

# AGENDA

## Planning Committee

Date: **Wednesday 19 September 2012**

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Time: **10.00 am**

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

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

For any further information please contact:

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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.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 29 September 2012.	1 - 12
5.	<b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6.	<b>APPEALS</b> To be noted.	13 - 14
7.	<b>N121318/F - THE BARRACKS, CHURCH LANE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JG</b> Conversion of rural building to one dwelling and construction of new vehicular access.	15 - 20
8.	<b>S121611/F - MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ</b> Change of use from agricultural to B2 general industrial – reuse of existing building with extension to form workshop for kit car assembly.	21 - 32
9.	<b>N121446/CD - LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE</b> Proposed demolition of existing Infant and Junior Schools and construction of a new primary school.	33 - 48
10.	<b>N121131/FH - THE COTTAGE, WOODEND, LEDBURY, HEREFORDSHIRE HR8 2RS</b> Alterations and extension to existing dwelling.	49 - 58
11.	<b>DATE OF NEXT MEETING</b> Date of next site inspection: 16 October 2012 Date of next meeting: 17 October 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 29 August 2012 at 10.00 am**

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

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, JG Lester, MD Lloyd-Hayes, RI Matthews, FM Norman, GR Swinford and PJ Watts

**In attendance:** Councillors NP Nenadich, SJ Robertson and DB Wilcox

**45. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors KS Guthrie, RC Hunt, Brig. P Jones CBE and G Lucas.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JA Hyde attended the meeting as a substitute member for Councillor G Lucas.

**47. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**48. MINUTES**

The Committee noted that a written statement had been read out on behalf of Councillor A Seldon in respect of the application at Pencombe Hall rest home (minute number 39) and requested that the minutes be amended to include a reference to this.

**RESOLVED:** That subject to the amendment detailed above, the Minutes of the meeting held on 8 August 2012 be approved as a correct record and signed by the Chairman.

**49. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised the Committee that the Planning Committee would be the last meeting attended by Jane Cotton, the Locum lawyer (Planning and Regulatory). He placed on record the Committee's appreciation for her input and guidance and wished her good luck in the future.

**50. APPEALS**

The Planning Committee noted the report.

**51. S112612/F - LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ**

The Principal Planning Officer gave a presentation on the application. He advised Members that since the updates had been produced further information and clarification regarding drainage serving the development had been obtained. He advised Members that in order to

connect to the adopted network waste would have to pass through a short section of unadopted pipe. He therefore requested that an additional pre-commencement condition be added to the recommendation requiring the development to be served by an adopted network or a network that was subject to an adoption agreement with Welsh Water to address this. He noted the local communities concerns in respect of offsite drainage issues but advised that these concerns were not relevant to the application under consideration today.

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:

- There were still ongoing concerns in respect of sewerage issues in the area with raw sewerage being leaked onto Roman Road in the last week.
- The Landscape Officer still objected to the application on the basis of landscape character.
- The area was of high landscape value due to it being one of the few remaining areas of small fields with native hedges in the proximity of the city.
- The application was therefore contrary to UDP Policy H7.
- 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. An appeal had been made to OFWAT with public disclosure of the decision due shortly.
- The site was a greenfield site, the Council, in accordance with the Cabinet decision made on 12 July 2012, should look at the availability of brownfield sites and low to medium constraint sites before granting permission on the application site.
- The Section 106 agreement did not include a contribution to either Holmer school or the Wentworth Park play area which was in need of updating.

In response to a question, the Principal Planning Officer confirmed that the unadopted section related to an area where two pipes merged into one on Roman Road between an existing manhole cover and the pumping station.

The committee opened the debate by referring to the four key reasons on which they felt the application should be refused, they felt that these still remained valid despite the information contained within the further information report.

The Committee noted the comments in the further information report in respect of Unitary Development Plan Policy H7 and were of the opinion that the application should be refused due to it being contrary to the afore mentioned policy. They also stated that there were still a number of brownfield sites throughout the county which should be prioritised for housing before any rural greenfield areas were considered.

In response, the Principal Planning Officer explained that with the exception of the adjoining site, the known available brownfield sites such as the Edgar Street Grid were already accounted for in the Council's five year housing land supply.

The second reason related to landscape issues. The Committee were still of the opinion that there would be an impact on the landscape due to the development of the historic field and the removal of hedgerows. They stated that there was a need for the Council to protect small pastoral fields throughout the county. One member also stated that there was a high landscape value to green open space surrounding large residential developments.

The Committee also discussed traffic issues in the area. It was noted that there were still concerns in respect of traffic volume on Roman Road and that out of the 300 houses approved on a neighbouring site only about a third were currently occupied. Members



felt that the additional 29 homes would have an adverse impact on the local highway network. It was further considered that the cumulative impact of the extra traffic would affect the daily commute of hundreds of people accessing the city centre from the Roman Road area.

During the debate Members continued to emphasise that the drainage issues in the area were of primary concern. It was noted that at the meeting of the Central Area Planning Committee when the 300 homes on the neighbouring site were granted, the developer agreed to install an adoptable standard new main line from the site to Hereford Hospital. Members voiced their concerns that this had not been completed. The Committee noted the concerns of the local residents in respect of the drainage issues and stated that these concerns had to be taken seriously especially in the light of forthcoming information regarding evidence of raw sewerage on the pavement of Roman Road over the previous week. One Member of the Committee was of the opinion that developers should investigate alternative drainage methods including wet systems. In summing up the Committee felt that the developer needed to ensure the drainage throughout the whole site was to an adoptable standard and subject to an adoption agreement.

One Member advised the committee that he rented the land some years ago as pastoral land. He added that at that time there were a number of restrictions in place on the land to protect it due to its significant landscape importance. He added that he was not permitted to use fertilizer or access the field at all in wet weather due to the possibility of damaging the land.

In response to a question, the Principal Planning Officer clarified the issues in respect of the adopted and unadopted drainage infrastructure on and around the site. He gave further details in respect of the unadopted section of drainage that waste would have to pass through prior to joining the adopted network. He added that this had only recently come to light and that it could be mitigated and addressed through an appropriate pre-commencement condition.

In response to a further question the Principal Planning Officer advised that the site had not previously been identified as acceptable for development during the strategic housing land availability assessment process due to landscape concerns but at that time the Council had sufficient land allocated for housing however this situation had now changed and been reinforced since the introduction of the NPPF. He also advised that the open space on the site would be transferred to the Council upon completion of the development.

The Development Manager (Northern Localities) advised Members in respect of the reasons for refusal proposed by the Committee. He advised that refusing the application due to policy H7 in isolation, in respect of homes in the open countryside, would in his opinion not be defensible at appeal due to the requirement for the council to have a 5 year housing stock as set out in the NPPF. He also advised the Committee against refusing the application on highway grounds due to no objection being received by the Traffic Manager and the statistical information contained in the report highlighting that the increase in traffic would only be 0.3%. He did however advise that the reasons in respect of drainage and the lack of connection to a public sewer and non-compliance with UDP Policy CF2 as well as landscaping would in his opinion be defensible issues at appeal.

One Member of the Committee felt that the reasons for refusal based around policy H7 should remain, bearing in mind the landscape reason for refusal and the non-compliance with Policy LA2, which outweighed the benefits of the development. Therefore the housing on this site should not be permitted pursuant to the National Planning Policy Framework. An additional reason was the lack of a completed and signed Section 106 agreement. The Development Manager (Northern Localities) advised that these could be

encompassed within the reason for refusal should the committee be minded to include them in it.

In response to a question the Principal Planning Officer advised that the application for 35 homes adjacent to the site was currently undetermined as it had only been recently received by the Council. He added that the application would come before the Planning Committee in the near future.

Councillor Robertson was given the opportunity to close the debate. She reiterated her opening remarks and added that she felt that the application should be refused.

The Locum Lawyer (Planning and Regulatory) requested confirmation from the mover and seconder of the motion to refuse the application that the reasons for refusal were the four grounds as discussed. This was agreed. She also requested confirmation as to whether the further reason for refusal raised during the debate in respect of the lack of a signed Section 106 agreement was to be added to the motion. The mover and seconder of the original motion stated that they were happy to amend the motion to include this.

## **RESOLVED**

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

- 1 Housing in the countryside**
- 2 Landscape impact**
- 3 Cumulative highway Impact**
- 4 Adequacy of the drainage infrastructure**
- 5 Failure to submit a completed and signed Section 106 agreement**

**52. S121065/F, 121066/L & 121076/C - ELMHURST, VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE**

The Development Manager (Hereford and Southern Localities) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mr Claridge, the applicant, spoke in support of his application.

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

- The application should be approved as there was a need for a dementia facility in the city.
- Patients deserved to be treated with care compassion and dignity.
- There were examples of elderly people throughout the county who had cared for loved ones whilst they were suffering with dementia, Alzheimer's or vascular dementia.
- There comes a time when people can't be looked after in their own homes and then facilities such as the one proposed are vital.
- Respite care was a significant benefit to the proposed home, this would give patients an opportunity to develop relationships with carers whilst offering the families much needed assistance.

- Half of the population of the County resided in the city, hence the need for a care home within the city at a sustainable site such as the one proposed.
- Then ability for patients to be able to walk around the home was important hence the design proposed.
- It was predicted that the number of older people with dementia would rise by 92% by 2030.
- The number of people aged 85+ in the county was estimated to double by 2026.
- Only 38% of the 565 bed spaces in a 5 mile radius of the proposed site offered single bedrooms with ensuite facilities.
- Bed blocking was still a major problem in the County.
- Although the immediate EMI bed requirement was met this would not remain the case in the coming years. The Council needed to be proactive in dealing with the situation.
- The proposed site had good rail and bus links and was therefore considered to be a sustainable development.

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

- The comments of the other local ward member were endorsed.
- The listed building status of the building related to the side and front elevations which needed protecting however the 1970's additions were of no architectural value and did not add to the character or setting of the original building.
- The building had been void for four years and was in danger of falling into a dilapidated state.
- The western elevation may be seen but this is deemed acceptable as part of the overall scheme.
- The current building was not viable; the proposed extension would make the building a viable proposition.
- The original application on the site was not acceptable, the applicant came back with a revised plan which was now deemed acceptable.
- The majority of the concerns raised by the neighbouring resident could be addressed through appropriate conditions.
- The proposal would preserve and enhance the character of the existing listed building.
- The vista when approaching the building from the front will remain unaltered.
- The application should not be viewed as a departure from policy and Members should give weight to various issues in making their determination.
- The extensions were large but were of a high class contemporary design.
- Weight had been given to the stable block however following the site inspection it could be considered that the front and side elevations of the main building should form the emphasis of the listed building value.
- Technically the two-storey 1970's extension did form part of the listed building however it did nothing to enhance the conservation area or the listed building. The extension would not have been afforded listed building status had it not been for the front and side elevations of the original house which were retained at that time.
- In relation to HBA1 the main features of the building were preserved and the new works would complement and enhance the building with the extensions being subservient, as required by HBA1.
- The proposed demolition of parts of the listed building were limited and did not involve all or substantially all of the listed building, therefore the application was not contrary to HBA2.
- The location, design and setting of the new development complemented the existing building and therefore it was in accordance with Policy HBA4.

- The application extended an authorised use whilst preserving and enhancing the character and vitality of the area and therefore it should be considered as in accordance with Policy HBA6.
- There was desperate need for adequate provision of care facilities for the County's elderly and it was considered that although the application was not ideal in all respects, it did generally comply with the Criteria of the UDP.
- Conditions to address concerns in respect of the location of the refuse store and various operational aspects could be delegated to officers if the committee saw fit to approve the application.

Members opened the debate by discussing the stable block located on the site. It was considered that there may be some benefit in relocating either the entire stable block or just the appropriate historic internal fittings. It was considered that the stable block alone did not warrant listed status but the key aspect was the relationship between the existing building and the stable block.

The Committee continued to discuss the application and were generally in support of it although they did note the concerns of the neighbouring residents in respect of overlooking, it was noted that the current proposal had significantly reduced the impact on the amenity of the neighbouring residents. Members noted the policy issues raised by the local ward member and were also of the opinion that both Unitary Development Plan Policy CF7 and paragraph 133 of the National Planning Policy Framework supported the application due to the fact that the building had been vacant for a number of years.

The design of the development was also discussed at length with members noting that the layout of the proposal enabled residents to walk around the home in a circular motion. It was noted that this was a great benefit to residents and would assist in maintaining a healthy lifestyle.

In respect of the listed building status Members were of the opinion that the 1970's extension to the original building was of no benefit and did not preserve or enhance the character of the original listed building. Members welcomed the proposed design and were of the opinion that it did enhance and preserve the listed building.

Members noted the policy issues which one the local member had addressed in his opening presentation and felt that Unitary Development Plan Policies HBA1, HBA2, HBA4 and HBA6 could all be interpreted to support the application. They also noted that there was a need for the facility within the city and that the site was sustainable in terms of public transport.

One Member of the Committee also noted the comments of the Conservation Manager who had requested a landscaping scheme if the application was approved. She also requested that a further condition be attached to any planning permission to ensure that no mature trees were removed from the site during the construction.

Some Members did however voice concerns in respect of the application with particular concern being given to the scale and mass of the proposed development as well as the need to demolish approximately 50% of the existing listed building. It was also noted that the 1970's extension would have been considered contemporary at the time of the extension and that the proposed extension could also look dated in years to come.

The Development Manager (Northern Localities) advised Members that although they had addressed the issues regarding the impact on the listed building and the loss of the stable block they had not considered the policy issues listed in the case officer's recommendation for refusing the application. He also added that if the committee were minded to approve the application they would be required to delegate the decision to

officers due to the need to refer the listed building application to the Secretary of State in relation to the part demolition of a listed building.

The Locum Lawyer (Planning and Regulatory) reiterated the comments of the Development Manager and requested that the committee look at the key policies to decide whether they were of the opinion that the application was compliant to or a departure from the policies stated.

In respect of the stable block, the Development Manager (Hereford and Southern Localities) advised that the applicant had stated that he would be happy to retain the internal fittings but could not relocate the entire block as it would not make the development viable.

Councillors Nenadich and Wilcox were given the opportunity to close the debate. They reiterated their opening remarks and raised additional points, including:

- Not all of the listed building was being removed.
- The adjoining Nuffield Hospital was considerably larger and was also within the conservation area.
- The stable was not currently open to the public and the internal fittings could be protected and relocated as part of a Section 106 agreement.

The Locum Lawyer (Planning and Regulatory) requested confirmation from the mover and the seconder of the motion in respect of the reasons for granting the three applications being considered, namely planning permission, listed building consent and conservation area consent. She also requested confirmation that they had considered the policies and were of the opinion that the proposed development was in accordance with UDP Policies HBA1, HBA2 (as it did not involve the demolition of substantially all of the listed building) HBA4, HBA6 and CF7.

It was also noted that the application was in accordance with paragraph 134 of the National Planning Policy Framework and that there was a need for the development. She also sought confirmation from the mover and seconder of the original motion that they adopted the planning reasoning in the report that supported the grant of permissions and consents and that a Section 106 Agreement would be required to secure the retention and relocation of the internal fittings and fixtures of the stable block.

She requested further clarification that the Committee were minded to delegate the wording of the conditions considered per the report as well as any conditions as to the siting of the refuse store and activities associated with the use of the laundry in consultation with the Local Ward Members and Chairman.

The mover and seconder of the motion also confirmed that they were happy to delegate the decision to approve the applications, as well as any other conditions considered necessary by Officers, to officers named in the scheme of delegation to Officers and that the wording of the conditions and decision notice also be delegated to Officers in consultation with the local ward members and the Chairman.

This confirmation was received prior to members moving to the vote.

## **RESOLVED**

**THAT officers named in the scheme of delegation to officers be authorised to grant planning permission, listed building consent, conservation area consent as well as the completion of a Section 106 Agreement to secure the retention and relocation of the internal fittings and fixtures of the stable building subject to clarification of the referral arrangement to the secretary of state.**

**53. S121244/F - LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD**

The Development Manager (Hereford and Southern Localities) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

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

- Although the application site was in land defined as open countryside it was in a popular residential area.
- The site was acceptable in terms of the National Planning Policy Framework.

Members discussed the application and noted that there were no issues of overlooking and that the bridleway formed a natural boundary which encompassed the development.

**RESOLVED**

**That subject to no objection being raised by 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**

**54. 4 N121172/FH - 1 BALLARD CLOSE, COLWALL, HEREFORDSHIRE, WR13 6RD**

The Senior 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 Ashton, representing Colwall parish Council, and Mr Allen, a neighbouring resident, spoke in objection to the application and Mr Whittaker, the applicant's agent, spoke in support.

The debate was opened by one Member of the Committee speaking in objection to the application. He had concerns in respect of the impact the development may have on the character of the area due to the change in roofline. He therefore moved that the application be refused as it was contrary to Unitary Development Plan Policies DR1, H18 and H16.

However other Members of the Committee had a differing view and were of the opinion that the extension should be permitted. They felt that it was a natural development and noted that the dwelling was currently the only single storey property in Ballard Close.

**RESOLVED**

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

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

**55. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.15 pm

**CHAIRMAN**



# PLANNING COMMITTEE

29 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 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**

**For: Mr Claridge per Mr Pete Stockall, St Catherine's Court, Berkeley Place, Bristol, BS8 1BQ**

### ADDITIONAL REPRESENTATIONS

Traffic Manager: I can confirm that the revised layout detailed on Drawings 5811/15D and 5811/16D is acceptable subject to conditions requiring the prior agreement of access turning area and parking construction details and the relocation of the bus stop which is immediately adjoining the entrance.

Conservation Manger (Landscapes): The removal of mature trees at the entrance is a significant negative impact, although the design does seem to offer a compromise between highway requirements, signage, boundary treatments and replacement tree planting of a size and species commensurate to the specimens that would be lost. I am concerned that the aboricultural report confirms that significant trimming of the conifer hedgerow would expose the interior of the hedge and reduce the effectiveness of the hedgerow as a screen. The hedge should not be relied upon to provide long-term privacy between neighbours. Conditions should be added to any planning approval requiring the submission of a fully detailed landscape scheme, tree protection measures and arboricultural method statement.

### NO CHANGE TO RECOMMENDATION

**9 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**

### ADDITIONAL REPRESENTATIONS

The Habitat Regulation Assessment Screening has now been undertaken and it is confirmed that there will be no likely significant effect on the River Wye SAC. Confirmation from Natural England will now be sought in line with the officer recommendation.

### NO CHANGE TO RECOMMENDATION

**10 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**

**For: Ms O'Connell per Mr Derrick Whittaker, 1 Farjeon Way, New Mills, Ledbury, Herefordshire HR6 2FU**

**CHANGE TO RECOMMENDATION**

In Reason for Approval, after H13 delete the words :- .. and part of H18.....

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 SEPTEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

**CLASSIFICATION:** Open

## Wards Affected

Countywide

## Purpose

To note the progress in respect of the following appeals.

## Key Decision

This is not a key decision

## Recommendation

That the report be noted

## APPEALS RECEIVED

### Application No. S 120447/O

- The appeal was received on 28 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 R Grindon
- The site is located at Castle End, Lea, Ross on Wye, Herefordshire, HR9 7JY
- The development proposed is Proposed outline application for a traditional 4 bedroomed dwelling and ancillary works
- The appeal is to be heard by Written Representations

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

### Application No. S 121246/F

- The appeal was received on 30 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 F Airey
- The site is located at Wallwyn Court, Much Marcle, Ledbury, Herefordshire, HR8 2LY
- The development proposed is Removal of Condition 4 of Planning Permission DMS112013/F to allow house and barn to be treated as separately owned units
- The appeal is to be heard by Written Representations

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

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 SEPTEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>N121318/F - CONVERSION OF RURAL BUILDING TO ONE DWELLING AND CONSTRUCTION OF NEW VEHICULAR ACCESS AT THE BARRACKS, CHURCH LANE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JG</b>  <b>For: Mr Day per Mr Linden Alcock, Palace Chambers, 3 King Street, Hereford, HR1 9BW</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121318&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121318&amp;NoSearch=True</a>

**Date Received: 3 May 2012**

**Ward: Frome**

**Grid Ref: 362063,247242**

**Expiry Date: 16 July 2012**

Local Member: Councillor PM Morgan

## 1. Site Description and Proposal

- 1.1 The application site lies on the northern side of Church Lane in Much Cowarne. Much Cowarne is not defined as a main village, therefore does not have a settlement boundary. The application site is therefore considered to be open countryside. Upon the site is a single storey building that is understood was formerly used as a mess room and hop pickers accommodation and dates back to around the 1930s. There is no evidence to suggest that this is a lawful dwelling. The building is 30.4m long by 6.1m wide. It has a total of 10 stable doors on its south elevation all with a small window to their left. There are a further 10 doors and windows identical in size and position on the rear elevation. The building is of brick construction with an asbestos cement sheet roof.
- 1.2 The application follows two applications submitted in 2007 by the same applicant on the site. The first was refused whilst the second was withdrawn. Details of both applications are listed below.
- 1.3 This proposal seeks permission to convert the building into a 2 bedroomed dwelling with a large study, living and kitchen area and utility. There is also a double garage provided in the eastern end of the building. All existing openings are utilised with one new opening on the east elevation to gain access into the garage. There is also an existing lean to detached building to the rear which is retained as a store. The roof will be replaced with slate.
- 1.4 The application has been supported with an Ecological Survey and Structural Inspection report.

## 2. Policies

- 2.1 National Planning Policy Framework 2012 (NPPF):

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

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

Paragraph 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision making. It advises that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

## 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
HBA12	-	Re-use of Rural Buildings
HBA13	-	Re-use of Rural Buildings for Residential Purposes
HBA8	-	Locally Important Buildings
DR1	-	Design
DR2	-	Land Use and Activity
DR4	-	Environment
T11	-	Parking Provision
NC1	-	Biodiversity and Development
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora

## 2.3 Conservation of Habitats and Species Regulations 2010

## 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 | DCNE2007/0856/F | Replacement of hop workers accommodation with bungalow and garage. Refused 27 April 2007.  |
| 3.2 | DCNE2007/2242/F | Proposed renovation and modernisation to former communal accommodation block to detached bungalow. The application was recommended for refusal by the case officer but was withdrawn prior to the decision being issued. |

## 4. Consultation Summary

### Statutory Consultees

- 4.1 Welsh Water: No objection, however has advised that the applicant contact the Environment Agency with regards to utilising a private treatment works.

### Internal Consultees

- 4.2 Public Rights of Way Manager: Identified the development being in close proximity to public footpath MC2. Concluded that the development proposal is likely to have potential to endanger

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

members of the public during construction and therefore requested should the application be approved the applicant a temporary closure order must be applied for.

- 4.3 Conservation Manager (Landscape): The building is not considered to be of any particular local landscape value. Its retention and use as a utility building would be most appropriate in landscape terms. The proposal is unlikely to have a significant, negative landscape impact. Careful consideration however needs to be given to the boundary treatments.
- 4.4 Conservation Manager (Historic building/conservation): Is of the opinion that the proposal requires most of the current structure to be replaced and the existing brickwork is not capable of being converted without the addition of loadbearing walls. Therefore the application is considered contrary to policy HBA12. Whilst it is acknowledged there is a degree of historic interest in the building pertaining to the lives of the seasonal hop pickers, it is debatable if its enough to warrant the amount of changes proposed to the building. It is considered perfectly possible to utilise the building for stables/animal housing since it would not require the upgrading necessary for a dwelling, and it is surrounded by paddocks and fields. This would enable the building to be retained so that its historic value could be appreciated and have renewed value in terms of a longer-term purpose.
- 4.5 Conservation Manger (Ecology): There will be some hedgerow loss in order to create the proposed access to the site. Hedgerows are a UK and Herefordshire Biodiversity Action Plan Priority Habitat and the proposed access will have a negative impact on this ecological network which is contrary to the NPPF. Compensation is mentioned in the ecological report in the form of 100 metres of hedgerow planting although this is not identified on the site plan. Has requested that an alternative access be found that avoids hedgerow loss. If clarification that hedgerow loss can be avoided or that adequate mitigation can be provided and this application is to be approved, it is recommend that conditions are attached to ensure that all species are protected.
- 4.6 Ecological Consultant: Has identified that this application utilises a package treatment works as a means of foul drainage out-falling to a watercourse, with surface water from the site also draining to the watercourse. Has concluded that no figures or hydrological evidence is presented to show there is no threat to the River Wye SAC via its tributaries of the River Frome or River Lugg as a result of direct discharges from the package treatment works. Therefore the outcome of the screening stage is that of Likely significant effect. Natural England has not responded.

## **5. Representations**

- 5.1 CPRE: Objects to the proposed development on the basis of the building being of no worth and there being no functional necessity for a dwelling upon this site.
- 5.2 Much Cowarne Parish Council: Support the application as it will tidy up the present site which has become an eyesore.
- 5.3 Four Letters of support have been received. The points raised are summarised as follows:
- The removal of the asbestos concrete roof is welcomed;
  - The building is currently an eyesore and he proposal will visually improve its appearance;
  - Proposal in keeping with the area;
  - Shortage of affordable housing in the area; and
  - Proposal is sympathetic restoration of the former building.

Concern has been raised in the letters in relation to the removal and disposal of waste.

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

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

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

- 6.1 The application site lies outside of any defined settlement boundary and as such lies within the open countryside in planning policy terms. The site is in a sensitive location surrounded by public footpaths and in the vicinity of St Marys Church and other buildings of historic interest. Policy H7 in the HUDP identifies the few exceptions to where housing in the open countryside can be supported. The re-use of former rural building is one such exception however a proposal needs to comply with the requirements of Policies HBA12 and HBA13 of the HUDP.
- 6.2 Policy HBA12 states that any building that one is proposing to re-use must be "...of permanent and substantial construction capable of conversion without major or complete reconstruction". The application has been submitted with a structural report which states that the building would require inner loadbearing walls to be constructed to take the increased load and structure required for the new roof. In addition to this, the floor would need to be removed to be upgraded. Therefore it is the officers opinion that most of the current structure would need to be replaced and major reconstruction works required to implement the proposal. As such the proposal is contrary to criteria 1 of HBA12 of the Unitary Development Plan.
- 6.3 Within the open countryside, residential proposals to convert/re-use a rural building will only be supported where the building is of acknowledged historical or architectural interest. The building in question is not considered to be of any architectural or historic interest. This is not to undervalue the importance of the hop growing in the history of the Herefordshire countryside. However, when one is dealing with buildings one needs to be selective in terms of these buildings that are of genuine value. Clearly the Oast house / hop kiln building to the south-west of this site is an excellent example of a building of architectural and historic interest. However, given the building is a modern brick and asbestos structure, its former use is not considered significant to justify the amount of change proposed.
- 6.4 The agent which is representing the applicant, has made various arguments in the design and access in relation to the NPPF and that of sustainability. It is considered that the proposal represents an unsustainable pattern of development, as the site is not readily accessible by modes of transport other than the private motor vehicle. Furthermore, the argument of affordability and that of local need has been put forward, however no case has been put forward that it is essential for the applicant, who is understood to be an agricultural contractor, to live close to his place of employment, only that it is desirable and convenient. It is noted that the applicant's father lives adjacent to the agricultural contractors yard that he operates.
- 6.5 The Council has recently identified an issue regarding phosphate levels in some of its watercourses. These are particularly high in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on it. The 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. This application has failed to assure the Authority through a lack of information and appropriate mitigation that the Habitat Regulations and Policy DR4 of the Herefordshire Unitary Development Plan are complied with.



6.6 The principle of development is considered unacceptable. The site is within the open countryside and proposes the re-use and adaption of a rural building, which is not considered to be of a substantial construction capable of conversion without major or complete reconstruction. Officers disagree with the application documents regarding the historical significance of the building and its structural capability. Whilst noting the considerable efforts that have been made by the applicant to reconcile these differences, officers maintain the view that the current proposal is contrary to saved Policies H7 and HBA12 of the Unitary Development Plan. Given the Councils legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on protected watercourses within its jurisdiction, the application is also considered contrary to the Habitat Regulations and Policy DR4 of the Herefordshire Unitary Development Plan.

## **RECOMMENDATION**

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

- 1. In the opinion of the Local Planning Authority, the building is not capable of conversion / reuse without major reconstruction. As such the proposed development is considered to be contrary to criterion 1 of Policy HBA12 of the Herefordshire Unitary Development Plan March 2007 and the Council's adopted Supplementary Planning Guidance entitled 'Re-use and Adaptation of Rural Buildings' July 2004. As a consequence the proposal is also contrary to Policy H7 of Herefordshire Unitary Development Plan March 2007.**
  
- 2. The building the subject of this application is not considered to be of such historical, architectural, local landscape or amenity value to justify the retention of the building. As such the proposed development is considered to be contrary to criterion 1 of Policy HBA13 of the Herefordshire Unitary Development Plan March 2007. As a consequence the proposal is also contrary to Policy H7 of Herefordshire Unitary Development Plan March 2007.**
  
- 3. The Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on protected watercourses within its jurisdiction. This application fails to assure the Authority through a lack of information and appropriate mitigation that the Habitat Regulations and Policy DR4 of the Herefordshire Unitary Development Plan are complied with.**

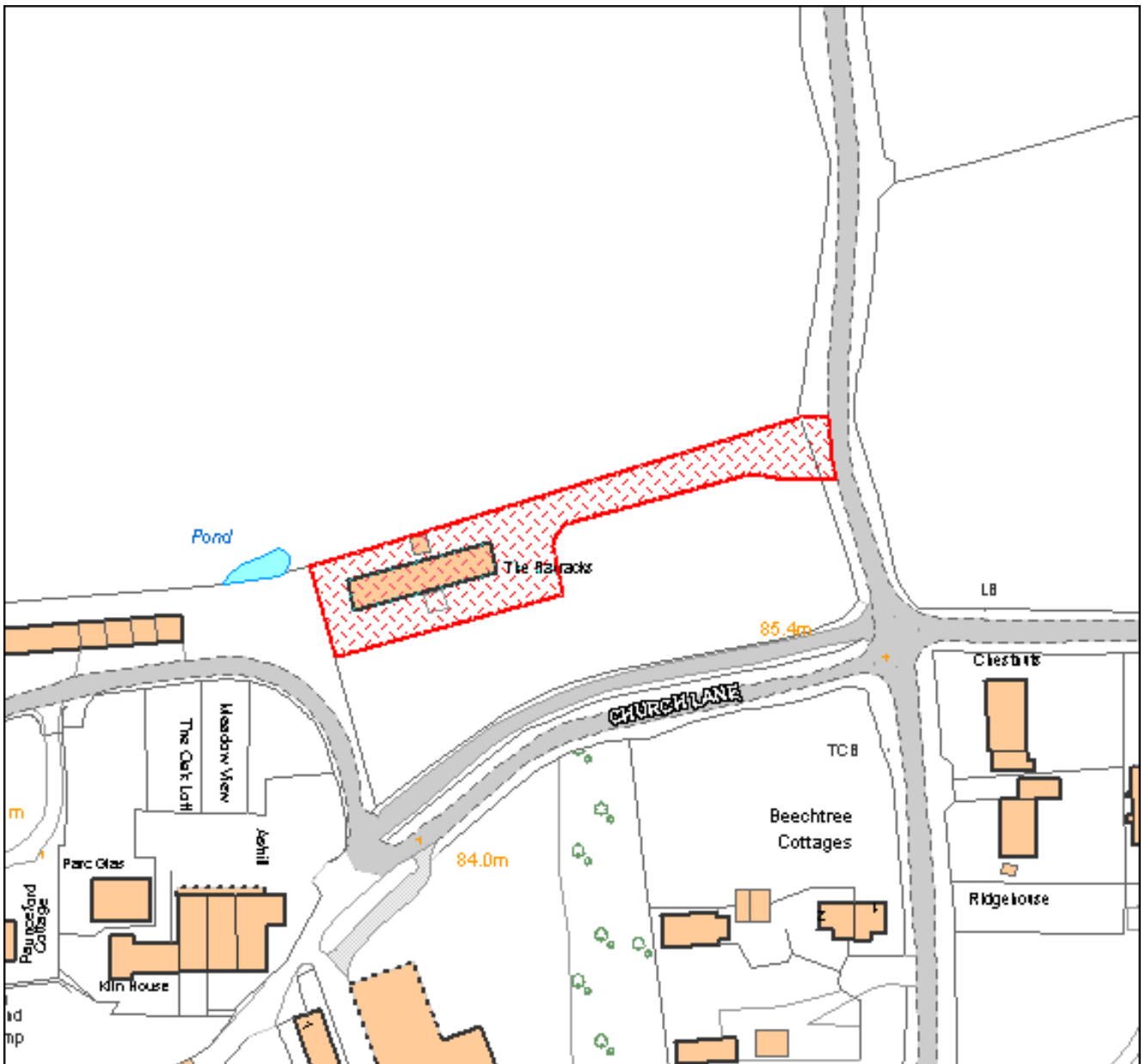
Decision: .....

Notes: .....

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## **Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** N/121318/F

**SITE ADDRESS :** THE BARRACKS, CHURCH LANE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JG

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 SEPTEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S121611/F - CHANGE OF USE FROM AGRICULTURAL TO B2 GENERAL INDUSTRIAL - RE-USE OF EXISTING BUILDING WITH EXTENSION TO FORM WORKSHOP FOR KIT CAR ASSEMBLY AT MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ</b></p> <p><b>For: Mr Bulmer per Mr Alex Coppock, Studio 1, Grange, Shelwick, Hereford, HR1 3AW</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121611&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121611&amp;NoSearch=True</a>

Date Received: 7 June 2012

Ward: Credenhill

Grid Ref: 344917,242924

Expiry Date: 2 August 2012

Local Member: Councillor RI Matthews

## 1. Site Description and Proposal

- 1.1 The application site lies to the north of, and immediately adjacent to the settlement of Credenhill. With the residential dwellings comprising Ecroyd Park and Mill Lane to the north and the military base and associated buildings to the east. The building that is the subject of this application is one of a cluster used for agricultural and equestrian purposes. It is a steel portal framed building that is partially open sided at present.
- 1.2 Access to this site is via Mill Lane, a road that also serves the residential dwellings of Ecroyd Park and Mill Close, along with a number other properties. A Public Right of Way runs along the west boundary of the application site.
- 1.3 The proposal is for the adaptation, extension and change of use of one existing steel framed building for use as a workshop for kit car assembly. The physical alterations to the building include an extension that would project northward to form an L shape. The footprint of the extension would be 14m by 10m (the existing building having a footprint of 10m by 33m. The extension would follow the form of the existing building with an eaves height of 4.5m and ridge height of 5.7m. The external appearance of the building would be altered using an insulated panel system to walls with the areas of glazing to the north and west elevations (showroom / meeting area) being double glazed units. One roller shutter door is proposed to the west elevation giving access to the workshop. The roof would also be an insulated roof panel system with polycarbonate roof lights.
- 1.4 Internally the accommodation would provide a workshop, GRP fabrication area, cutting out area, parts room, office, showroom, kitchen and wc at ground floor with a small first floor storage area and formal meeting room.
- 1.5 Externally the proposals detail a turning head and parking to the north and west of the building, with further parking spaces in the area to the south.

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

1.6 The application submission included detailed information in relation to the use of the building. This is discussed in more detail within the officer appraisal. In addition to this, further information has been supplied in response to consultation responses, and these are detailed later in the report.

## 2. Policies

### 2.1 National Planning Policy Framework

Chapter 1 (Building a strong, competitive economy), Chapter 3 (Supporting a prosperous rural economy) and Chapter 11 (Conserving and enhancing the natural environment) – in particular paragraph 123 requires that decisions should aim to avoid noise from giving significant adverse impacts on health and quality of life.

### 2.2 Herefordshire Unitary Development Plan

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR13	-	Noise
DR14	-	Lighting
E8	-	Design standards for employment sites
E10	-	Employment proposals within or adjacent to main villages
T11	-	Parking provision
HBA12	-	Re-use of rural buildings

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 SH920315PF Change of use of part of an existing building for use as stabling for horses and ponies. Approved 15 April 1992.

The permission contained a planning condition restricting the operation to the applicant and immediate family only.

3.2 SH970146PF Proposed portal frame barn to be used equally as an indoor riding school and storage of hay and straw for use of Mill Farm. Approved 1 May 1997.

3.3 S111576/F Change of use from formally agricultural to B2 general industrial, re-use of existing steel portal frame building with extension to form workshops for kit car assembly. – Withdrawn 15 August 2011.

3.4 Enforcement Notice:

S121685 This appeal is made under Section 174 of the Town and Country Planning Act 1990 (as amended) against the enforcement notice reference EWN/00159/ZZ. The notice alleges an unauthorised material

change of use of the land has taken place by the stationing on the land of a mobile home for residential purposes. Appeal still in progress.

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

##### Statutory Consultees

4.1 Defence Infrastructure Organisation raises no safeguarding objections to this application.

##### Internal Consultations

4.2 The Public Rights of Way Manager confirms that the proposal will not affect the Public Rights of Way.

4.3 The Transportation Manager comments that in view of the fact that the traffic generation as submitted would be less than for open B2 usage, it is suggested that a personal condition is attached to any consent granted, limiting future use to Raw Striker.

4.4 The Environmental Health Manager makes the following comments:

Some noise data has been given, but there is no information regarding noise from testing/tuning car engines and no information regarding background noise levels at the proposed location.

Whilst there is reference to odour control, this lacks technical details.

I have no objection to the application in principal; however, I think the applicant could do more in terms of insulating the building to prevent noise affecting the nearby residential premises. I am assuming that the insulated panels referred to in the application relates to thermal rather than acoustic insulation.

The application includes proposed hours of business; however, I think it would be appropriate to apply conditions in this respect in order to prevent noise from the manufacturing process and from customer's cars at antisocial hours. Although the applicant does not propose to operate the business on Saturday mornings, I do not think it would be appropriate to prevent this by conditions, I have therefore included Saturday mornings in my proposed conditions.

I would therefore recommend the following conditions relating to the following:

- Scheme of noise attenuating measures.
- External lighting.
- Scheme of odour and fume control.
- Restriction on hours of operation of machinery/equipment.

#### **5. Representations**

5.1 Credenhill Parish Council raised an objection to the proposal as follows:

"On 18 July 2012 a parish council meeting was held and many locals attended to discuss their concerns over the Raw Striker planning application.

1. Although your comments were noted, regarding the possibility of conditions for the future expansion of the area you state that the planning application could have conditions applied to restrict the use to one, as 'being for kit car assembly' and that way should the use cease a new application would be required. You also commented on considering applying

conditions for the hours of working, details of extraction fans and external lighting. Both the parish council and members of the public have concerns for the future of this area.

2. The access to the area has not changed from the original application and as such the parish council's comments regarding this still apply. 'The access route to the site is an extremely narrow residential lane that also has a right of way that is used by walkers, children and horses. The use of lorries to deliver building materials at this stage and thereafter both numerous staff and customers gaining access will increase vehicle activity on this lane. Many children currently cycle and skateboard on the road and residents feel this will no longer be an option.' Page 9 of the Design and Access Statement refers to a study of the proposed traffic movement. Many present at the meeting felt confusion over comments that there would be a noticeable reduction in the amount of vehicles gaining access. The current figure of 424 visits per month was queried by those that live in Mill Lane and felt this was exaggerated.
3. Page 13 of the Design and Access Statement refers to the noise studies. Tests were carried out at the current premises and the parish council would appreciate knowing what this building is made of and will it be a similar structure to the proposed building? As some neighbouring properties are only 25 metres away from the building this issue continues to cause great concern to those that will be affected. I also would like to refer to Mr. Bulmer's comments on 18 January 2012 at a parish meeting, that when asked if the doors would remain shut during hot weather, Mr. Bulmer replies 'not always'. So noise would obviously increase at these times.
4. The comments in the Design and Access Statement regarding providing local employment were misleading, as Mr. C. Bulmer confirmed in a meeting held on 18 January 2012 that current staff would move to the new premises and comprises of just four. So local employment is unlikely.
5. Locals are also concerned that the proposed building is extremely close to the existing equestrian centre. Their concerns are regarding fire safety and the possibility of causing stress to the horses within this building.

5.2 29 letters of objection have been received from local residents. These letters raise the following issues and concerns:

- Highway Safety
  - Use of lane in combination with equestrian use of other buildings
  - Minimal traffic / decrease seems unlikely
  - Conflict with pedestrian movements along lane
  - Conflict with school children going to and from school
  - Potential increase in traffic from 'spares and repairs'
- Noise, Disturbance and Odour
  - What assurances are there that there will be no disturbance from machinery / movements around the site. Has testing been carried out on the existing business and what were the results?
  - Potential for disturbance to nearby residents who are only 25m away, as well as impact on neighbours along Mill Lane from additional traffic.
  - Running and testing of cars and their engines? How will this be controlled and how can you be sure it will not impact?
  - Impact on horses / animals that may be frightened.
  - What benefit would this have locally as it is just transferring jobs from the existing factory? No benefit to Credenhill.

- Potential odour pollution for processes
- Potential noise from radios / music
- Other issues
  - Concern about the other buildings on the site and their future use.
  - Cumulative impact of these.
  - Have alternative sites been considered? e.g. enterprise zone / existing business buildings elsewhere.
  - What happens if the business outgrows the building?
  - Only a small workforce so no economic benefit to village.
  - Impact on wildlife in the area.

5.3 A petition (20 signatures) in support of the application has also been received.

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

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

## 6. Officer's Appraisal

### 6.1 Officers Appraisal

The key issues for consideration are:

- The principle of development
- Design and appearance
- Impact upon amenities of nearby residents (noise, disturbance, odour and fume)
- Highway safety and impact
- Parking provision
- Flood risk

6.2 Policy E10 of the Herefordshire Unitary Development Plan (HUDP) states that proposals for employment generating uses within or adjacent to the main villages will be permitted providing that proposals are in keeping with the character of the settlement, and that the level of development can be clearly related to the employment needs of the local economy. It is also required that alternative sites within the settlement are explored and that where possible, proposals would make use of previously developed land and buildings in preference to greenfield sites.

6.3 The application site lies immediately adjacent to the main settlement of Credenhill, would provide a small scale employment use (Currently 4 / 5 posts) and is well related to the settlement. The works required to bring the building back into use are quite substantial as it is largely open sided at present but will provide the required insulation to modern building standards. An extension to the building is also required, albeit relatively small in scale, to facilitate the use. None the less it is using previously developed land and is immediately adjacent to the settlement.

6.4 Representations submitted in response to the application question the benefit of the development to Credenhill residents and economy as it is not envisaged to create new jobs as staff will transfer. Job creation and retention in the local economy (Hereford / Herefordshire) is also important and may offer job opportunities in the future. Whilst there may be land available in Herefordshire for this type of use the proposal would generally comply with the

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

requirements of policy E10 that seeks to locate developments of this nature on sites within or adjacent to the city or main settlements. The proposal also complies with the spirit of policy HBA12, in that it is the re-use of an existing building.

- 6.5 The design of the building is such that it ensures minimal alterations and achieves a simple form, restricting the numbers of openings, and keeping glazing to a minimum, apart from the entrance to the building. The building has been orientated so that the entrances are away from the neighbouring properties. The enlarged building would ensure that there is no necessity for outdoor storage.
- 6.6 The building itself would read as part of the wider complex of buildings and is relatively small in size and scale and would not be obtrusive in the landscape context nor to any of the nearby dwellings. The design is considered to be appropriate for the use and the context and as such would comply with the requirement of policy DR1 of the HUDP.
- 6.7 The design of the building has also been influenced by the concern regarding the potential impact upon the amenities enjoyed by the local residents on Mill Lane and Ecroyd Park. The key concerns have been outlined in the report above and relate to the potential for adverse impacts by way of noise, odour and fumes.
- 6.8 The processes that are involved with the manufacture of the product and have been described within the application as being divided into three areas (as per submission):

#### **Assembly of car**

*The cars are component based; all the necessary parts are assembled onto a space frame chassis which are manufactured off site. Limited air tools are used within the process. The process is all clean work, without causing any noxious materials within the process. The noise produced by the air tools would not be able to be easily heard outside the building. The waste products associated with this are limited to packaging from the components used, and small amounts of waste materials which arise from the drilling and cutting that is associated with their fitting.*

#### **Moulding of GRP body parts.**

*This involves the laying of glass fibre strands into a series of preformed moulds, and then bonding into a composite durable self coloured material through the use of a resin gel. This area will require good mechanical ventilation when in production. The ventilation will be linked with a filtration system, which will prevent any fumes that can be associated with the production escaping to the atmosphere. The inlet and outlet grills required, have been located on the South elevation of the building which is the furthest away from the residential area to the North.*

#### **Repair and Testing of finished cars.**

*Each finished car needs to be thoroughly tested onsite prior to being sold. This involves running the engines within the plant, to ensure proper mechanical operation, and to ensure that the emissions from the engines are below the level permitted by specialist regulations. This process involves running and light revving of the engine, which creates a limited amount of noise for short periods. However, like the process of assembly. It would not be able to be easily heard outside the building.*

*Similar services are offered for existing customers, as well as general servicing of existing cars. This involves the changing of oil, which produces a small amount of waste oil. The disposal of this, however, is properly undertaken by specialist waste transfer contractors.*



- 6.9 As a result of this the Environmental Health Officer considered the proposals and the potential impact, and also had sight of the objections to this proposal before making his comments. No objection was raised to this proposal, but conditions were recommended. As such, on the basis of the information submitted and as long as the appropriate conditions were imposed, the proposed development would comply with the requirements of policies DR2, DR13 and DR14 of the HUDP and the proposal would not adversely impact upon the amenities of nearby residents. In consideration of the future, it is also recommended that permitted development rights are removed to ensure that further extensions or alterations cannot be made without permission.
- 6.10 In addition to the above further details were submitted to the Local Planning Authority for consideration and to provide greater assurances in relation to the effect upon the amenities of neighbouring residents:

*Noise attenuating measures*

*In terms of mechanical equipment we would work with an acoustic specialist to measure existing background noise levels before and after completion of the works, and they would assist in designing the ventilation attenuation equipment to achieve the above proposed criteria.*

*We have also undertaken site testing of the cars, running them in a shed of the same construction in order to convince ourselves that no adjacent properties will be disturbed from noise generated by the scheme. Having conducted these tests we are happy that any noise that can be heard immediately outside the shed is very low at a distance of 2m. At a distance of 25m the noise level was back down to ambient background noise level. The residents are more likely to be disturbed by neighbouring cars pulling off a drive of adjacent residential houses. It should also be noted that the proposed building is for the assembly of cars and engine testing occurs very infrequently and is limited to simply ensuring that the engine is fully operational. (The Noise tests were carried out using a calibrated TES 13504 Sound Level Meter).*

*External lighting.*

*A lighting plan has been submitted which shows the proposed location of external luminaries. The purpose of these would be to allow emergency egress as required by the Building Act. But they would also provide a minimum level of security illumination for the site. The sensors used to operate these would be calibrated to prevent the lights being triggered by small mammals. The locations of all these fittings have been placed to cause minimum disruption to the adjacent owners.*

*Scheme of odour and fume control.*

*To ensure that any fumes and odours are properly discharged and in the interests of the amenities of residential property and to comply with Policy DR14 of Herefordshire Unitary Development Plan, the applicants have stated that they would appoint a firm that specialise in the design of Mechanical and Electrical installation and that can commit to design and oversee the correct installation of equipment that would:*

*3.1. Remove particulate matter generated from fibre glass working, prior to air being exhausted to atmosphere. This would be achieved by filtering the exhaust air prior to discharge.*

*3.2. Vehicle exhaust emissions would be diluted by mixing with clean air from within the building, and then discharged to ensure the dispersal of vehicle exhaust fumes so as not to cause nuisance to adjoining properties.*

*3.3 All ventilation systems would be equipped with atmospheric attenuation on inlet and discharge ducts, in order to limit the noise emissions such that the ambient noise level is limited to no more than NR45 at 3m from the emission sources (provided existing background noise levels at the measurement position are no higher than this limit).*

*3.4. All ventilation systems would be designed to comply with COSHH Regulations to ensure the protection of employees and visitors from exposure to substances harmful to health. In this instance, this is vehicle exhaust emissions and air borne fibre glass particulate.*

- 6.11 The Councils Environmental Health Officer has been consulted on these additional assurances and officers will provide an update for Members prior to the meeting. However, it is considered that these details can be successfully addressed through the imposition of conditions.
- 6.12 Another key issue for consideration relates to the potential impact of the development on the local highway network, namely Mill Lane. The previous use of the entire site was as an equestrian livery yard with approximately 105 car visits and 1 tractor visit per week. Before this it was used as a riding school and livery that was subject to 2 major deliveries (with 7.5 ton lorry) and around 210 livery customer visits and 35 pupil visits per week. This information is useful when compared to the proposed estimates for RAW workshops that suggest an estimated 30 car visits and 5 van visits per week. This would comprise of RAW staff who arrive by car between 8 am and 9am and depart at 5pm. Deliveries to the site would be limited to six deliveries / pickups in the form of a transit or similar and three customer visits with a single accompanied test drive. This would give a total of 140 movements per month. Even when taking into account the unauthorised livery use on the remainder of the site, the number of movements is significantly less than the original livery / riding school uses. The Transportation Manager has raised no objection subject to this being a personal permission. An unrestricted B2 use on this site undertaking a different operation could have a significantly higher number of movements or staff and as such may not be acceptable. A condition to this effect is recommended.
- 6.13 Concern has also been raised about conflict between pedestrian and vehicle movements along the relatively short stretch of single width access to the site. This is a straight section of highway, with good visibility along the highway to the PROW. The traffic movements proposed would not alter the current or previous relationships and this potential conflict is not considered to be sufficient to warrant a reason for refusal of the application.
- 6.14 The proposal also includes full details of parking and turning with the site and is considered to be sufficient for the size and scale of the development. Conditions are recommended in respect of car park surfacing, drainage and provision prior to first use. As such this would comply with the requirements of policy T11 of the UDP. The PROW would be unaffected by this proposal, with the legal line being alongside the access.
- 6.15 The site is shown to lie within a Flood Zone 2 / Flood Zone 3 area but it has been confirmed that due to the Yazor Brook Flood Alleviation scheme, that has now been completed, the site no longer falls within these flood risk zones and as such the requirements of policy DR7 would not apply.
- 6.16 Local residents have also raised concern about nature conservation / biodiversity of the area. Given the open nature of the building and the controls that would be imposed by way of conditions, the risk to biodiversity from this use is considered to be minimal. An informative in respect of matters relating to biodiversity is suggested.
- 6.17 The proposed development, by virtue of its siting, design and location adjacent to a main settlement is considered to be a sustainable form of development that is acceptable and in accordance with the principles of Policies S1, DR1, E8 and E10 of the HUDP. The key concerns relating to this proposal are the impact of the use on the amenities of neighbours and

the impact upon the immediate highway network. It is considered that the proposed development, for the use proposed, and with a personal permission and strict controls on use, emissions, noise, and working hours, would represent a form of development that would comply with the requirements of Policies DR2, DR13 and DR14 of the HUDP. Conditions would also be required in relation to the provision of parking within the site to ensure adequate provision in accordance with Policy T11. Furthermore the National Planning Policy Framework supports the delivery of employment based opportunities in sustainable locations subject to appropriate consideration being given to ensuring that the effect on living conditions are not significantly adverse. Having regard to the above, it is considered that the proposal can be recommended for approval subject to the relevant conditions suggested below.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any others deemed necessary following further advice from the Environmental Health Officer:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. F14 Removal of permitted development rights**
- 4. F26 Personal condition**
- 5. F06 Restriction on Use**
- 6. Prior to the commencement of development a scheme of noise attenuating measures shall be submitted to and be approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the development to which it relates commences and the measures shall be retained for the duration of the use. The scheme to include a suitable enclosure for the compressor and any other noise generating machinery or process that may be audible at nearby occupied dwellings.**  
**Reason: To safeguard the amenity of the area in compliance with Policy DR13 of Herefordshire Unitary Development Plan.**
- 7. I33 External lighting**
- 8. I39 Scheme of odour and fume control**
- 9. No machinery, including running engines for the purpose of testing or tuning, shall be operated on the premises before 8.00 am on weekdays and 8.30 am on Saturdays nor after 5.00 pm on weekdays and 1.00 pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.**  
**Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.**
- 10. I16 Restriction of hours during construction**
- 11. CB8 No open air operation of plant/machinery/equipment**
- 12. H15 Turning and parking: change of use – commercial**
- 13. H29 Covered and secure cycle parking provision**

**Reason for Approval:**

- 1. The proposed development, by virtue of its siting, design and location adjacent to a main settlement is considered to be a sustainable form of development that is acceptable and in accordance with the principles of policies DR1, E8 and E10 of the Herefordshire Unitary Development Plan. The key concerns relating to this proposal are the impact of the use on the amenities of neighbours and the impact upon the immediate highway network. It is considered that the proposed development, for the use proposed, and with a personal permission and strict controls on use, emissions, noise, and working hours, would represent a form of development that would comply with the requirements of policies DR2, DR13, DR14 and E8 of the Herefordshire Unitary Development Plan. Conditions would also be required in relation to the provision of parking within the site to ensure adequate provision in accordance with Policy T11. The proposal would as a result be consistent with the guidance provided by the National Planning Policy Framework which supports sustainable economic growth where appropriate consideration has been given to the effect of development upon the health and quality of life of neighbouring residents.

**Informative:**

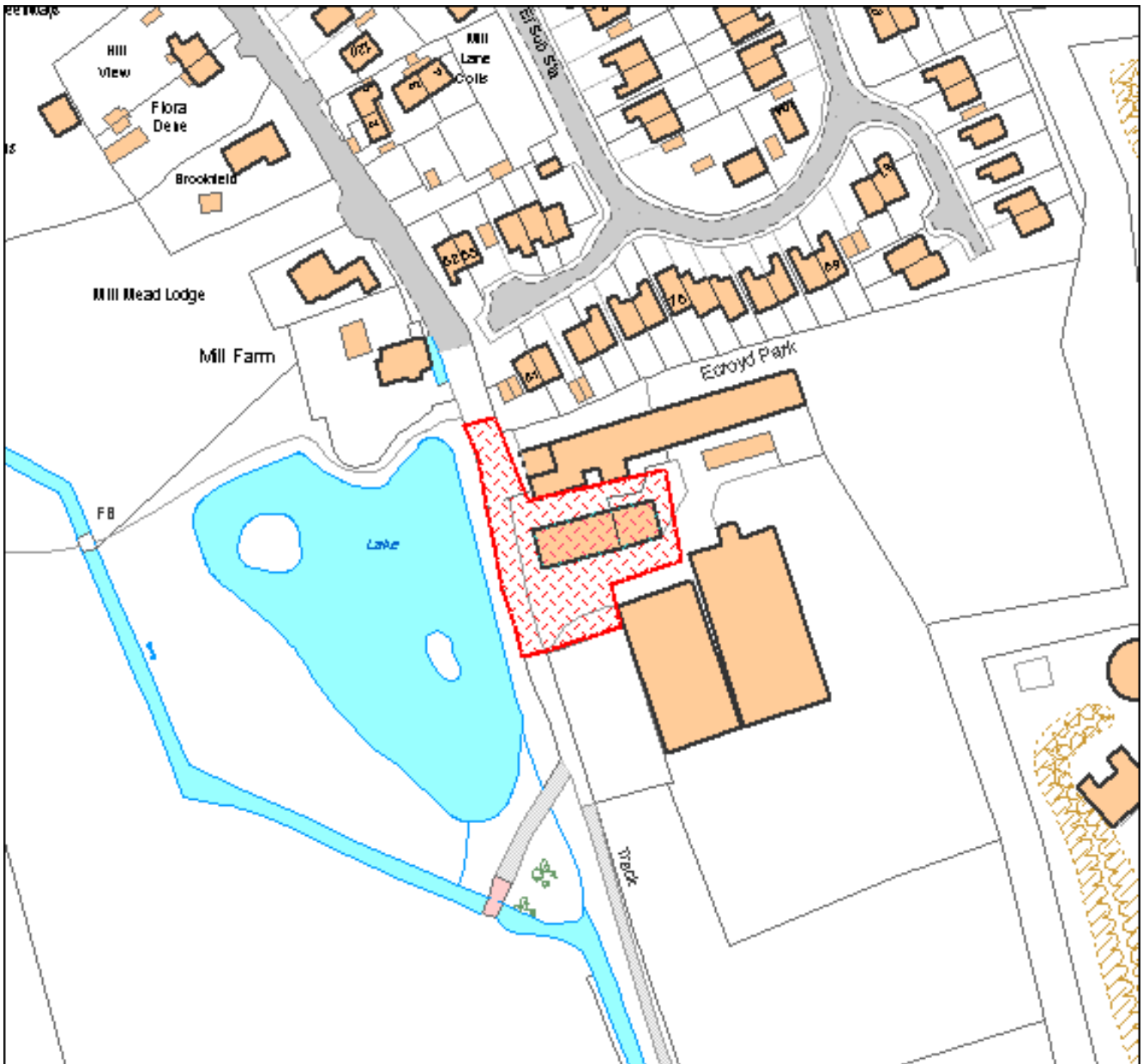
- 1. NC11 General

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** S/121611/F

**SITE ADDRESS :** MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 SEPTEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>N121446/CD - PROPOSED DEMOLITION OF EXISTING INFANT AND JUNIOR SCHOOLS AND CONSTRUCTION OF A NEW PRIMARY SCHOOL AT LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE</b></p> <p><b>For: Herefordshire Council per Amey Property Services, Explorer 2, Fleming Way, Crawley, West Sussex, RH10 9GT</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121446&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121446&amp;NoSearch=True</a>

**Date Received: 16 May 2012      Ward: Leominster South      Grid Ref: 349448,258162**

**Expiry Date: 13 September 2012**

Local Members: Councillors RC Hunt and PJ McCaull

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

- 1.1 The application site is located approximately one kilometre to the south of Leominster town centre and comprises Leominster's Infant and Primary schools, and a parcel of agricultural land lying immediately to the south of the former. It lies close to the fringe of the town and the area is predominantly residential in character, the two schools effectively located behind dwellings fronting onto the B4361 Hereford Road. Residential properties lie to the north and east, with agricultural land to the south and west. Dense vegetation forms the eastern and western boundaries and a wide native hedgerow currently forms the southern boundary of the school site.
- 1.2 The site has an approximate area of 3.7 hectares and slopes significantly from east to west. Presently there is a 6m difference on the north end of the school site and a 12m difference in level at the southern end. There is also a maximum 5m longitudinal slope north-south. Level terraces have been created to accommodate the school buildings and their associated playing fields.
- 1.3 The existing schools consist of two main single storey buildings (Infant and Junior), with higher hall areas, and the Nursery Block. In addition there are two mobile classroom blocks located on site. Due to site configuration buildings are located on a number of different levels and they are connected by sloping paths. The playing fields are located to the south of the Infant School and consist of two level terraces.
- 1.4 The main access to the Infant School is from Hereford Road, where the staff car park is located. The Junior School is accessible from George Street to the north and its car park is located within the school site in the north-western corner. Neither school currently has a drop-off point within the school site, and parents park on the adjacent roads. A public footpath runs along the entire length of the eastern boundary of the site and this provides pedestrian access

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

to the school. This also connects to another footpath running along the southern boundary that continues in a westerly direction from Hereford Road towards Cock Croft Hill.

- 1.5 Planning permission is sought for the construction of a single primary school facility and the demolition of the existing Infants and Junior schools. Sports and recreation facilities will also be accommodated within the site confines. It will accommodate the same number of children as the existing Infants and Junior Schools, currently totalling 630 children, and includes the provision a Nursery facility of two classes for 52 children.
- 1.6 It is proposed that the new school will be built partly on the adjacent agricultural land to the south, and partly on the existing playing fields, before the existing school is demolished, this taking place once the new school is complete. The plans require a significant amount of landscape modelling and the building will be set into the land to take account of the changing levels across the site. The hedgerow that currently forms the southern boundary of the school site is to be removed, but vegetation to the east and west is to be retained and, where appropriate, reinforced.
- 1.7 The building has a cruciform layout. The central hub is three storeys and provides a reception area, offices, meeting rooms, library and ICT suite. Four wings radiate from this, roughly aligned north, south, east and west. Those to the south and west provide classroom accommodation across two levels, whilst the eastern wing is single storey and principally provides the two nursery classrooms. The wing projecting to the north provides a shared school hall.
- 1.8 The building is of a modern design and all of its elements are flat roofed. The lower levels are all faced in brick, including the single storey eastern wing, whilst upper levels are all to be rendered. The main entrance is clearly identified as a glazed atrium with coloured panelling at first floor level. Sports pitches are primarily provided on land to the north of the new building on areas currently occupied by the existing school buildings. This area will also provide on-site parking for staff and more informal play areas, as well as the location for a surface water attenuation pond. The only vehicular access to the site will be that existing from Hereford Road and the parking spaces in this location are to be retained without alteration.
- 1.9 The application is accompanied by the following documents:
- Planning Statement
  - Design and Access Statement
  - Site Waste Management Plan
  - Flood Risk Assessment
  - Tree survey and Proposals
  - Drainage Philosophy
  - Travel Plan
  - Ecological Appraisal (including a separate Reptile Survey)
  - Landscape and Visual Impact Assessment

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan:**

S1	-	Sustainable Development
S2	-	Development Requirements
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement



DR4	-	Environment
DR7	-	Flood Risk
T6	-	Walking
T14	-	School Travel
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
NC1	-	Biodiversity and Development
NC7	-	Compensation for Loss of Biodiversity
CF5	-	New Community Facilities

## 2.2 National Planning Policy Framework:

Paragraph 72 of the NPPF is the only specific reference to proposals relating to schools, and reads as follows:

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

- give great weight to the need to create, expand or alter schools;
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

More generally, the NPPF seeks to encourage a sustainable approach to planning, requires a good standard of design and seeks to promote healthy, inclusive communities.

## 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 | NC2003/2474/F | Improvements to parking area to the rear of primary school – Withdrawn.           |
| 3.2 | 93/0688/N     | Re-positioning and replacement of mobile classroom units – Approved January 1994. |

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Natural England: The local planning authority has undertaken a Habitats Regulations Assessment Screening and has concluded that the proposal has no likely significant effects on the River Wye Special Area of Conservation (SAC). This is because the development will include measures to decrease water use and therefore foul flow volumes to the sewage treatment works.

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the River Wye SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites conservation objectives.

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

We advise that the phosphate and flow reduction techniques which are critical to the conclusion of no likely significant effects are the subject of a suitably worded planning condition.

- 4.2 Environment Agency: Raise no objection to the proposal but advise that a Flood Risk Assessment (FRA) must be submitted with any planning application for development proposed in flood zone 1 with an area over 1 hectare in size.

They go on to advise that surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least Greenfield runoff or where possible achieving betterment in the surface water runoff regime. Such an approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality and biodiversity benefits i.e. wider sustainability benefits.

- 4.3 Welsh Water: Raises no objection subject to the imposition of conditions.

- 4.4 Sport England: We have considered the impact of the development proposals on existing opportunities for sport, with a focus on the impact on the playing fields and consider that, subject to appropriate planning conditions, the application can be considered to be consistent with exception E4 of our policy in that the areas of playing field lost to development would be replaced on site, equivalent or better with regard to quantity, quality and accessibility. This being the case, Sport England does not wish to raise an objection to this application.

#### Internal Council Consultations

- 4.5 Transportation Manager: The public footpath along the eastern boundary of the site is not suitable as the main access route for pedestrian and cycle traffic from the north. The surface is in poor condition, making it unsuitable for cycles, prams/pushchairs, and wheelchairs. It is unlit, and the southern section is narrow and overgrown. Even if these faults are rectified, the footpath would remain legally unavailable for cycles, unless it was converted to a bridleway. Conversion is difficult to achieve, because of likely objections from interested parties. There is also the lack of Public Footpath over the 45m from Churchill Avenue to the start of Gateway Lane/Marlborough Close and possible legal uncertainty about right of access.

A solution is to revert to a 3m wide ped/cycle route from the end of George Street through the site to the western edge of the new "MUGA". This was originally proposed in the discussions some two years ago. There will have to be temporary diversions in its route to permit demolition works, and arrangements to secure gates outside school travel times. The route must be available before first occupation of the new school building and remain available during demolition works. Conditions should also be imposed to require a construction management plan and to require the update and revision of the school travel plan.

- 4.6 Conservation Manager (Ecology): Much of the site is regularly-mown, amenity grassland (playing fields). The biodiversity features (trees and hedge lines) along the western and eastern boundaries of the site are to be retained during and post development. These will need to be adequately protected during the development works.

During our site visit in July, a slow worm was seen in the south east corner of the application site and I recommended that a specific reptile survey be undertaken. I have now received the additional reptile survey report and proposed mitigation strategy. A number of slow worms were recorded on the site and will need to be carefully excluded from the development site

and moved to the reptile habitat that is to be retained. Post-construction, new reptile habitat will be created along the southern boundary of the site.

If this application is to be approved, I recommend the inclusion of conditions to secure the protection of the trees and hedgerows along the east and west boundaries and to ensure that the recommendations of the ecology reports are followed.

4.7 Conservation Manager (Landscape): Comments awaited.

4.8 Public Rights of Way Officer: No objection to the proposal but highlights the fact that the proximity of public footpath ZC94 to the site. Recommends that advisory notes are attached to any planning permission to highlight the need for the footpath to remain unobstructed at all times during construction works

4.9 Land Drainage Engineer: Confirms that the approach of the drainage design is acceptable and satisfies current guidance.

## 5. Representations

5.1 Leominster Town Council: The Town Council is not against a new Infants and Junior school per se however it recommends that this application is refused.

- There are concerns that the area marked in blue (\_A\_501 Rev P2\_Location Plan) could be developed in the future, assurance is required that this is not the case; any further development could have a marked impact on the wildlife habitat.
- Certificates (Agricultural Land Declaration) Box B should be highlighted NOT box A.
- There is concern that parental access could be compromised i.e. further for parents and children to walk to school compared with the present.
- Extremely unhappy for the proposed siting at Cockcroft. It would be prudent that the infant and junior school is demolished first, children educated in portable temporary classrooms with the surplus being moved (possibly) and temporarily to Earl Mortimer, this would allow the new build on a brown field site rather than on a green field site.
- Has an outside agency being asked to give a second opinion on Flood Risk?
- The proposed design is NOT sustainable i.e. It is to be constructed of concrete (not carbon neutral). There is no provision for solar panels.
- The traffic problems along Hereford Road will be exacerbated, has any thought be made for a cycle track.
- Drainage, it appears that the small pond may be inadequate.

5.2 Leominster Green Party: Support the principle of replacing the existing buildings but have objections to the present application.

- Certificate (Agricultural Land Declaration) Box B should be highlighted NOT box A.
- Has an outside agency being asked to give a second opinion on Flood Risk?
- The provision of a small pond to take up surface water run-off appears insufficient. Have the condition of foul and surface water separation required by Welsh Water been met?
- What measures are to be included to preserve the public right of way bounding the site?
- The proposal encroaches onto prime agricultural land.
- The scheme will disrupt wildlife in the area and there is not sufficient reassurance that this matter has been dealt with adequately.

- The prominent hill top location exposes the building and its users to inclement weather and will make the building highly visible.
  - Insufficient works have been planned to remove the risk of flooding from run-off.
  - The design fails to incorporate sustainable building methods.
  - The proposal will increase traffic congestion on Hereford Road
- 5.3 Ramblers Association: Public footpath ZC94 runs close to the site. It is important that there should be continued and unhindered access to this footpath during construction.
- 5.4 Leominster Civic Society: Object to the application on the following grounds:
- Express concern about the fact that the use of the Hereford Road access will be intensified through its combined use by both schools.
  - The design of the building seems bland and utilitarian.
  - Clarification of the sustainable credentials of the scheme is required
  - Concerned about the scale of the building, both in terms of its impact on the landscape and in respect of its human scale.
- 5.5 11 letters of objection have been received. It should be not that the majority of the letters received are supportive of the principle of replacing the existing school accommodation, but comment on specific aspects of this proposal. In summary the points raised are as follows:
- The new school is to be built on a Greenfield site.
  - Existing buildings should be demolished and a new school constructed in a similar location with portable accommodation used to provide classrooms on a temporary basis.
  - Poor design with insufficient regard to sustainability.
  - The new school building will overlook properties on Elm Close and Hereford Road.
  - Proposed wind catchers are known to generate noise and this will be detrimental to the amenities of neighbouring properties.
  - The proposal will increase surface water run-off and properties on Hereford Road and Elm Close will suffer increased flood risk. There is evidence of this occurring in the past, particularly in 2007.
  - The proposed pond is not considered to provide sufficient protection against flood risk.
  - The building will have a negative visual impact on the southern approaches to Leominster, the setting of Cockcroft Hill and its use for recreational purposes.
  - The proposal will have a negative impact on wildlife.
  - The plans do not address the problem of parents parking in surrounding streets. This is detrimental to highway safety.
  - What assurances can the council give that the associated sports fields will not be sold to make a more attractive parcel of land for developers?
- 5.6 Two letters offering qualified support to the application have been received and the points raised are as follows:
- Improvements should be made to Gateway Lane in order to encourage greater pedestrian and cycle access to the school.
  - There is a need to ensure that there is no increased risk of surface water run-off to third parties.

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

- There is further potential to improve biodiversity and landscape enhancement.

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

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

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

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

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

6.1 The existing school premises have developed on an ad-hoc basis over the last thirty years and it is clear that they are in need of replacement. The principle of replacing the existing accommodation is accepted by the majority of those who have made representations and there is no fundamental conflict with policies contained within the Herefordshire Unitary Development Plan.

6.2 The key concerns of those objecting to the application cover a number of issues including the location of the building both in terms of its visual prominence and its encroachment onto agricultural land, the impact on wildlife and biodiversity enhancement, the detailed design and sustainability credentials of the new building, drainage and flooding and accessibility and highway safety issues. This part of the report will consider each of these matters in turn.

### Location of the Proposed Development

6.3 It has been suggested that the existing school buildings should be demolished to make way for new accommodation on the same site, and that pupils should be housed temporarily in portable buildings to be located on the area immediately to the south that is currently used for playing fields. This would then negate the need for the new building to encroach onto agricultural land.

6.4 A similar approach was employed during the recent re-development of the Riverside School in Hereford. The cost implication of providing accommodation and undertaking the necessary ground works was in excess of £1 million for a period of approximately one year whilst that school was re-developed.

6.5 It has been argued that a cost burden of this magnitude would make the scheme in Leominster unviable. The scheme has been significantly delayed in coming forward due to budgetary constraints and a subsequent requirement for re-design. The cost of providing temporary accommodation is therefore considered to be prohibitive.

6.6 It would be preferable for the re-development of the school to be fully contained within its existing site, but a combination of operational and budgetary constraints have dictated otherwise and therefore a balanced judgement has to be made about the desire to provide a new school and the loss of approximately one hectare of agricultural land.

### Visual Impact

6.7 Policy LA2 of the Herefordshire Unitary Development Plan requires that proposals are influenced in terms of their design and layout by the landscape in which they are located. The application is supported by a Landscape and Visual Impact Assessment. It accepts that the proposal will have an impact due to its location at the edge of the developed area of Leominster and as a consequence of the topography of the land, but contends that the design of the building will help to mitigate its impact.

6.8 There is a significant rise in level across the site from east to west of approximately 11 metres and this requires the land to be significantly re-graded and re-modelled in certain areas. The

consequence of this is that the building sits within the land and its impact in terms of its height is reduced.

- 6.9 The building will be most visually prominent when approaching Leominster from a southerly direction. The site lies at the fringe of the town's developed area with open countryside in its foreground. The cruciform design of the building sees four wings projecting roughly along the compass points. It is considered that this serves to reduce its overall mass and thus limits its overall visual impact.
- 6.10 It is inevitable that the building will assume some visual prominence. It will be seen in the context of the wider developed area of the town and against a backdrop of mature trees that form the western boundary. The topography does present a challenging constraint but it is considered that the design has taken this into account and therefore the proposal complies with Policy LA2 of the Herefordshire Unitary Development Plan.

#### Design and Sustainability

- 6.11 As described above, it is considered that the detailed design of the building has been appropriately influenced by the topography of the land on which it is located and that its layout serves to minimise its mass. The external appearance of the building combines brick at a lower level with a rendered finish to upper floors. Both materials are common in the area and their combined use will serve to provide a visual break and further relieve the sense of massing.
- 6.12 The layout provides an obvious point of entrance at the juncture of the north and east wings and the use of glazing and coloured panelling in this area will serve to provide a clear indication to visitors entering the site. The wings allow the school to be divided into nursery, Key Stage 1 and Key Stage 2, with each afforded their own external play spaces. Other facilities, including playing fields and the school hall, will be shared.
- 6.13 With specific regard to the sustainability of the design, the scheme has been registered with a BREEAM assessor and the aim is to achieve a 'very good' rating, similar to that achieved in the re-development of the Earl Mortimer College.
- 6.14 The concrete mass used in the construction of floors and stairs allows night time cooling and thus reduces ambient temperatures during the day and the need for mechanical ventilation. Natural ventilation will be achieved via proposed wind cowls and window actuators. The wind cowls are fitted with low velocity fans.
- 6.15 The design also incorporates a building management system, which controls the energy use of the whole building. Mesh screens in front of the windows will control glare and heat gain in the individual rooms. The roof of the school hall is capable of accommodating solar panels.
- 6.16 The scale, design and layout of the proposal are all well-considered and it is concluded that the requirements of Policy DR1 are met in this respect. It is also considered that the design does aim to provide a sustainable solution to the provision of new accommodation within the constraints that exist. Given the expressed intention to construct the building to BREEAM 'Very Good' standard it is recommended that a condition be imposed to make this a requirement should planning permission be forthcoming. On this basis the proposal also accords with Policy S1.

#### Drainage and Flooding

- 6.17 Local residents from Elm Close and Hereford Road have expressed concerns about a potential for their properties to experience more frequent flood events as a consequence of

surface water run-off and there is clearly a need to ensure that this situation is not exacerbated by this proposal.

- 6.18 Drainage problems relating to local capacity issues and localised flooding resulting from surface water run-off were both identified as significant issues early on during pre-application discussions. The applicant's agent engaged with both Welsh Water and the Environment Agency in order to establish appropriate methods for the treatment of foul and surface water and the application is accompanied by both a Flood Risk Assessment and a Drainage Design Philosophy.
- 6.19 The Drainage Design Philosophy considers a range of options for dealing specifically with run-off from hard surfaces and land drainage. With regard to the former, it concludes that the use of oversized pipes within the network (or 'tank sewers'), combined with the installation of a hydrobrake to store and control flows to the public sewer, particularly during periods of heavy rainfall, are most appropriate.
- 6.20 Welsh Water ordinarily requires that surface water should not be allowed to connect to the public sewerage system. However, their advice is caveated that this should not be allowed, unless otherwise agreed in writing by the local planning authority. In this particular case the existing school already discharges to the public sewerage system. Information provided by the applicant's drainage consultant concludes that the flows from the proposal will be less than the existing school and, combined with the installation of mechanisms to control flows during heavy rainfall events, it can be concluded that the cumulative effect of the proposal will be to reduce flows into the public sewerage system. This position has also been accepted by Natural England with respect to phosphate discharges to the River Lugg and is reflected in the fact that they have raised no objection to the proposal.
- 6.21 Land drainage is to be dealt with by a network of filter drains that discharge to a storage pond. In a similar manner to the above, flows are controlled by a hydrobrake to allow a measured discharge to the ground. Whilst some land drains may currently exist within the site, the installation of a new system and the provision of a pond to provide a method to store and discharge water over a much longer period is considered to represent an improvement that will reduce the likelihood of flooding from surface water run-off.
- 6.22 Some concerns have been raised that the storage pond will have insufficient capacity, but this is not substantiated with any evidence. The proposals have been assessed by the Council's Land Drainage Engineer who has confirmed that the drainage approach is acceptable. Based on the information provide and subject to the submission of a detailed scheme for foul, surface and land drainage it is considered, that the proposal will minimise the risk of flooding from surface water run –off and therefore complies with Policy DR7 of the Herefordshire Unitary Development Plan.

#### Ecological Issues

- 6.23 The surveys accompanying the application identify that the site has some value as a biodiversity asset, particularly the hedgerow forming the southern boundary of the site which provides a habitat for reptiles, birds and mammals. This hedgerow will be removed if planning permission is granted and a number of objectors living locally object to this. The eastern boundary also provides an important wildlife corridor and the vegetation in this part of the site is to be retained.
- 6.24 The plans indicate that a new hedgerow will be established at the southern boundary of the site in mitigation for that which is to be removed. Given the importance of this boundary to the setting of the school as a whole, and in order to ensure that the loss of the existing hedgerow is mitigated as soon as is practically possible, it is recommended that the re-planting of the southern boundary is timetabled to take place early within the development of the site, rather

than towards the completion of works as is more commonly the case. This will allow time for it to become established, mitigating for the loss of the existing hedgerow and also serving to provide a visual buffer when approaching from the south.

- 6.25 The plans and ecological surveys also indicate the provision of further mitigation through the strengthening of existing vegetation boundaries with new native planting, particularly along the eastern boundary. The storage pond is also identified as an additional habitat within the site, potentially replacing and improving upon a small pond contained within the Junior school grounds.
- 6.26 The Council's Ecologist has considered the finding of the ecological surveys and has raised no objection subject to the imposition of conditions to secure appropriate mitigation. It is also considered that a condition relating to tree protection measures during the course of development is both necessary and appropriate and should be attached if planning permission is forthcoming.
- 6.27 The proposal does retain biodiversity features wherever possible and is designed to minimise its impact in this respect. The removal of the hedgerow to the south is necessary and can be mitigated through further planting and landscaping, subject to conditions, and accordingly the proposal is considered to accord with Policies NC1, NC7 and LA6 of the Herefordshire Unitary Development Plan.

#### Accessibility and Highway Safety

- 6.28 Matters relating to pedestrian and bicycle access to the site are dealt with in detail in the comments from the Council's Transportation Manager. Pedestrian access to the site from residential areas to the north is particularly important as the majority of parents and children will approach from this direction and it is important that they are not deterred from walking to and from school in the future.
- 6.29 Although the future of the northernmost part of the site closest to George Street is not entirely clear, it is within the control of the applicant. A requirement to provide such access is necessary and an appropriately worded condition as recommended by the Transportation Manager will ensure that the proposal is compliant with Policies DR3, TR6 and TR7 of the Herefordshire Unitary Development Plan.
- 6.30 The only vehicular access to the site will be via the access onto Hereford Road and the proposal would see an intensification in its use. The plans provide dedicated parking for all staff within the site, with the spaces currently used by staff at the Infants school becoming available for visitors and parents to drop off children.
- 6.31 The perceived problems of on-street parking and the related highway safety issues cannot be resolved by this application. Parking restrictions require Traffic Regulation Orders and as these are subject to separate public consultation procedures, cannot reasonably be required through planning conditions. Subject to the provision of a dedicated pedestrian and cycle access via George Street, the proposal will provide alternative access to the site and may influence some parents to change their travel habits. An updated school travel plan may also assist.
- 6.32 It is also important to ensure that conflicts between construction traffic and those using the school are minimised. To ensure this, it is recommended that a construction traffic management plan is submitted and approved prior to the commencement of any development. This should provide details of how vehicular traffic to the construction site and school are to be separated, ensure that construction traffic is routed from the A49 via Southern Avenue and that construction traffic and delivery vehicle movements do not take place during school travel



times. Subject to these conditions it is considered that the proposal will accord with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

#### Other Issues

- 6.33 Some residents from Elm Close and Hereford Road have expressed concern that the proposals will be detrimental to their residential amenity as they will be overlooked by the new building. The boundary between the school and the properties in question currently comprises a mature hedge and trees. Beyond this is a public footpath and then the western boundaries of the properties. These are predominantly close boarded fences. The eastern wing projecting towards these properties is the single storey and gable end on. At their closest, the distance between this part of the new building and the closest dwelling, 9 Elm Close, is approximately 40 metres. The average distance between the new building and the dwellings on Hereford Road is in excess of 90 metres.
- 6.34 In light of the fact that the boundaries of the site are established, that the use of majority of the site as a school is established, and given the distances between built elements, it is not considered that the proposal will give rise to any significant detriment to residential amenity. The proposal therefore complies with Policy DR1 in this respect.
- 6.35 The proposals will not have any effect on the public footpaths running to the south and east of the application site. It is however, recommended that a note is attached to any planning permission to ensure that they remain unobstructed during the course of development.

#### Conclusion

- 6.36 It is clear that the principle of re-development of the site is accepted. Due to the operational constraints that demolition and re-development on the same or similar footprint, it is considered that the use of additional agricultural land to the south of the school premises is justified.
- 6.37 The site is elevated and the proposal will have some visual impact. This is mitigated to some extent by the detailed design of the building which is to be set into the land. Further mitigation can be achieved through a detailed landscaping scheme elements of which should be timetabled to take place concurrently with the development, particularly the re-planting of a southern boundary hedge. This will also provide more immediate mitigation in respect of biodiversity as the existing hedgerow on the southern boundary will have to be removed to allow the development to take place.
- 6.38 Matters relating to drainage arrangements and potential flooding of neighbouring property arising from surface water run-off have been carefully considered. The applicant's drainage consultant has been able to demonstrate that flow rates from the proposal would be lower than as presently exists, a view that has been endorsed by Natural England. The methods proposed to be employed to control surface water discharges in the event of high levels of rainfall are considered to be appropriate, subject to the submission of a detailed scheme.
- 6.39 The provision of a pedestrian and cycle link from the existing point of access into the Junior School on George Street to the new site will provide parents with a legitimate alternative to car usage. The parking area accessed via Hereford Road will also be available for drop off / pick up and it is considered that these combined elements will go some way to addressing concerns about on street parking.
- 6.40 Subject to the recommendations and conditions referred to above, it is considered that the proposal accords with the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The application is therefore recommended for approval.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G03 Retention of existing trees/hedgerows**
5. **G04 Protection of trees/hedgerows that are to be retained**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **Prior to the commencement of the development hereby approved details of a pedestrian and cycle path from George Street to the site shall be submitted to and approved in writing by the local planning authority.**

**Reason: To ensure that there is adequate alternative modes of access to the site and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.**

9. **Prior to the commencement of the development hereby approved a Construction & Delivery Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The plan should cover the following points:**
  - a. **Details of a routing agreement with construction and delivery vehicle operatives to ensure that all traffic enters and leaves the site via Hereford Road and Southern Avenue.**
  - b. **The method to segregate construction and delivery vehicles from school traffic at the point of access onto Hereford Road.**
  - c. **The arrival and departure of construction and delivery vehicles will not be permitted between 0815 to 0915 and 1445 to 1615 Monday to Friday.**

**Reason: In the interests of highway safety so that potential conflicts between construction and school traffic are avoided and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.**

10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Secure covered cycle parking provision**
13. **H30 Travel plans**
14. **I16 Restriction of hours during construction**
15. **I41 Scheme of refuse storage (commercial)**
16. **I43 No burning of material/substances**

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

**17. I55 Site Waste Management**

- 18. The recommendations set out in the ecologist's reports dated August 2012 should be followed in relation to the identified protected species [bats, great crested newts etc]. Prior to commencement of the development, a full working method statement and habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

**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 Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan. To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006**

- 19. Prior to the commencement of the development hereby approved a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage will be dealt with has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**Reason: To ensure that effective drainage facilities are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

**Reason for Approval:**

- 1. The site is elevated and the proposal will have some visual impact. This is mitigated to some extent by the detailed design of the building which is to be set into the land. Further mitigation can be achieved through a detailed landscaping scheme elements of which should be timetabled to take place concurrently with the development, particularly the re-planting of a southern boundary hedge. This will also provide more immediate mitigation in respect of biodiversity as the existing hedgerow on the southern boundary will have to be removed to allow the development to take place. The proposal complies with Policies S1, DR1, LA2, LA6 and NC7 of the Herefordshire Unitary Development Plan.**

**Matters relating to drainage arrangements and potential flooding of neighbouring property arising from surface water run-off have been carefully considered. The applicant's drainage consultant has been able to demonstrate that flow rates from the proposal would be lower than as presently exists, a view that has been endorsed by Natural England. The methods proposed to be employed to control surface water discharges in the event of high levels of rainfall are considered to be appropriate, subject to the submission of a detailed scheme. The scheme therefore accords with Policy DR4 of the Herefordshire Unitary Development Plan.**

**The provision of a pedestrian and cycle link from the existing point of access into the Junior School on George Street to the new site will provide parents with a legitimate alternative to car usage. The parking area accessed via Hereford Road will also be available for drop off / pick up and it is considered that these combined elements will go some way to addressing concerns about on street parking and consequently the proposal accords with Policies S1, DR3 and T14 of the Herefordshire Unitary Development Plan.**

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

**Informatives:**

1. **N11C General**
2. **HN25 Travel Plans**
3. **HN27 Annual travel Plan Reviews**
4. **N20 Site Waste Management**
5. **If development works are perceived to be likely to endanger members of the public then a temporary closure order must be applied for from the Public Rights of Way Manager, Herefordshire Council, Unit 3, Thorn Business Park, Rotherwas Industrial Estate, Hereford, HR2 6JT (tel 01432 845900), at least six weeks in advance of works commencing.**
6. **The applicants should ensure that their contractors are aware of the line of the public right of way and that the right of way must remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion. No vehicles, materials debris, etc shall be stored on the line of the footpath at any time.**

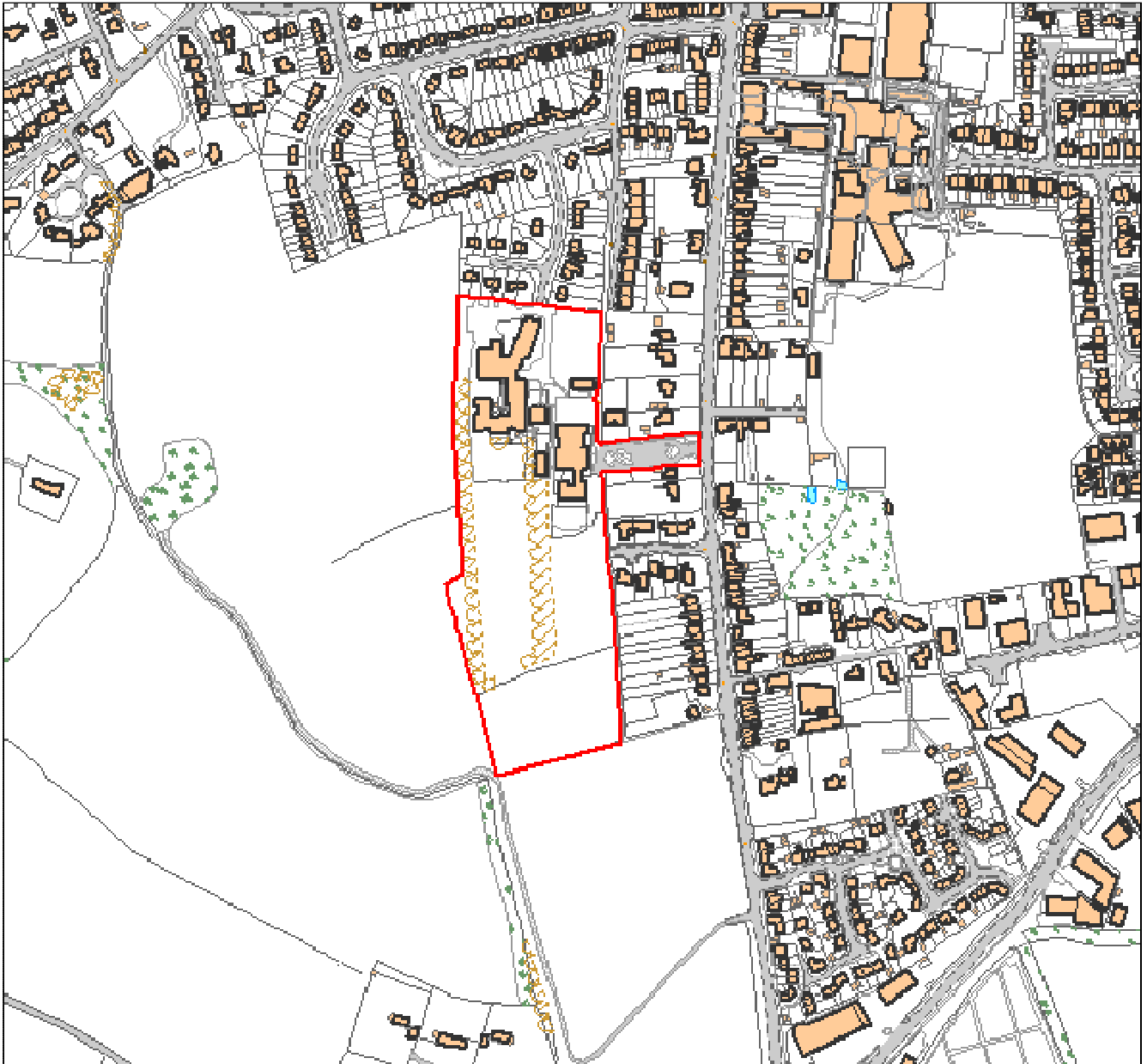
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** N/121446/CD

**SITE ADDRESS :** LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>19 SEPTEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>N121131/FH - ALTERATIONS AND EXTENSION TO EXISTING DWELLING AT THE COTTAGE, WOODEND, LEDBURY, HEREFORDSHIRE HR8 2RS</b>  <b>For: Mr Ingleton per Mr Stephen Turner, 5 Barbourne Road, Worcester, Worcestershire, WR1 1RS</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121131&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121131&amp;NoSearch=True</a>

Date Received: 16 April 2012

Ward: Frome

Grid Ref: 363560,241187

Expiry Date: 11 June 2012

Local Member: Councillor PM Morgan

## 1. Site Description and Proposal

- 1.1 The application site lies at the end of a private drive, to the west of the C1151 at the hamlet of Wood End within the Parish of Ashperton. It is located approximately one kilometre to the south-west of Ashperton village. Upon the site at present is a genuinely small, two bay, one and a half storey, half-timbered eighteenth century cottage with a rear single storey extension. The original cottage has a width of 6.4 metres and a depth of 4 metres, whilst the single storey rear extension has a width of 6.4 metres and a depth of 2.6 metres. This means that the gross floor space of the existing cottage (including porch & ground floor cupboard) is approximately 74 square metres. However, the limited roof space of the first floor of the original cottage means that the useable floor area is some 12.8 square metres less. The front principal elevation of the cottage faces south. That elevation has two dormer windows.
- 1.2 The private drive which provides vehicular access to this property serves three other existing houses. They are 'Moorend Cottage', 'Woodmans Cottage' and 'Spring Grove Farm'. The mature rear garden of 'Woodmans Cottage' runs parallel to the application site, although 'Woodmans Cottage' itself is in excess of 25 metres to the south-east of the front elevation of the dwelling the subject of this application.
- 1.3 To the north-west of the site are a hedgerow and then an open field which falls to the north-west. Along the far northern boundary of that field, some 250 metres distant is a public footpath that runs in an east to west direction. The eastern boundary with 'Woodmans Cottage' also has a hedgerow.
- 1.4 In December of last year the applicant submitted an application (DMN/113379/FH) for a two extension to the rear of a contemporary design. In essence it was a cube and was to provide kitchen / diner utility room and decking at ground floor level and three additional bedrooms, a bathroom and a balcony at first floor level. This proposed extension was to have a depth of some 10.4 metres and a height of some 5.3 metres. It was to be rendered. That application was withdrawn in January of this year.

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Further information on the subject of this report is available from Mr R Close on 01432 261803

- 1.5 Following the previously withdrawn application revisions were made to the originally submitted scheme primarily consisting of:-
- a) Removing one of the additional bedrooms proposed at first floor level, so that the proposal is now only to create a three bedroomed house;
  - b) Deletion of the balcony at first floor level to address concerns with regard perceived overlooking;
  - c) Deletion of the decking at ground floor level;
  - d) A reduction in the depth of the proposed extension by some 3.4metres;
  - e) A reduction in the height of the building such that its height would be 0.42 metre less than the ridge of the existing cottage. This has been achieved by creating a step down (220mm) into the proposed extension and lowering the floor to ceiling height at first floor from some 2.3 metres to 2.1 metres; and
  - f) A change in the predominant external material from render to horizontal oak stack bonded boarding.
- 1.6 The consequence of this is that what is now proposed is a two storey flat roofed rear extension with a depth of 7 metres and a variable width of 7.5 metres 6.2 metres, other than the initial 2.3 metres of the first floor element which would be set in / recessed by 2.7 metres from the western flank / side elevation. The proposed extension is deliberately of a contemporary design to distinguish itself, rather than compete, with the original cottage. The proposed extension would have extensive glazing in the rear (northern) elevation and the side / flank western elevation. The kitchen / diner would have a pellet burning stove at the western side with a red brick chimney stack provided.
- 1.7 The external materials would comprise:-
- a) multi-stock red brick to the plinth and chimney stack;
  - b) timber cladding to the external elevations being oak stack bonding;
  - c) aluminium powder coated windows and sliding doors coated with a RAL 7016 Anthracite grey colour; and
  - d) timber boarded door to western side entrance.
- 1.8 In order to respect the privacy of the neighbouring property known as 'Woodmans Cottage' and ensure there is no overlooking to the east, only one window has been introduced onto the east – facing elevation, being that of the proposed utility room. In addition, it is proposed that this window be fitted with fixed external louvres, which both maintains the horizontal emphasis of the timber boarding and ensures that there will be no direct view either into or out of the room over the garden of the adjoining property, though still allowing ventilation and some natural light into the proposed utility room.
- 1.9 The resultant dwelling would have a gross floor space of 168 square metres.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007

S2	-	Development Requirements
DR1	-	Design
H18	-	Alterations and extensions
S7	-	Natural and Historic Heritage
LA2	-	Landscape character and areas least resilient to change
HBA8	-	Locally important buildings
T11	-	Parking Provision

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Further information on the subject of this report is available from Mr R Close on 01432 261803



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

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

### **3 History and Proposal**

- 3.1 DMN/113379/FH - Alterations and extensions to existing dwelling. Withdrawn 4 January 2012

### **4. Consultation Summary**

#### Statutory Consultees

- 4.1 None

#### Internal Consultees

- 4.2 Conservation Manager:-

“The proposed extension would represent a 131% increase over the original cottage and its historic extension. When dealing with a small cottage the amount of extra floor space that can be gained before the new outweighs the old is relatively modest, though the actual amount will vary relative to the particular massing and scale of a scheme. The Cottage is acknowledged as having a small footprint and scale, but it is still considered that such a large increase to this property would be too great.

- 4.3 The overall height of the proposed extension is slightly less than the height of the original cottage but the provision of a full two storeys under a flat roof rather than one plus an attic results in the scale of the extension being larger than the original. The extension should be subservient to the original building and this has not been achieved with the proposed scheme. It has become a case of the tail wagging the dog and this is not considered acceptable for a scheme focussed on a locally important building.

- 4.4 I reiterate my previous comment that “though a flat roof extension of contemporary design may be able to work with the existing character and appearance of the historic cottage, it is considered that the extension would need to be a single storey rather than two-storey. Alternatively a one-and-a-half storey design with a pitched roof but with contemporary styling might be a more successful prospect.”

- 4.5 The combination of the size of footprint plus the height of the extension results in a building that dominates the original cottage and is out of proportion.

- 4.6 The main frontage to the west is also dominated by the slab of brickwork that it is the chimney. Though a chimney is welcomed in principle the form is rather brutal, especially as there is only a ground floor fireplace and therefore only one flue, which means that the chimney could slim towards the top in a similar manner to that of the original cottage.

- 4.7 The oak boarding proposed for the external walls is a smart, contemporary use of timber, which may be appropriate in this context if the walls were not as high.

- 4.8 The change to a timber frame character for the rebuilt rear extension to the cottage is not considered to be successful due to the lack of a pitched roof over it. Timber frames do not have flat roofs over them and, as can be seen here, the timber tends to appear fake because it has not been finished off (with a pitched roof).

- 4.9 In addition the new front porch is rather large for the cottage – a more traditional size would have been the same size as the door width. However both these items have been carried out under permitted development rights.
- 4.10 Overall it is considered that the scale of the proposal dominates the original cottage and its rear extension. The massing of the extension results in the rear of the property being visually heavier than the front which creates an unacceptable imbalance in the composition. The scheme does not comply with HBA8 as it is considered that it does adversely affect the appearance and setting of the original cottage.
- 4.11 The Transportation Manager raises no objection.
- 4.12 The consultation responses can be viewed on the Council's website by using the following link:

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

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

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

## **5. Representations**

- 5.1 The Ashperton Parish Council object to the proposed development on the basis that the proposed extension by virtue of its design and size, would be disproportionate and out of character with both the existing dwelling and with its surroundings, in clear conflict with Part 2 of UDP Policy H18.
- 5.2 The occupiers of 'Chapel House' Noke Lane, Pembridge and the occupiers of 'Spring Grove Farm' and 'Woodmans Cottage' object on the following summarised grounds:-
- a) the floor area of the extension is well over double the size of the original cottage. This is not an extension but a new house attached to the old one, which is to be lived in by a different person to the householder;
  - b) the extension elevations are outrageously out of keeping with the local architecture, particularly from the east elevation. The western elevation is just as appalling;
  - c) the access track to is narrow and congested and turning onto the public highway has very poor visibility;
  - d) it is not the case that the site is only visible from one property;
  - e) the flank elevations of the proposed extension would be readily visible from neighbouring properties;
  - f) the shape and proportions of the proposed extension are inappropriate;
  - g) the proposed cladding is not traditional;
  - h) loss of privacy to adjoining dwellings;
  - i) a single storey pitched roof extension would be much more appropriate; and
  - j) the access and parking provision is inadequate.

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

- 6.1 The Cottage was purchased at auction more than one year ago by the applicants. At the time that the property was being auction Officers received many enquiries by persons wishing to purchase the property, demolish it and replace it with a materially larger new house. At that time Officers considered that:-
- a) The cottage was not worthy of listing as being of special architectural or historic merit;

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Further information on the subject of this report is available from Mr R Close on 01432 261803

- b) Notwithstanding a) above, the cottage was of local importance and as such every attempt should be made to refurbish and possibly extend the existing cottage, rather than replace it; and
  - c) The cottage was in a very poor physical condition – it had a significant lean to it, the timber frame was in a poor condition and the panels were infilled with brick.
- 6.2 At that time the Cottage had visually harmful lean-to extensions to both sides / flanks, a rear extension (that has been replaced) and a porch (that has been replaced). I understand that the two side structures that have been removed had a floor space of some 9.3 square metres. In addition, a timber shed has been removed from the rear garden.
- 6.3 The applicants have gone about refurbishing the existing cottage by, amongst other matters, undertaking extensive repairs to the timber frame and replacing the brick infill panels with wattle and daub. It would be reasonable to state that a locally important building that was in a poor physical condition and arguably “at risk” has been saved.
- 6.4 The existing Cottage is extremely small by modern day standards. The fact that it has been restored is to be welcomed. It is considered that it is reasonable to extend such a property. The desire to extend the property to create a three bedroomed house does is not considered to be unreasonable. In purely numeric terms the proposed extension cannot be considered as modest as the floor space would increase considerably from some 74 square metres to some 168 square metres. As such, the proposal could be considered to conflict with policy H18 of the Herefordshire Unitary Development Plan 2007. The application has been advertised as a departure from the provisions of the Development Plan. However, that does not necessarily mean that the proposed development is harmful and in that respect a more detailed and thorough assessment is required.

#### Design Approach

- 6.5 To enlarge this property to create the accommodation that the applicant wishes to create is extremely challenging due to the unusually small size of the existing cottage, including its limited eaves height, ridge height and depth. To extend it in a traditional pastiche manner whilst ensuring that any extension remained subservient to the original cottage appears extremely difficult.
- 6.6 The approach that the architect has adopted is to create a modern contemporary piece of architecture physically linked to the building but separated at first floor level. This creates a clear physical distinction between “the old” and “the new”. This seems to me to be a perfectly legitimate approach provided it is executed to a high quality.
- 6.7 The beauty of the existing cottage is the view of the principal front elevation when approaching down the private drive. By locating the proposed extension to the rear of the existing dwelling, this view would remain largely unaltered although one may get an oblique view of part of the western side elevation.
- 6.8 Impressively by carefully limiting the height of the proposed extension by limiting the first floor ceiling height and creating a step down into the proposed extension from the existing house, the flat roof of the proposed extension would be lower than the ridge height of the existing cottage . It must be noted that the ridge height of the existing cottage is akin to the eaves height of most modern two storey houses – it is low. The flat roof of the proposed extension would be lower still.
- 6.9 Of course the quality of such modern pieces of architecture is largely dependent upon the quality of materials proposed. In this case the materials are considered to be both appropriate and of quality. The use of oak stack bonded horizontal boarding will be would be much less

harsh than the previously proposed render and will mellow / weather to a silvery / grey colour over time.

- 6.10 It is considered that rather than overwhelm the original or existing dwelling, the proposal would be viewed as a physically distinct, albeit linked at ground floor level piece of architecture. As such the original cottage will still be capable of being fully appreciated.

#### Visual Impact

- 6.11 The planning system is not designed to safeguard private views; it is the visual impact from public vantage points (i.e. the public realm) that needs to be addressed, including the public highway and public rights of way. This existing cottage is barely visible at present from any public vantage points. The one public vantage point which Officers have found from which the existing cottage and proposed extension is visible, albeit a brief glimpse, is from the public footpath some 250 metres to the north-west. From that point the roof of the existing cottage is visible which suggests that the first floor of the proposed extension would be visible. The entire western elevation of the proposed extension would not be readily visible. Furthermore when viewed from that vantage points both the existing cottage and the proposed extension would be viewed against the backdrop of woodland (i.e. the area marked Cook's Wood / Ashperton Park area on the Ordnance Survey map).

#### Impact Upon Neighbouring Residential Properties

- 6.12 There are no neighbouring houses within twenty-one metres of the proposed extension and it is considered that the proposal would not result in any undue loss of privacy to habitable rooms of neighbouring properties or patio areas / immediate rear amenity areas of neighbouring houses.
- 6.13 It is considered that the proposed extension would not result in any undue of sunlight and/or daylight to neighbouring houses.

#### Vehicular Access and Parking

- 6.14 The existing private drive is considered to be adequate to serve the resultant development. It is normal practise to have five or less houses served off a private drive. Access rights and maintenance issues are private civil matters. The plan shows the provision of two car parking spaces within the application site which is considered to be adequate. This is in an area where an existing dilapidated garage stands.

#### Other Comments

- 6.15 The retained rear garden if the proposal were to be permitted would have a depth of some twenty-two metres.
- 6.16 It is acknowledged that the design of the extension is different in that it adopts a contemporary approach. When one looks at the extension permitted and built at 'The Roakes' in the immediate vicinity, it is considered that this is a legitimate approach. It is also recognised that there are existing timber framed houses in the immediate vicinity that have historically been extended (e.g. 'Woodmans Cottage' and 'Little Tuston').
- 6.17 It is not the role of Local Planning Authorities to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative to conform to certain forms or styles. It is considered that this is a case where the professional Architect has responded to an extremely challenging brief of extending a genuinely small cottage into a reasonably sized three bedroomed family house in an innovative and appropriate manner. It is considered that such innovative design solutions helps to raise the standard of design more generally in the area. Members will have noted that the Senior Conservation Officer has a different view.

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Further information on the subject of this report is available from Mr R Close on 01432 261803

However, planning by its very nature often involves competing subjective opinions of trained professionals. This is clearly a balanced case where perfectly legitimate arguments can be forwarded both for and against the proposed development.

- 6.18 Whilst it is understood that the applicant's mother regularly stays at the property the proposal is for an extension and not for a separate dwellinghouse. There is no evidence whatsoever that the applicant's mother does not live communally with the other family members.
- 6.19 The proposal has some sustainability credentials with the use of a fleece-backed EPDM synthetic rubber roofing system (a low carbon produced material) and the provision of a wood pellet burner. E.P.D.M. synthetic rubber membrane is a material that can stretch, will not tear or crack and is unaffected by ozone and UV light. It is designed to outlast conventional roofing materials, normally with guarantees of twenty years and a fifty year life expectancy. EPDM is an inert material with limited environmental impact during manufacture and the use of the product (suppliers note that both Government and the International Kyoto Ecology agreement recommends EPDM rubber as Best Value sustainable eco-sound roofing). The colour of a dark grey slate looks natural and doesn't easily show dirt and the smooth synthetic rubber finish does not require ballast or chippings that can block gutters and downpipes.
- 6.20 With regard the pellet boiler, modern biomass stoves are efficient and reliable with clean burn methods. They cheaply convert biomass in the form of wood pellet fuel to heat, whilst giving off almost no smoke and little ash. Wood pellets are a renewable clean burn biomass fuel made from recycled wood waste or sawdust and the use of biomass fuel is a 'carbon neutral' process. The carbon dioxide released while burning is balanced by that absorbed by the tree during its growth. The UK Government Energy Savings Trust is encouraging the installation of wood pellet room heaters and stoves and is offering grants towards the cost of Pellet Stove Installation.
- 6.21 Wood pellet stoves can provide both space heating and hot water, provided by a heat exchanger, which can be integrated with the existing hot water and heating system to provide additional heat energy for the property. It is anticipated that the pellet burner, together with a highly insulated construction, will provide the majority of the heating energy needs for the extension.
- 6.22 It is proposed that the oak boarding/cladding would be from UK or European suppliers with PEFC UK (Programme for the Endorsement of Forest Certification) and FSC (Forest Stewardship Council) certificates, ensuring environmental sourcing and responsible, sustainable forest management.
- 6.23 The recommendation is that full conditional planning permission be granted.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. The development hereby permitted shall be constructed in full accordance with the external materials specified upon the Planning Application Form received 16th April 2012, the Design & Access Statement received on 16th April 2012 and the approved plans referred to in condition 3 below and shall thereafter be maintained with those materials.**

**Reason:- To ensure a satisfactory appearance to the development in accordance with policies DR1, H18, LA2 and HBA8 of the Herefordshire Unitary Development Plan 2007;**

3. **B01 Development in accordance with the approved plans**
4. **The two car parking spaces shown upon drawing number Drg No. 1411-Bloc2 (Scale 1:500) received 16th April 2012 shall be provided prior to the first occupation of the development hereby permitted and thereafter be retained and maintained for the parking of two motor vehicles, free of obstruction;**

**Reason:- To ensure adequate on-site car parking provision to prevent parking on the public highway, in the interests of highway safety in accordance with policy T11 of the Herefordshire Unitary Development Plan 2007;**

5. **Notwithstanding the provisions of the Town And Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) Order (no.2) (England) Order (2008) (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, B, C, D and E of Part 1 and Classes A and C of Part 2 of schedule 2 of Article 3 of the General Permitted Development Order 1995 shall be carried out without the express consent of the Local Planning Authority;**

**Reason:- To prevent an overdevelopment of the site, to safeguard the amenities of neighbouring residents and to ensure a satisfactory appearance to the development in accordance with policies DR1, H18, LA2 and HBA8 of the Herefordshire Unitary Development Plan 2007;**

**Reason for Approval**

1. **The Local Planning Authority resolved to grant full conditional planning permission in this case despite the floor space increase of the extension being significant compared to the original cottage for the following reasons:-**
  - a) **The extension would not adversely affect the principal / front elevation of the original cottage;**
  - b) **The extension would visually appear as distinct / separate to the original cottage and its overall height would be some 42cm lower than the ridge height of the original cottage**
  - c) **The contemporary design of the proposed extension is considered to represent an innovative quality approach;**
  - d) **The extension would not be readily visible or visually harmful to the landscape when viewed from public vantage points;**
  - e) **The extension would not result in any undue loss of daylight and / or sunlight to habitable rooms of neighbouring houses; and**
  - f) **The extension would not result any undue loss of privacy to occupiers of neighbouring houses;**

**As such, the extension was not considered to conflict with the purpose / objectives of policies S2, DR1, H18, S7, LA2, HBA8 and T11 of the Herefordshire Unitary Development Plan 2007.**

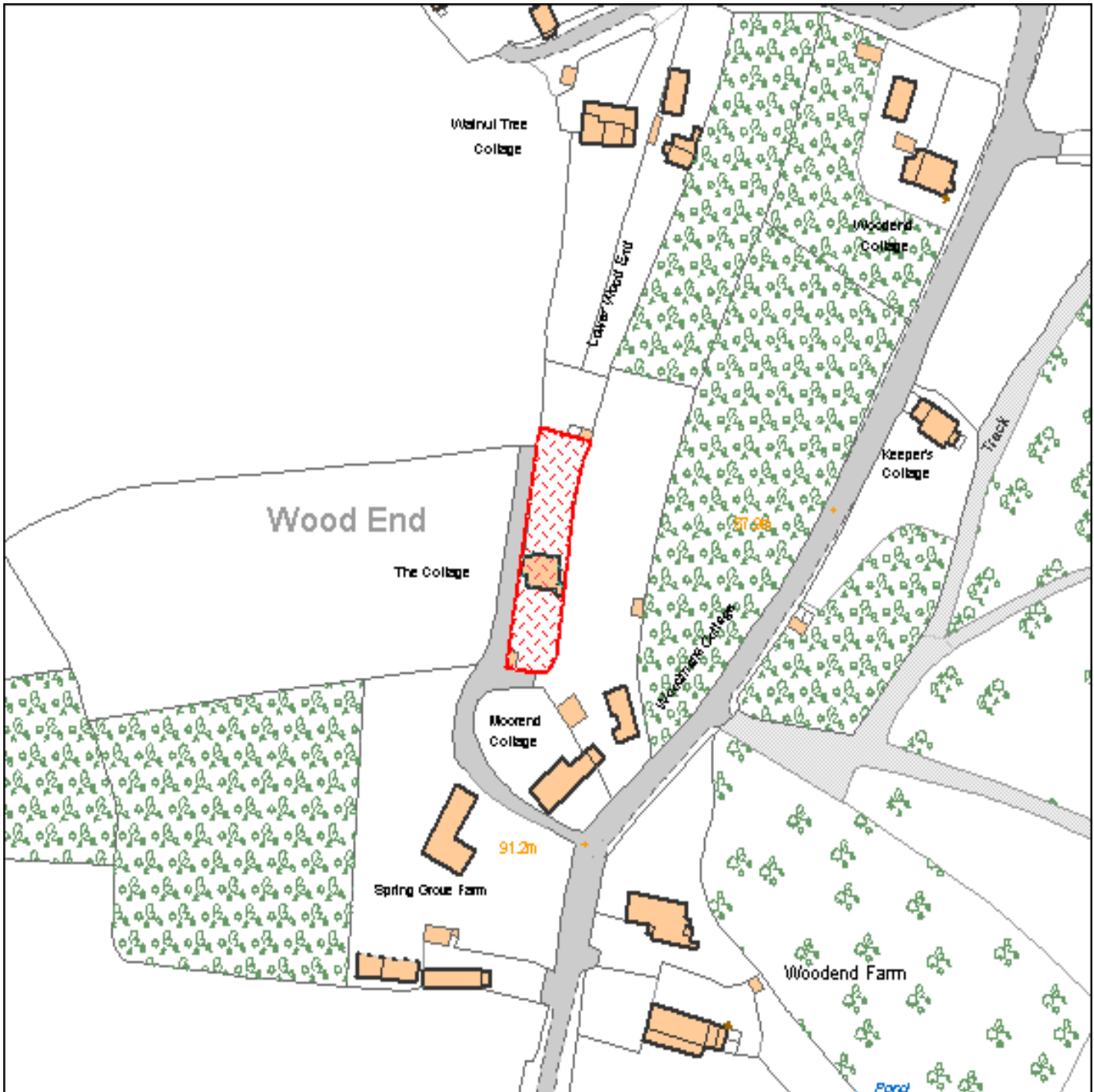
Decision: .....

Notes: .....

**Background Papers:** Internal departmental consultation replies.

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**APPLICATION NO:** N/121131/FH

**SITE ADDRESS :** THE COTTAGE, WOODEND, LEDBURY, HEREFORDSHIRE, HR8 2RS

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