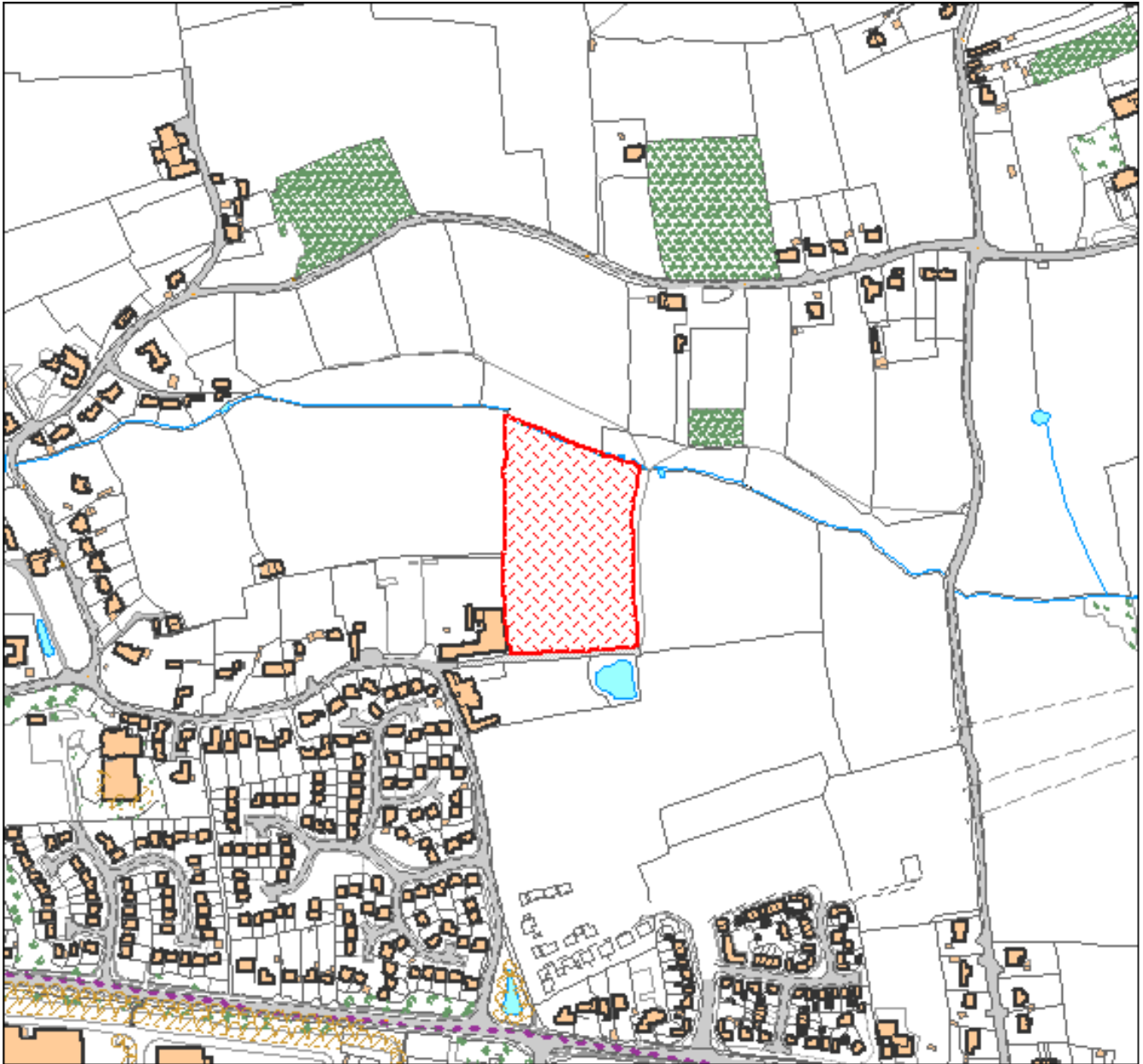
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

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 1st 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

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



MEETING:	PLANNING COMMITTEE
DATE:	29 AUGUST 2012
TITLE OF REPORT:	<p>S121065/F, S121066/L and S121076/C - PROPOSED REFURBISHMENT AND EXTENSION TO PROVIDE 51 BED SPACES. DEMOLITION OF OUTBUILDINGS AT ELMHURST, VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE</p> <p>For: Mr Claridge per Mr Pete Stockall, St Catherine's Court, Berkeley Place, Bristol, BS8 1BQ</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121065&NoSearch=True

Date Received: 10 April 2012

Ward: Aylestone

Grid Ref: 352096,240930

Expiry Date: 10 July 2012

Local Members: Councillor Cllr DB Wilcox and Cllr N Nenadich

1. Site Description and Proposal

- 1.1 Planning permission, listed building consent and conservation area consent is sought for demolition, alterations and extensions at Elmhurst, Venns Lane, Hereford to form a 51 bed nursing home (Use Class C2) specialising in care for the Elderly Mentally Infirm (EMI). The application site is located within an established residential area on Aylestone Hill approximately 1km north of Hereford city centre within the Aylestone Hill Conservation Area. Elmhurst is a Grade II listed building dating from the mid-19th century. The Nuffield Hospital is found to the south with Ainslie Close, a residential cul-de-sac, bounding the site to the north and east. Residential properties on Venns Lane bound the site to the west and north-west. Vehicular access is from Venns Lane. Elmhurst was closed in 2008 and remains vacant. The current lawful use of the building is as a 28 bed nursing home (formerly Local Authority operated).
- 1.2 Elmhurst itself is a pleasant Victorian Villa of rendered stone under a Welsh slate roof with rear additions, remnant walled garden and detached stable block. It is set within mature parkland notable for a number of significant, mature trees. Historically its grounds were far larger, development having encroached during the second half of the twentieth century. Ainslie Close and The Nuffield hospital are both situated on land formerly associated with Elmhurst. The current planning, listed building and conservation area consent applications propose the demolition and replacement of the existing 1970s two-storey extension, the later northern elements of Elmhurst and the stable block, and replacement with two-storey extensions to form a courtyard with the main building, which will be modified and extended by a replacement two-storey, predominantly glazed extension rear addition and glazed linking structures. It is proposed to retain the original components of Elmhurst as an office, visitor lounge and dayroom at ground floor with staff rest/bedrooms, a snoozealum and drugs/treatment room at first floor.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

- 1.3 The applications are a resubmission following an earlier refused scheme, which sought permission for extensions to form a 57 bed home. The earlier scheme (S103350//L, S103351/F and S103352/C) was refused on the grounds of unacceptable loss of historic fabric, most notably the stable building; the impact of the scale, design and relationship of the extensions to the principal listed building; impacts on the levels of amenity enjoyed by occupiers of adjoining residential property; and a failure to take an integrated approach to design resulting in unattractive, under-scale and unusable outdoor areas, which would fail to complement the building's function as a therapeutic nursing home.
- 1.4 As a consequence the scheme has been amended to reduce the number of bedrooms sought – a reduction to 51, with an associated increase in the distance of the east and west wings from the respective boundaries and a redesign of the northern wing.
- 1.5 The two-storey extensions comprise a mixture of brick and untreated larch cladding under a standing seam titanium zinc roof. In an attempt to respect the scale of the Elmhurst a shallow pitch has been deliberately adopted for the west and east wings, with the north wing modified significantly following the earlier refusal to address concerns in relation to the impact upon the neighbours to the north. The full two-storey height of the east and west wings is commensurate with the eaves of the main building. The majority of the floorspace within the new extensions is dedicated to en-suite bedrooms at both ground and first floor, with associated assisted bathrooms, stores, nurses' stations and other facilities. There are a total of 23 bedrooms at ground floor and 28 at first floor, the extensions arrayed around what is described as the healing garden within the courtyard. The first floor is designed to overhang the ground floor to create a cloister. The ground floor of the northern wing is punctuated by a garden room which acts to link the internal courtyard and the garden space between the northern wing and the boundary wall.
- 1.6 The east and west wings comprise bedrooms on either side of a central corridor. The north wing has a single rank of bedrooms with corridor to the north. This removes the need for north-facing windows and is designed to address overlooking concerns in relation to 12A Ainslie Close and 14 Venns Lane. Parking spaces are located to the south-east and south-west of the building on existing areas of hardstanding.
- 1.7 For much of the eastern and part of the northern boundary a mature conifer hedge provides a screen between properties. For the majority of its length the hedge is owned and maintained by the neighbours in Ainslie Close (the exception being No.18). The north-facing, angled gable of the stable block forms part of the boundary with No.14 Venns Lane. Whilst demolition of the stable block is proposed, this wall would be retained and incorporated within the design.
- 1.8 Bound up with the proposals is the refurbishment of the listed building as per the schedule of repairs submitted with the application. The design rationale is explained in the planning statement. EMI patients require a building that offers unbroken corridor circulation space, as they "regularly seek to move in a continuous motion around the building in a safe environment." Accordingly the proposal seeks to enclose the central courtyard to provide both covered and uncovered areas that enable the requisite circulation.
- 1.9 To supplement the plan drawings the application also comprises:
 - A Design and Access Statement (JBD Architects);
 - A historic building appraisal and heritage report (CgMs May 2010);
 - A planning statement (GVA Grimley);
 - Needs assessment report: Long term care for the elderly (Pinders, 2010);

This document identifies a shortfall in the number of single en-suite nursing home bed spaces within the 8km catchment area of the site, currently standing at 407, but projected to increase to 631 by 2019 and 980 by 2029. The report contains an analysis of the local provision within catchment (8km of the application site) and across Herefordshire. It concludes that whilst demand for care may be met through other means (e.g. domiciliary care or sheltered housing), it is clear that good quality nursing home provision should be part of the on-going strategy to meet projected demand as the population grows more elderly.

- A transport statement and travel plan (GVA Grimley);

This describes the shift patterns of the workforce i.e. 4 x 12-hour shifts running from 7am to 7pm. There will never be more than 25 members of staff present at any one time and significantly fewer overnight.

- An ecological assessment and Great Crested Newt (GCN) method statement (Wildways and WRC Watson respectively);
- A tree constraints report (Jerry Ross Aboricultural consultancy); This has been updated to reflect concerns in relation to the impact of the proposed extensions on the long-term survival of the hedge.
- A schedule of repairs for the listed building.

2. Policies

2.1 National Planning Policy Framework 2012 (NPPF)

The NPPF was published in March 2012 and established a clear presumption in favour of sustainable development unless other material considerations indicate otherwise.

Paragraph 19 states that planning should operate to encourage and not act as an impediment to sustainable growth and that 'significant' weight should be placed on the need to support economic growth through the planning system. Local authorities are advised to encourage the effective re-use of land that has been previously developed and focus development in locations which are or can be made sustainable. Likewise, high quality design and a good standard of amenity for all existing and future occupants of land and buildings should be sought.

Paragraph 126 advises local authorities to recognise heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance and putting them to viable uses consistent with their conservation. Paragraph 132 asks local authorities to consider the impact of a proposed development on the significance of a designated heritage asset. The more important the asset, the greater the weight should be. Any harm or loss arising from alteration, destruction or development within the setting of a heritage asset should require clear and convincing justification. Paragraph 133 advises that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not profitable; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

2.2 Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
HBA1	-	Alterations and extensions to listed buildings
HBA2	-	Demolition of listed buildings
HBA4	-	Setting of listed buildings
HBA6	-	New development within Conservation Areas
HBA8	-	Locally important buildings
CF7	-	Residential nursing and care homes
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
T6	-	Walking
T11	-	Parking provision
NC1	-	Biodiversity and development
LA5	-	Protect of trees, woodlands and hedgerows
LA6	-	Landscaping schemes

2.3 English Heritage Historic Environment Planning Practice Guide 2010

2.4 Living Well With Dementia in Herefordshire: A Joint Commissioning Plan for NHS Herefordshire and Herefordshire Council

2.5 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 DCCE2008/2222/CD: Change of use of four rooms from C2 residential institution to B1 office accommodation: Approved subject to conditions 8th August 2008

3.2 S103350/L, S103351/F and S103352/C: Proposed refurbishment and extension of Elmhurst Nursing Home to provide 57 bed spaces. Demolition of outbuildings. Refused 15th April 2011

4. Consultation Summary

Statutory Consultees

4.1 English Heritage: Objection

The site is within the Aylestone Hill Conservation Area and Elmhurst is a Grade II listed building. We consider that some development of the site could be acceptable in heritage terms and that, subject to the Council's policies, the area between the rear of the listed building and the northern boundary of the site would be the least damaging to the significance of the house set in its spacious garden.

However, we consider that the scale of the development proposed, at several times the volume of the listed building, is disproportionate to the scale of the listed building and would provide a poor backdrop to the delicately-detailed listed building. As a very minimum any new development should, in our view be set behind the line of the rear elevation of the listed building and the part-crenellated garden boundary wall to the left of the listed building should be retained.

In our view the proposal would fail to preserve or enhance the character or the appearance of the conservation area. For this reason and because of the harm that we consider would ensue to the listed building's setting, the proposal would constitute substantial harm to the significance of the heritage assets concerned within the meaning of paragraph 132 of the NPPF. It is for the Council to judge whether there are exceptional circumstances in this case but we would suggest that the historic environment considerations should form a very important part of the Council's assessment of the merits of this case.

English Heritage recommends that planning permission and listed building consent should be refused for the proposal in its present form.

- 4.2 Welsh Water: No response to the current application, but advised previously that foul and surface water discharges should drain separately, with no surface water allowed to connect to the mains sewer in order to prevent over-loading. The application confirms that surface water recovery is intended.

Internal Consultees

Conservation Manager (Historic Buildings and Conservation Areas): Objection

Elmhurst is a substantial Grade II listed C19 suburban villa. It is an accomplished design in an unusually late Gothic Revival style and was formerly set in very extensive grounds, much of which have been lost to encroachment by later development. The building acquired a utilitarian 1970s accommodation wing during its first incarnation as a care home, but notwithstanding this, the building and its immediate setting have survived relatively intact, and its high heritage value is self-evident.

The NPPF reaffirms the presumption in favour of preservation which has always underpinned the heritage protection system in the UK. The onus is upon applicants to demonstrate that there is a 'clear and convincing justification' for change and that the impacts of change have been considered and minimised.

The current application does not differ substantially from the refused 2010 scheme in terms of its position, scale and massing and the English Heritage Historic Environment Planning Practice Guide makes clear that 'it would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting'. The accommodation sought has been driven by the applicant's perception of 'viability', and whilst not inconsiderable efforts have been made to reduce its impact relative to Elmhurst's principal elevations, it nevertheless remains a very large extension which entails the demolition of the building's contemporaneous service wings and stable block. The conservation objection therefore remains the same as it did in 2010.

Traffic Manager: The number of usable parking spaces is 14, not 18 with five overspill spaces as the application states. There is also a lack of clarity around provision for delivery vehicles and parking and turning of refuse vehicles. The ambulance space is under-size and no disabled spaces are shown. Vehicular access from Venns Lane should be in the form of a vehicular crossing and the existing bus stop will need to be relocated with associated works carried out at the applicant's expense. Conditions relating to parking, access construction, bus stop relocation and Travel Plans will apply to any permission granted.

Environmental Health Manager: Has no objection, but recommends a condition to limit the hours during which construction work may take place. 07:00AM to 18:00PM Mondays to Fridays and 08:00AM to 13:00PM Saturdays. Work should not take place on Sundays, bank or public holidays.

Conservation Manager (Landscapes): The submitted landscape concept design is suitable as a concept plan for the site and supports the text in the design and access statement.

Conditions should be imposed requesting a fully detailed landscape scheme, including a plan identifying tree protection fencing and an arboricultural method statement for managing tree works on the site.

5. Representations

5.1 Hereford City Council: No objection. Support is expressed in the context of acknowledged need for this type of accommodation.

5.2 The Victorian Society: Objection. The development is grossly excessive and of no discernible architectural quality. There is no compelling justification for the demolition of the northern parts of the villa. Whilst not of the highest significance their replacement by buildings of no interest will harm the setting of the building. The stables are a rare survivor in Herefordshire. They make a strong positive contribution to the setting of the main building, unlike the replacement. The listed building would be marooned in a car park, further harming the setting.

5.3 Neighbours: Seven letters of objection have been received from near neighbours to the application site, including properties in Venns Lane and Ainslie Close. The content is summarised as follows:

- The proposals represent a significant over-development of a historically significant site;
- The scale of the extensions is overbearing in relation to the principal listed building and the neighbouring residential properties. The extensions are too close to boundaries, visible and prominent, creating an unwelcome sense of enclosure. The main habitable rooms in 12A Ainslie Close are single aspect and would look towards the north elevation of extension;
- The proposals are out of character with the listed building and the wider Conservation Area. The over-development is illustrated by the poor ratio of built development to gardens. The integrity of the main building is compromised and any remaining sense of a Villa in mature landscaped grounds would be lost.
- There is undue reliance upon the hedge to provide screening. For the majority of its length it does not belong to the applicant. Maintenance of the hedgerow on the application site may cause disease and eventual death, resulting in overlooking.
- The laundry with bedrooms above is very close to properties in Ainslie Close and would result in noise disturbance and overlooking. The position of the main car park and main entrance into the building would be likely to increase noise disturbance relative to properties on Venns Lane. In one area the extension actually forms the boundary with 14 Venns Lane.
- The intensification of use relative to the former nursing home is prejudicial to amenity in a manner contrary to Policy DR2 (4). Opportunities should be taken to improve the relationship with neighbouring properties rather than make things worse.
- Noise disturbance from alarms, televisions, patients and service vehicles on a 24 hour basis.
- Light pollution.
- Why demolish the stable building? It is rare within the city and should be retained as accommodation.

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

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The application seeks planning permission for the refurbishment and extension of Elmhurst nursing home to provide 51 bed spaces. The site is within the settlement boundary and within walking distance of the bus and train stations. The site is also on a bus route. In terms of being well-placed to reduce the need to travel by the private car, the site is sustainable. Moreover, the use of the site as a C2 residential institution (nursing home) is established and lawful. Officers consider that the principle of development is acceptable and agree with the English Heritage advice that development within the area to the north of Elmhurst would appear to have least impact on the significance of the original building as a house within spacious grounds.
- 6.2 The proposal involves the demolition of outbuildings, including the existing 1970s east-wing extension and a Victorian stable block, which retains internal fixtures at ground floor. Material planning considerations include the loss of historic fabric and associated impact on the character and appearance of the listed building and conservation area, weighed against other public benefits, which include job creation (the proposal would create 60 jobs) and a contribution to meeting a perceived shortfall in the provision of good quality accommodation for those need of care. The key issues are as follows:-
- 1) As assessment of the significance of the loss of historic fabric brought about by the proposals, with specific reference to the setting of the listed building and the conservation area.
 - 2) An assessment of the proposed extensions relative to the retained listed building and the character and appearance of the conservation area.
 - 3) The impact of the proposals upon the levels of residential amenity enjoyed by occupants of adjoining residential property.
 - 4) An assessment of the need for additional EMI bed space provision within the catchment and wider administrative area.
- 6.3 Determination of the applications requires an objective assessment of the development within the context of the listed building and its setting and the wider conservation area. It is also necessary to consider the impact of development upon adjoining residential property. Given the advice of the Conservation Manager and English Heritage as regards the adverse nature of the impact upon historic fabric, it is necessary to assess whether such harm or loss can be outweighed by clear and identifiable substantial public benefits as required by paragraph 133 of the NPPF and Policy HBA2 of the Unitary Development Plan.

The loss of historic fabric with specific reference to the setting of the listed building and the conservation area.

- 6.4 It is acknowledged that the application is accompanied by a Historic Building Appraisal and Heritage Report, which provides a detailed assessment of the site's evolution and a review of the elements that contribute to the significance of Elmhurst as a heritage asset. The application is also accompanied by a detailed schedule of repairs to the principal listed building to be retained. These involve necessary works of repair and overdue maintenance, with the removal of insensitive modern interventions. The proposal also entails the demolition of the utilitarian 1970s east-wing, which is acceptable. It is an unremarkable extension, the impact of which is mitigated by its location behind Elmhurst when viewed from Venns Lane and the main approach drive.
- 6.5 The stables stand to the north-west of Elmhurst, the north-facing gable standing on the boundary with No.14 Venns Lane. The stables are Victorian and constructed in brick under a slate roof.

- 6.6 Policy HBA1 requires that proposals to alter or extend a listed building should preserve the components which make up the special interest of the building, its features and its setting. HBA2 states that proposals for the demolition of all or substantially all of a listed building will only be permitted in exceptional circumstances and where all four criteria have been satisfied. HBA4 resists development which would adversely affect the setting of a listed building. The impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations. HBA6 deals with development in conservation areas, and requires new development to either preserve or enhance the character or appearance of the conservation area. Principally the type and scale of uses proposed should “complement those which presently exist and help to preserve and enhance the character and vitality of the area”. When considering proposals to demolish unlisted buildings in conservation areas, the proposal either has to be accompanied by a suitable redevelopment proposal in accordance with HBA6, or the building itself can be shown to make no contribution to the character or appearance of the conservation area. In this case officers do not consider the redevelopment proposal to be acceptable in relation to HBA6 or other policies, and in these circumstances cannot accept the case for demolition of either the stable building or the elements to the rear of Elmhurst.
- 6.7 When referring to the loss of historic fabric, officers refer to the stable block and the rear elements of Elmhurst itself. The submitted Heritage Assessment concludes that the value of the stable block and the rear elements of Elmhurst are diminished by the lack of public prominence, and associated inability of the wider public to enjoy or appreciate them. The application also justifies the demolition of the stable block on the basis of viability – the retention and modification of the stable block not being economically viable given the costs of modification and the limited range of uses to which the building could be put if internal fixtures and fittings were to be retained.
- 6.8 Whilst understanding this perspective, officers consider the loss of the stable block and rear elements of Elmhurst itself to be prejudicial to the significance of the heritage asset irrespective of their degree of prominence. Moreover, the stable building has to be appreciated within its context for the contribution it makes to the setting of the listed house. The building is a rare example of a surviving stable that has not been wholly converted, demolished or otherwise separated from the building that it served and officers are unaware of any other examples in Hereford City. The rarity and retention of original floor, partitions, fixture and fittings, in your officers’ opinion, enhances the significance of the building. Notwithstanding the fact that the first floor has been converted to office accommodation, when considered in the round, officers consider the building to be an important component that contributes to the setting of the listed building and the character of the conservation area.
- 6.9 It is considered that Elmhurst and its outbuildings are a good surviving example of a high status Victorian villa, a building type which is a key component of the character of the Aylestone Hill Conservation Area. The significance of the stables is therefore high, in that it enables a better understanding of the hierarchy of uses on such sites. As discussed above, the significance of the stables as a heritage asset is further enhanced by the good level of preservation of its internal fittings. As the NPPF states, once lost, heritage assets cannot be replaced, and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. On the first main issue officers consider the loss of the stable building and rear elements of Elmhurst to be contrary to Policies HBA1, HBA2, HBA4 and HBA6 of the Herefordshire Unitary Development Plan and contrary to guidance contained in the NPPF at paragraph 133.

An assessment of the proposed extensions relative to the retained listed building and the character and appearance of the conservation area

- 6.10 The second main issue refers to the detailed design, scale and massing of the extensions themselves, relative to the character and scale of the existing building. Policy HBA1 is clear in requiring extensions to listed buildings to be in keeping with the age, style, materials, detailing and character of the building. Extensions should also be subservient in scale and design and relate well to the existing building. The application asserts that because the extensions are to the side and rear of the main building its pre-eminence is maintained and there is a degree to which this argument is applicable. For example, although the footprint of the existing 1970s extension is equivalent to the main house, its location renders it subservient. The proposal seeks, however, to replace this east wing and provide a further two ‘wings’ that add significantly to the overall scale of the building. Notwithstanding their location to the rear and side of Elmhurst, it is considered that the overall mass of the proposed extensions is unacceptable. On the approach to Elmhurst the upper part of the roof to No.12A Ainslie Close is visible beyond the northern boundary. It is reasonable to assume, therefore, that a portion of the new build will be visible from the main approach and from public vantage points on Venns Lane. Officers accept that this revised proposal has made significant efforts to reduce the prominence of the new extensions relative to the principal façade of Elmhurst. Officers are also of the opinion that taking a deliberately modern approach to the architecture is appropriate and would serve to best highlight the retained element of Elmhurst as the principal focus. It remains the case, however, that each wing is comparable in size or larger in terms of footprint than the retained villa and it is considered that the extension(s) would dominate the listed building to such an extent that any residual sense of a villa set in its own grounds will be lost as a result of the scale of the extensions.
- 6.11 As such, officers conclude that the scale and massing of the extensions relative to the host building would serve to cause harm to the setting of the building and its character and appearance. By extension, the diminution of the site as a heritage asset would adversely affect the quality, character and appearance of the Aylestone Hill conservation area in a manner contrary to Policy HBA6 of the UDP.
- 6.12 For these reasons the proposal is considered contrary to Policies HBA1, HBA4, HBA6 and DR1 of the Herefordshire Unitary Development Plan in that the listed building would be subsumed and no longer dominant, the setting would be harmed, and the scheme would compromise rather than promote or reinforce the distinctive local character of the area.

The impact of the proposal upon the levels of residential amenity enjoyed by occupants of adjoining residential property.

- 6.13 The adverse impact upon the living conditions of occupiers of neighbouring dwellings was one of the reasons for refusal of the previous scheme. Specifically the design and proximity of the northern wing to the private garden associated with No.12A Ainslie Close was considered likely to result in an unacceptable overbearing impact and overlooking, whereas the proximity of the east wing to the leylandii hedge that currently provides screening was considered prejudicial to the long-term survival of the hedge. These impacts were considered contrary to Policy CF7 – Residential Nursing & Care Homes.
- 6.14 In response, the revised scheme has adopted a revised approach to the northern wing, repositioning it just over a metre further from the three metre tall boundary wall. Whereas the building was originally a traditional two-storey structure with very shallow mono-pitch roof, the design has been altered in section so that the wing will now present a long, titanium zinc covered roof slope to No.12A, without any first floor windows and a reduced eaves height. To eliminate overlooking from habitable rooms in this ‘wing’ the bedrooms are located to overlook the inner courtyard. In order to allow light into the first-floor corridor, provision is made for high-level clerestory glazing. The highest point of the north wing is now 1.2m taller than the refused scheme, but this high point is 4 metres further from the common boundary. Officers have visited No.12A, 14, 18 and 20 Ainslie Close and have stood in the private gardens associated with these dwellings. It is noticeable from No.12A (which has a south-facing aspect) that the leylandii hedge extends across only part of the southern boundary with the

effect that there is a comparatively open aspect towards the stable block (SW) above the 3 metre brick boundary wall. The roof of the stable block is clearly visible. The redesigned north wing would continue to fill this aspect, but rather than present a full two-storey height building, the revision to the design means a reduced eaves height in a position a metre further from the common boundary. Although the orientation is such that the extension would be to the south of the rear garden of No.12A, and thus have the most impact in terms of overshadowing, officers consider that on balance the revisions to the design overcome the previously stated concerns with this specific relationship.

- 6.15 Revisions have also been made to the position of the proposed replacement east-wing. Along this boundary the leylandii hedgerow is, at present, a largely effective visual barrier, separating gardens from the application site and preventing inter-visibility from ground level. However, there are incidents of failure. Several specimens have become diseased or wind-blown opening up views into the site. The current proposals include measures to protect the hedgerow from damage during construction (this was not the case previously) and it would be reasonable to impose a condition requiring construction details within the root protection area of the hedge.
- 6.16 Whilst still projecting closer to property in Ainslie Close than existing at the north-eastern end, it is coincidental with the existing footprint elsewhere and some 750mm lower than the existing in terms of its height. In order to address overlooking concerns, all bar one of the bedroom windows are designed as projecting bay windows, which through the use of translucent glazing are designed to allow light penetration but prevent an outlook towards the neighbouring properties. In assessing the relationship between the proposed east wing and property in Ainslie Close, officers are conscious of the existing lawful use of the building and the position, size, orientation and number of windows within the existing east extension, which also has an external fire escape attached to the north-facing gable, alongside a first floor personnel door and window, whilst the number of first floor bedroom windows remains constant. Given the measures to prevent an outlook from the bedroom windows towards the neighbours, the intended protection of the leylandii hedge during construction, and the omission of the external fire escape stairs and first floor windows in the north-facing elevation, officers conclude that the proposed replacement east wing would have a neutral and potentially beneficial impact on the living conditions of those nearest neighbours.
- 6.17 The proposed west wing is a further two-storey building aligned broadly north/south. This wing incorporates the north-facing gable wall of the stable block, which forms the common boundary with the curtilage to No.14 Venns Lane. Along this boundary, but within the grounds of No.14, there is a mature stand of coniferous trees. Bedroom windows on the west-facing elevation are again in the form of projecting bays. The curtilage of No.12A Venns Lane, a bungalow, is to the west at a distance of 13 metres. It is the north-west corner of this wing that is in comparatively close proximity to the boundary with No.14 Venns Lane. At its nearest the new element (as opposed to the retained gable wall of the stable) would be 2.5m from the boundary. In this position the extension is 20 metres from the rear of No.14 itself and screened by the mature evergreen planting, the root systems of which are likely to extend into the garden of No.14 as opposed to into the application site. There are no windows proposed to the north-facing elevation of the west-wing at either ground or first floor. Officers are conscious of the increased scale and massing of the proposed buildings relative to the two neighbours adjoining the north-west and western boundaries, but consider the impact of the development not so severe as to warrant refusal.
- 6.18 Neighbours have raised concerns with the impact of the more intensive use of the site for EMI care in terms of noise from distressed patients on a 24-hour-a-day basis. The Environmental Health Manager has not objected, but recommends a condition to limit the hours of construction. The residential care-home use itself is not inherently noisy in the same way that some industrial processes are, and officers are mindful of the lawful use of the site. It is concluded that the use is not incompatible with the established residential character of the area.

- 6.19 Concern has also been raised with the proposed location of the refuse store, which is shown in a position immediately south of the east-wing, in close proximity to the boundary hedge with residential property on the opposite side. Officers consider that the refuse store is not well placed and would recommend the imposition of a condition to require agreement of an alternative position further from neighbours.
- 6.20 Overall, officers conclude that whilst the proposed extensions are clearly significant in their scale and at points closely related to the boundaries with adjoining residential property, the amended proposals have addressed the specific concerns expressed previously in respect of the overlooking of the private garden space to No.12A Ainslie Close and the retention of the evergreen hedgerow along the eastern boundary. Insofar as the impact upon level of adjoining amenity is concerned, the proposals are considered to comply with the requirements of Policy DR2(4), Policy CF7 and the National Planning Policy Framework

The need for additional EMI bed space provision within the catchment area

- 6.21 Officers are of the opinion that the issue of need for additional EMI bed space can be considered a material consideration to which weight can be attached. The age demographic in Hereford suggests an ageing population and that according to national statistics a significant proportion of over-85s will require an element of care (16%). As dementia is more prevalent in over-85s, it is reasonable to assume that the number of people in need of specific residential care will also increase.
- 6.22 In support of the application a needs assessment report has been commissioned into the long-term care for the elderly. The report highlights the likely increased demand for residential care for dementia sufferers. It is estimated that 750,000 people in the United Kingdom suffer from a form of dementia. Of this, 730,000 are aged over 65, which is 7.5% of all over 65 year olds in the UK. If this 7.5% figure is applied to population forecasts within the Catchment Area of the application site (i.e. within a 5-mile radius), it is suggested that the number of people suffering from dementia will increase from 1,123 in 2009 to 1,822 in 2029.
- 6.23 The report also refers to inadequacies with the quality of nursing home provision within the administrative area (Herefordshire). The report concludes that of 1,639 bed spaces across all nursing homes in Herefordshire, fractionally over half were single rooms with en-suite facilities (2009). It is estimated that 407 extra bedrooms would be required to meet the existing shortfall and that due to the cost of converting existing rooms within existing homes (which are almost exclusively buildings converted from other uses), this need is unlikely to be met in the short-term.
- 6.24 The Joint Commissioning Plan 'Living Well with Dementia in Herefordshire' (NHS Herefordshire and Herefordshire Council 2010) recognises that there is an ageing population in Herefordshire. It predicts that the number of people living with dementia in Herefordshire will increase by 92% by 2030 to 5,572.
- 6.25 The Plan, written in response to the National Dementia Strategy 2009, envisages a future increase in the provision of community based care. Whilst recognising the need for high quality residential care where appropriate, the report identifies an over reliance on residential and nursing home care within Herefordshire. Comments received from the Integrated Commissioning Directorate confirm that in the face of a review of commissioning, the immediate requirement for EMI bed-space is already met.
- 6.26 Although need is a material consideration, officers consider that the duty to protect the listed building and preserve or enhance the character or appearance of the conservation area must be afforded significant weight. Given the Council's strategy for dementia care, which envisages increased community support strategies and domiciliary care the need for the development cannot be afforded such weight and does not override concerns regarding the loss of historic fabric and associated impact upon the setting of the listed building and the character of the Aylestone Hill Conservation Area.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

Conclusions

- 6.27 The principle of development is acceptable. The lawful use of the building is as a C2 nursing home and the proposal falls within the same use class. The site is sustainable and the number of car parking spaces would be appropriate to the use. The weight that should be attached to the issue of need does not out weight the identified harm to the listed building.
- 6.28 Officers disagree with the application documents regarding the significance of the elements of the heritage asset to be demolished and the appropriateness of the extensions relative to the listed building. Whilst noting the considerable efforts that have been made by the applicant to reconcile these differences, officers maintain the view that the current proposal represents over-development relative to the listed building to such an extent that the extension could not be regarded as subservient to the listed building. This is contrary to saved Policy HBA1 of the Unitary Development Plan. The scale of the extension is also out of keeping with the existing villa, whereas the associated loss of the stables is unacceptable and contrary to saved Policies HBA2, HBA4, HBA6, HBA7, HBA8 and DR1 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission and listed building consent be refused for the following reasons:

- 1. The proposed demolition of the stable block and extensions to the rear of the listed building is considered unacceptable. The stable block in particular is an extremely rare example of its type in the locality and is an integral part of the listed building's setting. The local planning authority considers that the rarity value, contribution to the setting of the listed building and the wider character of the conservation area presents a compelling case for the building's retention as a significant heritage asset. The loss of this significant historic fabric is considered contrary to guidance contained in the National Planning Policy Framework and saved policies HBA1, HBA2, HBA4, HBA6, HBA8 and DR1 of the Herefordshire Unitary Development Plan.**
- 2. The proposed extensions are not considered subservient in scale or design and do not relate well to the existing building. The scale and massing of the extensions would have a significant detrimental impact on the character, appearance and setting of the listed building and would fail to preserve or enhance the character or appearance of the conservation area. The application is therefore considered contrary to guidance contained in the National Planning Policy Framework and policies HBA1, HBA4, HBA6 and DR1 of the Herefordshire Unitary Development Plan.**

That conservation area consent be refused for the following reason:

- 1. The proposed demolition of the stable block and extensions to the rear of the listed building is considered unacceptable. The stable block in particular is an extremely rare example of its type in the locality and is an integral part of the listed building's setting. The local planning authority considers that the rarity value, contribution to the setting of the listed building and the wider character of the conservation area presents a compelling case for the building's retention as a significant heritage asset. The loss of this significant historic fabric is considered contrary to guidance contained in the National Planning Policy Framework and saved policies HBA1, HBA2, HBA4, HBA6, HBA8 and DR1 of the Herefordshire Unitary Development Plan.**

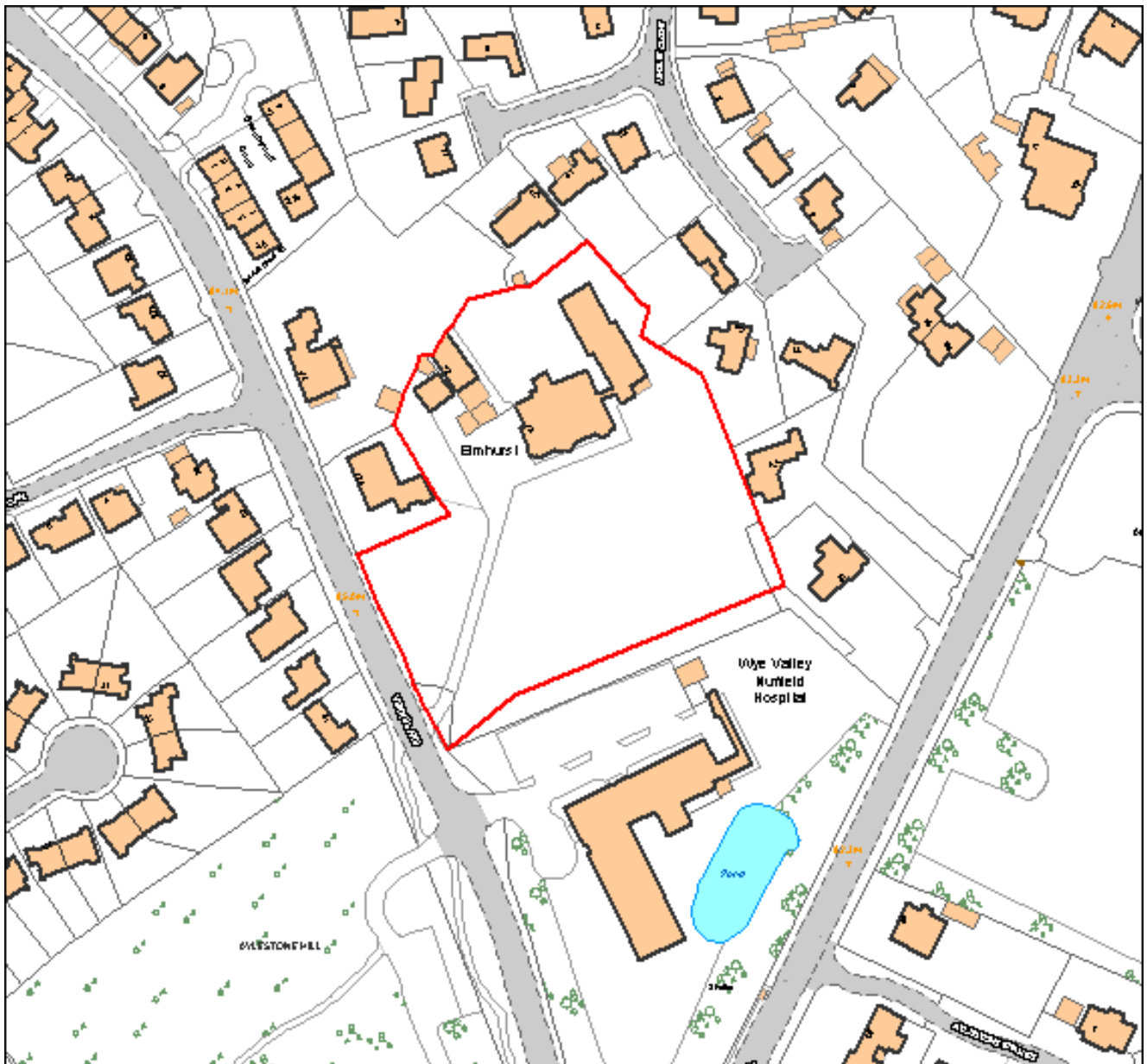
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479



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APPLICATION NO: S/121065/F

SITE ADDRESS : ELMHURST, VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE

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Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479



MEETING:	PLANNING COMMITTEE
DATE:	29 AUGUST 2012
TITLE OF REPORT:	S121244/F - PROPOSED NEW DWELLING AT LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD For: Mr & Mrs Berry per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Herefordshire, HR1 1LH
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121244&NoSearch=True

Date Received: 24 April 2012

Ward: Three Elms

Grid Ref: 347345,241435

Expiry Date: 11 July 2012

Local Members: Councillors PA Andrews, EMK Chave and C Nicholls

1. Site Description and Proposal

- 1.1 The application site is currently comprised of a detached timber framed cottage, which has historically been subjected to several extensions and alterations. The cottage is set within a substantial curtilage situated on the northern side of the A438 close to its junction with the A480, and forms part of a sporadic linear pattern of residential development which characterises the wider locality. To the east lies a public right of way and agricultural land with a frontage of approx. 180m before the next dwelling.
- 1.2 The application site has planning permission for the replacement of this dwelling on the western side of the site. The proposed replacement dwelling takes the form of a two storey traditionally design bed dwelling fronting the highway (DMS111645/F). This has not yet been implemented.
- 1.3 This application seeks permission to erect a further dwelling (in addition to the replacement) to the eastern part of the garden. This would be a dwelling that mirrors that approved by application DMS111645/F and would be a four bed dwelling with attached garage. The dwelling would quite traditional in appearance being one and a half storey with dormer style windows and a front gable and would be constructed from a red brick, with slate roof. The plot size would be approximately 1,250 sq. m in size.
- 1.4 Access to this site would be via a new access onto the A480 and would provide a turning area with the site. The existing access would be retained for the 'replacement dwelling'.

2. Policies

2.1 National Policy

National Planning Policy Framework

2.2 Planning Policy

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

S1	-	Sustainable Development
S2	-	Development Requirements
S3		Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H15	-	Density
T11	-	Parking Provision
CF2	-	Foul Drainage

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 CW2002/2055/O Proposed site for four bedroomed house with detached double garage. Refused 10th September, 2002.
- CW2002/3644/O Proposed site for four bedroomed house with detached double garage. Refused 24th January, 2003.
- CW2007/2037/F Proposed site for cottage style house with double garage. Refused 22nd August, 2007. Appeal dismissed 12th June 2008.
- CW2009/0119/F Replacement dwelling and garage building with some minor landscaping, including alteration to existing entrance to improve site access. – Approved 29th April 2010.
- 101411 Replacement dwelling and garage building – Approved 2/8/2011
- 111645 Replacement Dwelling and garage – Approved 1st Sept 2011
- 112879 Proposed new dwelling - Refused 8/12/2011 for the following reason:

The application site lies outside of any defined settlement boundary or smaller settlement and is therefore considered to be in open countryside. The proposed development does not accord with any of the limited exception criteria, which allow for residential development within open countryside. Therefore the proposal is contrary to Policy H7 of the Herefordshire Unitary Development Plan and advice contained within Planning Policy Statement 7 - Sustainable Development in Rural Areas and PPS3 - Housing.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommends that conditions and advisory notes are included if minded to grant Planning Consent.

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

Internal Council Advice

- 4.2 Traffic Manager: No objections subject to conditions
- 4.3 Public Rights of Way Manager advises that the development will not affect the Public Right of Way

5. Representations

- 5.1 Hereford City Council recommends that this application should be refused as it is outside the settlement boundary.
- 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

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

Principle of Development

- 6.1 The application site lies outside the urban settlement boundary and as such may be considered as open countryside having regard to the requirements of policy H7 of the Unitary Development Plan. New residential development in areas outside of defined settlement boundaries must comply with one of the criteria set out in Policy H7 of the Herefordshire Unitary Development Plan. The proposed dwelling does not fall within any specified exception criteria.
- 6.2 Another consideration is whether the site falls within what could be considered as the smaller settlement of Swainshill and it is your officers opinion that the site could not be considered as part of the smaller settlement as historically it has always been part of Hereford City parish rather than Breinton or Credenhill. Historically Swainshill was also the area around Sugwas Pool and dwellings further to the west beyond Kings Acre Halt.

Other Material Considerations

- 6.3 The extent to which the UDP is up-to-date and relevant needs to be considered. Both the Annual Monitoring Report (June 2012) and Strategic Housing Land Review (March 2012) allude to the fact that Herefordshire Council does not have a 5 year supply of deliverable housing sites. This means that the Council's policies on the supply of housing are in conflict with the National Planning Policy Framework (NPPF), which is a material consideration in the determination of applications - Paragraph 49 of the NPPF is clear that housing supply policies will be usurped by the framework where they are in conflict with national policy.
- 6.4 Where the relevant UDP housing supply policies are out-of-date permission should be granted in accordance with the presumption in favour of sustainable development, unless any adverse impact of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in the NPPF taken as a whole, or if specific policies in the framework indicate that development should be restricted.
- 6.5 The site lies on the A438, in an area that is closely related to the city, on a main bus route and with good walking and cycling facilities. Officers consider that this site is one that is

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

sustainable in its location and can be supported in principle where there are no other conflicts with policies contained within the Unitary Development Plan or NPPF.

- 6.6 The Council previously refused an identical planning application on this site on the principle of development only, and given the above stance this matter has now been overcome and the principle of development is considered to be acceptable.

Design and Character of the Area

- 6.7 The proposed development is of a design and scale that would sit comfortably within the locality without detriment to the character of the area. Its design would not adversely impact upon the amenities of the neighbouring property, in either its current form or proposed form. There will be some overlooking between the proposed dwellings, but this is not unusual and would not warrant, in this case, a reason for refusal. As such the proposal would comply with the requirements of policy H13 of the UDP.

Landscape

- 6.8 Landscaping will utilise existing boundaries and trees, and a condition is recommended to ensure that the planting and landscaping shown on the submitted plans is retained and protected during construction and for a minimum period of 5 years to ensure compliance with policies H13 and LA2 of the UDP.

Highways and Parking

- 6.9 The proposal includes a new access to the east of the site. The highways officer has raised no objection subject to the provision of the parking and turning area shown on the approved plans. The proposal complies with policy DR3 of the UDP.

Section 106

- 6.10 The development would have been subject to a planning obligation as per the Council's Supplementary Planning Document on Planning Obligations. However, in response to the current economic climate, the Council has introduced a temporary suspension of the payment of planning obligations provided that the development is commenced within 12 months. This decision was ratified by Cabinet on 4 March 2009. The applicant has requested a 12 months commencement date to be attached to any approval notice as part of the planning application and as such this proposal would comply with the requirements of policy DR5 of the UDP.

Habitat Regulation Assessment and Water Quality

- 6.13 The Council has recently identified an issue regarding phosphate levels in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on it. This is different from the normal planning position of balancing competing issues or demands and assessing cases whereby impacts can be traded off against each other. The Regulations effectively superimpose on the normal process a structured, precautionary process which must be followed in order that a lawful decision can be reached. Because the cumulative 'in combination' effects of individual small scale schemes need to be assessed as part of that process, the Council must be convinced that the scheme in question will not adversely affect the integrity of the watercourse. If it cannot satisfy itself on that point, the scheme cannot proceed.
- 6.14 A formal screening is currently being undertaken and a consultation with Natural England will be required. As this must be done before a planning permission is issued, this application is

recommended for approval, subject to the completion of the formal screening and subsequent consultation with Natural England confirming no likely significant effects on the River Wye SAC. This would then ensure compliance with the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan.

Conclusions

- 6.15 The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of development. The sites development clearly accords with policies in relation to design, character of the area, landscape impact and highway safety, namely policies DR1, DR2, DR3, LA2 and H13 of the UDP. In conclusion, whilst the prospective application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to support this application and it is recommended for approval subject to conditions.

RECOMMENDATION

That subject to the completion of a formal HRA screening and consultation with Natural England that officers be delegated to grant planning permission subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. I51 Details of slab levels**
- 3. B01 Development in accordance with the approved plans**
- 4. C01 Samples of external materials**
- 5. F08 No conversion of garage to habitable accommodation**
- 6. G02 Retention of trees and hedgerows**
- 7. H05 Access gates**
- 8. H13 Access, turning area and parking**
- 9. H27 Parking for site operatives**
- 10. I16 Restriction of hours during construction**
- 11. L01 Foul/surface water drainage**
- 12. L02 No surface water to connect to public system**

Reason for Approval

- 1. The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of development. The sites development clearly accords with policies in relation to design, character of the area, landscape impact and highway safety, namely policies DR1, DR2, DR3, LA2 and H13 of the UDP. In conclusion, whilst the prospective**

application would be contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to approve this application.

Informative:

1. **HN05 Works within the highway**

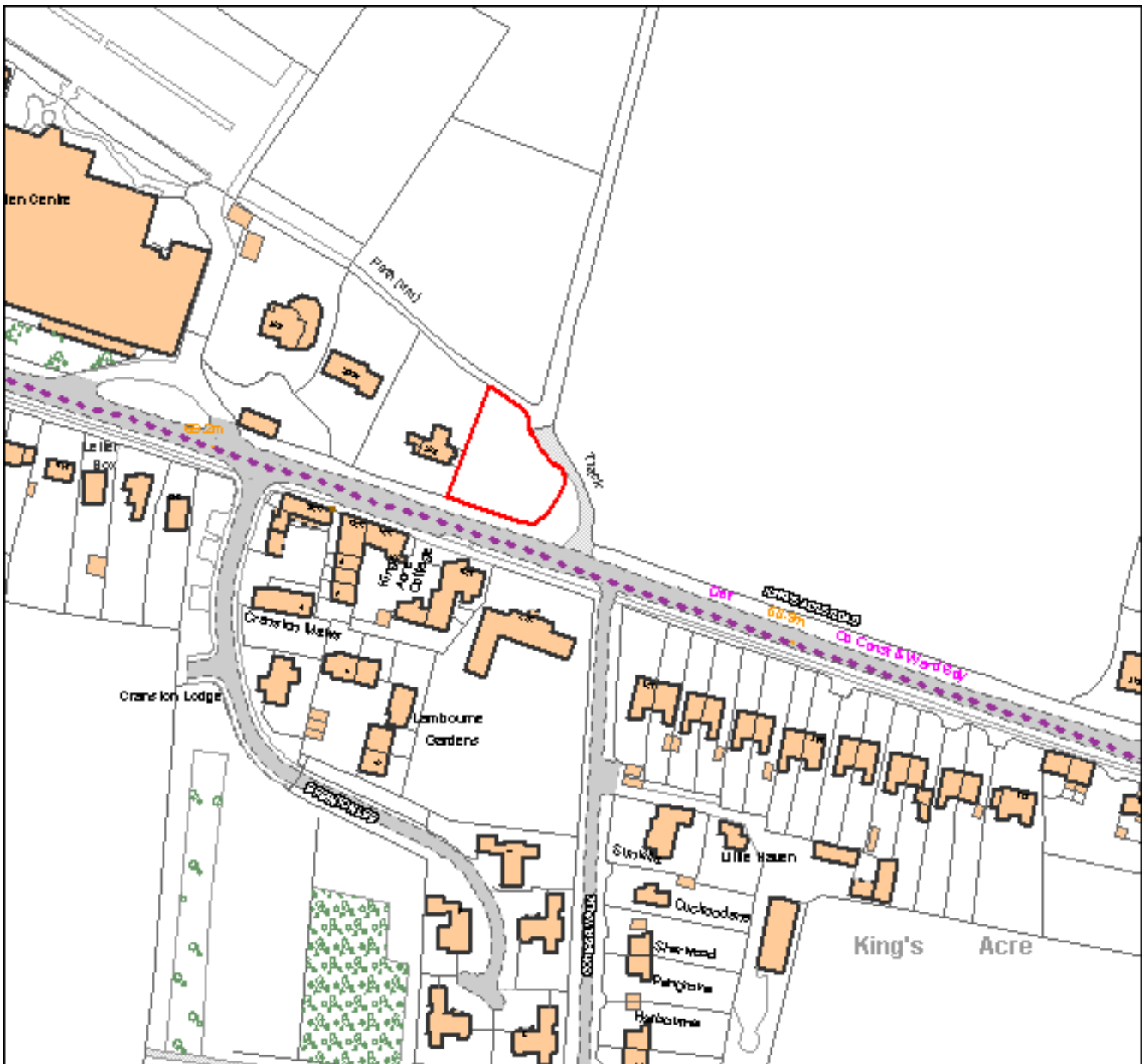
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/121244/F

SITE ADDRESS : LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD

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



MEETING:	PLANNING COMMITTEE
DATE:	29 AUGUST 2012
TITLE OF REPORT:	<p>N121172/FH - PROPOSED FIRST FLOOR EXTENSION TO EXISTING BUNGALOW TO PROVIDE TWO STOREY ELEMENT INCORPORATING DORMER WINDOWS AND ONE AND A HALF STOREY WINGS AT 1 BALLARD CLOSE, COLWALL, HEREFORDSHIRE, WR13 6RD</p> <p>For: Ms O'Connell per Mr Derrick Whittaker, 1 Farjeon Way, New Mills, Ledbury, Herefordshire HR6 2FU</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121172&NoSearch=True

Date Received: 20 April 2012

Ward: Hope End

Grid Ref: 375572,242698

Expiry Date: 15 June 2012

Local Members: Councillors AW Johnson and C Attwood

1. Site Description and Proposal

- 1.1 This site is located in a modern residential housing estate within the village boundary of Colwall. The site itself is a bungalow within a small residential cul-de-sac. There are existing dwellings on either side of the site and to the front and rear. The other dwellings in the cul-de-sac are two storey dwellings. The bungalow itself has red facing brick on the external walls with concrete tiles on the roof.
- 1.2 The proposal is to extend the existing bungalow upwards to form a two storey dwelling. The existing footprint will stay the same except for the existing conservatory on the south east corner being replaced with a single storey extension of a similar size. The roof line will rise by 2.5 metres i.e. from 4.5 metres to 7 metres above ground level. The front and rear gables will be 7.8 metres above ground level. The new external walling will be finished in cream coloured render with facing brick on the north elevation to match the existing. The roof covering will be Redland Cambrian slate interlocking roof tiles. In addition the existing tarmac driveway will be widened to a new width of 8 metres. The scheme as originally submitted had a first floor balcony on the rear but this has now been omitted from the scheme.

2. Policies

2.1 National Planning Policy Framework

2.2 Herefordshire Unitary Development Plan:-

- S2 - Development Requirements
- DR1 - Design
- DR3 - Movement
- H4 - Main Villages: Settlement Boundaries

Further information on the subject of this report is available from Mr N Banning on 01432 383093

- H13 - Sustainable Residential Design
- H18 - Alterations & Extensions
- LA1 - Areas of Outstanding Natural Beauty
- T11 - Parking Provisions

2.3 Colwall Village Design Statement

Malvern Hills Area of Outstanding Natural Beauty Management Plan 2009 - 2014.

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

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

3. Planning History

3.1 N120278/CE – Pre application advice to extend an existing brick built bungalow by adding a first floor. Advice letter dated 17 February 2012

4. Consultation Summary

Statutory Consultations

4.1 None Required

Internal Consultations

4.2 The Transport Manager recommends that a condition be imposed requiring the enlarged parking facilities to be properly consolidated, surfaced and drained.

4.3 The Conservation Manager comments that the established trees within Ballard Close are important to the character of the area but will not be significantly impacted. The proposed extension to the property will restrict some views towards the Malvern Hills and significantly alter the appearance of Ballard Close.

5. Representations

5.1 The applicant's agent states that the ridge line of the two storey element will be no higher than the existing neighbouring dwellings whilst the ridge line of the wings will be lower to reduce the overall impact of the extension. The bungalow is bounded by full two storey dwellings suggesting that a 1½ - 2 storey dwelling would be appropriate on this plot. The design incorporates features found within surrounding development. Slate tiles are found in a number of historic buildings in the surrounding area. Render is an appropriate material as it is found on a number of historic buildings in the area and offers a genuine contrast to the brown tile hanging and facing brickwork in some of the more recent buildings. Proposal does not extend the dwelling towards the plot boundaries and therefore maintains relationship with surrounding properties and overlooking is not an issue. Any reduction in neighbour sunlight will be insignificant. There is an eclectic mix of properties and styles in the housing estate. The proposed external materials are fully consistent with the evolutionary nature of the area and the village.

5.2 The Parish Council states:-

The Council objects to this application and adds the following comments.

“The proposed extension appears to breach UDP Policy H18 and DR1 whereby the proposal would dominate the original building.

It is not in keeping with the character of the existing dwelling and its surroundings in terms of scale, mass, siting, detailed design and materials (there are no slate roofs or rendering on other properties on this estate).

It would adversely impact on the privacy and amenity of occupiers of neighbouring residential property (by both the additional of windows and a balcony).

There are concerns over potential loss of light to the neighbouring properties.

In addition to the points raised above, it would fundamentally alter the street scene in an area which is designated an Area of Outstanding Natural Beauty.”

5.3 There have been 8 letters of objection received from:-

Mr L & Mrs C Baker, 2 Ballard Close, Colwall, Hfds, WR13 6RD

Ms L Cyprien & Mr N Crisp, 3 Ballard Close, Colwall, Hfds, WR13 6RD

Mr M & Mrs J Allen, 4 Ballard Close, Colwall, Hfds, WR13 6RD

Mr & Mrs Beever, 6 Ballard Close, Colwall, Hfds, WR13 6RD

Mr DG Rees, 6 Oak Drive, Colwall, Hfds, WR13 6RA

Mr A Smith, 10 Oak Drive, Colwall, Hfds, WR13 6RA

Mr EM Foster, MRTPI, IHBC, The Old Cruck, 62 Didbrook, Cheltenham, Glos, GL54 5PF

The main points being:-

- The design of the resultant dwelling will be out of keeping with the surrounding area. No dormer windows in area
- External materials out of keeping with surrounding area
- Oak Drive and other roads on estate are laid out to have a balance of house types. The application site is the only bungalow in Ballard Close
- If approved the proposal will adversely affect character of estate and set a precedent in area
- Currently a good space between properties
- Proposal does not reach a high standard of design and layout
- Breach of the historic approach to design in the area
- The proposal is contrary to Policy H18 of the Herefordshire Unitary Development Plan. Out of keeping with character of area and original dwelling would not remain the dominant feature of extended dwelling
- Contrary to the Malvern Hills Area of Outstanding Natural Beauty Management Plan 2009 – 2014
- Contrary to the Colwall Village Design Statement, scale, mass and external materials particular concerns
- The proposal will overlook neighbours gardens and windows resulting in loss of privacy and residential amenities
- Loss of light to neighbour windows which will affect residential amenities
- Loss of views of Malvern Hill
- The proposed conversion of the garage to living accommodation will reduce parking, this will affect highway safety due to narrowness of road

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

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

Further information on the subject of this report is available from Mr N Banning on 01432 383093

6.1 The main issues relate to:-

- (i) The size, design and appearance of the proposal
- (ii) How the proposal relates to planning policy and guidance
- (iii) Affect on the residential amenities of the occupants of neighbouring dwellings
- (iv) Highway matters

The most relevant policies in the Herefordshire Unitary Development Plan are S2, DR1, H4, H13, H18 LA1 and T11.

6.2 The proposed development will look acceptable and not be out of keeping with the general character of the area. This large modern housing estate has a large mix of house types e.g. bungalows, two storey dwellings and also dwellings with first floor accommodation in the roof space. There are two dwellings to the rear of the application site in Oak Drive which have the first floor accommodation in the roof space. Although the application site is the only bungalow in this small cul-de-sac, there is a bungalow at the entrance to Ballard Close which faces out onto Oak Drive. The proposed extended dwelling will still constitute a mixture of house types when compared to the other dwelling in the road. The design of the extended dwelling is considered to be acceptable and an improvement to the basic and more bland design of the existing bungalow. In addition the proposed extended dwelling will have a lower ridge height than the immediately adjacent dwelling to the south and as such will not overdominate the street scene. The proposed external materials are also considered to be acceptable in this urban location and provide an acceptable contrast to other materials in the road. Consequently it is considered that the proposed development will in particular be in accordance with Policies S2, DR1 and H13 of the Herefordshire Unitary Development Plan.

6.3 One of the most relevant policies in the Herefordshire Unitary Development Plan is Policy H18 'Alterations and Extensions'. One of the main criteria is that the original dwellinghouse remains the dominant feature of the resultant extended dwelling. In this case the proposed alterations, in particular the raising of the roof, will significantly alter the character and appearance of the existing dwelling to the extent that the original dwellinghouse cannot be considered as still being the dominant feature of the resultant extended dwelling. As such for this reason the proposal will be contrary to Policy H18. However the proposal will be in accordance with the other criteria contained in the policy.

6.4 However the dwelling is within a large modern housing estate in an urban location within the designated village boundary for Colwall. Planning Policy H4 'Main Villages: Settlement Boundaries' in the Herefordshire Unitary Development Plan allows in principle the erection of new residential development within the main villages. Colwall is designated as a main village. Consequently the policy would allow the demolition of the existing bungalow and replacing it with a new two storey dwellinghouse. The size and design of the new dwelling and its affect on the residential amenities of the neighbours etc would obviously need to be acceptable. So although the current proposal is technically contrary to Policy H18 which relates to extensions to dwellings, the erection of a new replacement dwelling would in principle be acceptable under Policy H4 which relates to the erection of new dwellings within village boundaries. So if the current proposal is refused under Policy H18, the applicant could submit a fresh application for a dwelling of exactly the same size and design as currently proposed and in principle be in accordance with Policy H4. Therefore there would be no justification for refusing the proposal under Policy H18 if the proposal in general terms is considered to be acceptable. The erection of a two storey dwelling in this location in accordance with the size and design of the currently proposed plans would be acceptable under Policy H4.

6.5 The objectors have stated that the proposed development would be contrary to the criteria set out in the Colwall Village Design Statement and the Malvern Hills Area of Outstanding Natural Beauty Management Plan 2009 – 2014. However it is considered that the proposed development is acceptable and does not conflict with the criteria set out in these documents.

- 6.6 The proposed development will retain the existing integral double garage and also extend the existing parking space on the front driveway which will result in ample parking provision to serve the extended dwelling without the need for parking on the highway. The Council's Transport Manager does not object to the proposal.
- 6.7 In conclusion it is considered that the proposed development is acceptable and is generally in accordance with Planning Policies. Although not entirely in accordance with Policy H18 the proposal is still considered to be acceptable. The proposal is also considered to be in accordance with Government advice contained in the National Planning Policy Framework (March 2012). The proposed roof tiles are considered to be acceptable. However a condition requiring details of the intended colour will need to be imposed on any planning permission granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **F15 No windows in side elevation of extension**
5. **H13 Access, turning area and parking**
6. **I16 Restriction of hours during construction**

Reason for Approval

1. **The proposed development is acceptable and inkeeping with the character and appearance of the area and will not adversely affect the residential amenities of the occupants of the adjacent/nearby dwelling houses. As such the proposal is considered to be in accordance with Policies S2, DR1, LA1, H4, H13 and part of H18 of the Herefordshire Unitary Development Plan and Government advice contained in the Planning Policy Framework (March 2012).**

INFORMATIVES:

1. **N03 Adjoining property rights**
2. **N14 Party Wall Act 1996**
3. **HN28 Highways Design Guide and Specification**
4. **HN05 Works within the highway**

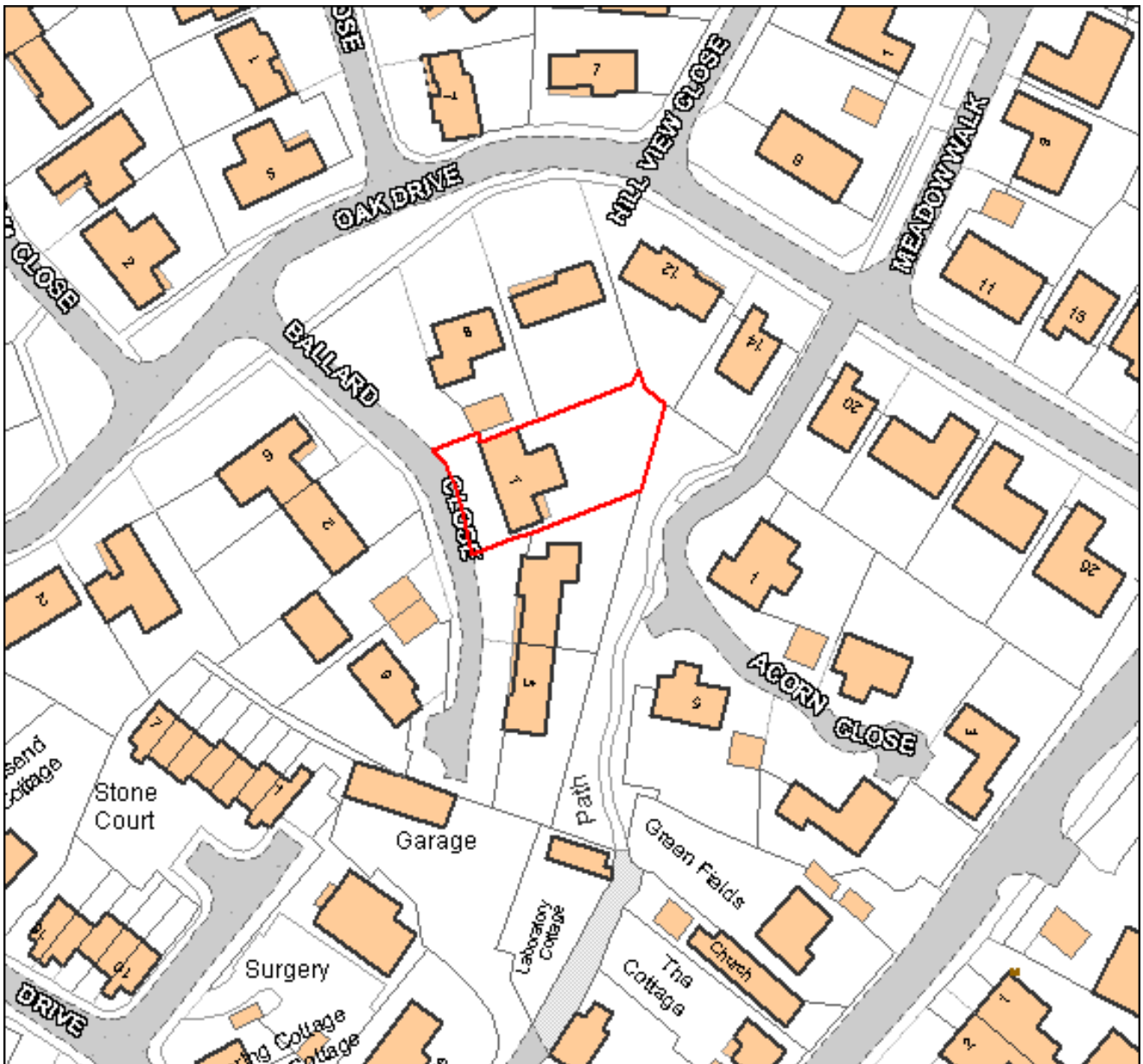
Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr N Banning on 01432 383093



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APPLICATION NO: N/121172/FH

SITE ADDRESS : 1 BALLARD CLOSE, COLWALL, HEREFORDSHIRE, WR13 6RD

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