

AGENDA

Planning Committee

Date: **Wednesday 17 October 2012**

Time: **10.00 am**

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

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

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AN Bridges

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor MD Lloyd-Hayes

Councillor G Lucas

Councillor RI Matthews

Councillor FM Norman

Councillor GR Swinford

Councillor PJ Watts

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 19 September 2012.	1 - 14
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	15 - 18
7.	N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ Change of use of building 1 from agricultural building to storage; change of use and adaptation of old factory building (building 2) from offices and storage to offices, storage and manufacturing. Provision of a sprinkler system comprising the erection of a water tank and pump room building. Erection of a 26 metre stack together with the provision of ducting and other associated infrastructure, together with the removal of roof mounted fans from production plant (building 3).	19 - 36
8.	S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ Proposed extension to residential care home, new nurses accommodation and sheltered housing units with garaging.	37 - 48
9.	N120761/F - LITTLE WACTON FARM, BREDENBURY, HEREFORDSHIRE, HR7 4TQ Conversion of garage/workshop/office to holiday let.	49 - 56
10.	S120972/CD - OUR LADY'S PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN Continued use of mobile building to house pre-school – new 5 year lease to be agreed, so permission required to 2017.	57 - 66

11. DATE OF NEXT MEETING

Date of next site inspection: 6 November 2012

Date of next meeting: 7 November 2012 at 10:00 am

Please note that there will also be an extraordinary meeting of the Planning Committee on 7 November 2012 at 2:00 pm.

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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 19 September 2012 at 10.00 am

Present: Councillor PGH Cutter (Chairman)

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, Brig P Jones CBE, JLV Kenyon, JG Lester, RI Matthews, GR Swinford and PJ Watts

In attendance: Councillors PJ McCaull and PM Morgan

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, FM Norman, MD Lloyd-Hayes and G Lucas.

57. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors E Chave, JA Hyde and JLV Kenyon attended the meeting as substitute members for Councillors FM Norman, BA Durkin and MD Lloyd-Hayes.

58. DECLARATIONS OF INTEREST

8. S121611/F - MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ. Councillor DW Greenow, Non-Pecuniary, The Councillor knows the applicant's father.

8. S121611/F - MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ. Councillor MAF Hubbard, Non-Pecuniary, The Councillor knows the applicant's mother.

8. S121611/F - MILL FARM BUILDING, MILL LANE, CREDENHILL, HEREFORD, HR4 7EJ. Councillor RI Matthews, Non-Pecuniary, The Councillor knows the applicant's parents.

9. N121446/CD - LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE. Councillor Brig P Jones CBE, Non-Pecuniary, The Councillor is Chair of the Governors for the Mortimor College which has links to the Junior School.

9. N121446/CD - LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE. Councillor EMK Chave, Non-Pecuniary, The Councillor was a supply teacher for the primary school prior to 2010.

9. N121446/CD - LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE. Councillor RC Hunt, Non-Pecuniary, The Councillor is a Governor at the Junior School.

59. MINUTES

The Committee requested that minute number 51, paragraph 6, be amended to read:

“..., the known available brownfield sites such as *some of the* Edgar Street Grid...”

RESOLVED: That subject to the amendment as set out above, the Minutes of the meeting held on 29 August 2012 be approved as a correct record and signed by the Chairman.

60. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Committee that the Planning Committee due to take place on 7 November 2012 would be an extended meeting. He also read out a letter from Mrs Butler, a resident who had attended a recent planning committee, thanking the committee for the way that they had considered an application which she had objected to.

The Head of Neighbourhood Planning advised the Committee that the decision and the minute in respect of Pennoxstone Court, Kings Caple, had now been quashed by the High Court and that the application was therefore undetermined, and would therefore be referred back to the Planning Committee.

61. APPEALS

The Planning Committee noted the report.

62. N121446/CD - LEOMINSTER INFANT AND JUNIOR SCHOOLS, HEREFORD ROAD, LEOMINSTER, HEREFORDSHIRE

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

In accordance with the criteria for public speaking, Mr Downey, representing some of the residents of Hereford Road, spoke in objection to the application.

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

- The site visit had been beneficial to members in addressing concerns on the site.
- The school was important for Leominster and had the full support of the local residents in principal, however there were a number of concerns that needed to be addressed.
- The school will only accommodate the current number of pupils in the primary and junior schools, where would additional pupils be accommodated when numbers increase.
- The government advice was set out in paragraph 2.2 and required the Council to be proactive in respect of planning for possible pupil numbers.
- Flat roofs had caused problems in the past, could the committee be assured that the proposed roof would be fit for purpose with a long life expectancy.
- The coloured tiles proposed for the main entrance needed to blend in and had to be considered carefully.
- The area was prone to flooding and the flood issues did not seem to have been considered fully by the land drainage engineer.

- Parking would continue to be an issue on Hereford Road, needed to look into additional parking. Existing School land at George Street could be considered for additional parking. This could be covered by a Section 106 agreement.

Councillor PJ McCaull, the other local ward member added that:

- The schools clearly needed to be replaced and they had been allowed to depreciate during the 4-5 years that the application had been in discussion.
- There will be double the amount of children using the one vehicular entrance to the school from Hereford Road.
- Vital to retain some of the land for additional parking.
- There was a significant amount of groundwork required to make the site suitable for development.
- The proposed application was seriously lacking in sustainable features.
- The design of the proposed school was of concern with reference made to the impressive design of the nearby Mortimer College.
- There was a concern in respect of run-off water which needed to be addressed in order to alleviate any flooding concerns in the area. The small pool which had been proposed was not going to be able to take all of the water.
- The applicants should consider a large underground water storage tank which could then be reused on the site.
- The report mentioned that the roof was suitable for solar panels, these should be installed during the build.
- The current proposals did not account for increased pupil numbers as a result of residential developments proposed for Leominster.

The Democratic Services Officer read out a letter received from Councillor FM Norman, who was unable to attend the meeting, voicing her concerns in respect of the application and requesting that it be refused.

Members noted that they had a duty to determine the application before them and that it was not their responsibility to act as the applicant in amending major factors of the application. They did however have a number of concerns which they felt should be addressed before they could determine the application.

The primary concerns were in respect of the proposed access to the school and the impact that a single access would have on the residents of Hereford Road. Members noted that a Travel Plan had not been submitted with the application and they were of the opinion that this was a matter that needed to be addressed prior to a permission being granted. In addition to the access issues Members had concerns regarding parking provision. It was considered that land at George Street, which would become vacant when the existing school was demolished, should be allocated for extra parking provision. It was noted that this could be achieved through a Section 106 Agreement.

The concerns in respect of the site as a whole were also discussed. The Committee noted that there would be a considerable amount of groundwork required before the site would be fit for development. The nature of the land, regarded as Grade 1 Agricultural Land by a number of sources, also gave the Committee concern. One Member questioned whether the site was in the correct location and whether it would be more suitably located nearer to the residential areas of Leominster.

The issue of surface water was also considered. Members noted that the previous 12 months had seen a number of areas throughout the County flood which had never been

susceptible to flooding previously. The Committee requested that the applicant consider this fully when making provision for surface water run-off.

A further area which the Committee considered at length related to the lack of sustainable energy sources throughout the site. The Committee noted that the flat roof had been described as suitable for photovoltaic solar panels but were concerned that these had not been proposed to be installed during the construction phase. They also noted their concern in respect of the proposed 'windcatchers' which were considered to not be effective. The applicant was requested to consider fully any appropriate renewable energy sources which could be effectively incorporated into the development. Members were of the opinion that the Council should be leading the way in respect of sustainable developments.

A motion to refuse the application was seconded, however, following further discussion the mover and seconder of the motion withdrew it in favour of deferring determination of the application for further discussions with the applicant.

One Member of the Committee noted the concerns of the Committee but drew their attention to the current infant and junior school, which in his opinion, were in desperate need of replacing. He was concerned that any delay could jeopardise the project and requested that it be approved.

Members continued to debate the application and continued to express their concerns in respect of any future expansion of the school. They noted that Government guidance required local authorities to plan for the future when determining school sizes. They requested clarification as to whether the school would be able to expand with future increased pupil rolls.

After noting the concerns of the Committee, the Development Manager (Northern Localities) advised that a deferral of the determination of the application would send a clear message to the applicant. In response to questions asked during the debate he advised that the school did have provision to be expanded should there be a future need; that there would be a school travel plan to encourage cycling and walking; that the land identified at George Street could be investigated for access and parking; and that technical developments meant that flat roofs were no longer problematic.

In response to a further question, the Principal Planning Officer advised that both the existing infant and junior schools were located in the area of the town that the proposed school would be in and that housing in Leominster was spread throughout the town.

Councillors RC Hunt and PJ McCaull were given the opportunity to close the debate. They reiterated their opening remarks and thanked the Committee for debating the application thoroughly.

RESOLVED:

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

63. N121318/F - THE BARRACKS, CHURCH LANE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JG

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. She advised the Committee of one amendment to paragraph 5.3 of the report as six letters of support had been received not four.

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

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

- The applicant was a local agricultural worker who wished to build a home close to where he currently lived with his family.
- The proposed accommodation was modest in size.
- The conservation manager had objected to the application.
- The existing building was an historic building of local importance and dated back to the hop growing era.
- The local history society was in favour of retaining the building.
- The site should not be considered as open countryside, there were a number of dwelling sin close proximity.
- The proposed application would result in a sustainable development.
- Issues relating to ecology and water quality could be addressed through conditions.

Members discussed the application and were broadly in support of it. However they did have a number of concerns which they felt could be adequately addressed through appropriate conditions.

A motion to approve the application, citing Unitary Development Plan Policies HBA12, HBA13, S1, S2 and DR2, was moved and seconded.

The Head of Neighbourhood Planning advised Members to consider the three reasons for refusal listed in the officer's recommendation. He advised that reason two had been addressed by the Committee; that reason one needed to be addressed and that reason three could be addressed through a delegated approval subject to Habitat Regulations being met.

Members discussed the concerns regarding the second reason for refusal and stated that they were of the opinion that the current building was of historic value and was worthy of being retained therefore the application was in accordance with UDP Policies HBA12 and H7. They requested that a condition be added to require the applicant to adhere to a scheme of construction to ensure the existing external walls were retained.

Members continued to discuss conditions which they wished to see attached to the planning permission. As well as the previously mentioned condition addressing a scheme of construction they also requested that an agricultural tie be added as well as the removal of permitted development rights.

The Head of Neighbourhood Planning requested that the condition in respect of the removal of permitted development rights be amended to allow solar panels to be installed at the site.

The mover and seconder of the original motion amended the motion to include a reference to the three proposed conditions as well as any further conditions deemed necessary by officers.

Councillor Morgan was given the opportunity to close the debate. She reiterated her opening remarks and requested that the application be approved.

RESOLVED

THAT subject to further consideration of the watercourse matters, in relation to the Habitat Regulations, officers named in the Scheme of Delegation of Officers (in consultation with the Chairman and Local Ward Member) be authorised to grant planning permission, subject to the following conditions:

- 1. F27 Agricultural occupancy**
- 2. F14 Removal of permitted development rights**
- 3. A Scheme of Construction to be submitted for approval ensuring a conversion and not new build**

and any further conditions considered necessary by officers.

Reasons for Approval: The application complies with UDP Policy H7, as a re-use of a rural building, in accordance with policies HBA12 and HBA13, as the building is considered by the council to have historical benefits in relation to the hop picking that was undertaken in the area. The scheme of conversion ensures that this historical reference is retained through the conversion.

64. S121611/F - MILL FARM BUILDING, MILL LANE, CREDEHILL, HEREFORD, HR4 7EJ

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

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

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

- The views of the parish council should be taken seriously.
- The nearest residents live just 30 metres away from the site.
- Conditions had been recommended to address noise, therefore there was clearly a concern in respect of noise emanating from the site.
- The cars manufactured by Raw Striker used a motorcycle engine, this would be noisy during testing.
- Air tools used in the manufacturing process would also be noisy.
- Need to look at paragraph 123 of the National Planning Policy Framework and protect an area of tranquility.
- Need to refuse the application in accordance with paragraph 7 of the NPPF based on appropriate land uses.
- There were also concerns in respect of the narrow highway to the site.
- There was also a well-used bridlepath 30 metres away from the site.
- The applicant had a site currently which he did not need to leave.
- 29 local residents objected to the application.

Members opened the debate by voicing their concern in respect of the application. They had reservations regarding the proposed usage on an area of land close to dwellings and an equine centre. It was considered that the proposed usage was an industrial use

which would be better suited to one of the many industrial estates within the County. It was noted that the kit cars would need to be tested which would result in noise outside of the manufacturing unit.

Some Members however had a differing opinion and felt that the application should be approved. They felt that small businesses in the County should be encouraged and noted that the usage did not constitute a car factory and was solely a unit for assembling already prepared parts. The requirement of a complete noise attenuation scheme was discussed with consideration being given to deferring the determination of the application until a scheme had been fully considered and agreed with officers.

The Committee noted that the application was finely balanced. They continued to discuss their concerns regarding odour, noise, and an inappropriate use of the land. They also noted that the applicant intended relocating his existing workforce and did not intend to recruit additional employees from the local community.

Councillor Matthews was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The neighbouring site had been used for equine use for approximately 20 years.
- There were a number of valid reasons to refuse the application, primarily impact on the amenity of the neighbours and highways.

A motion to approve the application in accordance with the recommendation was lost. A motion to defer the determination of the application, pending the receipt of a full noise attenuation scheme, was also lost.

Members continued to discuss the application and, at the request of the Head of Neighbourhood Planning, they confirmed the reasons why it should be refused. They noted that the application was finely balanced but, in their opinion, the application was contrary to HBA12, due to its close proximity to residential dwellings and an established equine usage; E10, as the site was not appropriate for a semi industrial usage; DR2, as the land use and activity was not suitable due to the location; and DR13, as the showroom access would be using the same narrow highway which could result in noise issues for nearby residents. They also expressed their concerns in respect of noise, with particular reference given to National Planning Policy Framework paragraph 123, and odour.

The Development Manager (Northern Localities) advised Members that the policies referred to could be defensible. He added that Members may also wish to consider policies E8 and E10 of the UDP as well as paragraph 7 of the National Planning Policy Framework. The mover and the seconder of the motion to refuse the application accepted the proposed amendment.

RESOLVED

THAT the application be refused as it is contrary to Unitary Development Plan Policies HBA12, E8, E10, DR2, DR13 as well as paragraphs 7 and 123 of the National Planning Policy Framework.

65. N121131/FH - THE COTTAGE, WOODEND, LEDBURY, HEREFORDSHIRE HR8 2RS

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

submitted by Mrs Jones, one of the neighbouring residents who had objected to the application, who had been unable to attend the meeting.

In accordance with the criteria for public speaking, Mr Rumsey, a neighbouring resident, spoke in objection to the application and Mr Ingleton, the applicant, spoke in support.

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

- The application was finely balanced.
- The proposed extension would make an extremely small cottage suitable for a family home.
- The existing cottage was too small at present and needed to be extended.
- Once extended the dwelling would only have three bedrooms.
- Members attended a site inspection and were therefore able to judge the impact on the neighbouring residents.
- There were conflicting views from the Council's Conservation and Landscape Officers.
- A pitched roof would result in a much larger footprint.

Members noted the quality of the workmanship that had been undertaken in restoring the existing cottage, they also noted that at present it was not fit for a family home and was in need of an extension. It was appreciated that the extension was contemporary with some members of the opinion that the cottage would benefit from an extension which was more in keeping with the original cottage.

The Committee commented on the proposed plans and noted that from the front of the dwelling the extension would not be seen, this therefore satisfied them that the original cottage would remain the dominant feature.

The issue of overlooking was discussed with Members of the opinion that any overlooking would be minimal. The Principal Planning Officer also advised that there were only ground floor windows facing the neighbours dwelling therefore reducing any issues of overlooking further.

Members continued to discuss the application, some were of the opinion that the proposed development was an ideal blend of contemporary and traditional design whilst others felt that the proposal was out of keeping with a traditional country village and would be more appropriate in an urban setting.

The issue of the scale of the extension was discussed at length. Members noted that the proposed extension would result in a 131% increase with some of the opinion that this was unacceptable. However other Members noted the scale of the existing dwelling and appreciated that a larger extension would be required to result in a home fit for a family to live in.

The Principal Planning Officer addressed a number of issues which had been raised by the Committee during the debate. He advised that the agreed floor plans meant that the extension could not be used as a separate dwelling; that an extension with a pitched roof would have to have a considerably larger footprint than that proposed; and that that the extension was designed so as to not impact on the structure of the original timber frame cottage

Councillor Morgan was given the opportunity to close the debate. She reiterated her opening remarks and requested that the application be approved.

RESOLVED

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.

66. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.07 pm

CHAIRMAN

PLANNING COMMITTEE

19 September 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.

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

For: Mr Day per Mr Linden Alcock, Palace Chambers, 3 King Street, Hereford, HR1 9BW.

ADDITIONAL REPRESENTATIONS

Representations

The following email has been received from Martin Hewitt who is Church Warden and Chairman of the Much Cowarne History Group;

I feel that the Paunceford Court Hop-Pickers Barracks near the church might not be an Elizabethan half timbered building, and may be poorly built but it is the only building that tells of the huge hop-yard empire that the Pudge Family had at Cowarne Court and Bishops Frome. In its own way it is an historic building. The building has been an eyesore for many years and from what I have seen of the plans, Francis Day is aiming to sympathetically convert the building to a higher degree than I think is necessary, but still keep the look of its original function.

I am afraid I can't be at the Planning Committee meeting on the 19th September because I am on holiday that week. I have farmed at Panks Bridge Farm, Much Cowarne for 43 years. I am a Church Warden and also Chairman of the Much Cowarne History Group. I am writing in support of the planning application by Francis Day who I have known since we moved here in 1969. I feel that Francis Day as a partner in a local firm that is very active in the community should be given every opportunity to stay in the parish.

NO CHANGE TO RECOMMENDATION

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

For: Mr Bulmer per Mr Alex Coppock, Studio 1, Grange, Shelwick, Hereford, HR1 3AW.

ADDITIONAL REPRESENTATIONS

Representations

Note that there was one letter of support submitted in response to the application that had been omitted from the report. This was from T C Lewis – 81 Ecroyd Park and these comments are summarised as follows:

No objection as in today's economic state any firm offering employment no matter how small or large, should be encouraged for the sake of the local community. This project would bring extra trade to shop etc. Noise would not be an issue, as well within permitted hours and would be minimal anyway. Provided speed not an issue down Mill lane then wish project well.

A petition with 56 signatories has been received that states:

'Please sign and support this petition against the use of planning application 121611/F for Mill Farm Building, Mill Lane, Credenhill, Hereford or signatures that signed original petition that does not live in the area and who it does not concern.'

Internal Consultees

Further to the details being submitted (as per paragraph 6.10 / 6.11 of the report) the Environmental Health Officer has been consulted on these details and is now content that these address the issues.

OFFICER COMMENTS

Following the details submitted by the applicants revised conditions are recommended to ensure that the appropriate works are undertaken in accordance with these details. Whilst the EHO is satisfied that these methods are appropriate, we would require details of the ventilation systems, noise levels (Before and after) before we could discharge these conditions. Likewise. Whilst the methodology is sound, we would require manufactures details of the systems to ensure that they are sufficient.

CHANGE TO RECOMMENDATION

No change to recommendation

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

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

ADDITIONAL REPRESENTATIONS

Conservations Manager – Landscape

The application does not demonstrate how landscape character has influenced the site selection or design. The existing school site, to the southern hedgerow boundary, is within the Urban landscape character of Leominster. The proposal is to extend the school site further south into the character type principal settled farmlands. This land for the proposed extension is classified as being of high landscape sensitivity within the council's Urban Fringe Sensitivity Analysis (Jan 2010).

The open spaces around the site will create a multifunctional framework, including sport, play, relaxing, parking, movement, growing food, drainage, learning, wildlife habitats and creating a sense of place.

The application could be improved through presentation of a strong landscape design framework and supporting management plan. This should balance the site opportunities and constraints and ensure that the natural environment is fully integrating into the way the school is planned, design and managed for the long term.

Further clarification is required on the detailed treatment of the boundaries. In particular:

- Levels along the new southern boundary, gradient of the slopes between the sports pitch, building and existing vegetation to be retained.
- Footpath along east boundary. I do not support the proposal for the new fence to be located approx.. 30mm away from the existing fence. This will create a narrow, hard, unattractive corridor for users of the footpath and will require significant vegetation removal for the installation. Consideration should be given to the security fence being at the top of the new bank / back of the car park bays. It could be set approx.. 1m back from the top of the bank to allow new planting on the school side to soften the appearance for the pupils.
- The details of the new fencing and the existing / proposed hedgerows and trees needs further consideration all around the site. The boundary treatments have the largest impact on the surrounding sensitive landscape, particularly where it adjoins open countryside.

OFFICER COMMENTS

The location of the development and its visual impact are dealt with in paragraphs 6.3 to 6.10. It is acknowledged that the proposal will have a visual impact and that a balance has to be struck between this impact, the operational and financial costs of re-developing the existing sites and the benefits derived through the significant improvement of education provision in the town. It is considered that the visual impacts can be mitigated through the imposition of conditions. This is also referred to later in the Landscape Officer's comments.

CHANGE TO RECOMMENDATION

Condition 8 – Additional sentence to be added to read as follows:

The development shall be carried out in accordance with the approved details before the new school is first brought into use.

Condition 9 – Additional sentence to be added to read as follows:

The approved Management Plan shall be implemented upon the commencement of the development of the site and shall remain in force until all works covered by this permission are complete.

N121131/FH - ALTERATIONS AND EXTENSION TO EXISTING DWELLING AT THE COTTAGE, WOODEND, LEDBURY, HEREFORDSHIRE HR8 2RS

For: Mr Ingleton per Mr Stephen Turner, 5 Barbourne Road, Worcester, Worcestershire, WR1 1RS

ADDITIONAL REPRESENTATIONS

One of the objecting local residents (the occupier of 'Spring Grove Farm') is unable to attend today's meeting due to a long-standing medical appointment. She has therefore asked that her views are relayed to the Planning Committee in full. Her request is that the letter is read out in full today, however, it is considered by Officers that it is best set out in full within this written update report. She states:-

“Thank you for the opportunity to restate my views on this application.

I would emphasize that the months which have elapsed since I submitted a response to the application have not changed my views in any way.

I reiterate that this proposed extension is unsuitable in the environment of the adjoining properties i.e. the hamlet of Woodend.

The proposed extension is totally out of keeping with the original dwelling and those surrounding it, all of which have had improvements and extensions but within the framework of size and style limitations in force. This includes my own property the style and size of which was dominated by the cottage it replaced.

I listened carefully to the arguments put forward by Mr Close on the phone and during his visits. Whilst I respect his professional opinion, I feel that his support for the proposed extension is misguided. It is an extension which is unsuitable to the context of the Black and white cottage and has the potential to affect the neighbouring properties.

Since it is the neighbouring properties which have to live with the outcome of this application I would ask that the views of the residents are taken fully into account. The open Parish Council meeting has communicated its views to you and using this opportunity endorsed them.

I draw your attention to the development of access to the rear of The Cottage. The lane, giving access to all four properties, has no known owner.

The three houses, with access on the lane, have parking for at least two vehicles within their boundaries. Out of respect for our neighbours' rights and safety, we do not park in the lane.

The Cottage has had two pedestrian accesses to the lane but now the hedge has been removed making the lane continuous with the rear garden of the dwelling.

Currently, the end of the lane is being used as a parking area by the Cottage. This lane/garden boundary needs reinstating even if a double gate allows vehicular access.

The Cottage needs more than two parking spaces since there are already two vehicles based there. . The presence of a third vehicle tends to obstruct:-

- a) the turning area thus forcing any subsequent vehicle to reverse blindly round the bend into the B... road.
- b) the gateway to my property which has a Wayleave requirement of 24 hour access to the electricity supply for the immediate area.

With each of these comments in mind and, considering the earlier submission, I ask you to refuse the current application.”

OFFICER COMMENTS

None

CHANGE TO RECOMMENDATION

None

MEETING:	PLANNING COMMITTEE
DATE:	17 OCTOBER 2012
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application S120237/FH

- The appeal was received on 4 September 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 & Mrs J Joseph
- The site is located at Trecorras Farm, Llangarron, Ross on Wye, Herefordshire, HR9 6PG
- The development proposed is Extension to existing farmhouse
- The appeal is to be heard by Written Representations

Case Officer: Mr S Withers on 01432 260612

Application S120897/F

- The appeal was received on 5 September 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 D Mason, M Forder & A Chadd
- The site is located at 49,51,53 Barton Road, Hereford, HR4 0AY
- The development proposed is Proposed first floor balconies.
- The appeal is to be heard by Written Representations

Case Officer: Mark Lane on 01432 260474

Application N120471/F

- The appeal was received on 5 September 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 The Owner and/or Occupier
- The site is located at Winforton Wood, Winforton, Herefordshire, HR3 6EB
- The development proposed is Diversification project for woodland pig farm for use of existing infrastructure for accomodation
- The appeal is to be heard by Hearing

Case Officer: Mr A Banks on 01432 383085

Application S122537 ENF ENC001650ZZ

- The appeal was received on 7 September 2201
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Tony Hamed
- The site is located at 48-50 St Owen Street, Hereford, Herefordshire, HR1 2PU
The breach of planning control alleged in this notice is without planning permission, the installation of white framed UPVC double glazed windows on the first floor of the front elevation of the site.
- The requirements of the notice are: All white UPVC framed double glazed window frames installed at first floor level of the building fronting Cantilupe Street are to be permanently removed. Each removed window is to be replaced with wooden framed double glazed units to be stained a light oak colour
- The appeal is to be heard by Written Representations

Case Officer: Mark Lane on 01432 260474

APPEALS DETERMINED

Application S112776/F

- The appeal was received on 24 May 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against non-determination of a planning application
- The appeal was brought by Mr Robin Cheesman
- The site is located at Ganarew Care Home, Ganarew, Nr. Monmouth, NP25 3SS
- The application was submitted on 9 September 2011
- The development proposed was the construction of dormer bungalow units to form assisted living
- The main issues are:
 - The effect of the proposal in relation to a public bridleway, and;
 - The effect of the proposal in relation to access and highway safety

Decision: The appeal was Allowed on 24 September 2012.

Case Officer: Andrew Prior on 01432 261932

Application No. S113262/FH

- The appeal was received on 27 June 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Robert Garner
- The site is located at St Andrews Mead, Allensmore, Herefordshire, HR2 9AG
- The application dated 28 November 2011 was refused on 28 March 2012
- The development proposed was Installation of photovoltaic panels on south facing roof.
- The main issue is the effect of the photovoltaic panels on the character, appearance and special architectural or historic interest of the building and whether its setting would be preserved

Decision: The application was refused under delegated powers on 28 March 2012.
The appeal was dismissed on 14 September 2012.

Case Officer: Andrew Prior on 01432 261932

Application No. S111624/F

- The appeal was received on 16 December 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Brian Goodfellow
- The site is located at Alamaya House, Llangrove, Ross on Wye, Herefordshire, HR9 6EZ
- The application dated 16 June 2011 was refused on 26 August 2011
- The development proposed was Infill plot for one detached 4 bedroom house.
- The main issues are the impact of the proposal on the established character and landscape features of the village, on highway safety through the creation of a new access to Church Lane, and on protected species

Decision: The application was refused under delegated powers on 26 August 2011.
The appeal was dismissed on 13 September 2012.

Case Officer: Mr D Thomas on 01432 261974

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



MEETING:	PLANNING COMMITTEE
DATE:	17 OCTOBER 2012
TITLE OF REPORT:	<p>N120896/F - CHANGE OF USE OF BUILDING 1 FROM AGRICULTURAL BUILDING TO STORAGE; CHANGE OF USE AND ADAPTATION OF OLD FACTORY BUILDING (BUILDING 2) FROM OFFICES AND STORAGE TO OFFICES, STORAGE AND MANUFACTURING AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</p> <p>N121877/F - PROVISION OF A SPRINKLER SYSTEM COMPRISING THE ERECTION OF A WATER TANK AND PUMP ROOM BUILDING AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ</p> <p>N121981/F - ERECTION OF A 26 METRE STACK TOGETHER WITH THE PROVISION OF DUCTING AND OTHER ASSOCIATED INFRASTRUCTURE, TOGETHER WITH THE REMOVAL OF ROOF MOUNTED FANS FROM PRODUCTION PLANT (BUILDING 3) AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ</p> <p>For: Mr Worrall per Mr Richard Brown, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ</p>
WEBSITE LINK:	<p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120896&NoSearch=True</p> <p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121877&NoSearch=True</p> <p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121981&NoSearch=True</p>

Date Received: 22 March 2012

Ward: Golden Cross
with Weobley

Grid Ref: 343073,255836

Expiry Date: 25 May 2012

Local Member: Councillor MJK Cooper

1. Site Description and Proposal

- 1.1 The application site occupies an area of land comprising approximately 4 ha. It is used for commercial purposes and successfully produces and distributes potato crisps nationwide. The site is located to the south of the A4112 and west of the B4457 and is capable of being accessed via two unclassified roads – the U93208 and U93209. Access into the site is gained from two positions. HGV access is via a purpose built access point into the site from the U93208, while access for staff and visitors is via the original access that is sited adjacent to Tyrrells Court at the junction of the two unclassified roads and leads directly into the car parking area.

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

- 1.2 Much of the site is covered by a series of utilitarian commercial buildings, some of which have been converted from a former agricultural use. They are fairly typical in their appearance, being a dark coloured profiled sheet, and are used to provide storage, areas for crisp production and office space.
- 1.3 This report deals with three separate applications. However, all three are so closely linked that it has been considered appropriate to bring them before committee under a single report.
- 1.4 The first application **N120896/F**, is for the change of use for one remaining agricultural building on the site (building 1) to a storage use in connection with the manufacturing processes being undertaken on the site, and the use of a second building (building 2) from a mixed use of office and storage to include a new popcorn product manufacturing and packaging use within the rear part of the building. Information submitted in support of the application advises that this new element to the business would lead to the creation of 5-6 new jobs in the short term. The equipment used for popcorn manufacture has been installed and therefore this element of the application is now effectively retrospective.
- 1.5 This application has previously been considered by Committee on 18 July 2012, but was deferred with a request for further information regarding traffic movements and the impact of odour arising from the manufacture of popcorn. Further information has now been submitted and the applicants have agreed to an amendment to their Traffic Management Plan that would see all HGV delivery vehicles leaving the site heading in a northerly direction to the junction of the B4457 / A4112 / A44. This includes the installation of an additional directional sign at the junction of the unclassified road leading to the site and the B4457. On the subject of odour arising from the manufacture of popcorn, the submission refers to correspondence dated 10 April 2012 from the applicant's environmental consultant and reads as follows:
- AMEC undertook a site visit on 3 April 2012.....*
- It was noted that Tyrrells are now undertaking popcorn manufacture at the facility. It was considered that this had a significantly lower volume of extraction and lower odour strength when compared to the crisp frying operation. The odours from the popcorn were noticeable on the site itself, but had dissipated by the site perimeter. As such I concluded that this was a low priority source of odour.*
- 1.6 The second application, **N121877/F**, is also a retrospective proposal for the retention of a water tank and pump room building. These are located to the rear of another existing building (building 6). The tank is made from galvanized steel and has a height of 9.6 metres. At present its external surface is untreated, but the application indicates an intention to paint it a dark green colour to match the building. The pump room is a rectangular structure, 3 metres in height with a mono-pitch roof. It is sited immediately adjacent to the tank and is also to be painted a dark green colour.
- 1.7 The third application, **N121981/F**, is for the erection of a 26 metre high and 2.5 metre diameter chimney stack, associated ground level fans and ducting to serve existing fryers contained within building 3. The chimney stack and fans are to be located adjacent to the eastern elevation of the building, whilst the ducting will pass across the roof of the building, replacing a series of roof mounted fans that currently exist but would no longer be required if planning permission is granted for this proposal.
- 1.8 The application has arisen as a consequence of a condition imposed on an earlier planning permission (DCNW/100313/F) that required an assessment of the existing extraction and ventilation systems, together with a schedule for their maintenance, to be completed. If the assessment found a need for further improvements to be made, these were also to be submitted to the local planning authority for their written approval.

- 1.9 The first part of the condition has been complied with and a detailed odour assessment completed. The site was initially monitored for emissions in September 2011, and a series of improvements made including the replacement of ducting, refurbishment of extraction fans and a full clean of extraction hoods. Further monitoring was then conducted in February 2012 to determine the effect of these improvements. Not only did this cover odour emissions from the site, but also modelled the dispersion of odour and considered its effects on receptor locations; primarily private dwellings in the locality.
- 1.10 The report demonstrated that odours emitted from existing flues were approximately halved as a result of the improvement works undertaken between September 2011 and February 2012, but it also recommended that further improvements to mitigate odour were required. Its consequent recommendation was the installation of a chimney stack. The applicant was advised that this could not be dealt with under the discharge of the condition and would require the submission of a further application. This proposal is the result.
- 1.11 For ease of reference throughout the remainder of this report, the applications will be referred to as **popcorn manufacture, water tank and chimney stack**.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- S1 - Sustainable Development
- S4 - Employment
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- E8 - Design Standards for Employment Sites
- E11 - Employment in the Smaller Settlements and Open Countryside
- T8 - Road Hierarchy
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA6 - Landscaping Schemes
- NC8 - Habitat Creation, Restoration and Enhancement

2.2 National Planning Policy Framework:

Paragraph 14 – Sustainable Development
 Paragraph 18 to 22 – Building a Strong Competitive Economy
 Paragraph 28 – Supporting a Prosperous Rural Economy
 Paragraphs 109 and 120 to 123 – Conserving and Enhancing the Natural Environment

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

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

3. Planning History

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

- 3.2 NW2001/3173/F – Change of use of part of portal frame building to potato packing/storage to potato crisp making. Approved subject to conditions 13 February 2002.
- 3.3 DCNW2004/2397/F – Change of use of potato store to food room for frying of potato chips. Approved subject to conditions 3 November 2004.
- 3.4 DMNW/100313/F – Retrospective application for change of use from agriculture to a mixed commercial use of B1 and B8, loading bay extension, temporary portacabin and various items of ancillary plant. Approved subject to conditions 24 December 2010. All but one of these conditions have been discharged. The outstanding condition relates to noise and odour assessment and mitigation and reads as follow:

Within 3 months of the date of this permission an assessment of the existing extraction and ventilation systems used in the production of crisp and potato crisps shall be submitted to and approved in writing by the local planning authority. This assessment shall include:

- Details of the existing systems
- An assessment/review of these systems efficiency during peak operational activity
- Details of program of review/maintenance (eg bi-annually).

Should this process identify/indicate that the improvements should be made to reduce grease emissions or noise pollution then full details of a replacement or upgraded system and a timetable for their replacement or upgrading shall be submitted to and approved in writing by the local planning authority within 6 months of the date of this permission. Works shall be carried out in accordance with the approved details and the equipment shall be retained in perpetuity and maintained on a regular basis. Any replacement equipment shall be submitted to and approved by the local planning authority prior to its installation.

- 3.5 In addition to the permissions described above, the following application has also been lodged with the local planning authority but as yet remains undetermined.
- 3.6 DMN/113427/F – Change of use of agricultural building to storage (building 1). Adaptation of office/storage building (building 2) for mixed use of office, store and popcorn manufacture, and change of use of storage building (building 7) for additional crisp manufacture, associated infrastructure improvements and additional car parking.

4. Consultation Summary

Statutory Consultation

- 4.1 Environment Agency: Raises no objection in relation to the application for the water tank. It notes that the pump room is within a Flood Zone 2 & 3, but confirms that it is infrastructure that can be defined as 'water compatible development' in line with the Technical Guidance to the National Planning Policy Framework.
- 4.2 The following responses have all been received in relation to the application for the chimney stack and are required due to the height of the stack and its proximity to Shobdon Airfield:
- National Air Traffic Control Service: The proposal has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly no safeguarding objections are raised to this proposal.
- 4.3 Civil Aviation Authority: No objection
- 4.4 Ministry of Defence: The application relates to a site outside of the Ministry of Defence safeguarding areas and therefore no safeguarding objections are raised to this proposal.

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

Internal Council Advice

- 4.5 Traffic Manager: Raises no objection in respect of the applications for the water tank and chimney stack.
- 4.6 Following the submission of additional information in respect of the application for popcorn manufacture it is noted that the additional information goes some way to addressing concerns previously raised about traffic entering and leaving the site to and from the south. The preference remains for all vehicles to use the northern part of the B4457 but it is acknowledged that the proposal now offers the potential for head-on meetings between HGV's to be avoided at the narrowest part of the road.
- 4.7 Environmental Protection Manager: In relation to the application for popcorn manufacture, confirms that he has visited the site and that popcorn manufacture was in progress at the time. Odour from the manufacture of popcorn, along with that from the cooking of crisps was detected on the site, but was not detected beyond the boundaries of the factory. Cooking odours from the popcorn are considered to be minimal and are extracted through a flue without any filtration.
- 4.8 In response to the application for the erection of a chimney stack:
- The existence of neighbour concerns in respect to odour has been confirmed by Tyrrells in their own neighbour consultation. The Council is aware of complaints from residents, although to date it has not been able to witness the existence of a statutory nuisance. Should such nuisance be established the local authority would be required by the Environmental Protection Act 1990 to serve an abatement notice on the company to undertake works to prevent further nuisance.
- 4.9 Tyrrells instructed AMEC, an independent consultancy to undertake an odour assessment which has concluded that, in spite of improvements made to the existing extraction systems to the potato crisp fryers, unacceptable levels of odour will still be experienced at neighbouring properties. The AMEC report proposes odour mitigation measures to improve odour dispersion from the site through the erection of a 26 metre high chimney stack. This is the lowest height that the dispersion modelling indicates residential premises will be sufficiently protected from unacceptable levels of odour.
- 4.10 The submitted report clarifies why dispersion by a sufficiently high chimney stack is considered the best technical solution for odour mitigation and is further clarified by additional correspondence from the applicant's agent. In essence the reason why other traditional abatement systems are not recommended is that the fats carried forward from the cooking process will hamper their efficiency. Whilst systems are available to remove these fats from the air stream prior to the odour treatment they have not been tested on a batch cooking process such as is used at Tyrrells. The consultant advises that the only proven solution currently available to Tyrrells is the current proposal.
- 4.11 The assessment uses 'worst case' and although this might result in an increased chimney height, this is good practice in that not to do so would make any proposal more suspect to failure.
- 4.12 In conclusion, the consultants that undertook the assessment and report appear to be well qualified and I have no reason to dispute their findings.
- 4.13 Economic Development Manager: Supports the proposal for the manufacture of popcorn at the site on the basis that it would create 5 jobs and help to safeguard 145 existing ones.

4.14 Conservation Manager – Landscape:

Raises no objection in respect of the applications for the manufacture of popcorn or the water tank.

4.15 The application for this 26m stack to control odour emitted from the site, includes a LVA by AMEC Environment and Infrastructure UK limited, dated 30 May 2012. The document represents the known and published work for assessing landscape character in the area and refines and analyses that work in relation to the proposed development in an objective manner. It is considered that the key view-points have been identified and are representative of the locations. This is a vital assessment, as part of the planning process, to consider the appropriateness of a development in the landscape and the landscape's ability to accept that development without undue harm. Inclusion of this report by the applicants is welcome.

4.16 I agree with the LVA assessment of sensitivity of the landscape resource as being medium (it is not high, not protected at national level or include rare elements). I disagree, however, with the predicted landscape effects, as set out in section 5.1.1. The singularity of the stack and its isolation means that there is no other built development in the surrounding area to provide a suitable context for this, particularly where it intrudes upon often familiar and cherished horizons. As stated earlier in the LVA the existing buildings are of a modern agricultural appearance, however this chimney and associated steam plume, is completely alien to the rural setting, being more suitable to an industrial estate. The lower 10.7m section will be screened by the existing buildings, however 15.3m will be visible above the ridgelines. There would be no loss of hedgerow (the key characteristic), however the stack would not be in keeping with mixed farming land use, small scale pattern of winding lanes, or the notably domestic character.

4.17 The LVA concludes that no visual receptor would sustain in excess of a moderate magnitude of visual effect. Table 2.4 of the LVA describes the medium category as "a moderate change or partial view of a new element within the view which may be readily noticed, directly or obliquely visible, including glimpsed or intermittent views and appearing in the middle ground partly screened or mitigated". My role as Landscape Officer is to consider public viewpoints and public perception of the landscape (not specifically private residential views). Overall I consider that this medium category would be an accurate description of the visual impact of the proposal for a majority of public viewpoints in the surrounding area. I maintain, however, that this moderate change in view will be negative. The visual effect of the stack will be permanent. It will detract from the existing quality and visual amenity of the area (it cannot be considered beneficial).

4.18 On balance this application does not meet the requirements of UDP Policy LA2 as an identifiable significant change in the character of the landscape and visual amenity will occur as a result of the proposal. The LVA professional assessment of the proposal has addressed this issue, however I remain against the principle of an industrial type construction in this domestic scale, rural landscape setting. It is acknowledged that the impact of development on landscape is only one aspect among many that are considered in the planning process and there may be situations where other interests are considered to be of greater importance.

5. Representations

5.1 Dilwyn Parish Council:

In relation to the application for popcorn manufacture: The Parish Council has no objection to the proposals as long as the issues relating to smell, noise, lighting, etc. are dealt with satisfactorily before change of use is granted.

In relation to the application for the water tank: The Parish Council accepts the application on the grounds of health and safety but they do have concerns about the aesthetic look of the tank and would want it painted and also for there to be staggered planting of 10 year old trees. The parish council also has concerns about the nearby gas tanks.

In relation to the application for the chimney stack: The Parish Council objects in the strongest possible terms to this application on both aesthetic and environmental grounds and, referring back to previous assurances, wants an alternative and proven solution put forward to deal with the odour problem at the site.

5.3 River Lugg Drainage Board: No objection as the proposals will have no direct effect on the Board's operational interests or watercourses under its control subject to there being no increase in impermeable area.

5.4 The applications have generated some objection amongst people living locally to the site and a number of letters have been received in respect of all three of the applications. The matters arising in the letters have been categorised under a number of headings below and the officer appraisal will refer to them in the same order. In summary the points raised are as follows:

5.5 Highway Issues

- Proposals will contribute materially to the existing and future problems of vehicle use of the narrow local lanes to the site.
- Parts of the Transport Statement do not accurately reflect the actual use of the local road network.
- Vehicles are not complying with the requirements of the Transport Management Plan and are leaving the site and travelling in a southerly direction along the B4457 to its junction with the A4110.

5.6 Visual Impact

- The erection of a 26 metre high chimney stack and a galvanised steel water tank will have an unacceptable visual impact in an area of open countryside.
- There will be increased light pollution from the site as the chimney stack will be lit.
- Has a less visually intrusive solution to odour problems been fully investigated?

5.7 Noise and Odour

- The manufacture of popcorn has given rise to additional odour problems and its distinct smell can be identified some distance away.
- The installation of a chimney stack will mean that odours are dispersed but not abated at source.
- Concern about the potential for increased noise from fans and other machinery associated with the chimney stack.
- The odour assessment submitted with the application for the chimney stack takes no account of the potential expansion of the site proposed by application N113427/F.

5.8 Water Quality

- Committee should be mindful of the possibility of water pollution as Tippets Brook. It is a tributary to the River Arrow which is failing to meet standards required by the Water Framework Directive for Ecology.

5.9 Potential Re-Location and Sustainability

- The proposals represent a further intensification in the use of the site and should be relocated to a location and premises appropriate for manufacturing such as Leominster, Rotherwas or Moreton on Lugg.
- Failure to require re-location will lead to yet further expansion on the site as product ranges are increased.
- Tyrrells Court is a factory and as such should be on an industrial estate.
- It would be more sustainable for an expanding factory to move closer to its workforce as few staff come from the Dilwyn area.
- Further planning permissions should not be granted until all of the conditions of earlier permissions have been satisfied.
- The proposed chimney stack and water tank will have an unacceptable visual impact and are not appropriate in an area of open countryside.

5.10 Other Issues

- The continued industrialisation of the site will have a negative impact on local tourism.

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

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

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

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

6. **Officer's Appraisal**

6.1 The issues raised in the objections summarised above will be dealt with in turn.

6.2 Highway Issues

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

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

6.4 Following the deferral of the application by Planning Committee on 18 July, the applicant has provided additional information in respect of highway issues. They have agreed to an amendment to the Transport Management Plan that would see all HGVs leaving the site heading in a northerly direction to the junction of the B4457 / A4112 / A44. This includes the installation of an additional directional sign at the junction of the unclassified road leading to the site and the B4457.

6.5 The Transportation Manager has not questioned the accuracy of the Transport Assessment, but does maintain some concern about HGV's approaching the site along the B4457 from a southerly direction. However, he welcomes the additional information submitted that would see HGV's leaving the site being directed to the north.

- 6.6 It is considered that the change of use of the building for storage purposes and the manufacture of popcorn does not give rise to significant increases in traffic movements from the site. On this basis, there is no reasonable justification to insist upon amendments to the previously accepted Transport Management Plan. However, the fact that the applicant is willing to make changes is welcomed. The routing of vehicles leaving the site in a northerly direction will ensure that HGV's associated with Tyrrells do not meet head-on along the most southerly part of the B4457 where the road is at its narrowest, and this is considered to be of benefit to other highway users. It will not however, have any effect on other un-associated vehicles using the road as a cut through between the A4110 and A4112.
- 6.7 The applications for the erection of the chimney stack and water tank will not give rise to any increases in traffic movement and therefore the issue is not material to the outcome of either application.
- 6.8 In conclusion, the proposed amendments to the Transport Management Plan are considered to be a reasonable compromise that, although not entirely necessary as a direct consequence of this proposal, will serve to benefit highway safety in accordance with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

6.9 Visual Impact

It is accepted that both the proposed water tank and chimney stack will have an impact in terms of their appearance in the landscape. With regard to the former, it is viewed in the context of the substantial existing buildings that surround it. Its height does not exceed that of building 3, behind which it is immediately sited. The site and the surrounding area has been visited by the case officer on more than one occasion since the tank has been installed and it is not readily visible from the public highways or footpaths in the locality, being screened by existing trees and hedgerows. It is therefore concluded that its visual impact is very limited and can be further mitigated through the imposition of a condition requiring it to be painted the dark green colour referred to on the submitted plans within an agreed timescale. On this basis the water tank is considered to accord with Policies LA2 and E8 of the Herefordshire Unitary Development Plan.

- 6.10 The impact of the chimney stack is, however more significant as it will clearly project above the ridge heights of all of the buildings presently on site. The application is accompanied by a Landscape and Visual Impact Assessment that has been carried out in accordance with well-established and accepted industry methodology. It identifies a 1.5 kilometre zone of theoretical visibility, within which all of the objector's properties lie.
- 6.11 With regard to the existing complex of buildings, the assessment correctly identifies the landscape character type within which the application site sits as being one of Principal Settled Farmlands. Such areas are typically characterised by networks of winding lanes within a matrix of hedged fields. Tree cover is limited to scattered hedgerow trees and small groups around dwellings and alongside watercourses. Buildings are grouped as small hamlets and scattered farms. It considers that the existing industrial use of the site is not characteristic of the area. However, it concludes that, due to its location in an undulating landscape, the scale and materials of the existing buildings and the presence of screening close to them, it is not likely to appear as anything other than a group of agricultural buildings to a person unfamiliar with the area. The assessment concludes that the existing complex of buildings are not overly intrusive in visual and landscape terms.
- 6.12 The assessment then goes on to consider the impact of the chimney stack. It acknowledges that it will introduce a structure of vertical emphasis within the rural landscape and identifies those properties potentially most visually sensitive to it. Five photomontages are included in the report from locations that are considered to represent the worst-case scenarios. However, the report concludes that, even from these locations, the stack would only represent a low or

negligible magnitude of visual change, primarily due to the landscape character referred to above and also due to the fact that views will often be oblique or glimpsed through hedgerow gaps. On this basis the report concludes that the landscape character of the area would not be undermined and it has the capacity to absorb the presence of the proposed chimney stack.

- 6.13 However, the comments received from the Council's Senior Landscape Officer do not concur with this view and consider that the proposal will give rise to a high magnitude of change through the introduction of an uncharacteristic element into the rural landscape, and is concluded that the proposal does not accord with Policy LA2 of the Herefordshire Unitary Development Plan.
- 6.14 The impact of the installation of a chimney stack on views from public vantage points is considered to be moderately detrimental and it is unlikely that additional landscaping within the application site would mitigate this impact. However, the site is located at a low point in the surrounding landscape. The local topography is gently rolling, with many localised changes in level which restrict views towards the site from many directions. There are no public footpaths in close proximity to the site, nor areas of public open space. Where views are possible of the site, these are generally glimpsed through field gateways or while travelling along the winding roads.
- 6.15 It is considered that the proposal does not comply with Policy LA2 and that the visual impact cannot be mitigated through the implementation of a landscaping scheme as required by Policy LA6. Information submitted in support of the application indicates that the stack would be coloured a matt grey/blue colour to provide some mitigation for its impact. It is recommended that the precise colour of the chimney stack is agreed by condition.
- 6.16 It is also considered that where negative landscape or visual effect cannot be avoided, or reduced to an acceptable degree, consideration should be given to any opportunities to offset, or compensate for, such unavoidable residual effects. Provision of a site-wide landscape and ecological assessment, together with a management plan, could be considered as compensation as well as addressing the cumulative impact of development on the site.
- 6.17 To conclude, the key consideration is whether the landscape harm resulting from the erection of a chimney stack is outweighed by other material planning considerations. In this case this is quite simply the need to mitigate odour emanating from the existing premises and this will be considered in the following paragraphs.

6.18 Noise and Odour

Popcorn production represents a small element of manufacturing on the site and it takes place concurrently with the main business of crisp frying. The site has been visited separately by the case officer and the Environmental Health Officer, both with the specific intention of observing the manufacturing process of the popcorn. In each case both officers have concluded that they have been unable to detect the smell of popcorn beyond the boundaries of Tyrrells Court. The same conclusion has also been reached by the applicant's odour consultant.

- 6.19 It is therefore considered that the manufacture of popcorn does not, in isolation, give rise to nuisance through odour and consequently is not considered to be detrimental to residential amenity. Production is taking place on a small scale and this can reasonably be limited through the imposition of a condition to limit production to the two kettles that have already been installed. The proposal is therefore considered to accord with Policy DR4 of the Herefordshire Unitary Development Plan.
- 6.20 The odour assessment submitted with the application for the chimney stack demonstrates that odours directly attributable to crisp frying have been reduced through the improvement and

maintenance works that have been undertaken over the past 6 – 12 months. Notwithstanding this, the report considers that further mitigation for the impact of odours is necessary to meet the requirements of condition 8 of Planning Permission DCNW/100313/F.

- 6.21 The report advises that the odorous airflow from the cooking area contains an amount of fat that is carried forward from the cooking process. It goes on to say that this is known to hamper more traditional abatement systems such as carbon or bio filters and as such the optimum solution, in terms of being able to deliver in the short term and with certainty as to its effectiveness, is to provide a chimney stack to disperse odour and reduce the impact at the receptor.
- 6.22 Some letters of objection have suggested that the fans associated with the proposed chimney stack will give rise to an increase in noise from the site. The fans are an integral part of the proposed system for odour mitigation and draw fumes into the stack. They will replace a number of older roof mounted units that do give rise to some background noise that may be audible from some of the objector's properties. The new equipment is positioned at ground level and existing buildings will serve to act as a sound barrier. In light of the fact that the equipment is new, and is positioned at a lower level than existing fans, it is not considered that it would cause an increase in noise levels to justify the refusal of the application.
- 6.23 Criticisms that the proposal does not take account of the expansion plans proposed under the as yet undetermined application (N113427/F) for the installation of 8 new fryers in building 7 are not relevant to this proposal. It will be determined on its merits, including any further odour mitigation that might be specifically required if it is considered to be acceptable. The current proposal is intended to meet the requirements of the existing fryers housed within building 3.
- 6.24 In conclusion, the installation of a chimney stack and its associated infrastructure is considered to be the most effective method of dealing with the concerns raised about odour from the site. The findings and recommendations of the assessment are considered to be accurate and, notwithstanding the objections received about a lack of investigation of other alternative mitigation measures, it is considered that there is no reason to doubt that the installation of a chimney stack is the best and most effective way of dealing with odours from the site.
- 6.25 Potential Re-Location and Sustainability

It is acknowledged that there will come a point where there is a degree of conflict between policies that encourage farm diversification and the re-use of existing buildings; which is itself considered to be a sustainable approach to the re-use of existing buildings, if an enterprise becomes successful. Tyrrells is very much an exceptional case and the business has grown from what was originally a farm diversification project into a brand that is recognised world-wide.

- 6.26 In different circumstances, a new enterprise in this location would be resisted; but this is not what the local planning authority is being asked to consider. The proposals are, in the case of the applications for popcorn manufacture and the water tank, considered to be an adjunct to the existing, established and lawful use of the site for the production of crisps. The product expansion to allow the manufacture of popcorn is, as described above, considered to be small-scale in comparison to the use of the site as a whole. This is reflected in the number of people who are employed specifically in this aspect of the business. It relies on existing and established facilities and in this respect is considered to be sustainable. The water tank, whilst not a specific health and safety requirement, will serve to provide a safer working environment through the reduction in the risk of serious fire. It has been demonstrated that the visual impact of the tank is limited, provided that it is painted a dark green colour to match existing buildings.

6.27 The relevant policy is E8 of the Herefordshire Unitary Development Plan which relates to design standards for employment sites. It has been demonstrated above that the proposals for the manufacture of popcorn and the installation of a water tank are modest in relation to the use of the site as a whole, and that their impacts are limited in terms of additional traffic generation, odour and effect on the wider rural landscape. The proposal can be adequately accommodated within the site and it is considered that it fully accords with Policy E8.

6.28 Other Matters

Some objectors have commented that they consider that the proposal for the chimney stack particularly would be detrimental to tourism in the local area due to its visual impact and a perception of industrialisation of the countryside. This is a point raised previously in a number of other applications that the local planning authority has considered, particularly those for large-scale polytunnel developments across the county. However, there is no tangible evidence to suggest that tourists are dissuaded from visiting Herefordshire as a result of these types of developments and it is not considered to represent an issue of sufficient weight to warrant the refusal of any of the three applications.

6.29 Conclusion

It has been demonstrated that there will be limited traffic movements associated with the proposal for popcorn manufacture and the change of use of building 1. The applicant has agreed to an amendment to their Transport Management Plan that would see all HGV's leaving the site in a northerly direction, thus avoiding a conflict between vehicles approaching from the south. It is also proposed to use an additional directional sign at the junction of the unclassified road U93208 and the B4457. On this basis the concerns previously raised by the planning committee are considered to be addressed and the proposal accords with policies DR3 and T8 of the Herefordshire Unitary Development Plan.

6.30 The potential odour associated with this proposal has been carefully considered but it cannot be concluded that it would cumulatively add to any nuisance that might already exist. Issues relating to crisp manufacture are being dealt with separately but this proposal is not considered to be detrimental to residential amenity. The proposal accords with Policy DR3 of the Herefordshire Unitary Development Plan. **Application reference N120896/F for the change of use of building 1 and for the manufacture of popcorn in building 2 is therefore recommended for approval.**

6.31 The installation of a sprinkler system and water tank for use in case of fire is considered to represent a beneficial addition, particularly in ensuring appropriate safety for workers, albeit that it is not a specific health and safety requirement. Provided that the water tank and its associated pump house building are painted a dark green colour, they will not have a demonstrable detrimental impact on the landscape character or its appearance. The proposal is therefore considered to accord with Policies E8 and LA2 of the Herefordshire Unitary Development Plan. **Application reference N121877/F for the provision of a sprinkler system comprising the erection of a water tank and pump house building is therefore recommended for approval.**

6.32 The chimney stack has been proposed in order to address a concern raised by local residents and acknowledged by the applicant's odour consultant about odours resulting from existing fryers. The odour assessment supporting the application concludes that the chimney stack is the most practical solution. It also advises that there are no other alternatives that will address this problem in the short term, nor is there any evidence to the contrary.

6.33 A considerable amount of work has already been undertaken by the applicant to reduce odours emanating from the site and, if the application for the chimney stack is refused,

consideration would need to be given as to whether these improvements are sufficient for condition 8 of planning permission DMNW/100313/F to be discharged.

- 6.34 The stack will result in the introduction of an industrial feature that is not characteristic of the rural setting of the wider area. However, the landscape and visual impact assessment supporting the application concludes that these changes are localised and the landscape does have the capacity to absorb them, primarily due to the topography of the land, the fact that the site is located in a natural depression, and as a consequence of the groups of trees and hedgerows that either serve to screen the site or provide a backdrop to it from public vantage points.
- 6.35 On balance, and whilst acknowledging the views expressed by the Senior Landscape Officer, Parish Council and residents, it is considered that the need to mitigate the odour emanating from the site outweighs the visual impact that the chimney stack will have. **Application reference N121981/F for the erection of a 26 metre high chimney stack and associated infrastructure is therefore recommended for approval.**

RECOMMENDATION

In respect of application reference N120896:

That planning permission be granted subject to the following conditions:

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

Reason: In order that the local planning authority can consider the implications of any further intensification in the production of popcorn and to comply with Policies DR4 and E8 of the Herefordshire Unitary Development Plan.

3. **The Transport Management Plan previously approved under condition 13 of planning permission DMNW/100313/F shall be amended to ensure that HGV traffic leaving the site is directed in a northerly direction along the B4457. This shall include the provision of an additional directional sign as shown on drawing number 2893/161. The amended Transport Management Plan shall be submitted to and approved in writing by the local planning authority within 3 months of the date of this permission. The continued traffic movements in and out of the site shall be undertaken in accordance with the approved details.**

Reason: In the interests of protecting local amenities and having regard to highway safety in accordance with policies DR1, DR2 and DR3 of the Herefordshire Unitary Development Plan.

Reason for Approval

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

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

The proposal is an addition to an existing, well established site. It uses existing buildings and is of a small scale in comparison to the use of the site as a whole. The proposal therefore accords with Policy E8 of the Herefordshire Unitary Development Plan.

In respect of application reference N121877/F:

That planning permission be granted subject to the following conditions:

1. C06
2. Within three months of the date of this permission the water tank and associated pump house building shall be painted dark green to match Building 6 and shall be maintained as such in perpetuity.

Reason: In the interests of visual amenity and to comply with Policies LA2 and E8 of the Herefordshire Unitary Development Plan.

Reason for Approval:

The installation of a water tank, pump house building and sprinkler system in relation to the existing operation of the site is considered a minor addition to the built form of the site. Provided that the water tank and its associated pump house building are painted a dark green colour, they will not have a demonstrable detrimental impact on the landscape character or its appearance. The proposal is therefore considered to accord with Policies E8 and LA2 of the Herefordshire Unitary Development Plan.

In respect of application reference N121981/F:

That planning permission be granted subject to the following conditions:

1. C01
2. C06
3. The chimney stack and pump house building hereby approved shall be coloured a matt grey/blue colour, the precise detail of which shall be submitted to and approved in writing by the local planning authority prior to its installation. The development shall be carried out in accordance with the approved details.

Reason: In order to mitigate the visual impact of the development and to comply with Policies E8 and LA2 of the Herefordshire Unitary Development Plan.

4. A detailed site-wide landscape and ecological assessment and management plan shall be submitted to and approved in writing by the local planning authority within six months of the development hereby approved being first brought into use. The

provisions of the management plan shall be implemented in the first planting season preceding its written approval and shall be maintained thereafter.

Reason: In order to provide some compensation for the visual impact of the development and to comply with Policies LA6 and NC8 of the Herefordshire Unitary Development Plan.

Reason for Approval:

The chimney stack has been proposed in order to address acknowledged concerns about odours emanating from existing fryers. It has been concluded that a chimney stack is the most practical solution and that there are no other alternatives that will address this problem in the short term.

The stack will result in the introduction of an industrial feature that is not characteristic of the rural setting of the wider area. However, it is considered that these changes are localised, primarily due to the topography of the land, the fact that the site is located in a natural depression, and as a consequence of the groups of trees and hedgerows that either serve to screen the site or provide a backdrop to it from public vantage points.

The visual impact of the chimney stack will not be completely mitigated either through screening provided by existing vegetation or through the imposition of a landscaping scheme, but it is considered reasonable to seek some landscape and biodiversity enhancement to compensate for this.

On balance, the need to mitigate the odour emanating from the site outweighs the visual impact that the chimney stack will have and therefore the proposal whilst having a localised visual impact contrary to the aims of Policies E8 and LA2 of the Herefordshire Unitary Development Plan is considered to be acceptable.

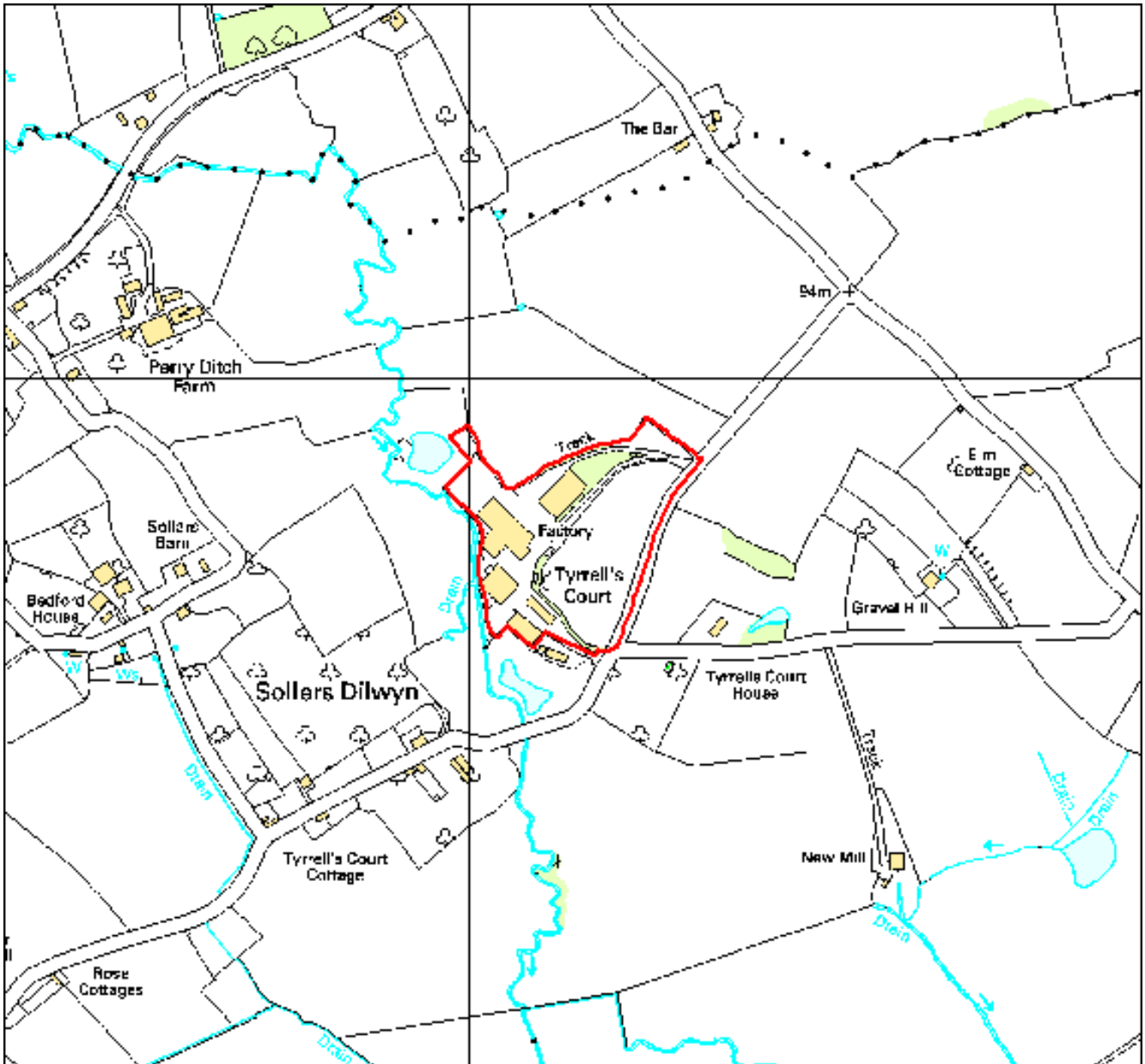
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/120896/F

SITE ADDRESS : TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE, HR6 9DQ

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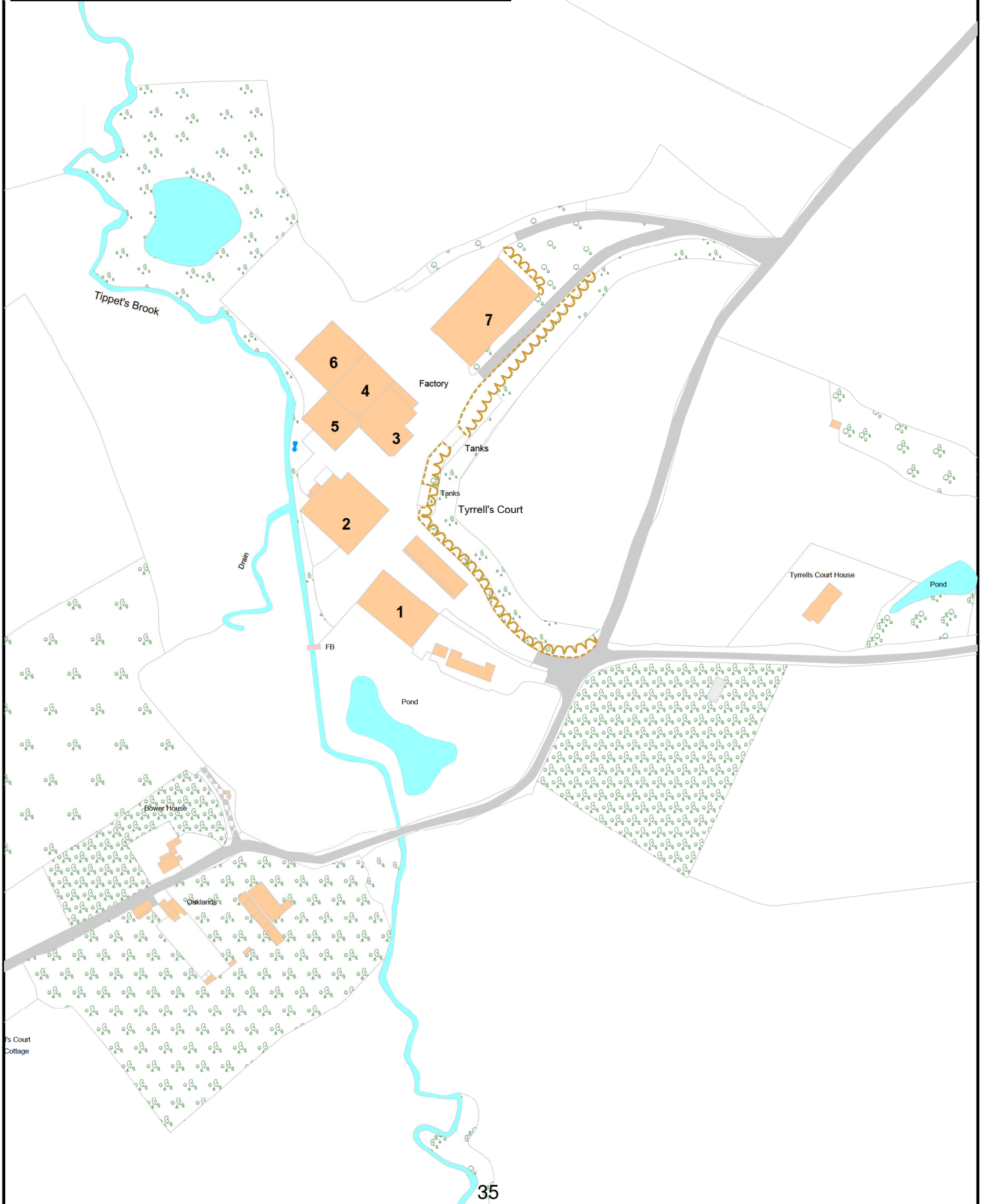
Tel: 01432 260000
Fax: 01432 261970

Tyrells Court

List of Buildings on Site

Scale 1:1250

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MEETING:	PLANNING COMMITTEE
DATE:	17 OCTOBER 2012
TITLE OF REPORT:	<p>S121083/F- PROPOSED EXTENSION TO RESIDENTIAL CARE HOME, NEW NURSES ACCOMMODATION AND SHELTERED HOUSING UNITS WITH GARAGING. AT BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ</p> <p>For: Dr Allen per Mr Paul Lodge, 30 Eign Gate, Hereford, Herefordshire, HR4 0AB</p> <p>S121084/L- PROPOSED EXTENSION TO RESIDENTIAL CARE HOME, NEW NURSES ACCOMMODATION AND SHELTERED HOUSING UNITS WITH GARAGING. AT BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ</p> <p>For: Dr Allen per Mr Paul Lodge, 30 Eign Gate, Hereford, Herefordshire, HR4 0AB</p>
WEBSITE LINK:	<p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121083&NoSearch=True</p> <p>http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121084&NoSearch=True</p>

Date Received: 11 April 2012

Ward: Old Gore

Grid Ref: 359698,231854

Expiry Date: 10 August 2012

Local Members: Councillor BA Durkin

1. Site Description and Proposal

- 1.1 Planning permission and listed building consent is sought for the erection of an extension to the existing residential care home, erection of detached nurses' accommodation and three sheltered housing units within the grounds of Brockhampton Court Nursing Home, Herefordshire. The nursing home is an established business operating from the Grade II listed building, originally constructed as a country house and later used as a hotel. The building dates from the late 19th century, incorporating remnants of the earlier rectory.
- 1.2 The site is located within the Wye Valley Area of Outstanding Natural Beauty (AONB), four kilometres south-east of Fownhope. The associated parkland is an unregistered historic park and garden covering 3.45 hectares. There are two approaches to the Court. The first is via the lodge opposite the Grade I listed church, passing through parkland and past the existing sheltered units which lie to the north-west of the principal building. The other access lies to the south-east of the main building. From this approach the existing extension is prominent. The application site is bounded to the north by Brockhampton Cricket Club and open farmland, to the west by farmland, with a scattering of residential properties to the east and south. The south-east boundary is defined by the unclassified lane linking the hamlet with the B4224 one kilometre to the east.

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

- 1.3 The proposed two-storey extension is to the north of the main building, extending eastwards, cut into rising ground above beyond which is an enclosed garden. To the north-east of the principal building the land plateaus. A section of the north-east boundary is delineated by a 2.8m brick wall, a surviving section of the walled garden. It is on this ground that the proposed sheltered units and nurses' accommodation is proposed.
- 1.4 The extension is linked to the existing building by a two-storey structural glass link. It contains 23 bedrooms with en-suite facilities. The facilities on the ground floor comprise a lounge, hydrotherapy suite, laundry room, sluice room, bathroom and nurses' station. The first floor affords access to a proposed roof terrace, situated over the lounge and hydrotherapy pool, which is designed to provide rehabilitation for stroke and post-operative joint-replacement patients. The rising ground to the north permits direct access from the roof terrace to the existing footpath network across the site.
- 1.5 The extension is a significant building in its own right, necessitating substantial earthworks in order to form a level platform. It has a broadly rectangular plan, set at right-angles to the main building. It extends 19 metres northwards from the existing north elevation and is 45 metres long at ground floor, which incorporates the lounge and hydrotherapy pool, above which the first floor does not extend. The most prominent elevation on approach is the west-facing elevation, which has been designed as a twin-gable to mimic the existing north elevation of the principal building. Facing materials are Monmouthshire stone under a plain clay tile to match the existing.
- 1.6 The nurses' accommodation and sheltered housing units are proposed on the higher ground further to the north and east of the enclosed yew garden. The original proposals have been revised. Originally six sheltered units were proposed as three pairs with the nurses accommodation occupying a position divorced from the remainder of the built development, overlooking the unclassified road to the east. In response to consultation responses received, the proposal has been amended, with the number of sheltered units reduced from six to three and the nurses' accommodation re-sited and redesigned. Both elements are now concentrated to the north of the Court, arranged around a courtyard, alongside a detached three-bay garage building. The original site for the proposed nurses' accommodation was as per the un-built and lapsed 2005 permission (see 3.1 below). That siting has subsequently been considered too prominent within the landscape and prejudicial to views eastwards from the principal building. The nurses' accommodation comprises eighteen bedrooms within what are effectively three terraced dwellings. The building is aligned broadly north/south parallel with and 8 metres from the remnant walled garden. The proposed vehicular access to the nurses' accommodation and sheltered units extends from the existing rear access terminating in the courtyard where visitor parking is laid out. From this a route extends to the rear of the nurses' accommodation adjacent the wall serving the detached garage block in the far north-east corner of the site.
- 1.7 The building has a rectangular plan measuring 28.7m x 8.5m with a height to the ridge of 7.5m. Each unit comprises open plan kitchen, living and dining accommodation at ground floor along with the largest of the six bedrooms. At first floor there are a further five bedrooms, bathroom and separate WC. The ridge heights reduce by 450mm from north to south. The facing materials proposed are render with natural slate roof.
- 1.8 The sheltered units lie to the north and east of the nurses' accommodation on the site of a former tennis court. The reduction in their number and scale has enabled a greater separation from the yew garden and thatched garden room. The units will be grouped together as a pair and one single, facing south-west and south-east respectively. They are single-storey buildings with materials to match the nurses' accommodation. Accommodation comprises two double bedrooms (one en-suite), hall, utility and open plan kitchen, dining and living room, with

conservatories. The Design and Access Statement confirms that occupation will be limited via a Section106 agreement to persons over sixty years of age.

1.9 In recognition of the site's location within mature parkland in the AONB, and the Grade II listed status of the principal building, the application is accompanied by the following supporting documents:

- Heritage, Design and Access Statements;
- Ecological and arboricultural assessments;
- Visual and landscape impact assessment;
- A draft Heads of Terms.

2. Policies

- 2.1
- | | | |
|------|---|--|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| S7 | - | Natural and historic heritage |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| H7 | - | Housing in the countryside outside settlements |
| H13 | - | Sustainable residential design |
| H16 | - | Car parking |
| E11 | - | Employment in the smaller settlements and open countryside |
| LA1 | - | Areas of Outstanding Natural Beauty |
| LA2 | - | Landscape character and areas least resilient to change |
| LA4 | - | Protection of historic parks and gardens |
| LA5 | - | Protection of trees, woodlands and hedgerows |
| LA6 | - | Landscaping schemes |
| NC1 | - | Biodiversity and development |
| HBA1 | - | Alterations and extensions to listed buildings |
| HBA4 | - | Setting of listed buildings |
| CF7 | - | Residential nursing and care homes |

2.2 National Planning Policy Framework

- | | | |
|------------|---|---|
| Chapter 1 | – | Building a strong, competitive economy |
| Chapter 3 | – | Supporting a prosperous rural economy |
| Chapter 7 | – | Requiring good design |
| Chapter 11 | – | Conserving and enhancing the natural environment |
| Chapter 12 | – | Conserving and enhancing the historic environment |

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

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

3. Planning History

- 3.1 DCSE2004/3971/F & DCSE2004/3978/L: Construction of nurses accommodation and access drive within the grounds of the listed building: Approved 22 September 2005
- 3.2 DCSE2004/3441/F & DCSE2004/3443/L: Extension to existing nursing home – Variation of conditions 2 & 7 of DCSE2003/1485/F & DCSE2003/1482/L: Approved 7 January 2005

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

- 3.3 DCSE2003/1482/L & DCSE2003/1485/F: Two-storey twelve bedroom extension with single-storey link to existing building: Approved 1 July 2003
- 3.4 DCCE2003/0060/F: Sheltered housing with garages/stores (amendment to SH97/1378/PF): Approved 3 March 2003
- 3.5 DCCE1999/3171/L & DCCE1999/3231/F: Conversion of existing outbuilding to form three additional bedrooms with new windows and alterations to existing door openings: Approved 19 January 2000
- 3.6 SH97/1378/PF: Single block of four sheltered housing units: Approved subject to a S.106 Agreement limiting occupation of the dwellings on 10 August 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage: No specific comments
- 4.2 Welsh Water: No objections as private treatment works are proposed.
- 4.3 Environment Agency: No objection

Internal Council Advice

- 4.4 Traffic Manager: Due to the nature of care provided and relatively low trip generation the proposal is acceptable subject to the imposition of a Travel Plan and conditions to ensure that the sheltered units and nurses' accommodation are not sold or leased separately from the business as this would be likely to result in a greater number of vehicle movements on the adjoining highways.
- 4.5 Conservation Manager (Building Conservation): Twentieth century development within the grounds of the principal house has combined to adversely affect the setting of the building. I retain the view that any further development within the grounds would, as a matter of principle, compound this harm. This notwithstanding the revised layout for the nurses' accommodation and sheltered units is more logical in response to the landscape character, whilst the extension to the building itself has functional and architectural rationale in its relationship to the Court.
- 4.6 Conservation Manager (Landscapes):

Landscape Impact

The revised information provides an alternative location and siting of the sheltered housing units and nurses' accommodation. The new proposals address my previous concerns, particularly in relation to:

- The location of the proposed nurses' accommodation is moved from the road boundary, therefore removing this visual impact. It is now integrated with the sheltered accommodation, therefore keeping development to only one new location within the site (in addition to the new wing);
- The sheltered accommodation now responds to the historic constraints and boundaries. It now makes a positive contribution and link to the overall parkland. The buildings will be partly set into sloping ground, which follows the existing contours more closely. The removal of the section of yew hedgerow is supported as this will improve the relationship and links between the existing and new buildings.

Tree Impact

A tree schedule and specification has been provided. The two proposed semi-mature parkland trees will balance the impact of the new development.

Conclusions

The revised proposals relate more successfully to this historic landscape and the wider landscape character and the original objection is removed. Conditions should be added to address the detailed design of the courtyard features, tree protection measures and landscape/ecological management. These conditions reflect policy and NPPF guidance, which state that great weight should be given to conserving landscape, wildlife, cultural heritage and scenic beauty in AONBs.

- 4.7 Environmental Health Manager (Noise and pollution): No objection
- 4.8 Public Rights of Way Manager: No objection
- 4.9 Ecologist: Although the proposals encroach onto parkland habitat, the removal of the previously approved nurses' accommodation to offset this. If this application is to be approved the imposition of a condition to secure appropriate management of the remaining parkland habitat is recommended.

5 Representations

- 5.1 Brockhampton Parish Council: The Parish Council supports the application and welcomes the provision of a further high quality facility in the village and the additional employment that this will bring to the local area. Sufficient S106 agreements should be put in place to ensure that the function and purpose of the buildings is maintained as forming part of a residential care home.
- 5.2 AONB Office: We are pleased to see that the development has been scaled down and the nurses' accommodation moved from its former prominent location as this will help to reduce impact on the landscape in the AONB. The scheme as set out is acceptable in principle, although we would still like to see a more detailed landscaping scheme to help assimilate the new buildings into the parkland landscape.
- 5.3 Hereford and Worcester Gardens Trust: Expressed concern in relation to the original proposals, but consider the amended proposals a better relationship with the garden landscape. It is, nonetheless, a major development and a high level of maintenance of the existing grounds, with new parkland planting should be required.
- 5.4 One letter of support has been received from Mrs P Cockell, resident of one of the existing sheltered units. The letter outlines the attraction of living in sheltered units in open countryside locations as opposed to solely within built up areas. The benefits of living next to the nursing home, with access to local medical attention and care when needed, are also acknowledged.
- 5.5 Representation has been received from Halls Worcester LLP on behalf of Mr P Clay. The response confirms that the amended position of the sheltered units and nurses' accommodation is considered much better than the earlier proposal. Landscaping should be considered between the route of the new driveway and the existing road and finials should be considered to both the existing and proposed extensions.
- 5.6 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

6. Officer's Appraisal

- 6.1 The applications seek planning permission and listed building consent for extensions to the Grade II listed building and erection of detached nurses' accommodation and three sheltered housing units. The main issues in the determination of the applications are as follows:-
- An assessment of the landscape and visual impact of the development within the AONB and unregistered historic parkland;
 - An assessment of the extension to the listed building with regard to the impact upon the special architectural and historic character of the building;
 - The principle of new residential development within the open countryside having regard to the impact of the development and the economic benefits to the rural economy.
- 6.2 The site is within the Wye Valley AONB and the principal building is Grade II listed. The parkland is unregistered historic park and garden. Accordingly the site is constrained and policies act to protect the landscape for its own intrinsic beauty. Policy LA1 of the Unitary Development Plan (UDP) requires development within the AONB to be small-scale, not harmful to the intrinsic natural beauty of the area and necessary to facilitate the economic and social well-being of the designated areas and their communities or can enhance the quality of the landscape or biodiversity. This advice is amplified by guidance laid out in the National Planning Policy Framework. Paragraph 115 confirms that 'great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty... which have the highest status of protection in relation to landscape and scenic beauty.' In this case it is considered that the proposal taken as a whole could be regarded as small scale in the context of the existing court and wider parkland setting. In its revised form the proposal would have only a limited and localised visual impact, which relates well to the existing buildings upon the site and is widely considered to respond more satisfactorily to the established landscape context.
- 6.3 UDP policy LA4 affords unregistered historic parks and gardens similar protection to those parks and gardens that are scheduled. Development which would destroy, damage or otherwise adversely affect such areas should not be permitted.
- 6.4 In order to reduce the visual impact of the proposals the scheme has been amended to remove the nurses' accommodation from the site where it was approved historically. The number of sheltered units has also been reduced from six to three. As a consequence the Conservation Manager (Landscapes) advises that the development now responds to the historic constraints and boundaries of the site and now makes a positive contribution and link to the parkland. The AONB Office shares this perspective and English Heritage, having previously criticised the randomness and visual impact of the original layout, now offer no comment.
- 6.5 The consequence of relocating the nurses' accommodation and reducing the extent of the sheltered housing is not only to concentrate development within a more tightly defined area, but also to reduce the visual impact from the surrounding area. As originally proposed the nurses accommodation would have been visually prominent from the lane bounding the south-east of the application site. The revised location is less prominent from outside the site, nestling against the remnant walled garden. Some limited views through defective hedgerow across the agricultural land to the north will be possible but filtered. Views from the public footpath traversing the parkland to the west of the Court will not be possible owing to topography. At present the site of the proposed sheltered housing is separated from the principal building and overgrown. The Conservation Manager (Landscapes) considers that the development is capable of making a positive contribution to the landscape through its

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

engagement with the parkland. In responding to the historic boundaries and creating a more logical layout, the development is now considered acceptable within the landscape context in a manner consistent with policies LA1, LA2 and LA4 of the UDP.

- 6.6 The NPPF also contains guidance in relation to the treatment of applications affecting the significance of heritage assets. In determining planning applications account should be taken of the desirability of sustaining and enhancing the significance of the heritage asset and putting them to viable uses consistent with their conservation and the positive contribution that conservation of such assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.7 Paragraph 134 of the NPPF confirms that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. UDP policy HBA1 requires proposals to extend or alter listed buildings to preserve the components that make up the special interest of the building and its setting, with all new work being in keeping with the age, style, materials, detailing and character of the building. Extensions should be subservient in scale and design and relate well to the existing building. Policy HBA4 requires that proposals adversely affecting the setting of a listed building be refused.
- 6.8 In this case the extension adds a second wing extension to the building. The extension is linked to the principal building via a two-storey seamless structural glazed structure that allows the original north-facing elevation to be viewed along with the garden at the rear. This 'arms-length' approach allows for the retention of the external chimney breast, whilst the existing external opening at ground floor is utilised as the means of accessing the extension via the ground floor of the principal building. At first floor a new opening is required in substitution of the existing fire escape access which will be made good. As such the impact upon the fabric of the listed building is minimal. Despite reservations as regards the principle of extending the building or developing further within its grounds, the Conservation Manager (Building Conservation) confirms that the extension is well designed and logical in terms of its relationship to the principal building.
- 6.9 The landscape and visual impact of the extension is mitigated from most public vantage points by the local topography. Public views of the extension from beyond the site to the north are not possible, nor will views be possible from the public footpath traversing the site to the west of the Court. From the southern approach the existing wing extension will screen views whereas it is likely that only the very highest point of the roof will be visible from the lane bounding the south-eastern edge of the site.
- 6.10 On balance, it is considered that the response to the challenge of designing a significant extension to an imposing Grade II listed country house is successful. Whilst the extension and the proposals as a whole evince significant change within the local context, the extension is considered to relate well to the principal building and being 1.2m lower and set at right-angles to it, is successful in remaining subservient. Taking the above into account, it is considered that in relation to landscape and visual impact, the impact upon the listed building and its setting and the impact upon the parkland the amended proposals are now acceptable and represent less than substantial harm to the significance of the heritage asset in accordance with Policies HBA1, HBA4 and LA4 of the UDP and guidance set out in the NPPF.
- 6.11 The proposal promotes new residential development in open countryside in the form of the sheltered units and nurses' accommodation. UDP policies militate against unwarranted residential development within the open countryside unless one of the exceptions set out in Policy H7 is applicable. The exceptions refer to development necessary as an accompaniment to the establishment or growth of a rural enterprise compliant with Policy H8, which can include accommodation required for employees connected with a rural business –

the nurses' accommodation for example. It is not considered that any of the specified 'exceptions' are directly applicable to the sheltered units, however, and that this element of the proposal is therefore contrary to Policy H7. In such circumstances it is necessary to consider whether there are material considerations that are capable of overriding the policy conflict.

- 6.12 The policies within the NPPF are material considerations that should be taken in to account when taking decisions on planning and listed building applications. The NPPF promotes economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Plans should therefore be designed to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Plans should also promote the retention and development of local services and community facilities in villages. In this regard the Parish Council support for the proposal is noted as is the historic grant of permission for nurses' accommodation in a less preferable location.
- 6.13 NPPF policies guard against isolated new homes in the countryside unless there are special circumstances. NPPF policies also support good design and officers consider that all facets of this proposal have been well designed in their response to the site constraints, and opportunities to create good living conditions and connectivity to the surrounding landscape.
- 6.14 Insofar as the nurses' accommodation is concerned, it is considered that the relocated position is not only more sustainable in terms of its impact upon the landscape, but also more sustainable in terms of the location relative to those in need of care, including prospective occupants of the sheltered housing. In this regard the revised layout is more logical. Given the lack of manifest harm to the landscape, the historic precedent and sustainability credentials associated with having a proportion of the workforce resident on site, thereby reducing the need to travel. It is also the case that occupants of the proposed sheltered units would have access to health care via the nursing home and would be provided with an alarm service connecting directly to the care staff and nurses in the nursing home on a twenty-four hour basis. On this basis the accommodation offered by the sheltered units can be considered as a "stepping stone" from entirely independent living and a transition to higher dependency care. Bearing this interdependence in mind, it is considered that the proposal is compliant with the broad thrust of NPPF policies and justified relative to Policy H8 of the UDP.
- 6.15 It is concluded that the sheltered accommodation is acceptable in terms of its landscape and visual impact within the AONB, the unregistered park and garden and the setting of the listed building. Alongside the nurses' accommodation the Conservation Manager (Landscapes) considers the proposal to represent a positive enhancement of the site, resulting in good connectivity to the parkland and the principal building. Bearing this in mind, it is concluded that notwithstanding the policy conflict with H7, the sheltered units provide a form of accommodation for which there would appear to be a demand without adverse impact upon either the intrinsic natural beauty of the AONB or the setting of the listed building. As such, when considered collectively, it is concluded that on balance, the development is acceptable and in accordance with the broad thrust of UDP policies and NPPF guidance. The sheltered units are contrary to Policy H7 of the UDP, but it is considered that the positive enhancement of the area in a manner compliant with LA1, together with the good standard of design and lack of manifest harm to the landscape, is sufficient to justify an exception to the normal presumption against residential development in rural areas. Officers consider that it is necessary, however, to restrict the future occupation of both the sheltered units and the nurses' accommodation and would recommend a S.106 to that effect. In so doing this would reinforce the functional link between the sheltered accommodation and the higher dependency care provided within the principal building.

Other matters

- 6.16 The application is accompanied by a protected species survey. This identifies the likely presence of grass snakes and potentially other reptile species locally, but considers it unlikely

that an application for a DEFRA license will be required. The report recommends measures should be taken to prevent disturbance to the habitat concerned and that any necessary reptile relocation should be overseen by a qualified professional. In order to ensure that protected species are afforded the protection that policy and legislation demands, the imposition of a planning condition is recommended. This would require the submission of a working method statement describing the measures that will be undertaken in order to ensure no disruption or disturbance to occupied sites. On this basis the development would comply with Policy NC1 of the UDP.

- 6.17 The proposals would not affect adjoining residential amenity. The site of all three elements of the development is well removed from adjoining residential property such that there could be no conflict. In any event the use proposed is not, in itself, inherently noisy. The proposed development is considered to comply with Policies H13 and DR2(4) of the UDP.
- 6.18 The trip generation associated with the development is likely to be insignificant and the consequent impact on the local highway network acceptable. A Travel Plan is recommended as a means of securing a long-term commitment to minimise vehicle movements.
- 6.19 The foul drainage arrangements are via two separate arrangements. Foul drainage from the proposed extension will utilise the existing septic tank situated to the east of the existing extension. The original was designed to cater for up to 150 people and has adequate capacity. A separate package treatment plant is proposed for the sheltered units and nurses' accommodation. The Environment Agency has no objection to the intended foul drainage treatment. Surface water drainage will be dealt with via the existing rainwater harvesting scheme, which dates from the late Victorian period. Rainwater from the new extension will be taken to the existing tank and re-used within the building. Any excess will be directed to the existing pond, which requires frequent topping up. French drains are proposed to the access road and parking areas.
- 6.20 The submitted arboricultural assessment concludes that there is no undue risk to the future health of any specimen trees on site. The Conservation Manager has confirmed that the submitted landscaping layout is acceptable and advises against too much additional planting within the parkland. A condition requiring tree protection measures during the construction phase is recommended.

Conclusions

- 6.21 The site is heavily constrained in terms of its landscape designations and the clear relationship between the parkland setting and the Grade II listed building. Any further interventions within such a setting have to be very carefully considered in the context of prescriptive policy guidance that advises that great weight should be given to the need to conserve and enhance protected landscapes and avoid causing harm to the significance of designated heritage assets.
- 6.22 In this case officers conclude that the proposed extension is successful in deferring to the principal listed building and would not result in the loss of any special features that contribute to the building's architectural or historic interest. The design and siting of the sheltered units and nurses' accommodation is significantly improved relative to the original proposal and historic planning permission (to which only limited weight may be attached), and not harmful to the intrinsic natural beauty of the AONB.
- 6.23 The NPPF also advises of the need to support sustainable development in rural areas, focusing upon the expansion of all types of rural business and enterprise. As such, economic benefits derived from the expansion of the business may also be given weight in reaching a decision on planning applications.
- 6.24 Considering the development as a whole, and mindful of the conflict with Policy H7, officers consider that the development complies with the broad thrust of guidance with the NPPF and

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

the majority of the relevant 'saved' policies within the UDP. The NPPF advises that 'saved' UDP policies that pre-date the publication of the NPPF may still be given full weight in the decision making process. However, officers consider the potential enhancement of the local landscape, absence of harm to the significance of the heritage asset, quality of the design, sustainability and positive economic benefits to the rural economy sufficient to warrant a recommendation for approval.

RECOMMENDATION

Subject to the completion of a S.106 Agreement, securing control over the future occupation of the sheltered and nurses' accommodation, officers, named in the Scheme of Delegation to Officers, be authorised to grant planning permission and listed building consent subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B03 Amended plans**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**
5. **H30 Travel plans**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme - implementation**
9. **The recommendations in the ecologist's report dated 1st November 2011 shall be followed. Prior to the commencement of development a full working method statement based on these recommendations should be submitted to and approved in writing by the local planning authority and shall be implemented as approved.**

Reason:

10. **Prior to the commencement of development, a habitat enhancement and management scheme should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.**

Reason:

11. **H30 Travel plans**

Reason for Approval

1. **The proposal has been considered against policies S1, S2, S7, DR1, DR2 DR3, H7, H13, H16, E11, LA1, LA2, LA4, LA5, LA6, NC1, HBA1, HBA4 and CF7 of the UDP and guidance set out in the National Planning Policy Framework. The proposal is considered to accord with the broad thrust of the aforementioned policies. The development proposed represents the sustainable expansion of an existing rural enterprise that will benefit the rural economy in accordance with Chapter 3 of the NPPF. Furthermore the development represents a good standard of design that relates well to the designated landscape, which is both part of the Wye Valley AONB**

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

and an unregistered historic park and garden. The development would reinforce the historic character of the landscape and take the opportunity to utilise an existing area within the parkland without undue detriment to the landscape character or its intrinsic natural beauty. The proposed extension to the Grade II listed building is well designed, deferential and does not involve the unnecessary loss of historic fabric. The limited conflict with Policy H7 in relation to the sheltered accommodation is mitigated in this instance by the need for the accommodation proposed, the positive enhancement that the development offers and the sustainable expansion of an existing rural enterprise.

Listed Building Consent

1. D01 Time limit for commencement (Listed Building Consent)
2. C01 Samples of external materials
3. D04 Details of window sections, eaves, verges and barge boards
4. D05 Details of external joinery finishes

Reason for Approval

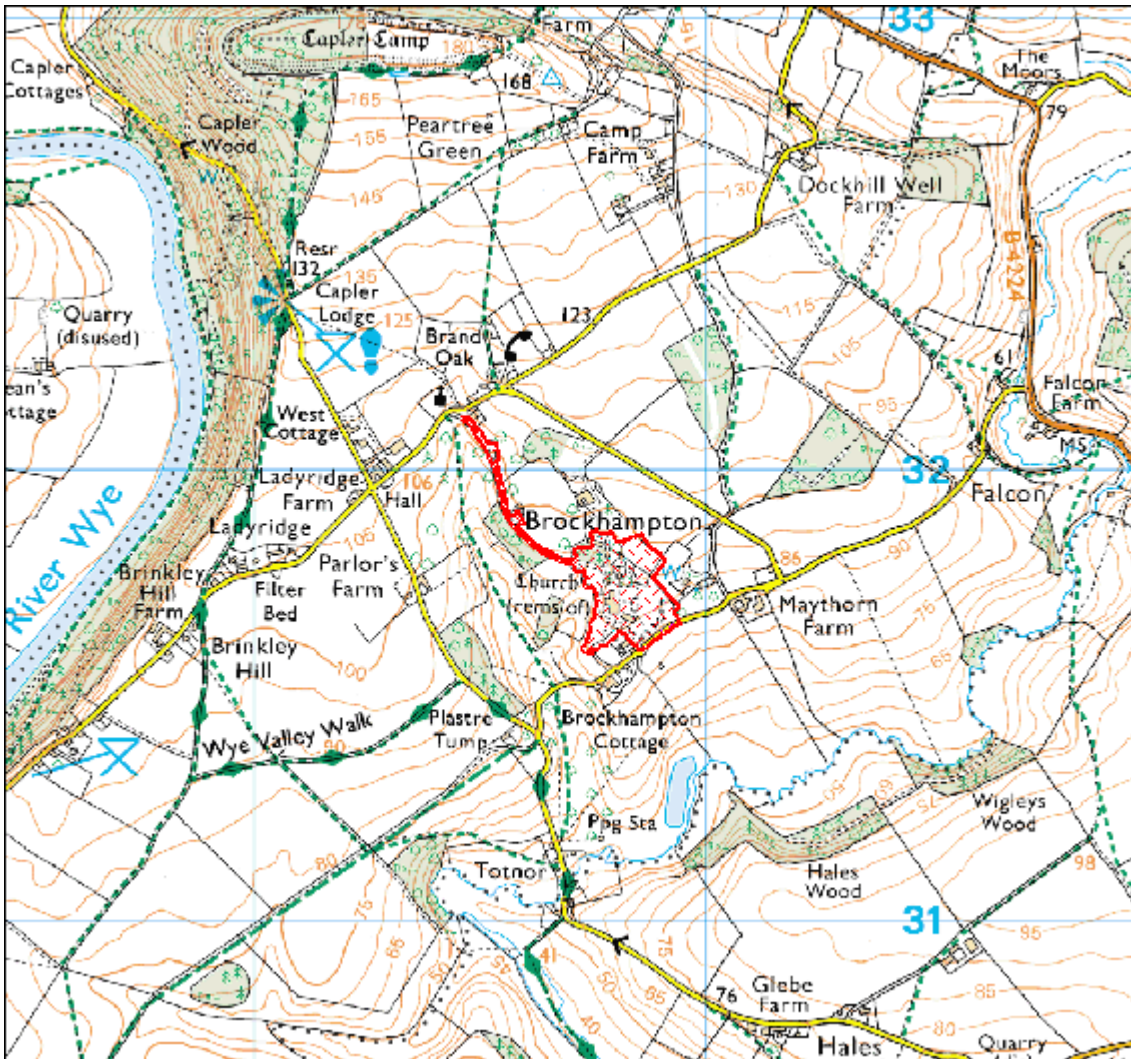
1. The proposal has been considered against policies S1, S7, HBA1 and HBA4 of the Unitary Development Plan and guidance set out in the NPPF. The local planning authority considers the proposed extension to the Grade II listed building to comply with the aforementioned UDP policies on the basis that it preserves the features that combine to create the building's special interest; is in keeping with the age, style, materials, detail and character of the building; and is subservient in scale and design and well related to the existing building. There is thus no harm to the significance of the heritage asset and the proposal is compliant with guidance set out in Chapter 12 of the National Planning Policy Framework.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/121083/F

SITE ADDRESS : BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ

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MEETING:	PLANNING COMMITTEE
DATE:	17 OCTOBER 2012
TITLE OF REPORT:	N120761/F - CONVERSION OF GARAGE/WORKSHOP/OFFICE TO HOLIDAY LET AT LITTLE WACTON FARM, BREDENBURY, HEREFORDSHIRE, HR7 4TQ For: Mr Sayce per Mr Michael Kelly, 24 Rumsam Gardens, Barnstaple, Devon, EX32 9EY
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120761&NoSearch=True

Date Received: 12 March 2012 **Ward: Bringsty** **Grid Ref: 361606,257405**
Expiry Date: 15 June 2012
 Local Members: Councillor GR Swinford

1. Site Description and Proposal

- 1.1 Little Wacton Farm is located on the southern end of the narrow lane (U65201) which leaves the A44 at Bredenbury and terminates shortly beyond the farm. The farm consists of a detached red brick farmhouse set in attractive open countryside, with a large modern agricultural building and newly constructed poultry building to the south. The farm is one of a small randomly dispersed group of buildings adjacent to the narrow lane. Wacton Court is a Grade II listed building located on the opposite side of the lane and is some 80m from the garage outbuilding.
- 1.2 This application relates to a detached red brick building to the west of the farmhouse which has already been the subject of an extensive planning history. The original permission (DCNC2005/2981/F) was for a double garage and office. This was revised through a retrospective permission for a domestic garage, workshop and office (DCNC2007/1646/F). The building was not built-in accordance with the approved plans as there was an increase in height of 0.8m higher with additional windows inserted at the upper level in the roof space on the east and west elevations. A further application was submitted (DCNC2008/2482/F) to regularise the changes. This application was allowed at appeal and was subject to conditions relating to its use and landscaping. The use of the building was restricted to the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house.
- 1.3 This application now proposes to convert the building into a 3 bedroom holiday let. The proposal includes the addition of 5 velux windows on the south elevation with the existing garage opening modified to accommodate a new window.

2. Policies

- 2.1 National Planning Policy Framework (NPPF):

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

Paragraph 28 - supports economic growth in rural areas which promote the development and diversification of agricultural and other land base rural businesses. The paragraph also supports sustainable rural tourism and leisure development that benefits businesses in rural areas, communities and visitors, and which respect the character of the countryside.

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
E12	-	Farm Diversification
LA2	-	Landscape Character and Areas Least Resilient to Change
HBA12	-	Re-Use of Rural Buildings
RST12	-	Visitor Accommodation
RST13	-	Rural and Farm Tourism Development

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 DCNC0009/0058/F - Erection of agricultural building for free range hens. Approved
- 3.2 DCNC08/2482/F - Proposed garage (retrospective) revised height and windows – Allowed on appeal. The Inspector did not concur with the Council’s view that the building was harmful to the character and appearance of the area and to the setting of Wacton Court as a Grade II listed building.
- 3.3 DCNC07/1646/F - Retrospective application for domestic garage, workshop and office (amendment to permission)
- 3.5 DCNC05/2981/F - Double garage with attached office – Approved 26 October 2005
- 3.6 DCNC05/1970/F - Triple garage with games room over - Withdrawn 10 August 2005
- 3.7 DCNC02/0437/F - Erection of replacement dwelling - Approved 2 April 2002

4. **Consultation Summary**

- 4.1 Statutory Consultees
- 4.1 Welsh Water has no objection to the application but has advised that the applicant contacts the Environmental Agency as they are intending to utilise an existing septic tank.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of permission.
- 4.3 Public Rights of Way Manager has no objection to the application.

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

4.4 Ecological Consultant: Identified the site as being 1300 m from the River Frome (but 290 m from a tributary of it) and 18 km the River Lugg and River Wye SAC. The discharge from Little Wacton Farm will be treated via an existing septic tank and soak-away. A Habitat Regulations Screening Report for the development has been undertaken and concluded that given the application utilises an existing on-site system of foul drainage management and separates surface water from this, there will be a trivial threat to the River Wye SAC via its tributaries of the River Frome or River Lugg. The conclusion is that there will be no likely significant effect. Natural England has not responded.

4.5 Natural England: Awaiting response.

5. Representations

5.1 Bredenbury & District Parish Council have made the following comment;

‘The above application has been circulated to all Parish Councillors. There have been no concerns raised other than a comment about the expected increase in traffic along the narrow approach lane, which may add to the difficulties already experienced when vehicles need to pass one another’.

5.2 One letter has been received from Mr Andrew Davies of Wacton Court, Bredenbury

The letter has stated that their interest is in preserving the setting and curtilage of listed buildings. In summary the letter outlines the planning history on the site and that of the planning appeal. The letter questions if all conditions attached to the planning inspectorate decision had been complied with, especially in relation to the required hedgerow and orchard planting.

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

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

6. Officer's Appraisal

6.1 The application proposes the conversion of an existing building to a holiday let at Little Wacton Farm. The main issue to be considered is whether the use of the building for holiday accommodation would conflict with national and local planning policies which seek to protect the countryside and promote sustainable forms of development.

6.2 Policy RST12 and RST13 of the Unitary Development Plan have direct relevance as they set the provision for visitor accommodation and rural and farm tourism development. In summary policy RST12 allows visitor accommodation outside of identified settlements which consist of the re-use and adaptation of a rural building; where it is of an appropriate scale and design for its surrounding; it does not harm the character and appearance of the countryside; it is wherever possible accessible by a choice of modes of transport and is designed to incorporate access for the disabled; and the proposal does not harm the character of the original building.

6.3 Policy RST13 of the Unitary Development Plan allows new rural and farm tourism development in open countryside locations only where it would not harm the character of the countryside and where the traffic generated could be accommodated safely upon the local road network without the need for widening of lanes or loss of hedgerows.

6.4 The Unitary Development Plan recognises that development which aims to meet the needs of visitors who are attracted to the countryside can help diversify the rural economy and provides a boost to farm incomes and is a key element to rural and farm diversification. However, proposals for such developments must be sensitive to the local environment in terms of

design, scale and location and the likely level of traffic and noise that will be generated. The Unitary Development Plan also recognises that diversification of local farm-based economics into a wide range of non-agricultural business activities is an essential element in sustaining rural income and employment. Tourism projects can contribute to the rural economy and help maintain the character and quality of the countryside and its landscape.

- 6.5 The building subject to this application is parallel to and adjacent to the lane which is at a lower level than the farm building. There is a well established and substantial hedgerow along the lane which provides significant screening to the building. The changes to the external appearance of the building are all on the south elevation which faces into the site and therefore it is not considered that the proposal would harm the character or appearance of the area or surrounding countryside.
- 6.6 The location of the site would mean that visitors would be totally reliant on the private motor vehicle. However the countryside and rural landscape is considered to be the primary resource for visitors which would use the accommodation. The Highways Manager has raised no objection to the proposal and it is considered that the traffic generated could be safely accommodated on the local highway network without undue environmental, operational or safety consequences.
- 6.7 The proposal represents a re-use of a rural building, all be it a recently constructed rural building of no historic or architectural merit, with minimal changes required to its external appearance. However Policy RST12 does not require the building to be of any acknowledged historical, architectural, local landscape or amenity value. The proposed change of use and conversion will not harm the character and appearance of the countryside or harm the amenities of near by residential dwellings.
- 6.8 Policies HBA12 and HBA13 are also considered to be relevant as they deal with proposals for the re-use of rural buildings for residential purposes. There is no doubt that the building is of a substantial and permanent construction and is more than capable of conversion without major or complete reconstruction. The building is also capable of accommodating the new use without the need for substantial alteration or extension and the proposal would not lead to an adverse affect on the character and appearance of the building or have a detrimental impact on its surroundings and landscape setting.
- 6.9 The application site is within an isolated rural setting where it would be contrary to Policy H7 in the Unitary Development Plan and the National Planning Policy Framework to grant permission for a separate residential dwelling. Therefore it is considered expedient to attach a condition restricting the separate sale of the holiday accommodating and Little Wacton Farm House. In addition to protect the character and amenity of the locality, it is also considered expedient to remove all permitted development rights from the property.
- 6.10 The Council has recently identified an issue regarding phosphate levels in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitats Regulations to take into account the effects of development on it. This is different from the normal planning position of balancing competing issues or demands and assessing cases whereby impacts can be traded off against each other. The Regulations effectively superimpose on the normal process a structured, precautionary process which must be followed in order that a lawful decision can be reached. Because the cumulative 'in combination' effects of individual small scale schemes need to be assessed as part of that process, the Council must be convinced that the scheme in question will not adversely affect the integrity of the watercourse. If it cannot satisfy itself on that point, the scheme cannot proceed.

- 6.11 A formal screening has been undertaken and Natural England have been consulted. As this must be done before a planning permission is issued, this application is recommended for approval, subject to the completion of the formal screening and subsequent consultation with Natural England confirming no likely significant effects on the River Wye SAC. This would then ensure compliance with the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan.

Conclusion

- 6.12 The proposed development is considered to be a sustainable form of development that is acceptable and in accordance with policies S1, DR1, RST12, RST13 and HBA12 of the Herefordshire Unitary Development Plan. The proposed scheme is of an appropriate scale and design for its surrounding and does not harm the character and appearance of the countryside or the character of the original building. The traffic generated by the proposal can be accommodated safely upon the local road network without the need for widening of lanes or loss of hedgerows. In addition there is not considered to be any impact upon the amenities of neighbours. Furthermore the development is consistent with the guidance provided in the National Planning Policy Framework which supports sustainable development and economic growth in rural areas.

RECOMMENDATION

Subject to Natural England confirming that the Councils screening of the proposal is acceptable, planning permission be granted, subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3 The holiday accommodation hereby permitted shall only be occupied by tourists for holiday purposes. No person or groups of persons shall occupy the accommodation for more than 28 days consecutively and shall not be occupied by any one person or groups of persons for more than 156 day in any one calendar year.**

The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation hereby permitted and of their main home address (i.e. principal place of residence) and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the holiday accommodation hereby permitted is not used as permanent unrestricted dwellinghouses contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007.

- 4. F14 Removal of permitted development rights**
- 5. F13 Restriction on separate sale**
- 6. I16 Restriction of hours during construction**

Reason for Approval

- 1. The proposed conversion of the garage/workshop to a holiday let is considered to be of an appropriate scale and design for its surrounding and does not harm the**

character and appearance of the countryside or the character of the original building in accordance with policies S8, HBA12 and LA2 of the HUDP. The traffic generated by the proposal can be accommodated safely upon the local road network without the need for widening of lanes or loss of hedgerows in a manner consistent with policy DR3 of the HUDP. In addition there is not considered to be any impact upon the amenities of neighbours. Overall the proposed development is considered to be a sustainable form of development that is acceptable and in accordance with the principle policies S1, RST12 and RST13 of the HUDP and consistent with the guidance provided in the National Planning Policy Framework which supports sustainable development and economic growth in rural areas.

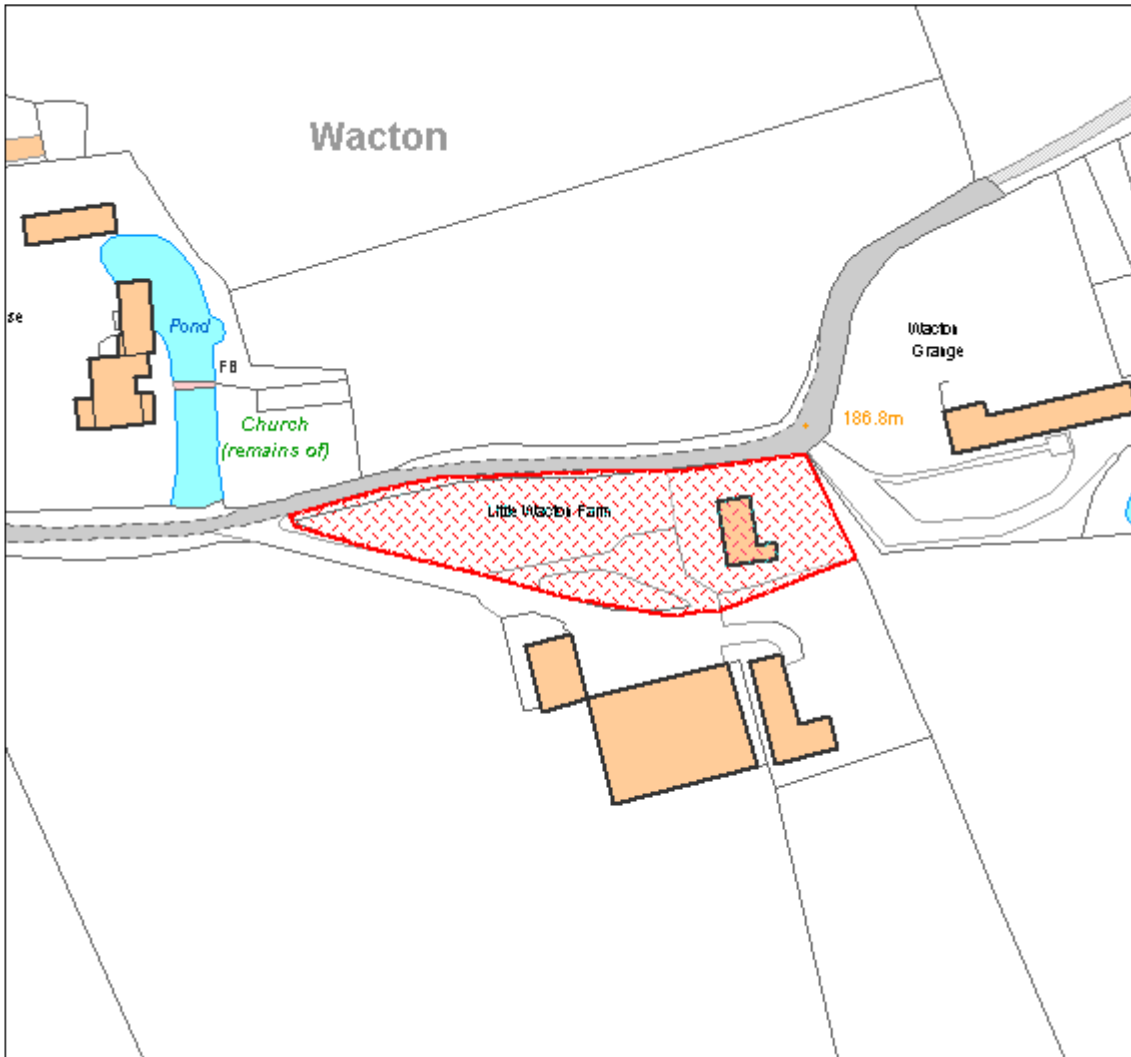
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/120761/F

SITE ADDRESS : LITTLE WACTON FARM, BREDENBURY, HEREFORDSHIRE, HR7 4TQ

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MEETING:	PLANNING COMMITTEE
DATE:	17 OCTOBER 2012
TITLE OF REPORT:	<p>S120972/CD - CONTINUED USE OF MOBILE BUILDING TO HOUSE PRE-SCHOOL - NEW 5 YEAR LEASE TO BE AGREED, SO PERMISSION REQUIRED TO 2017 AT OUR LADYS PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN</p> <p>For: Ms Davidson, Children & Young Peoples Directorate per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120972&NoSearch=True

Date Received: 28 March 2012

Ward: St Martins and Hinton

Grid Ref: 350553,238833

Expiry Date: 14 June 2012

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

1. Site Description and Proposal

- 1.1 Our Lady's Primary School is situated between Walnut Tree Avenue and Boycott Road, to the South of Hereford City. Vehicular access to the school is via Boycott Road (Off Ross Road) with pedestrian access via gates on Walnut Tree Avenue and through the car park serving Our Lady's Church on Belmont Road.
- 1.2 The application site relates specifically to a mobile classroom, sited to the east of part of the school site, adjacent to the access from Boycott Road. There is a small area of outdoor playing space associated with the use. Access to the nursery site is via pedestrian gates from within the school grounds and directly from Boycott Road. The mobile building is used as a nursery building, run by Merry-Go-Round and is not part of the school operation.
- 1.3 The application is for the retention of this building for a five year period for continued use as an independent pre-school / nursery. It has been operating without the benefit of planning permission since 2006.

2. Policies

2.1 Herefordshire Unitary Development Plan:

- S6 - Transport
- S11 - Community Facilities and Services
- DR2 - Land Use and Activity
- DR3 - Movement
- CF5 - New Community Facilities

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

- 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. Planning History

The applications relevant to this site are as follows:

- 3.1 CW2000/2353/F The erection of a mobile classroom unit to provide pre-school provision for a period up to 3 years. Approved with Conditions 8.11.2000. (Temporary permission expired 8 November 2003).
- 3.2 DCCW2003/3422/F Continued use of mobile classroom providing pre and after school provision. Approved with Conditions 5.1.2003. (Temporary permission expired 5 January 2006).
- 3.3 DMCW/092683/CD Increase height of existing fence line from 240mm to 3000mm between Church and school. Approved with Conditions 10 December 2009.
- 3.4 S11093CD External alterations including new boundary fencing and gate arrangements. Approved with Conditions 24.3.2011.

4. Consultation Summary

- 4.1 No statutory consultations.

Internal Council Advice

- 4.2 The Transportation Manager has made several comments in respect of the information that has been submitted as part of the application.

Comments received 17 May 2012 (in response to application submission)

- 4.3 Following the complaint from a resident of Boycott Avenue you mentioned, I have this morning visited the site to review the situation.

As the application was for renewal of a permission which has been in effect since 2003, and I was not aware of any problems being raised outside of the application, I did not consider there would be a problem, hence my original response of no objection.

However on visiting the site, I have a number of comments.

- The previous application in 2003 (and the preceding that in 2003) was for pre and after school care, not as a general nursery, which is what now seems to have developed. Pre and after school care does not in my view increase traffic as it extends the school day and also spreads the drop off and collection times, lessening the peak.
- The CW2000/2353/F decision notice however refers to pre school provision which could be considered for those below school age, therefore a nursery.
- The 2003 (CW2003/3422/F) consent is specific in stating pre and after school provision in the description.
- In 2011, an application was submitted for fencing around the school with gates on Boycott Road S110092/CD. In the design and access statement, under the heading USE, it clearly states that it is intended to use the school access for staff and visitors only. Children

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

attending the main school and the pre-school will be dropped off either at the Walnut Tree entrance or the entrance adjacent to the church off Belmont Road. It was on that basis that no objections were raised to the fencing/gates, as the only people requiring access would be staff, visitors and delivery, who would gain access and be able to park and turn within the site.

It now appears that the mobile accommodates a general nursery, not a pre and after school facility with children arriving and leaving at various times during the school day. At these times, all accesses to the school site (2 on Walnut Tree and one by the church on Belmont Road) are all padlocked, except the one to the right of the main school gates on Boycott Road, which is labelled "Access to Merry Go Round nursery only". The main vehicular access and left pedestrian side gate to the school are both electronically controlled with keypad/intercom.

At the time of my visit 1130-1215, a total of six cars entered to pick up children from the nursery at this access. Due to the lack of turning facility, they did indeed use driveways at least in part, to turn round, as the complainant claims.

The introduction of the gates has created a problem in terms of a lack of turning and drop off facility, and the site is being operated contrary to that outlined in the Design and Access Statement for the application for the fencing and gates, with parents forced to drop children at Boycott Road when the school perimeter is secured during the school day.

Therefore, either alternative access should be arranged to use more suitable drop-off points, or the unit moved elsewhere on the site to enable this to happen, and an overall traffic management plan for the school and pre/post school facility produced to minimise the impact on Boycott Road from school and pre/post school traffic, before this application is approved.

Further to your memorandum of 29 June, and the revised information submitted by the applicant, I would comment as follows:

- 4.4 The letter mentions that, with regard to double yellow lines or parking permits, I stated that residents did not want either. I did not state this. I advised that residents might not want either and therefore this could not be guaranteed as a solution. As these processes require consultation and are outside of the applicant's control, neither could this be conditioned in any consent granted.

With regard the trial period mentioned from 9th to 13th July, I visited the site on 13th July to see if the system proposed was effective, however in the period I was at the site, no one accessed the nursery from the church site, and one parent parked on Boycott Road and accessed the nursery from that direction. I would add that during that visit, there was a lot less activity at the nursery than during my previous visits, possibly due to less children in attendance on that day.

The parking and turning situation has been exacerbated by the erection of the school fencing and gates and removal of a turning facility, and therefore until such time as the nursery is operated in accordance with the Design and Access Statement for that permission, ie access from Walnut Tree Avenue or the church site, the problem will not disappear.

I would not wish to see the pedestrian entrance from Boycott Road closed, as this is important to maintain sustainable pedestrian access to the facility from the east. As noted in my previous email, the minimisation of the vehicular traffic usage of this entrance is important due to the lack of turning facility in Boycott Road. At present there is no alternative drop off location available to parents bringing children by car, as the school access points are locked during the school day.

The operator has confirmed in their email of 16 August that the church have agreed to the use of their car park on Belmont Road as a drop off point and nursery staff are proposed to man the gate at key times I consider that, if implemented and successful, this would be likely to reduce the vehicular traffic on Boycott Road.

As this is currently not yet proven, I would suggest perhaps that an initial temporary permission of one year is considered to enable a reasonable period of evaluation of the success of the proposals.

5. Representations

5.1 Hereford City Council comments:

- We do not support this application until better traffic management is put in place.

Following submission of further information:

- Now that our worries about traffic arrangement have been addressed, we are happy to support this application and we would recommend that option 4 is adopted. (See *para 5.5 below*).

5.2 Letters of objection have been received from:

Mr and Mrs Mckwan, 15 Boycott Road
Mrs Nunney, 13 Boycott Road
Owner / Occupier, 4 Boycott Road

These letters make the following points:

- No vehicle access for parents using the pre-school so cars / vans are parked in Boycott Road causing disruption to residents.
- Vehicles block residents' driveways.
- Vehicles block the pavements obstructing pedestrians who then have to walk on the road.
- Vehicles completely block the road so no other vehicles or residents can get to the properties or the school.
- Property damaged where cars hit walls trying to turn in roads using driveways
- Potential danger to pedestrians and children that walk along the pathways, as cars turning and reversing over the pavement.
- Problems times are: 8.00am to 9.30am, 11am to 11.40am, 12.15pm to 12.45pm and 2.45pm to 4.00pm.
- This problem has got worse since the school installed electric gates in September 2011 therefore stopping parents using that car park for parking and for turning around.
- There is noise and disturbance from waiting vehicles (leaving engines running whilst they wait).

5.3 Letters were also received after the trial period stating that matters had not improved.

5.4 One letter of support has been received from Mrs Amanda Powell, 68 Dorchester Way that can be summarised as follows:

- Sympathy with residents as having a nursery nearby can be inconvenient.
- With the church gate now being accessible at lunch time pick up/drop off I am happy that dropping off my daughter will not only be convenient as it is closer but also safer. Therefore, in future other parents and I will no longer need to use Boycott Road.
- Praise for Merry Go Round Nursery.

5.5 In response to concerns raised by local residents, planning officers and the Transportation Manager, the operator, Merry-Go-Round Nursery have submitted information outlining proposals and options to deal with these issues. These are summarised as follows:

- Option 1 – Double Yellow lines on Boycott Road. Advised this may not be possible.
- Option 2 – Apply to diocese for permission for parents and visitors to park in Our Lady's Church car park (off Belmont Road) and use an intercom system on the gate. This was put to parents who were of the view that this would be inconvenient for their personal needs based on getting to work etc. and that they may leave the nursery.
- Option 3 – Relocate building away from the school and site. Concern this would severely impact upon the families that use the nursery and on Our Lady's' intake.
- Option 4 – Would be to install an intercom to Walnut Tree Avenue entrance, which would enable parents to pick up without coming to Boycott Road. The school governors have expressed that this intercom would be controlled through the school reception as it allows access to the school grounds. This would be sufficient through term time but not in holiday time or out of school hours. This would be at cost to the nursery (which is a charity).

Note that they will continue to inform parents that there is no parking in Boycott Road and hope to maintain better relations with the residents of Boycott Road.

We currently have over 60 South Wye families using our provision and following our approval to open full day care our numbers are due to rise. We offer places for vulnerable 2 year olds within south wye, many of whom have parents in need of support to enable them to access training and employment. At our last inspection, Ofsted governed us Outstanding.

For one week between 9 July and 13 July a trial period took place using Our Lady's Church Car park. A member of staff would 'man the gate' to allow the access for parents during lunch times.

5.6 *A further email was received on 16 August 2012 as follows:*

We have now had confirmation from the Cardiff Diocese via the priest at Our Lady's Catholic church that they will allow our parents to park in their car park at dropping off and collection times. Our staff will man the gate at key times. The church will contact us if a funeral is due to take place so that parents can park in an alternative place. This may need to be at Farm Foods car park to avoid parents from parking back on Boycott Road.

As discussed previously, most of our families live at Putson /Hinton/Saxon Gate and therefore need to have access to the nursery via Ross Road. Most of our parents walk every day with very young children and it would be highly unlikely that they would walk the extra distance to Belmont Road. If the Boycott Road entrance was no longer available the outcome would be that they would either take their children out of Merry-Go-Round or start to drive to nursery causing traffic congestion in the Church car park.

If our pedestrian access were to be closed our numbers would fall dramatically. We would have to make redundancies to meet new ratios and families would be forced to attend other nursery's that may not be 'Outstanding' or offer the high quality care and education that we offer.

Our nursery filters into Our Lady's school and their intake would possibly be affected. Children attending the school from the age of 4 years can access the school through the Boycott Road entrance and Walnut Tree Avenue. It therefore seems unfair that nursery children can not access the nursery in the same way. When monitoring parking on Boycott Road, school parents have also been observed parking there. On one occasion four school parents parked

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

there and when this was reported to the school caretaker he said that 'they wouldn't be there long'. We found this to be a completely inappropriate and unacceptable response. We reported this to the Head Teacher the next day. As far as the residents were aware they may have thought that the cars were connected to the nursery.

We are planning to open the nursery as full day care provision to expand our service to working families. This summer the electric gates have been left open for ground work to take place in the school. In the future could the gates being left open be an option to avoid cars on Boycott Road.

In September we have around 60 families intending to use the nursery. The highest number of cars ever observed on Boycott Road dropping off their children was 7. When putting this figure into perspective this seems a very small number compared to the families that walk using the pedestrian entrance.

- 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

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

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

6. Officer's Appraisal

- 6.1 Policy CF5 of the Herefordshire Unitary Development Plan relates to proposals that would result in the provision of new or improved community facilities or the enhanced use of existing facilities such as pre-schools / nurseries. These should be permitted where:
1. They are appropriate in scale to the needs of the local community and reflect the character of the area that they serve;
 2. are located within or around the settlement of area they serve;
 3. would not significantly impact upon the amenity of neighbouring residents;
 4. and incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.
- 6.2 The pre-school / nursery has been operating since 2000 and is of a scale that is considered appropriate to serve the surrounding community. Its 'outstanding' report from Ofsted is acknowledged. The key concerns and issue in determining this application relates to the resulting parking issues and subsequent impact upon residents on Boycott Road and as such criteria 4 of the above policy needs further consideration.
- 6.3 Boycott Road is a narrow residential street that is accessed from Ross Road. There are no formal parking restrictions along this road, but each dwelling has its own drive, with dropped kerbed access. As such there is restricted kerbside / on road parking available. As a result of this cars using Boycott Road to park obstructs the driveways of existing residents. The road is also relatively narrow, with no turning head, and as a result of this cars needing to turn around will use driveways and / or drive on the pavement to turn.
- 6.4 The only vehicular access to the school site and to Merry Go Round is via Boycott Road. The car park is accessible for staff and pupils before and after school and via a buzzer system for deliveries during the day. However, gates were erected at this entrance in 2011 that restricted access during the school day (part of safeguarding requirements). The pedestrian gates from Walnut Tree Avenue and Our Lady's Church are also locked during school hours. As such all pedestrian and vehicular traffic is via Boycott Road.

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

- 6.5 As such the only way to access the nursery, until recently, has been via the pedestrian access off Boycott Road. The nursery has a wider range of hours than normal school hours with drop off and pick up times staggered through the day from 8am to 5pm. Whilst staff park within the school grounds, there is no access to parking within the school site for parents. The result of this is that parents picking up by car tend to park in Boycott Road and it is this that has caused the objections and concerns to be raised. This is exacerbated during school drop off and pick up times.
- 6.6 The key concerns relate to the impact upon the amenities of the local residents from vehicles blocking driveways, turning in driveways, waiting in the street, and also highway and pedestrian safety. As a result of this the amenities of the local residents are prejudiced as they have difficulty accessing their properties contrary to the requirements of policies DR2 and CF5 of the UDP.
- 6.7 It is accepted that, as a result of living close to a school, a certain amount of 'school related' traffic will be a consequence. However, this facility is not part of the school and is run as a separate operation (business / charity). It does act as a feeder facility to the school but should be noted that the school does not have jurisdiction over the actions of the pre-school / nursery. The problems surrounding this site seem to have grown following the installation of the fences at the school. During this application officers were led to believe that the nursery would operate with the same restrictions as the school. This is not the case.
- 6.8 Policies require that good pedestrian links are provided to such community facilities, and it is noted that, as described above (section 5), a significant amount of parents do drop off and pick up children and walk to and from the site. However, for those that need to drive / or choose to in bad weather etc. the width and restricted nature of Boycott Road means that vehicles have to cross the pavement and / or reverse into residents driveways to turn and leave in a forward gear (the alternative being reversing into traffic on Ross Road). The danger is that these manoeuvres within this restricted space will conflict with pedestrian movements. It is also noted that pedestrians will sometimes need to walk on the road to avoid cars that are parked on the footway. This is contrary to the aims of policy DR3 of the UDP that seeks to ensure that safe, convenient movement to and from the site can be achieved.
- 6.9 There is no opportunity to provide parking or turning facilities within the school grounds and as such the applicants have explored the possibilities and practicalities of this and implemented a new system to try to overcome these issues. The operators have obtained permission from the Diocese for parents of the nursery to park at Our Lady's Church car park, off Belmont Road. The Nursery then opens the gate (staff member on gate at appropriate times) to allow pedestrian access and safe parking.
- 6.10 This has been operating for a short time, and there has been some continued concern raised by residents in Boycott Road, especially as the nursery has plans to extend its operation (as described by them in section 5 above). However, officers acknowledge that new systems sometimes take time to accept and implement, and for the nursery to promote and encourage. As such, it is suggested that a one year temporary permission be granted. This will give Merry Go Round the opportunity to address these issues and actively encourage parents to use the car park at the Church. A further application would be required towards the end of the 12 month period, when it would be possible to seek further comments from the neighbours to see if the situation has improved and reconsider the acceptability of the pre-school in this location. It is acknowledged that as this is a school site, there will be some use from the school, although I note that the school has its own systems in place to tackle these issues.
- 6.11 It is considered appropriate to recommend the submission of a traffic management plan to the Local Planning Authority that would demonstrate the measures that the pre-school / nursery would undertake to promote / encourage and operate the proposed parking provision in the

Church car park for this period. For example, frequency of parent letters / reminders, advice to new starters etc., signs within the nursery.

- 6.12 To conclude, there are significant concerns about the continued use of the pre-school / nursery in this location, in relation to highway and pedestrian safety, and impact upon the amenities of neighbouring properties. This concern may be overcome with the provision of parking at Our Lady's Church, and it is suggested that a one year temporary permission is granted as a trial period to ensure that these measures are sufficient to overcome concerns to a level that would ensure accordance with Policies DR2, DR3 and CF5 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

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

- 1. F20 Temporary permission, for one year, and reinstatement of land (one year).**
- 2. Within one month of the date of this permission a traffic management plan relating to the parking of vehicles and access to the pre-school / nursery shall be submitted to and approved in writing by the local planning authority. Travel management shall be carried out in accordance with the approved details and a detailed written record shall be kept of the measures undertaken to prevent parking in Boycott Road / promote parking within the Church car park. Documentation shall be made available for inspection upon reasonable request by the local planning authority.**

In the interests of highway safety having regard to Policy DR3 of the Herefordshire Unitary Development Plan and having regard to the amenities of local residents in accordance with Policies DR2 and CF5 of the Herefordshire Unitary Development Plan.

Reason for Approval:

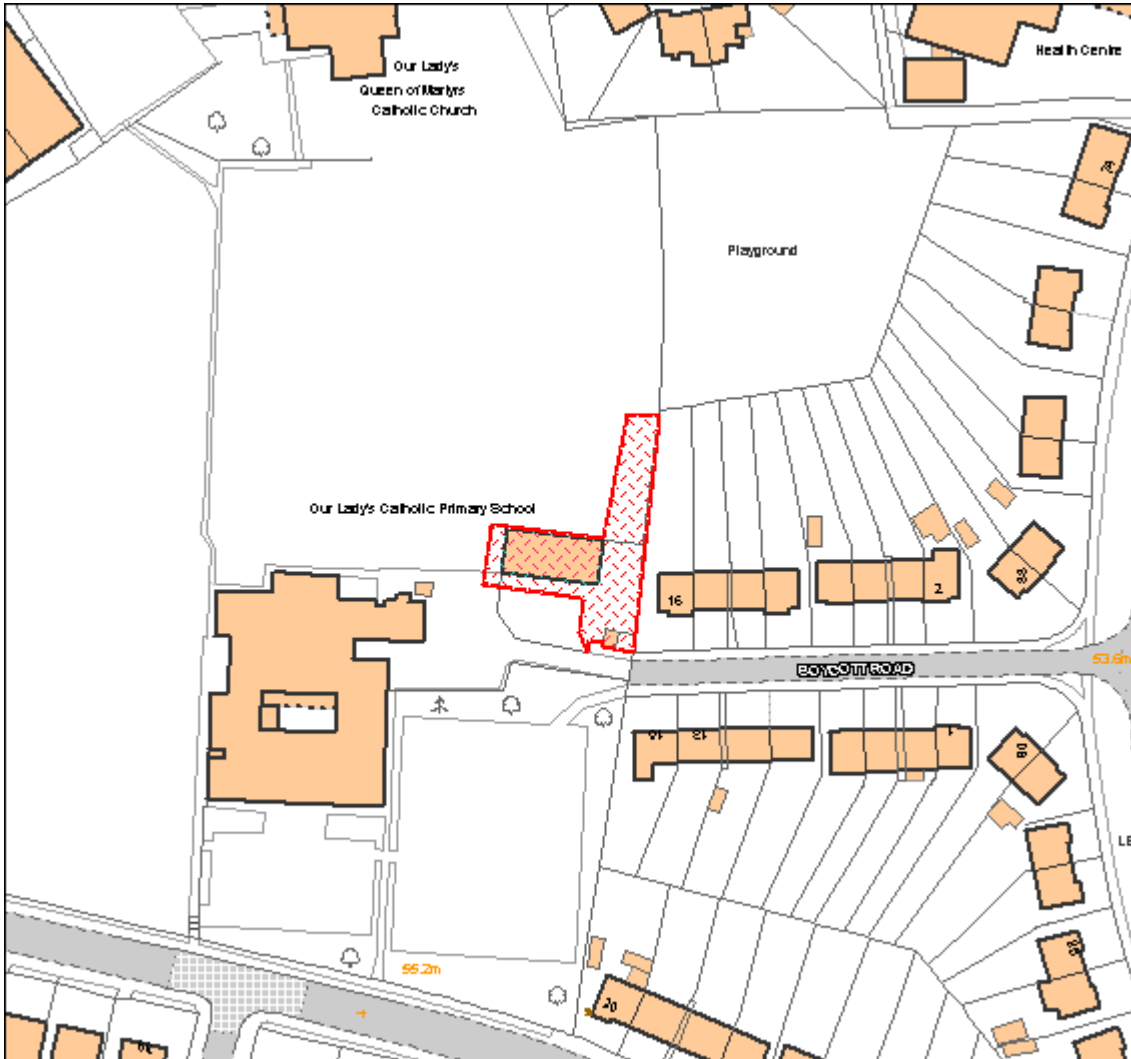
- 1. There are significant concerns about the continued use of the pre-school nursery in this location, in relation to highway and pedestrian safety, and impact upon the amenities of neighbouring properties. This concern may be overcome with the provision of parking at Our Lady's Church, and in order to consider this fully a one year temporary permission is granted as a trial period to ensure that this is sufficient to overcome concerns to a level that would ensure accordance with Policies DR2, DR3 and CF5 of the Herefordshire Unitary Development Plan.**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: S/120972/CD

SITE ADDRESS : OUR LADYS PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN

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