

AGENDA

Planning Committee

Date: **Wednesday 7 November 2012**

Time: **10.00 am**

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

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

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman

Councillor PGH Cutter

Vice-Chairman

Councillor BA Durkin

Councillor PA Andrews

Councillor AN Bridges

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor G Lucas

Councillor RI Matthews

Councillor FM Norman

Councillor AJW Powers

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 17 October 2012. | 1 - 16 |
| 5. | CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman. | |
| 6. | APPEALS To be noted. | 17 - 18 |
| 7. | N121940/O - LAND ADJACENT TO BLISS HOUSE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NA Site for demolition of existing workshop/storage units and erection of eleven houses (seven market houses and four affordable houses) with associated landscaping and infrastructure. | 19 - 42 |
| 8. | S121503/F - UPPER HOUSE FARM, BACTON, HEREFORD, HEREFORDSHIRE, HR2 0AU Proposed campsite for 5 demountable tents (6 month holiday season). | 43 - 52 |
| 9. | N101140/L - THE COTTAGE, ASHPERTON, HEREFORDSHIRE, HR8 2RZ Replacement of existing softwood windows with oak framed windows. | 53 - 56 |
| 10. | S122243/FH - 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST Erect and move fence. | 57 - 62 |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 17 October 2012 at 10.00 am

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

Councillors: WLS Bowen, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, Brig P Jones CBE, MD Lloyd-Hayes, FM Norman, P Rone and GR Swinford

In attendance: Councillors MJK Cooper

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, JG Lester, G Lucas, RI Matthews and PJ Watts.

68. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors TM James, P Rone, JA Hyde and WLS Bowen attended the meeting as substitute members for Councillors PA Andrews, JG Lester, G Lucas and RI Matthews.

69. DECLARATIONS OF INTEREST

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.
Councillor DW Greenow, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.
Councillor FM Norman, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.
Councillor J Hardwick, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

7. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.
Councillor WLS Bowen, Non-Pecuniary, The Councillor is a Member of the River Lugg Internal Drainage Board.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.
Councillor J Hardwick, Non-Pecuniary, The Councillor is a Member of the Wye Valley AONB Joint Advisory Committee.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.

Councillor JA Hyde, Non-Pecuniary, The Councillor is a Member of the Wye Valley AONB Joint Advisory Committee.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.

Councillor PGH Cutter, Non-Pecuniary, The Councillor is Vice-Chairman of the Wye Valley AONB Joint Advisory Committee.

8. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ.

M Robinson (Officer), Non-Pecuniary, The Officer knows the applicant in a professional capacity (*The Officer chose to leave the meeting for the duration of the item*)

10. S120972/CD - OUR LADY'S PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN.

Councillor JA Hyde, Non-Pecuniary, The Councillor was previously the Cabinet Member for Children's Services.

10. S120972/CD - OUR LADY'S PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN.

Councillor P Rone, Non-Pecuniary, The Councillor knows the Public Speaker.

70. MINUTES

RESOLVED: That the Minutes of the meeting held on 19 September 2012 be approved as a correct record and signed by the Chairman.

71. CHAIRMAN'S ANNOUNCEMENTS

The Head of Neighbourhood Planning advised Members that there was a Planning Enforcement Session planned for the 30 October 2012 and that this session was open to all Members.

He also advised that the next meeting of the Planning Committee, scheduled for 7 November 2012, would be an all-day meeting.

The Chairman notified the Committee that Councillor MD Lloyd-Hayes, a long standing Member of the Planning Committee, was being moved to the newly formed Health Scrutiny Committee and that she would be replaced by Councillor A Powers from the next meeting. He thanked her for her hard work and contribution over the previous years.

72. APPEALS

The Planning Committee noted the report.

73. N120896/F, N121877/F & N121981/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ

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

He advised that there were three separate applications that had been presented to the Committee in one composite report. The first application had been deferred previously by the committee due to further information being required regarding odour and traffic issues. As a result of the deferral the applicant had now agreed to amend the traffic management plan which was subject of an earlier application to require all HGV's to

leave the site in a Northerly direction. In respect of the odour issue related to the production of popcorn, the Principal Planning Officer drew members' attention to the comments of the odour consultant.

He advised Members that the second application was a retrospective application for a water tank and pumphouse for a sprinkler system on the site. He added that the primary concerns in respect of the application appeared to be the visual impact of the water tank, although he was of the opinion that this had been addressed through condition 2 of his recommendation.

The third application was for a 26 metre high chimney stack which had been identified as a consequence of an earlier permission requiring the applicant to reduce odour resulting from the production of potato chips. He advised Members that the three year commencement condition should be replaced with a condition requiring the chimney stack to be completed within a specified period. Upon consultation with the applicant, a period of eight months was considered to be reasonable, and an appropriately worded condition to reflect this was suggested. He also drew Members' attention to the Committee Update Sheet and noted that there had been two letters received regarding odour from the manufacture of popcorn and not one letter as previously stated.

In accordance with the criteria for public speaking, Ms Ford and Mr Block, two of the neighbouring residents, spoke in objection to the application and Mr Worrall, representing the applicants, spoke in support.

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

- That he supported Tyrell's as a brand and a company.
- That Tyrell's should not expand its existing site any further due to the impact it would have on the neighbouring residents.
- Any proposal needed to be sustainable.
- He had no objection to the water tank application subject to it being painted a suitable colour.
- He could not support the second application as it was an expansion to the current enterprise.
- He could not support the chimney stack application as there were more sustainable methods of filtration that had not been fully investigated. The stack would also have an unacceptable impact on the landscape.

A member of the Committee opened the debate by speaking in support of the three applications. He did however note that it was a difficult balance between the needs of the applicant and the concerns of the local residents. He gave a brief background to the site and acknowledged that Tyrells farm had always been a large agricultural operation and that prior to potato chip manufacture the farm was a large scale potato farm. He had some concern that the amendment to the Travel Plan resulted in all vehicles passing one of the neighbouring resident's home and requested clarification regarding any time restrictions when heavy goods vehicles could enter or exit the site. In summing up he stated that moving Tyrells was not the answer as the brand was established and marketed as a Herefordshire farm diversification and was a brand that the County could be proud of. If forced to move site they may consider moving outside of the County which would be detrimental to the County as a whole. He added that the applicant had worked with the Council to mitigate the impact of the applications and that the three application should be approved.

In response to a series of questions from the Committee, the Principal Planning Officer confirmed the following:

- That the traffic plan did limit the number of night time HGV movements to and from the site.
- There may be an engineering solution to the highways issue but that would have to go through a traffic regulation order which was a completely separate consultation process and therefore its outcome could not be guaranteed.
- The Traffic Management Plan was the subject of an earlier planning permission which had already been approved. The applicant had volunteered to amend the plan accordingly as a result of discussions with the planning department, however the production of popcorn would result in a minimal addition to vehicle movements to and from the site.
- Any future applications would have to be determined on their merits, it would however not be correct to try to prohibit any further planning applications through a legal agreement as part of any of the three applications being determined today.
- Could an informative note be added to the resolution advising of the Committee's concerns in respect of future development on the site.

Members discussed the report and agreed that they had no real concerns with either application 1, which was for a change of use, or application 2, for the provision of a sprinkler system comprising the erection of a water tank and pump room building, however they did have concerns about the third application which requested a 26 metre chimney stack and other associated infrastructure.

One Member of the Committee felt that the chimney stack, at 26 metres high, was too large and would have a detrimental impact on the rural landscape. She stated that it was contrary to Unitary Development Plan Policies LA2, LA3 and E8 and should therefore be refused.

Other Members of the Committee supported all three of the applications, although they noted the concerns of the neighbouring residents they were of the opinion that their concerns did not outweigh the need for the applications to be approved. It was noted that Tyrells were now an established worldwide brand with their products available around the globe.

Members continued to discuss the applications and were unified in their opinion that Tyrells should, if feasible, remain on their existing site as it was key to their marketing and success. One Member stated that in his opinion the chimney stack was not the key issue but the disturbance to neighbouring residents was. He was concerned that the eight vehicular movements permitted throughout the night could result in neighbouring residents being disturbed every hour. He requested that the Council negotiate a quiet period where no vehicular movements were permitted to or from the site between the hours of 2400 – 0600. Other Members of the Committee also echoed the concerns in respect of traffic issues throughout the night but requested that the quiet period be extended to 2200 - 0600.

The issue of odour was also raised by a Member. He asked for details as to the weather conditions when the survey was undertaken on April 3 2012. he noted that different weather conditions would clearly have an effect on the results of the survey.

In response to the issue of a restriction on night time vehicular movements, the Development Manager (Hereford and Southern Localities) advised the Committee that Tyrells already had a valid planning permission on the site and that due to the minimal

increase in traffic movements associated with the applications the Committee were currently determining it would not be possible to restrict movements further. It would however be appropriate to consider this matter if a further application was submitted which resulted in an expansion of the site and additional vehicular movements.

The Committee noted that the applicant was present during the debate and had clearly been made aware of the concerns in respect of the issue of vehicular movements at night.

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

- The Committee needed to listen to the real concerns of the neighbouring residents and the Parish Council.
- Tyrells had already stated that they would try alternative filtration technologies; they should be required to do this prior to the chimney stack being built.
- Mrs Ford was not the sole objector to the applications; there were clearly a number of neighbouring residents who share her concerns.

The Committee voted on all three applications separately. All three were approved in line with the separate resolutions as set out below:

RESOLVED

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.

74. S121083/F & S121084/L - BROCKHAMPTON COURT, BROCKHAMPTON, HEREFORDSHIRE, HR1 4TQ

The Principal Planning Officer gave a presentation on the application.

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

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

- The application was sustainable and was therefore in accordance with the National Planning Policy Framework.

- There had been extensive discussions between the planning department and the conservation team.
- The additional 23 bedrooms would also result in additional employment.
- The facility would offer specialist stroke care to NHS patients.
- The methods of nursing adopted would result in less confusion and fear for dementia sufferers.
- The home was nationally recognised and achieved an 'excellent' rating from the CQC.

Members noted that the application had been brought before them as the case officer considered it to be contrary to Unitary Development Plan Policy H7. It was however the officer's opinion that the application was in accordance with the majority of other saved UDP policies as well as the National Planning Policy Framework. The Committee considered that the benefits of approving the application would outweigh the policy issues at stake.

Members noted that there was a growing need for high quality care facilities throughout the County and also noted that applicants experience in this field. They welcomed the applicants approach to multi-staged care and were of the opinion that this would be beneficial to patients and should therefore be encouraged.

The Committee raised the issue of sustainability with some Members of the view that the development should be completed to a high level of energy efficiency. The Principal Planning Officer was unable to advise the Committee as to the level of efficiency that the development would be built to. One Member of the Committee felt that this was an important matter and should be included in future committee reports.

Councillor Durkin was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

RESOLVED

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 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.

75. N120761/F - LITTLE WACTON FARM, BREDEBURY, HEREFORDSHIRE, HR7 4TQ

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

In accordance with the criteria for public speaking, Mr Davies, a neighbouring resident, spoke in objection to the application.

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

- The application had been brought before the committee so all of the facts surrounding it could be examined fully.
- The site had a chequered planning history as outlined in the Officer's report.
- The previous planning consent was raised in height with additional windows added and then had to be resubmitted for a retrospective approval which was only allowed on appeal.
- If approved the application would be contrary to the condition imposed by the Planning Inspector at the previous appeal.
- Significant weight should be given to the condition imposed by the Planning Inspector relating to the garage not being used for trade or business.

In response to a question from the Committee, the Planning Officer confirmed that the recently erected poultry unit was 53 metres away from that proposed dwelling. In response to an additional question she advised that the condition imposed by the Planning Inspector related to the usage as a domestic garage and would not be relevant if the change of use was permitted.

Members discussed the application and had concerns in respect of a perceived non-compliance of previous planning conditions. However their primary concern in respect of the application related to the close proximity of the holiday let and the existing poultry unit. For this reason the Committee considered the application to be contrary to Policy RST12 of the Unitary Development Plan.

Members also had concerns in respect of the possibility of a further change of use of the holiday let to enable it to be used as an additional farm dwelling. Although they noted that this was not a material planning consideration. They also had concerns in respect of the sustainability of the proposed holiday let due to its remote rural location.

Members continued to voice their concerns regarding a perceived failure to comply with planning conditions and requested clarification from the case officer as to whether enforcement action had been commenced or whether she could confirm that planning conditions had been complied with. In response she confirmed that she had visited the site and that the landscaping condition referred to by the neighbouring resident had been complied with, she added that as far as she was aware all conditions relating to the poultry unit had also been complied with.

The Development Manager advised Members that the points raised during the debate indicated that in the Committee's opinion the application was contrary to Unitary Development Plan Policies DR2, RST12 and S1 due to the incompatibility of the land uses and the remote location of the proposed holiday let. The Planning Officer added

that the issue of phosphates in the water supply had not yet been addressed and would need to be added as a reason for refusing the application.

(Note – Councillor Edwards also mentioned H7 at this stage, did we include that in the reasons for refusing the application)

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

- The local residents did not agree that all conditions regarding the poultry unit had been met.

RESOLVED

That planning permission be refused for the following reasons:

- 1. The application is contrary to policies DR2, S1, RST12 and HBA12 of the Herefordshire Unitary Development Plan.**
- 2. The application fails to assure the Authority through a lack of information and appropriate mitigation that the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan are complied with.**

76. S120972/CD - OUR LADY'S PRIMARY SCHOOL, BOYCOTT ROAD, HEREFORD, HR2 7RN

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.

Councillor P Rone, one of the local ward members, advised the Committee that he knew the public speaker. He declared a non-pecuniary interest in the application which was recorded by the Democratic Services Officer accordingly.

In accordance with the criteria for public speaking, Mrs Coultas, speaking on behalf of the applicant, spoke in support of the application.

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

- The recommendation for a 12 month permission was welcomed and a sensible compromise.
- The nursery staff needed to communicate concerns related to vehicles turning in neighbouring residents' driveways.

The Committee discussed the application and were of the opinion that a 12 month permission would be appropriate to give the nursery staff sufficient time to address the current concerns in respect of dropping off and picking up of children.

One Member of the Committee was of the opinion that the concerns raised in the report could also relate to a number of schools throughout the County and requested that a letter be sent to Children's Services to raise the issue and ensure that other schools with a similar problem at drop off and pick up times addressed the problem in a responsible manner.

The Committee noted that the Transport Manager had 'significant concerns' in respect of the application, Members also had concerns regarding child safety at busy times due to vehicles reversing on pavements to turn in the road. The Committee suggested that closer working between the school, the nursery and the Church could result in a more appropriate long term solution.

In response to comments raised throughout the debate, the Principal Planning Officer advised Members that the school had an existing school travel plan; that the site was in shared ownership between the Church and the Council and that the recent traffic monitoring had shown an improvement at peak times.

Councillor Rone was given the opportunity to close the debate but chose to make no further statement.

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.**

77. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.10 pm

CHAIRMAN

PLANNING COMMITTEE

17 October 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.

SCHEDULE OF COMMITTEE UPDATES

- 7 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**
- 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**
- 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**

ADDITIONAL REPRESENTATIONS

Further correspondence has been received from Mrs Ford, The Barr, Stretfordbury. In summary the points raised are as follows:

N120896/F Change of use to include Popcorn frying.

Odour – Remains concerned that permission is to be granted without any form of filtration system in place. There does not appear to be any recommendations within the report to address this issue.

There are a total of 30 representations made by residents who live close to the site regarding the above applications, many of which state that the odour from the popcorn facility can be smelt some distance from the site boundary.

The report does not provide details of how the traffic management condition will be policed and as I see HGV's regularly turning right towards Stretford Bridge I question how this condition will be enforced. There is a 7.5 tonne restriction on this lane which is not adhered to.

If this action were to be implemented all HGV's & LGV's would pass our property (The Barr) and would severely affect our amenity.

N121981/F Chimney Stack

The report does not provide conclusive evidence that the chimney will solve the issue of odours emanating from existing fryers and we suggest that the significant detrimental visual impact of the chimney is not acceptable on the grounds that 'it might work'.

With regard to mitigating the visual impact the report states that 'as a consequence of the groups of trees and hedgerows that either serve to screen or provide a backdrop to it from public vantage points' – many of these trees and hedgerows are not situated within the Tyrrells site, therefore cannot be relied upon to screen the factory as they could be removed or cut back by their owners.

Taking into account the following UDP guidelines and the aim of the planning service to help protect the amenity and environment of Herefordshire, we believe that if granted approval these applications would have an adverse impact on the local area and neighbours to the site and are unsustainable.

OFFICER COMMENTS

N120896/F

With regard to odour, this matter is addressed at paragraph 6.18 of the main report. This aspect of the proposal has been considered by the applicant's odour consultant and by the Council's Environmental Health Officer. They have both visited the site since popcorn has been produced and neither has concluded that any further filtration systems are required to mitigate odour.

It should also be highlighted that, of the representations submitted in relation to this application, only Mrs Ford has commented about unacceptable levels of odour emanating from the manufacture of popcorn.

The report comments in detail about traffic movements and it is simply reiterated here that there will be a marginal increase in traffic movements associated with this proposal. The applicants` have agreed to amend their traffic management plan following the concerns originally expressed when the matter was first reported to planning committee.

N121981/F

An odour assessment has been produced by a consultant specialising in odour mitigation. The report has been completed in accordance with industry standards and concludes that the chimney stack is the most efficient way of dealing with the identified odours associated with crisp frying. The content of the report has been accepted by the Council's Environmental Health Officer and no evidence has been provided by any of the objectors to substantiate claims that the chimney stack either will not work, or will simply cause a nuisance further afield.

It is accepted in the report that the installation of a chimney stack will have a visual impact and that this has to be balanced against the concerns raised about odour.

NO CHANGE TO RECOMMENDATION

| |
|--|
| <p>9 N120761/F- CONVERSION OF GARAGE/WORKSHOP/OFFICE TO HOLIDAY LET. AT LITTLE WACTON FARM, BREDENBURY, HEREFORDSHIRE, HR7 4TQ</p> <p>For: Mr Sayce per Mr Michael Kelly, 24 Rumsam Gardens, Barnstaple, Devon, EX32 9EY</p> |
|--|

At the request of Councillor Swinford condition 1 attached to the appeal decision is identified for members below;

1) *The building hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.*

OFFICER COMMENTS

The appeal application (DCNC2008/2482/F) proposed a 'domestic garage' and was therefore determined in accordance with the relevant policy H18 in the UDP. This proposal for holiday accommodation falls to be considered against other policies within the UDP such as RST 12 and RST13. The condition was attached to the decision to control the use of the building and to ensure that should circumstances change and there was a proposal to change the use of the building, then full consideration could be given by the Council to the relevant planning policies relating to such a proposal.

10 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

For: Ms Davidson, Children & Young Peoples Directorate per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ

ADDITIONAL REPRESENTATIONS

Para 5.2 – One letter was also received from an L Nunney, 13 Boycott Road (as well as a T Nunney)

Our Ladys School have commented as follows:

I have viewed "The Traffic Management Plan" and Our Lady's School supports the recommendation of one year planning permission, with a view to extending this based on the on-going success of the travel plan.

The school will also assist in reminding parents who park on Boycott Road.

In response to the committee report recommendations a Traffic Management Plan has been received from the applicants that states as follows:

1. From September 2012, Merry go Round parents who drive to nursery are using the gates connecting to Our Lady's Church Car Park. Permission was sought during August through Father Cenydd from the Cardiff Diocese. This is manned at key times (11.30am / 12.30pm) by Merry go Round staff.
2. A letter is issued to parents (see below) who sign to promise they will not use Boycott Road for parking, and should they continue to do so they would lose their nursery place as our planning permission would depend on it. This letter has been added to our Registration Forms for future parents.
3. Continued verbal reminders to parents regarding parking facilities and access to the nursery through Our Lady's Church Car Park.

4. We display signs within the nursery to remind parents not to park in Boycott Road, and a condensed version of the parking letter will be included in our termly newsletters – October, February & June.
5. Liaison with school to include parking restrictions for both nursery and school parents on Boycott Road, and reporting car number plates to them in the event of school parents parking there.

A copy of the letter that will be sent to parents for signing / agreement has also been received. This reads as follows:

Following our recent planning permission application for our building, we have been granted a one year temporary permission. To allow for further permission, we must address the parking situation on Boycott Road. Residents were unhappy that parents were parking in the street at key times and sent objections to the planning department. To rectify this, we have provisionally asked the diocese for use of the Our Lady's Church car park on Belmont Road.

Parking is now available in the church car park for all parents with children attending the nursery. The gates will be open at the following times:

8am – 9.10am (for all nursery and school children)
11.25am – 11.35am (for nursery children)
12.25pm – 12.35pm (for nursery children)
3pm – 4pm (for all nursery and school children)

Please ensure you arrive within the designated times. If you suspect you may be late arriving, please telephone in advance to allow the Supervisor to arrange for the gate to be open for you.

The church will inform us of any events, such as funerals, which may hinder parking and we request at this time that you find alternative parking arrangements.

There is no parking on Boycott Road whatsoever as this will reflect badly on our planning permission, which would result in refusal from the local authority and our nursery would be forced to close.

Should any parent/carer continue to park in Boycott Road, the nursery will be forced to give notice to the child and their nursery place would be lost. Please sign the declaration below to confirm you have understood the points of this letter.

Please note: Only pedestrian access will be permitted through Boycott Road.

We are sure you will support us by using the church car park and not parking on Boycott Road.

OFFICER COMMENTS

Officers are satisfied that the submission detailed above will be sufficient to address the recommended conditions and as such the recommendation is varied as follows below.

CHANGE TO RECOMMENDATION

Substitute condition 2 of recommendation for the following:

The proposed use shall be implemented and operated in accordance with the details contained within the Traffic Management Plan. 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.

| | |
|-------------------------|---------------------------|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 7 NOVEMBER 2012 |
| TITLE OF REPORT: | APPEALS |

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. S 120740/F

- The appeal was received on 18 October 2012
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr F Airey
- The site is located at Walwyn Court, Much Marcle, Herefordshire, HR8 2LY
- The development proposed is a revised proposal to demolish an existing outbuilding and replace with annexe accommodation, garage and boiler room
- The appeal is to be heard by written representations

Case Officer: Mr D Thomas on 01432 261974

APPEALS DETERMINED

Application No. N120680/F

- The appeal was received on 26 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 A Cupper
- The site is located at Glebe Edge, Whitbourne, Worcester, WR6 5RT
- The application was refused on 15 May 2012
- The development proposed was the proposed demolition of existing bungalow and redevelopment with replacement two storey detached dwelling with associated infrastructure works

Decision: The appeal was withdrawn on 24 September 2012.

Case Officer: Ms R Jenman on 01432 261961

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



| | |
|-------------------------|---|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 7 NOVEMBER 2012 |
| TITLE OF REPORT: | <p>N121940/O - SITE FOR DEMOLITION OF EXISTING WORKSHOP/STORAGE UNITS AND ERECTION OF ELEVEN HOUSES (SEVEN MARKET HOUSES AND FOUR AFFORDABLE HOUSES) WITH ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AT LAND ADJ TO BLISS HOUSE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NA</p> <p>For: Mr Jenkins per Mr Nicholas Rawlings, Embassy House, Queens Avenue, Bristol, BS8 15B</p> |
| WEBSITE LINK: | http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121940&NoSearch=True |

Date Received: 5 July 2012

Ward: Castle

Grid Ref: 336303,245317

Expiry Date: 23 October 2012

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The application relates to a site of 0.6 hectares on the north western edge of the village of Staunton on Wye. The site occupies a raised position above the public highway, an unclassified road, by approximately one metre, and then continues to rise gently from west to east across the paddock before levelling. The highway forms the western boundary and is typical of a rural road, being single carriageway with verges to either side. It is a no through road and serves approximately 16 dwellings beyond.
- 1.2 The main centre of Staunton on Wye lies to the south and south east and is identified as a main settlement by Policy H4 of the Herefordshire Unitary Development Plan. The village contains a number of services including a doctor's surgery, public house and recently completed replacement primary school. A number of rural businesses are also located within and around the immediate environs of the village.
- 1.3 The application site is currently split evenly between two uses and is crossed diagonally by an overhead power line. The eastern part is presently used as an industrial depot and storage yard with a series of typical profile sheeted industrial buildings and an area of hard standing. This is bounded by cul-de-sac of 10 detached dwellings to the south. The depot and cul-de-sac share an access road. This is over 4 metres wide and is able to accommodate vehicles passing in opposing directions with a splayed junction onto the unclassified road. The yard is laid with a hard standing and has open post and rail fence boundaries to the north and east. The southern boundary of this area is shared with a residential dwelling known as Birtley House and is defined by a 3 metre high Lleylandii hedge.
- 1.4 The area to the west, and bounding the road, is an open paddock. This is bounded to the south by the applicant's own property, Bliss House, and an unrelated bungalow to the north

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

known as Tarron. The boundaries to both are currently open and defined by post and wire fences.

1.5 The application is made in outline with all matters except access reserved for future consideration, and is for the erection of 11 dwellings, four of which are to be affordable. The application includes a number of documents and these are listed as follows:

- Planning Statement
- Design & Access Statement
- Ecological Survey
- Transport Statement
- Drainage & Utilities Statement
- Preliminary Environmental Risk Assessment
- Statement of Community Involvement
- Copy of S106 Agreement submitted as part of a previous appeal

1.6 The existing access, currently used in connection with the industrial use immediately to the south of Bliss House and the cul-de-sac referred to above, is to be used to serve this proposal. The four affordable units are shown as two pairs of semi-detached dwellings located on the south eastern boundary, with the remaining seven open market dwellings all being detached and arranged around the access road. An agricultural access is to be maintained to a field to the east and a 'permissive' pedestrian route across the site and land to the north is also proposed.

2. Policies

Herefordshire Unitary Development Plan

- 2.1 S1 – Sustainable development
S2 – Development requirements
S3 – Housing
DR1 – Design
DR2 – Land use and activity
DR3 – Movement
DR4 – Environment
DR5 – Planning obligations
DR10 – Contaminated land
H4 – Main villages: settlement boundaries
H7 – Housing in the countryside outside settlements
H9 – Affordable housing
H13 – Sustainable residential design
H14 – Re-using previously developed land and buildings
E5 – Safeguarding employment land and premises
T8 – Road hierarchy
NC1 – Biodiversity and development

National Planning Policy Framework

2.2 The following sections are of particular relevance:

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

- 2.3 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 The inclusion of land to which this application relates within the settlement boundary of Staunton on Wye was a matter that was discussed during the Unitary Development Plan Inquiry and is the subject of specific comment and recommendation within the Inspector's Report. He concluded that the plot could be viewed as a typical gap site within the village envelope but did not modify the boundary due to the potential for further delay in adoption. He recommended that the settlement boundary in the vicinity of Bliss House should be reviewed in an early development plan document and that his comments would be material considerations in the determination of any planning application.

- 3.2 The landowner decided to submit a planning application, the details of which are as follows:

N102975/O - Demolition of existing workshop / storage units and erection of eleven houses (seven open market and four affordable) with associated landscaping and infrastructure – Dismissed on appeal 2nd August 2011. The application was refused and dismissed on appeal for the following reason:

The proposal represents development beyond the settlement boundary for Staunton on Wye and includes a mix of open market and affordable housing. As such it does not satisfy the criteria of Policy H7 as an exceptions site. The local planning authority has considered the weight to be afforded to the Inspectors Recommendations resulting from the Examination in Public of the Unitary Development Plan. It is able to demonstrate that its five year housing land supply is currently met and on this basis it is the view of the local planning authority that the Inspector's Recommendations do not represent a material consideration of such significance to outweigh adopted policies. Consequently the proposal is contrary to Policies H4, H7 and H10 of the Herefordshire Unitary Development Plan

- 3.3 N99/0171/N – Erection of a three bed dwelling and detached garage – Refused 12/04/99.

- 3.4 The following applications relate to a property known as Lower House, Staunton on Wye which lies 400 metres to the east of the application site. The applicant's have achieved permissions to allow the re-location of their business to these premises and these are detailed as follows:

DCNW/2007/2348/F – Change of use of poultry site to B1 and B8 use and improvements to the existing access to the site from highway – Approved 14/09/07.

- 3.5 DCNW2008/1012/F – Conversion of building to office and re-cladding existing buildings – Approved 28/05/08.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water – No objection subject to the imposition of conditions

Internal Council Consultations

- 4.2 Transportation Manager – Raises some concerns about the detailed layout shown, but does not object to the use of the existing point of access to serve this proposal.

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

4.3 Conservation Manager

Landscape

- 4.4 No objection to the re-development of the brownfield part of the site, but considers that the development of the small paddock is not acceptable. It is an open space that forms an important transition between the settlement and open countryside moving north out of the village. If the application is to be approved, then a detailed landscaping scheme should be submitted as part of a reserved matters application. A conditions should also be added to ensure protection of trees and hedges during construction.

Ecology

- 4.5 No objection subject to condition
- 4.6 Strategic Housing - supports the application in principle for 4 x 2 bed houses. All units are to be built to the Joseph Rowntree Foundation Lifetime Homes, the Housing Corporation's Design & Quality Standards 2007 and a minimum Code for Sustainable Homes Level 3 without grant input. All units are to be allocated via Homepoint, Herefordshire Council's choice based lettings agency, to people with a local connection to Staunton on Wye in the first instance and then cascading out to adjoining parishes if an applicant from Staunton on Wye cannot be found.
- 4.7 Young People and Education Services – No objection subject to contributions through a Section 106 Agreement for the improvement of education facilities.

5. Representations

5.1 Staunton on Wye Parish Council – Comments are summarised as follows:

- The site is outside of the settlement boundary. Planning permission was refused in 1999 to build a house on the greenfield part of the site and the same approach has been taken on other sites. It would be unfair if an exception is made here.
- The Parish Council is proceeding with a Neighbourhood Plan which will include a review of the settlement boundary. The brownfield site vacated by the applicants is a site that would be one to be considered for re-development.
- Concern that the extra traffic generated by the development would add to problems at the road junction opposite the school.
- The Parish Council and members of the public believe that the 2 bedroom affordable dwellings are not big enough.

5.2 Five letters of objection have been received from local residents. In summary the points raised are as follows:

- An application for the same proposal has previously been refused. How can the Council come to a different decision when the situation has not changed?
- The road junction opposite the school will not cope with the additional traffic generated by the development and highway safety will be compromised.
- The development encroaches onto greenfield land outside of the settlement boundary.
- There are currently five permissions for housing in the village that have yet to be built.
- There is a lack of capacity in the sewerage system.

- Concerns about overlooking from the affordable dwellings.
- The development may require pavements and street lighting which will have a detrimental impact on the local area.

5.3 Three letters of support from local residents have also been received. In summary the points raised are as follows:

- The development will offer the opportunity for self-builds and for people to remain in the village where current property prices are preventing this.
- The sites with the benefit of planning permissions referred to elsewhere are not currently for sale.
- There is no clear timetable for the completion of the Neighbourhood Plan.
- A growing village is beneficial to the local school.
- The development would have a positive effect on the local area both through the removal of an unattractive industrial area and by encouraging more families to move to the village.

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

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

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

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

6. Officer's Appraisal

6.1 The site falls outside of the settlement boundary for Staunton on Wye as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. The proposal does not satisfy any of the exception criteria outlined by Policy H7 of the UDP and therefore is contrary to it. However, it is necessary to consider whether there are any other planning policy or material planning considerations to support the principle of development. In this case there are four critical matters that will influence the determination of this application. They are as follows:

- The Inquiry for the UDP
- The Inspector's appeal decision of August 2011
- The Council's Annual Monitoring Report into housing land availability and the lack of a five year housing land supply
- The emergence of the National Planning Policy Framework

6.2 The report will consider each of these in turn as cumulatively, they will determine whether the principle of development is acceptable.

Inspector's Comments in the UDP Inquiry

6.3 The inclusion of the site within the settlement boundary of Staunton on Wye was a matter that was discussed during the Unitary Development Plan Inquiry and is the subject of specific comment and recommendation within the Inspector's Report. He concluded that the site could be viewed as a typical gap site within the village envelope but did not modify the boundary due to the potential for further delay in adoption. He recommended that the settlement boundary in the vicinity of Bliss House should be reviewed in an early development plan document and that his comments would be material considerations in the determination of any planning application.

6.4 It is quite clear from his comments that the Inspector considered the site to be an acceptable extension to the settlement boundary and that there were not such significant constraints that could not be addressed either through the design of a scheme, or through the imposition of conditions.

Inspector's Appeal Decision – N102975/O

6.5 In reaching his decision to uphold the Council's refusal of planning permission the Inspector acknowledged that there was some doubt at that time about the Council's five year housing land supply. However, he concluded that it did not necessarily follow that any shortfall should be met in Staunton on Wye, that the village had not been identified as a Rural Service Centre or a Hub in the work that had been completed on the Local Development Framework (LDF), and consequently that this should not be compromised by ad-hoc developments.

6.6 The formulation of the LDF has not moved forward significantly since August 2011 and it is understood that a different approach is being taken towards the identification of settlements that might be appropriate for development. Although the site lies just beyond the current settlement boundary, the village is considered to be one that is sustainable with a good range of services that include a primary school and doctors surgery.

6.7 As part of their appeal submission, the applicant's submitted a signed Section 106 Agreement. This has been submitted again as part of this application. The consultation responses received indicate that the level of contributions are generally the same. A copy is appended to this report but for ease of reference the figures are as follows:

- Education - £10,705
- Libraries - £1,601
- Open space and play area - £18,235
- Recycling - £840
- Sports and recreation - £5,434
- Transport - £31,964

Annual Monitoring Report, five year housing land supply and the emergence of the National Planning Policy Framework

6.8 In this case the lack of a five year housing land supply is a key material planning consideration and is a critical difference in the circumstances of this application in relation to the appeal decision of August 2011 referred to above and in the planning history section of this report.

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

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

- 6.11 Earlier this year, the Council published its Annual Monitoring Report (AMR) which monitors housing land availability. Based on the AMR figures, the Council currently has a shortfall of 216 units which equates to a 4.6 year supply. This shortfall does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units and therefore a total of 356 units. The data collection for the 2011/2012 period has commenced and this will provide a more up to date land supply position but it is not anticipated that the shortfall will have decreased a great deal, if at all.
- 6.12 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP policy H7 is not a reason for refusal of the application that could be sustained.

Conclusion

- 6.13 It has been established that the UDP housing supply figures are not up to date due to the deficit in housing land supply, and therefore a reason for refusal based on the fact that the proposal conflicts with policy H7 could not be sustained. Staunton on Wye is considered to be sustainable in terms of the local services that would be available if the development were to be permitted, and the notion that the site otherwise represents an appropriate extension to the village has been accepted by two Inspectors.
- 6.14 The application has been made in outline and the concerns raised by the Council's Highway Engineer in respect of the detailed layout of a scheme can be appropriately addressed through a reserved matters submission. The basic premise of using the existing access is accepted, and the local highway network is considered to be capable of accommodating traffic movements without compromising highway safety, particularly when the existing use of part of the site is taken into account.
- 6.15 All other matters have been considered. Concerns about the capacity of the sewerage system can be addressed through the imposition of conditions to preclude surface water discharge. Concerns about potential overlooking are most appropriately addressed through a reserved matters application and will be given careful consideration should this application be approved.
- 6.16 It has been demonstrated that the circumstances of this application are materially different to those under which the appeal was dismissed and accordingly the application is recommended for approval.

RECOMMENDATION

Subject to completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, in accordance with the terms in the agreement annexed to this report, Officers named in the Scheme of Delegation to Officers, be authorised to issue planning permission subject to the conditions below and any additional conditions considered necessary by Officers:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**

5. L01 Foul/surface water drainage
6. L02 No surface water to connect to public system
7. L03 No drainage run-off to public system
8. G11 Landscaping scheme – implementation
9. K4 Nature conservation - implementation

Informative

1. I33 – General ecology

Reasons for Approval

It has been established that Policy H7 of the Unitary Development Plan (UDP) is not up to date due to the deficit in housing land supply, and therefore the provision of the National Planning Policy Framework (NPPF) take precedent. Accordingly there is a requirement for the local planning authority to release further land for housing and grant planning permission, provided that it accords with the UDP in all other respects.

It has been demonstrated that the proposal is sustainable in terms of its location and through the fact that part of the site is previously developed land, and therefore the proposal accords with Policy S1 of the UDP and the NPPF.

The local planning authority is satisfied that there is sufficient capacity within the local road network to accommodate the traffic likely to be generated by this proposal, particularly as this will be offset by existing traffic movements associated with the existing use of the site. The proposal accords with Policies DR3 and T8 of the UDP.

In light of the fact that the application is made in outline, other matters relating to the detailed layout, drainage arrangements and impact on residential amenity can all be dealt with through the submission of an application for reserved matters.

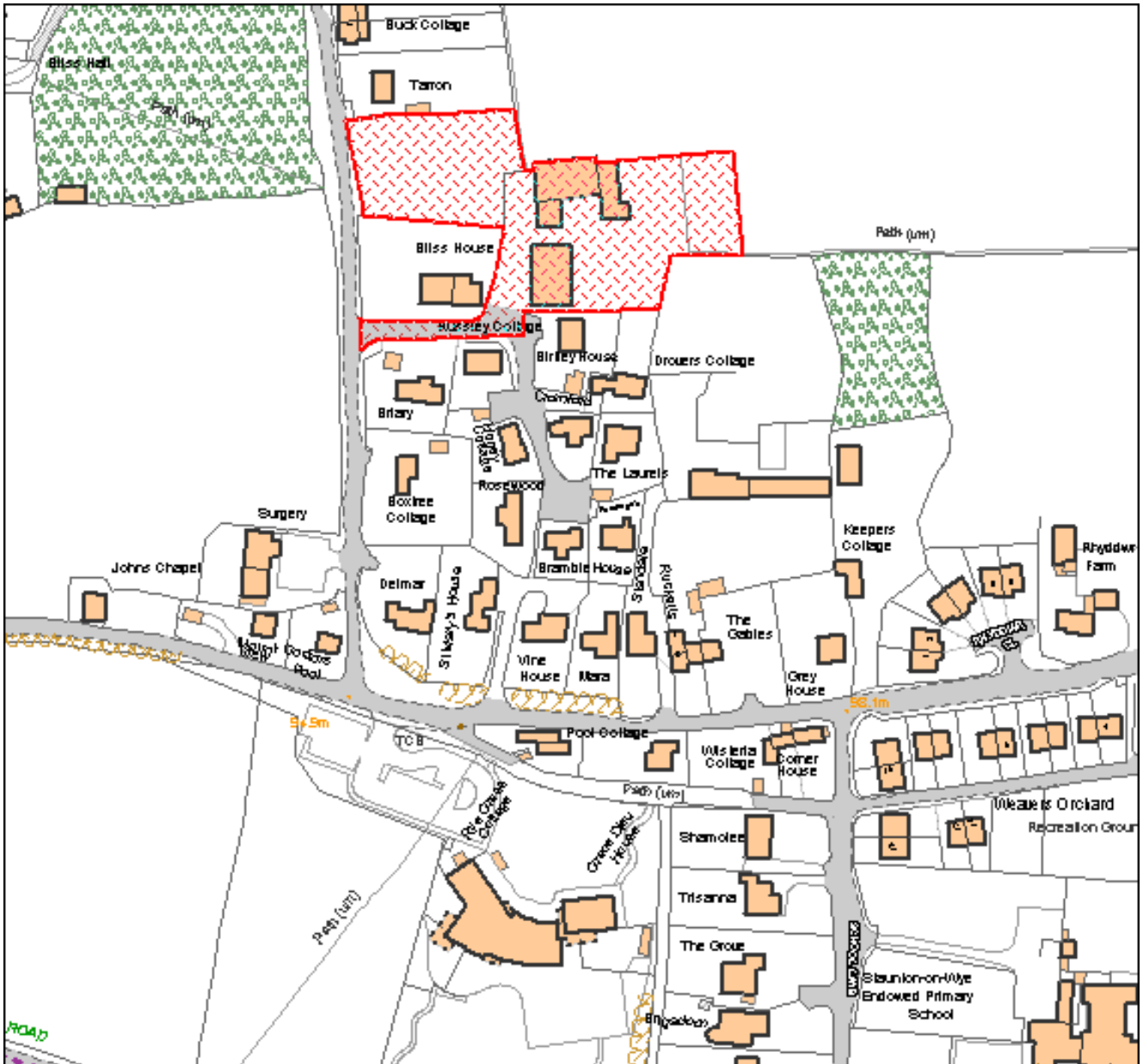
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: N/121940/O

SITE ADDRESS : LAND ADJ TO BLISS HOUSE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NA

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

THIS DEED dated

is made BETWEEN:-

- 1. THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL of Brockington 35 Hafod Road Hereford HR1 1SH ("the Council")
- 2. CLIFFORD ROY JENKINS and JOAN JENKINS of Bliss House Staunton on Wye Herefordshire HR4 7NA ("the Owner")

WHEREAS:-

- 1. The Council is empowered by Section 106 of the Town and Country Planning Act 1990 (as amended) ("the Act") to enter into an agreement with any person interested in land in its area for the purpose of restricting or regulating the development or use of that land.
- 2. The Owner is the owner in fee simple in possession free from encumbrances of land described in the First Schedule to this deed ("the Land").
- 3. The Owner has by its agent submitted to the Council the application for planning permission described in the Second Schedule to this deed ("the Application").
- 4. By a notice of refusal dated 14th February, 2011 "the refusal" the Council refused planning permission for the reasons set out therein and on 21st April 2011 the Owner appealed to the Secretary of State against the refusal and gives this undertaking with the intention that any objections by the Council to the grant of planning permission are overcome.
- 5. The Council is the local planning authority by whom the restrictions and obligations contained in this deed are enforceable.

THIS DEED is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000 and all other enabling powers and enactments which may be relevant for the purposes of giving validity hereto or facilitating the enforcement of the obligations herein contained with the intent to bind the Land and WITNESSES as follows:-

1. Words and Expressions

In this Deed the following words and expressions shall where the context so admits have the following meanings:-

- 1.1 The expressions "the Owner" and "the Council" shall include their respective successors in title and assigns.
- 1.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa
- 1.3 Words of the masculine gender include the feminine and neuter genders and all references in this deed to a person or persons shall include corporations and unincorporated associations and all other legal entities.

HEREFORDSHIRE COUNCIL
 PLANNING SERVICES
 DEVELOPMENT CONTROL
 - 5 JUL 2012

To:
 Signed:

- 1.4 Where there are two or more persons included in the expression "the Owner" covenants expressed or implied to be made by Owner shall be deemed to be made by such persons jointly and severally.
- 1.5 Words denoting an obligation on a party to do any act include an obligation to procure that it be done.
- 1.6 Words placing a party under a restriction include an obligation not to permit infringement of that restriction.
- 1.7 References to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force.
- 1.8 "Affordable Housing" shall have the meaning in the Council's Unitary Development Plan, adopted March 2007 which defines Affordable Housing as 'subsidised housing provided by an organisation such as a registered social landlord or local authority allocating on the basis of need. While such dwellings will normally be made available for rent, they may also include subsidised home ownership, such as shared ownership, where a registered social landlord or local authority retains a continuing interest'.
- 1.9 "Affordable Housing Units" mean (unless otherwise agreed in writing by the Council) the four residential units and ancillary areas in the Development intended for occupation as 2 Social Rented housing units and 2 Intermediate Housing units identified as plots 7, 8, 9 and 10 on the drawing numbered 9213.JH.P1 revision D forming part of the Application and "Affordable Housing Unit" shall mean any one of such units.
- 1.10 "Commence Development" and "Commencement of Development" mean to commence the Development pursuant to the Permission by the carrying out of a Material Operation.
- 1.11 "Contributions" mean the Education Contribution; the Library Contribution; the Open Space and Play Area Contribution; the Recycling Contribution; the Sports and Recreation Contribution and the Transport Contribution.
- 1.12 "Development" shall mean the development of the Land disclosed by the Application.
- 1.13 "Education Contribution" means the sum of ten thousand seven hundred and five pounds (£10,705.00) index-linked in accordance with paragraph 3.11 of this deed to provide the Education Facilities required as a consequence of the Development.
- 1.14 "Education Facilities" mean enhanced educational infrastructure at "Conningsby Early Years" and "Weobley Youth" with 1% of the Education Contribution allocated towards special educational needs within the Council's maintained special schools in the city of Hereford.
- 1.15 "Herefordshire Allocations Policy" shall mean the Council's Policy for the allocation of Affordable Housing in the administrative area of the Council which under the Housing Act 1996 as amended by the Homelessness Act 2002 the Council has a duty to provide.

- 1.16 "Home Point" means the agency or body (or any successor agency or body) that on behalf of the Council holds the common housing register and operates a choice based lettings system (or any subsequent lettings system) through which Affordable Housing in the administrative area of the Council is advertised.
- 1.17 "Intermediate Housing" means Affordable Housing at prices and rents above those for Social Rented housing but below Open Market prices or rents which may include Shared Equity housing; Shared Ownership housing; Intermediate Rented housing or any other type of Affordable Housing approved in writing by the Council.
- 1.18 "Intermediate Rented" means housing at rent levels above those of Social Rented housing but below Open Market rented housing.
- 1.19 "Library Contribution" means the sum of one thousand six hundred and one pounds (£1,601.00) index-linked in accordance with paragraph 3.11 of this deed towards the Library Facilities.
- 1.20 "Library Facilities" mean existing or new library services in the village of Weobley.
- 1.21 "Material Operation" has the meaning given by Section 56 (4) of the Act.
- 1.22 "Occupy" "Occupied" and "Occupation" means the first occupation of the Development for residential purposes but excluding occupation for the purposes of construction and fitting out.
- 1.23 "Open Market" means the open market for the sale or letting of housing by a person or body other than (a) a local housing authority (b) a Registered Provider or (c) any other person or body offering housing accommodation to the public at less than the prevailing market sale/rent price.
- 1.24 "Open Market Units" mean those residential units in the Development that are not Affordable Housing Units and which are intended for sale or letting on the Open Market and 'Open Market Unit' shall mean any one of such units.
- 1.25 "Open Space and Play Area Contribution" means the sum of eighteen thousand two hundred and thirty-five pounds (£18,235.00) index-linked in accordance with paragraph 3.11 of this deed towards the Open Space and Play Area Facilities.
- 1.26 "Open Space and Play Area Facilities" mean new or enhanced off-site play provision at the existing play facility at Staunton on Wye in lieu of such facilities within the Development.
- 1.27 "Permission" shall mean a notice of decision that may be granted by the Secretary of State permitting the Development in accordance with the Application.
- 1.28 "Plan" means the plan attached to this deed.
- 1.29 "Recycling Contribution" means the sum of eight hundred and forty pounds (£840.00) index-linked in accordance with paragraph 3.11 of this deed towards the provision of the Recycling Facilities.
- 1.30 "Recycling Facilities" mean new waste recycling facilities or enhanced waste recycling facilities in Staunton on Wye.
- 1.31 "Registered Provider" means a registered provider of Affordable Housing under Part 2 of the Housing and Regeneration Act 2008 or any statutory provision

amending consolidating or replacing it for 'the time being in force and being a preferred development partner Registered Provider listed (or intended for listing) in the Council's 'provision of affordable housing technical data' which supports the supplementary planning document Planning Obligations April 2008 (or any subsequent or updated document).

- 1.32 "Shared Equity" means housing secured by a conventional mortgage and a low cost equity loan arrangement and where the provider may take a share of equity growth.
- 1.33 "Shared Ownership" means ownership under the terms of a lease by which a lessee may acquire a share or shares of the equity in an Affordable Housing Unit from the housing provider who retains the remainder and may charge a rent
- 1.34 "Sports and Recreation Contribution" means the sum of five thousand four hundred and thirty-four pounds (£5,434.00) index-linked in accordance with paragraph 3.11 of this deed to provide the Sports and Recreation Facilities.
- 1.35 "Sports and Recreation Facilities" mean new or enhanced sporting and recreational facilities in Staunton on Wye or in the city of Hereford in the absence of any identifiable local need in lieu of such facilities within the Development.
- 1.36 "Social Rented" means rented housing owned and managed by councils and Registered Providers, for which guideline target rents are determined through the national rent regime as defined in Annex B of Planning Policy Statement 3.
- 1.37 "Transport Contribution" means the sum of thirty-one thousand nine hundred and sixty-four pounds (£31,964.00) index-linked in accordance with paragraph 3.11 of this deed to provide the Transport Facilities.
- 1.38 "Transport Facilities" mean either or both of the following:
- 1.38.1 improvements to sustainable transport infrastructure in Staunton on Wye and the surrounding area;
- 1.38.2 "Safe Routes to Schools" a road safety initiative.

2. Covenant

- 2.1 The Owner for the purposes of Section 106 of the Act with the intention of binding the Land agrees and covenants with the Council to observe the restrictions and perform the obligations set out in the Third Schedule to this deed.
- 2.2 The Council covenants with the Owner that the Council will comply with the obligations on its part set out in the Fourth Schedule to this Deed

3. Agreement and Declarations

IT IS HEREBY AGREED AND DECLARED that

- 3.1 The restrictions and obligations in the Third Schedule to this deed are planning obligations enforceable by the Council in accordance with the provisions of Section 106(3) of the Act against the Owner and his successors in title to the Land.

- 3.2 With the exception of this paragraph 3.2 and paragraphs 5, 6 and 12, delivery and any other relevant paragraphs of this deed which have effect on the date of this deed none of the terms or provisions of this deed will have operative effect unless and until the date that the Permission is issued by the Secretary of State.
- 3.3 If the Permission shall expire before Commencement of Development or shall at any time be revoked this deed shall forthwith determine and cease to have effect insofar only as it has not already been complied with and without prejudice to the validity of anything done or payments or contributions made or expended whilst this deed is in force.
- 3.4 Nothing in this deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this deed.
- 3.5 If any provision or part provision of this deed:
- 3.5.1 shall be held by any court or competent authority to be invalid illegal or unenforceable the validity legality or enforceability of the remaining provisions shall not in any way be deemed to be affected or impaired; and
- 3.5.2 if any invalid illegal or unenforceable provision or part provision of this deed would be valid legal and enforceable if some part or parts of it were amended the parties shall amend such provision(s) so that as amended it is legal valid and enforceable and so far as possible achieves the original intentions of the parties.
- 3.6 The parties to this deed shall not be entitled to any costs or compensation whatsoever from the Council arising from the agreement restrictions and obligations contained in this deed.
- 3.7 A person who is not a party to this deed has no right under the Contracts (Rights of Third Party) Act 1999 to enforce any term of this deed but this does not affect any right or remedy of a third party which exists or is available apart from such act.
- 3.8 No person shall be liable for a breach of a covenant contained in this deed after parting with all interest in the Land or the part of the Land in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
- 3.9 The restrictions and obligations in the Third Schedule to this deed shall not be enforceable against owner-occupiers of the Open Market Units nor against those deriving title from them except for the restriction on residential occupation in paragraph 1.2 of the Third Schedule.
- 3.10 The obligations contained in paragraph 2 of the Third Schedule to this deed shall not apply to or be enforceable against any Registered Provider or their mortgagees or chargees with a legal interest in the Affordable Housing Units or occupiers thereof.
- 3.11 The Contributions payable in accordance with the obligations contained in paragraph 2 of the Third Schedule to this deed shall be uplifted by reference to:
- 3.11.1 any increase in the BCIS tender price index published by the Royal Institute of Chartered Surveyors occurring between the date of its

publication prior to the date of the Permission and the date that such sum is actually paid to the Council; or

3.11.2 an equivalent index that the Council may at their discretion select in the event that the BCIS tender price index shall cease to be published before such sums are paid.

3.12 Any of the Contributions paid to the Council under the terms of this deed may at the Council's discretion be pooled with other contributions paid or intended for payment to secure the facilities as referred to in this deed for which the Contribution in question was paid for the benefit of the Development and for the wider locality.

3.13 The headings in this deed are for convenience only and shall not be taken into account in the construction and interpretation thereof.

4. Reservations

For the avoidance of doubt nothing in this deed shall prevent the Council from exercising any of its statutory powers or functions in relation to the development of the Land.

5. Local Land Charge Provision

This deed is a local land charge and shall be registered as such.

6. Costs

On or before the date of this deed the Owner shall pay to the Council its reasonable and proper costs in the preparation and completion of this deed and an administration fee of £1,376.00 towards the cost to the Council of monitoring the obligations in this deed.

7. Notices

7.1 A notice under this deed is valid only if it is given by hand sent by recorded delivery or document exchange or sent by fax provided that a confirmatory copy is given by hand or sent by recorded delivery or document exchange on the same day and it is served at the address shown in this deed for the receiving party (and in the case of the Council is marked for the attention of the planning obligations manager quoting reference DMN/102975/O or at any address specified in a notice given by that party to the other parties.

7.2 A notice:

7.2.1 sent by recorded delivery is to be treated as served on the second working day after posting if sent by first class post or on the third working day after posting if sent by second class post

7.2.2 sent through a document exchange is to be treated as served on the first working day after the day on which it would normally be available for collection by the recipient

7.2.3 sent by fax is to be treated as served on the day on which it is successfully sent or the next working day where the fax is sent successfully after 1600 hours or on a day that is not a working day whenever and whether or not

the confirmatory copy is received unless the confirmatory copy is returned through the Royal Mail or the document exchange undelivered

7.3 The Council's planning obligations manager shall be given 14 days prior notice of Commencement of Development.

8. Waiver

No waiver (whether express or implied) by the Council of any breach or default by the Owner in performing or observing any of the obligations or other terms of this deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the obligations or other terms of this deed or from acting upon any subsequent breach or default by the Owner.

9. Arbitration

In the event of any dispute or difference arising out of this deed between the parties (other than a dispute or difference relating to a matter of law or concerning the meaning or construction of this deed) which is not resolved within 14 days such dispute or difference shall at the request of any party be referred for arbitration under the Arbitration Act 1996 to a sole arbitrator to be agreed between the parties or in the absence of agreement within fourteen days after any party has given to the other(s) a written request to concur in the appointment of an arbitrator to be appointed at the request of any party by the President or Vice President of the Chartered Institute of Arbitrators and in these respects these presents shall be construed as a submission to arbitration within the meaning of the Arbitration Act 1996.

10. Warranty as to title

The Owner warrants to the Council that the title details referred to in recital 2 and the first schedule are complete and accurate in every respect and that no person other than the Owner has any legal or equitable interest in the Land.

11. VAT

All consideration given in accordance with the terms of this deed shall be exclusive of any value added tax properly payable.

12. Interest

If any payment due under the terms of this deed is paid late interest calculated at the Council's standard rate of 4% above the Bank of England base rate from time to time will be payable from the date payment is due to the date payment is made.

13. Jurisdiction

This deed is governed by and in accordance with the law of England.

IN WITNESS of which this instrument has been duly executed as a deed by the parties and delivered on the date set out above

FIRST SCHEDULE

(the Land)

The freehold land lying to the north and east of Bliss House Staunton on Wye Herefordshire HR4 7NA more particularly described in part in a Conveyance dated 1st March 1983 made between (1) Eric Keysall Yapp and (2) the Owner, in part in a Conveyance dated 1st March 1983 between (1) John Watt Wightman, Hugh John Stewart Henderson and Michael George Humphrey Fletcher and (2) the Owner and in part in an Assent dated 5th December 1991 made between (1) Anthony Edward Jenkins and (2) the Owner and shown edged red on the Plan.

SECOND SCHEDULE

(the Application)

An application dated 15th November, 2010 for planning permission for eleven houses (seven market houses and four affordable houses) with associated landscaping and infrastructure made under the Council's reference DMN/102975/O.

THIRD SCHEDULE

(Restrictions and Obligations)

The Owner covenants with the Council that no dwellings erected or to be erected on the Land will be Occupied except in accordance with the following restrictions and obligations:

1. Affordable Housing

1.1 To construct or procure the construction of the Affordable Housing Units at no cost to the Council only in accordance with:

1.1.1 the Permission; and

1.1.2 the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction); and

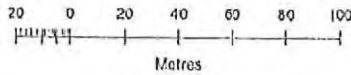
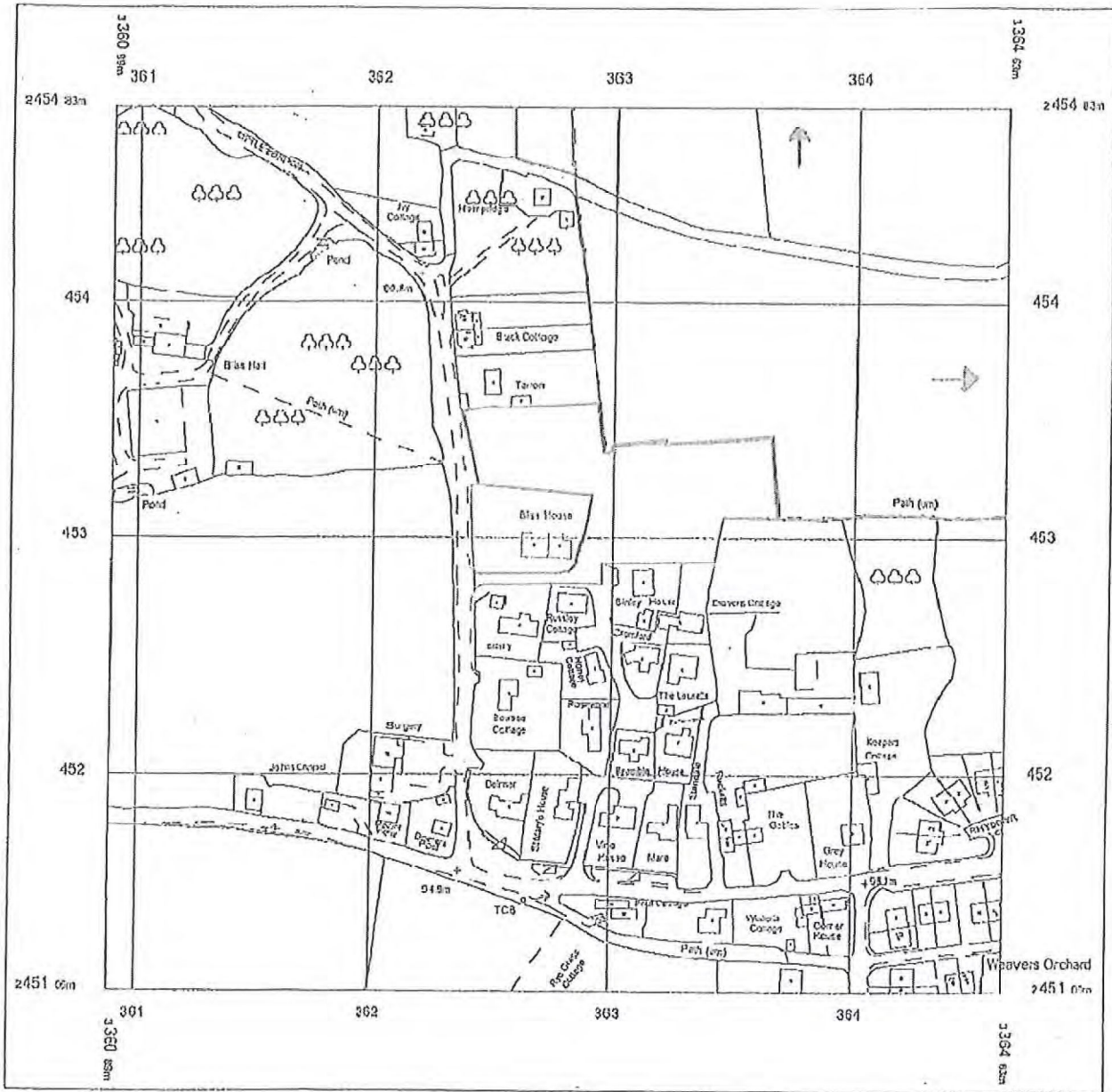
1.1.3 the Joseph Rowntree Foundation 'Lifetime Homes' standards; and

1.1.4 level 3 of the Code of Sustainable Homes published by the Department for Communities and Local Government on 27th February, 2008 as updated by the technical guide version 2 published in May, 2009; independent certification of compliance being provided to the Council before Commencement of Development and again following Occupation of the last dwelling within the Development.

1.2 Not to Occupy or cause or permit the Occupation of more than four Open Market Units on any part or parts of the Land until the Affordable Housing Units have been constructed in accordance with paragraph 1.1 above and are ready and available for residential occupation and are accessible by vehicles and pedestrians and have been transferred (by freehold transfer with title absolute and

N / 102975 / 0

Ordnance Survey
OS Sitemap



© Crown Copyright 2010
Reproduction in whole or in part is prohibited
without the prior permission of Ordnance Survey.

HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL
15 NOV 2010
To:
Ack'd: File:

full title guarantee) to a Registered Provider on terms that accord with relevant Homes and Communities Agency funding requirements current at the date of construction of the Affordable Housing Units.

- 1.3 The transfer of the Affordable Housing Units to the Registered Provider shall include the following provisions:-
 - 1.3.1 the grant to the acquiring Registered Provider of all rights of access and passage of services and other rights reasonably necessary for the beneficial enjoyment of the Affordable Housing Units.
 - 1.3.2 a reservation of all rights of access and passage of services and rights of entry reasonably necessary for the purposes of the Development.
- 1.4 the Affordable Housing Units must at all times be let and managed or co-owned by a Registered Provider in accordance with the guidance issued from time to time by the Homes and Communities Agency (or any successor agency) with the intention that the Affordable Housing Units shall not be used for any purpose other than the provision of Affordable Housing in the tenure(s) specified in definition 1.8 of this deed (unless otherwise agreed in writing by the Council) to persons who are:
 - 1.4.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
 - 1.4.2 satisfy the requirements of paragraph 1.5 below.
- 1.5 The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-
 - 1.5.1 a local connection with the parish of Staunton on Wye; or
 - 1.5.2 in the event of there being no person having a local connection to the parish of Staunton on Wye a person with a local connection to one of the following parishes: Letton; Norton Canon; Bredwardine; Brobury with Monnington on Wye and Mansell Gamage; or
 - 1.5.3 in the event of there being no person with a local connection to a relevant parish referred to in sub-paragraphs 1.5.1 and 1.5.2 above any other person who has a local connection to the County of Herefordshire of a type described in sub-paragraphs 1.6.1 to 1.6.5 below and is eligible under the allocations policies of the Registered Provider if the Registered Provider can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Provider having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraphs 1.5.1 or 1.5.2 above.
- 1.6 For the purposes of sub-paragraphs 1.5.1 or 1.5.2 of this schedule 'local connection' means having a local connection to one of the parishes specified above because that person:
 - 1.6.1 is or in the past was normally resident there; or

- 1.6.2 is employed there; or
 - 1.6.3 has a family association there; or
 - 1.6.4 a proven need to give support to or receive support from family members;
or
 - 1.6.5 because of special circumstances
- 1.7 For the purposes of paragraph 1.6 of this schedule
- 1.7.1 "normally resident" shall be established by having resided in one of the parishes specified in sub-paragraphs 1.5.1 or 1.5.2 of this schedule for 6 out of the last 12 months or 3 out of the last 5 years.
 - 1.7.2 "employed" shall mean in the employ of another (or a formal offer of such employment) not being of a casual nature but shall not exclude part-time employment of 16 hours or more per week or self employment.
 - 1.7.3 "family association" shall mean where a person or a member of his household has parents, adult children, brothers or sisters currently residing in one of the parishes specified in sub-paragraphs 1.5.1 or 1.5.2 above and who have been resident for a period of at least 12 months and that person indicates a wish to be near them.
 - 1.7.4 "support" shall mean a proven need to provide or receive personal and physical care to enable a person or a family member to live independently in the community and includes people who are in need of such support but are not normally resident but have long standing links with the local community.
 - 1.7.5 "special circumstances" shall not normally apply but amount to circumstances which in the view of the Council may give rise to a local connection.
- 1.8 The provisions of paragraphs 1.4, 1.5, 1.6 and 1.7 of this schedule shall not be binding on nor enforceable against
- 1.8.1 any mortgagee or chargee of the Registered Provider which exercises its power of sale appointment of a receiver or power of entry as mortgagee or chargee or its successors in title deriving title under such mortgagee or chargee shall not be bound by any of the restrictions provisions or obligations set out in this Schedule if the mortgagee or chargee shall have complied with its obligations pursuant to Sections 144 to 154 of the Housing and Regeneration Act 2008 and no proposals for the future ownership and management of the Land by a Registered Provider shall have been agreed by the mortgagee or chargee within the moratorium period determined in accordance with Sections 145 to 147 of the said Act;
or
 - 1.8.2 any occupier of an Affordable Housing Unit who has exercised a statutory right to buy or acquire the whole of the freehold estate in an Affordable Housing Unit nor any mortgagee of such occupier or their respective successors in title.

- 1.9 Where any of the Affordable Housing Units are made available for Shared Equity housing or Shared Ownership housing the occupiers shall not be permitted to own more than 80% of the total equity value of such Affordable Housing Units.

2. Contributions

Not to Commence Development or cause or permit the Commencement of Development until the Contributions have been paid to the Council.

FOURTH SCHEDULE

(Council's Covenants)

1. Upon receipt of the Contributions the Council will place the same in an interest bearing account.
2. The Council shall apply the Contributions towards the facilities referred to in this deed or to such other facilities that the Council and the Owner may agree in writing are appropriate as a result of the Development.
3. The Council agree that if any part of the Contributions has not been expended or remains uncommitted following ten years from the date of payment then such part of the Contributions as may remain unspent or uncommitted together with interest accrued as aforesaid on the balance shall be returned to the payer of the Contributions.
4. If so requested to provide the payer of the Contributions with such evidence as shall be reasonably requested to confirm the expenditure of the Contributions.

EXECUTED AS A DEED when
THE COMMON SEAL OF
THE COUNTY OF HEREFORDSHIRE
DISTRICT COUNCIL
was hereunto affixed BY ORDER

Authorised Officer

SIGNED AS A DEED by
CLIFFORD ROY JENKINS



In the presence of:

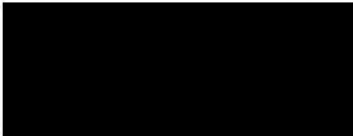
Witness signature:



Name (capitals):

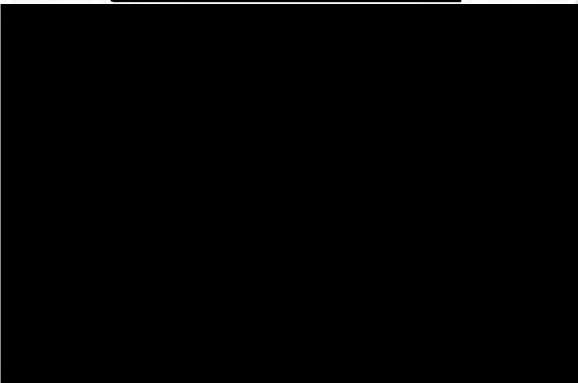
Address:

SIGNED AS A DEED by
JOAN JENKINS



In the presence of:

Witness signature:



Name (capitals):

Address:

Dated

2011

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

- and -

CLIFFORD ROY JENKINS and JOAN JENKINS

DEED OF PLANNING OBLIGATION
made under the provisions of
Section 106 Town and Country Planning Act 1990 (as amended)
relating to land to the north and east of
Bliss House Staunton on Wye Herefordshire

Legal Services
Legal and Democratic
Herefordshire Council,
Brockington,
35 Hafod Road,
Hereford, HR1 1SH.



| | |
|-------------------------|---|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 7 NOVEMBER 2012 |
| TITLE OF REPORT: | S121503/F - PROPOSED CAMPSITE FOR 5 DEMOUNTABLE TENTS (6 MONTHS HOLIDAY SEASON) AT UPPER HOUSE FARM, BACTON, HEREFORD, HEREFORDSHIRE HR2 0AU For: Mr Robey per Mr Kim Cooper, Heald Partnership, Garnets Orchard, Poorscript Lane, Grosmont, Monmouth, NP7 8LP |
| WEBSITE LINK: | http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121503&NoSearch=True |

Date Received: 22 May 2012

Ward: Golden Valley South

Grid Ref: 336000,231979

Expiry Date: 17 July 2012

Local Member: Councillor GJ Powell

1. Site Description and Proposal

- 1.1 The application site comprises an area of upland located in the north western part of this 180 acre farm. The farm is based around the applicant's listed stone rubble farmhouse together with a two storey bunkhouse and listed oak framed barn recently renovated and repaired. This farmstead is accessed off the eastern side of an unclassified road (u/c 74209), at a point 900 metres south of its junction with the C1209 road that leads eastwards and down hill into Bacton.
- 1.2 Access is via a stoned track leading eastwards initially before turning due north a distance of 640 metres. The land inclines north-west to south-east from the aforementioned unclassified road through grassland fringed by hedgerow then onto the farmhouse, continuing to Holling Grange Dingle.
- 1.3 The proposal entails the siting of 5 tents aligned roughly east to west in a field above and to the northwest of the farmhouse. They will be sited 25 metres apart in a semi circular configuration along the southern and western boundaries of the site. A public footpath which starts at the unclassified road leads eastwards before emerging to the north of the site and then continues downhill across the applicant's property. There would be no vehicular access for occupants of these structures. Instead, parking would be in an area 80 metres south west of the farmhouse, on a site presently used for outside storage in connection with the farm. Visitors would then be taken to the camp site, 240 metres away, which is not only screened from view from the car parking area but also from the farmhouse.
- 1.4 The 5 demountable tents will be erected for a period of 6 months per year. The tents are erected over wooden slated bases, three of which have already been installed and one is covered by a green coloured tent. The applicant states that the erection of this tent has been undertaken in order to gauge its impact in the wider landscape. Each tent will cover an area 5 metres wide and 11.25 metres long. The ridge height of the structures will be 3.15 metres. Each tent will sleep up to 6 people, will include easy chairs, wood-fired ovens and will

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

incorporate shower/WC facilities. It is stated in the accompanying Design and Access Statement that the camp site will provide a base for guests to discover the Black Mountains, the Brecon Beacons and other scenic, cultural and outdoor activity attractions. The tents will be sited away from the edge of the adjacent woodland, which is in third party ownership, and which is demarcated by existing fencing and barbed wire. A buffer zone of between 15 to 20 metres is proposed, which will be planted with a mix of deciduous trees. The existing timber post/stock proof wire fence will be repaired when and where necessary.

- 1.5 Visitors will be required to sign an undertaking not to trespass onto neighbouring land and woodland. No dogs, with the exception of guide dogs, will be allowed on the site. All firewood will be provided for guests obviating the need for foraging in the nearby woodland.

2. Policies

2.1 National Planning Policy Framework

It is considered that sections 1 (Building a strong, competitive economy), 3 (Supporting a prosperous rural economy) and 11 (Conserving and enhancing the natural environment) are particularly relevant to this application

2.2 Herefordshire Unitary Development Plan 2007 (HUDP):

| | | |
|-------|---|--|
| S1 | - | Sustainable development |
| S2 | - | Development requirements |
| DR1 | - | Design |
| DR2 | - | Land use and activity |
| DR3 | - | Movement |
| RST1 | - | Criteria for recreation, sport and tourism development |
| RST13 | - | Rural and farm tourism |
| RST14 | - | Static caravans, chalets, camping and tour caravan sites |
| LA2 | - | Landscape and areas least resilient to change |
| LA5 | - | Protection of trees, woodlands and hedgerows |
| LA6 | - | Landscaping schemes |
| NC1 | - | Biodiversity and development |
| NC7 | - | Compensation for loss of biodiversity |
| NC8 | - | Habitat creation, restoration and enhancement |
| T8 | - | Road hierarchy |
| T11 | - | Parking provision |

- 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 S/120554/S – Portal frame barn – Prior Approval Not Required - 30.03.12
- 3.2 S/110721/L – Various works and repairs to oak framed barn – Approved - 09.05.11

4. Consultation Summary

Statutory Consultations

- 4.1 None applicable

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

Internal Council Advice

- 4.2 The Traffic Manager does not object on the basis of this proposal for 5 tents but any further significant intensification would necessitate improvements to the existing access to the west.
- 4.3 The Conservation Manager (Landscapes) supports the application advising that it demonstrates that a balance has been struck between the negative impact of new structures and the conservation objectives and sensitive site management. It is stated that the woodland area should be the subject of a management and maintenance plan and that full details of the car park will need to be made the condition of any planning permission granted.
- 4.4 The Public Rights of Way Manager has no objections
- 4.5 The Conservation Manager (Senior Ecologist) states that the findings of the Swift ecology are agreed as regards the low biodiversity interest of the field in which the tents will be sited. The buffer zone is welcomed, hay strewing from nearby species rich meadows and the introduction of specific planting is also welcomed. A condition needs to be attached requiring details for habitat enhancement before first use of the site.

5. Representations

- 5.1 Abbey Dore & Bacton Group Parish Council resolved by majority not to support the application. The comment goes on to say:
- There is no objection in principal to this type of diversification;
 - That previous objections would be nullified by the proposed site being closer to the applicant's farmhouse and;
 - It has been brought to our attention that one of the proposed structures had been erected already.
- 5.2 St Margarets Parish Council has no comments
- 5.3 The Woodland Trust states that it is glad to see a buffer zone. This should be maintained for a minimum period of 10 years. They welcome signed agreements between visitors and recognising the need for compliance with countryside code. Also an interpretation board should be erected near the public footpath. There should be no collection of any wood as dead wood provides habitat. Also, the existing fence should be maintained for the lifetime of the camp site in order to protect adjoining woodland.
- 5.4 Visit Herefordshire write in support of the proposal. It is stated that the proposal will appeal to new and emerging market.
- 5.3 Eleven letters of objection have been received from local residents and the CPRE. These are summarised as follows:
- Bacton has no facilities and nothing to gain from development
 - Legal right of access for timber extraction, buffer zone cannot be fully implemented
 - Not sustainable development
 - Contrary to Policies LA2 and LA5: as not clear how proposal has been influenced by the landscape
 - Little scope to ameliorate impact
 - Away from view of applicant's farmhouse
 - Visual impact demonstrated already by erected green uPvc and aluminium tent. It does not blend in

- Site needs to be well screened from view points and public places. Therefore contrary to Policy RST13
- Footpath users would come across tents
- Better to site closer to farmhouse away from sensitive habitat and would provide enhanced supervision and restrict human activity to existing areas
- Site is very close to my woodland
- Buffer zone would take time to establish
- Fire hazard
- Concerns about guests trespassing and infringing privacy
- Degradation of land
- Dogs roaming problem. Welcomes only guide dogs but how can this be enforced?
- Light pollution
- Noise and disturbance
- Within our earshot due to prevailing south westerly wind direction
- Contrary Policy E15 as greenfield site.
- Environment Impact Assessment required
- Question capacity of existing septic tank
- Needs to be demonstrated that proposal would not have adverse impact on wildlife habitats and protected species (Policies NC1 and NC8). Evidence bats use Ancient Woodland
- How will parking of vehicles close to site be policed ?
- No condition could be imposed that would restrict cars parking at the site
- Additional traffic requires passing places that would have an adverse impact on the landscape
- Policies RST1, RST6, RST12, RST13 and RST14 not heeded
- Landscape Officer's response flawed via a vis impact of tents for users of public footpath. The ideal strategy is avoidance of impacts

5.4 In a supporting letter that accompanied the application the following main points are made:

- The tents are uPvc and green and not uPvc as stated in accompanying statement
- Tents will be erected in spring and taken down in autumn
- Outline of tents similar to portal frame agricultural sheds
- There is a good fence between site and woodland, consisting of tantalised stakes, pig netting with strand barb on top
- Will plant up to 50 per cent density on buffer zone of between 15-20 metres between fence and tents
- Route of public footpath not affected
- Existing legal agreement as regards woodland management. Not intended to change or interfere
- Ground is level. Site not visible from road or from neighbouring buildings. Nearest building visible 2.5 miles away at Kerry's Gate
- The tents will provide an interesting incident for walkers on footpath
- No cars on site or dogs
- Details for car-parking area will be provided as well as for pedestrian route between car park and site
- The pasture of two adjoining fields is improved pasture. Productive, but not good for rich species
- Guests will be told to keep out of woodland. Wood will be provided for use in bags
- Septic tank will be of the appropriate capacity
- No electricity on site. Hurricane lamps and candles will be used.
- Two blocks of woodland near to site are not classed as Ancient Woodland
- In Higher Level Stewardship. Leave rushes to grow for birds, leave anthills for the woodpeckers and restoring stone barn
- Franchise called Featherdown Farms supply tents to farmers. Look at web-site for idea of who visits and how they are run

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

5.5 In a further letter received from the applicant, in response to objections received. The following main points are made :

- Questions impact on neighbours given how far they live away from the site
- Woodland is not an ancient semi-natural woodland. It is an Oak and Ash wood with a section of larch planted a 100 years ago
- Larch needs regular maintenance and felling. List of flora cited are common around area
- Access to woodland a civil matter not a planning one
- Ecological issues addressed by buffer zone. Environmental Officer, Landscape Officer, Woodland Trust and Forestry Commission do not object
- Not visible from Upper Grange Farm as stated
- Guests will not bring dogs Two woods both have waist high brambles in any case
- Family nearby don't want change, except for themselves
- Chairman of Parish Council does not see any reason to object
- Guests will be young families and middle aged couples, don't want stag parties
- Aim is to provide activities for children. We will have an animal farm nearby with hens and ducks, lambs, alpacas and ponies and rare breeds

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 main issues in relation to this application are considered to relate to the principle of establishing a camp site in this isolated rural location, the visual impact on the landscape and upon biodiversity, the proposal's sustainability, the impact on residential amenity and the means of access to this site.

6.2 This proposal needs to be determined with reference to policies in the Unitary Development Plan and the guidance contained in the National Planning Policy Framework. Of particular relevance Policies RST1 which relates to the general requirements for tourism development, Policy; RST13 which is concerned with rural and farm tourism and Policy RS14 which in part is concerned with camping sites, as well as static caravan and touring caravan sites.

6.3 There is encouragement for sustainable development on agricultural land in Policies RST1, RST13 and RST14 of the HUDP. Policy RST13 requires that development should not harm the character of the countryside and requires that traffic generated should be capable of being accommodated on the local road network without undue need for road widening and loss of hedgerows. This development is for demountable tents that have a backdrop of established woodland. The view from public vantage points is primarily from the north east from the C1209 road approximately 500 metres away. It is considered that the visual impact of the tents can be ameliorated by controlling the period that the tents are erected together with the colour of the canvas, such that the 5 tents will be of a colour such that the 3.15 metres high structures will have a dark silhouette when viewed against the woodland to the south and west of the camp site. It has also been stated in representations received that it is not clear how the proposal has been influenced by the landscape as required by Policy LA2 of Unitary Development Plan. It is acknowledged that this is an elevated location, however the use of the site will not have an adverse and irrevocable impact in the landscape. The 15-20 metre wide buffer zone planting between the and the adjacent woodland will serve to enhance not only the landscape but also the biodiversity of the site.

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

- 6.6 Users of the footpath will come across the camp site as stated in representations received. However this is not considered to be a factor that in itself would have an adverse impact on the enjoyment of walkers crossing the applicant's property. Therefore, as regards the impact in the landscape, subject to conditions controlling the duration of use, the colour of tents, the maintenance of the planting in the buffer zone and restricting lighting it is considered that the proposal would accord with Policies DR1, RST1, RST13, RST14, LA2, LA5 and LA6 of the HUDP.
- 6.7 It is not considered that the proposal will have an adverse impact on the biodiversity of the existing site and indeed as has been stated above the establishment of further planting of deciduous species will enhance the biodiversity value of this part of the applicant's property. It is not considered that the relative proximity of the camp site to the woodland in third party ownership will have an adverse impact on the biodiversity of that land. Issues relating to trespass and dogs roaming are matters that fall outside the remit of planning legislation. Details for habitat enhancement will though need to be the subject of a planning condition, as recommended by the Council's Senior Ecologist.
- 6.8 With regard to the sustainability of the proposal, Policies S1 and RST1 of the HUDP are considered to be relevant. These have regard to the need to support development proposals that are less reliant on the use of private motor vehicles. Whilst, it is acknowledged that this site will be predominantly accessed by motor vehicle this needs to be weighed against the fact that the proposal will support the existing agricultural activities operated by the applicant. Furthermore, it seems clear that the proposal is aimed at attracting visitors to the area in view of its scenic qualities and opportunities for walking. This in itself will indirectly support other services and facilities in the locality. Therefore, it is considered that the potential benefits of this proposal in terms of supporting the expansion tourism and its limited visual impact upon the character of the area, outweigh the reliance upon access by private car and as such the proposal satisfies Policies S1, RST1, RST13 and RST14 of the HUDP.
- 6.9 The potential impact of the proposal upon residential amenity has been raised by a number of objectors. These relate primarily to the proximity of the site to dwellings, light pollution, the impact of the tents on the hillside, noise and disturbance and the possibility of vehicles being driven up to the site, in spite of the stated intention for visitors to park in a new dedicated car-park. In general terms it is considered that that the site is sufficient distance from the nearest property to the north east, some 400 metres away to overcome any significant adverse impact upon the amenities of existing residents in the locality. Therefore, subject to a condition controlling the management of the site (including parking, lighting arrangements, the provision of firewood and the conduct of guests) the proposal would satisfy the requirements of Policies DR2 and RST1 of the HUDP. It is not clear how privacy would be infringed unless this relates to concerns about trespass onto private land. Trespassing would be a civil/criminal matter that is not material to the consideration of this application. However, the introduction of a buffer zone and the agreement of a site management plan provide appropriate mitigation in respect of these concerns.
- 6.10 The final issue relates to highway safety. This site is accessed off a network of narrow roads. It is not considered that the provision of 5 tents will result in an adverse impact on highway safety given the small scale of the proposal and the limited duration of use. It is considered that the access at the junction onto the unclassified and the car parking provided is satisfactory and as such the proposal accords with Policies DR3, RST13, RST14, T8 and T11 of the HUDP.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **F34 Numbers limitation**

Reason: In the interests of safeguarding residential and visual amenity in accordance with Policies DR2 and LA2 of the Herefordshire Unitary Development Plan and limiting the increase in associated vehicular activity in the interests of highway safety in accordance with Policies DR3 and T8 of the Herefordshire Unitary Development Plan

2. **The tents hereby approved shall only be erected between 1 April and 30 September in any calendar year and outside of these times shall be dismantled and removed from the site.**

Reason: In the interest of minimising their impact upon the character and appearance of the locality and to accord with Policy LA2 of the Herefordshire Unitary Development Plan

3. **C01 Samples of external materials**

4. **G02 Retention of trees and hedgerows**

5. **G10 Landscaping scheme (to include a management plan and details of landscape maintenance arrangements)**

6. **G11 Landscaping scheme - implementation**

7. **H13 Access, turning area and parking**

8. **I17 Scheme of foul drainage disposal**

9. **Prior to the first occupation of any of the tents subject of this permission, a Site Management Plan setting out the commitments to the parking of guests, the use of lighting, the provision of firewood, the no dog policy (excepting guide dogs) and the conduct of guests will be submitted to and approved in writing by the local planning authority. The site will be used in accordance with the approved Site Management plan thereafter.**

Reason: In the interests of safeguarding residential and visual amenity and in order to accord with Policies DR2 and LA2 of the Herefordshire Unitary Development Plan.

10. **Prior to commencement of the development, a habitat enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reason: In order to ensure that diversity is enhanced and conserved in accordance with the requirements of Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

Reason for Approval

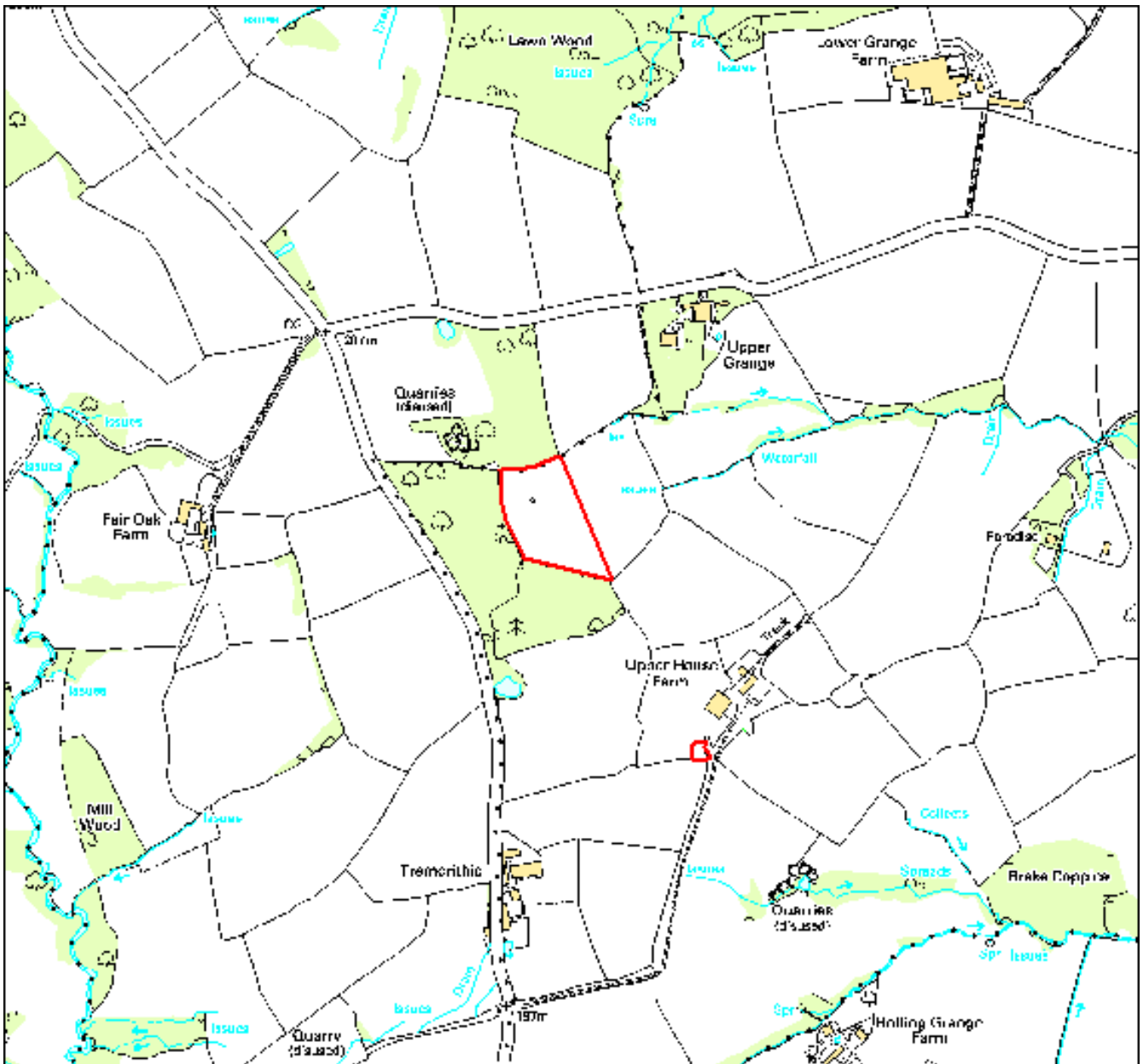
- 1. It was considered that the use of the site for up to 5 tents on this elevated site would not adversely affect the character of the landscape by reason of its small scale, the limited duration of their presence, controlling the colour of the canvas colour, together with the additional planting proposed and the presence of existing woodland that forms a backdrop of established trees. The impact of the development would be further mitigated by the intention of parking vehicles close to the existing farm buildings, limiting the use of lighting on the site and securing a Site Management Plan. It is recognised that the site is car dependant. However it constitutes the small scale diversification of an agricultural enterprise for which a range of amenities will be provided for visitors and which will support the growth of rural based tourism and attendant benefits it provides to existing services and facilities. The site currently has limited biodiversity value and this development will offer an enhancement through the additional planting proposed between the site and the established woodland. The biodiversity value of the nearby woodland would be adequately protected by the provision of this 15-20 metres wide planting zone. The use of the site will not have an adverse impact on the amenity of residents in the locality by reason of noise and disturbance given the distance from nearby properties. The traffic generated by the proposal will not have an adverse impact on highway safety in the locality given the scale and seasonal use of the site. Therefore, the proposal accords with Policies S1, S2, DR1, DR2, DR3, RST1, RST13, RST14, LA2, LA5, LA6, NC1, NC7, NC8, T8 and T11 of Herefordshire Unitary Development Plan together with the guidance contained within of chapters 1, 3 and 11 of the National Planning Policy Framework.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: S/121503/F

SITE ADDRESS : UPPER HOUSE FARM, BACTON, HEREFORD, HEREFORDSHIRE, HR2 0AU

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 10024168/2005



| | |
|-------------------------|--|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 7 NOVEMBER 2012 |
| TITLE OF REPORT: | N101140/L - REPLACEMENT OF EXISTING SOFTWOOD WINDOWS WITH OAK FRAMED WINDOWS AT THE COTTAGE, ASHPERTON, HEREFORDSHIRE, HR8 2RZ For: Mr Tector per Mr Andrew Tector, The Cottage, Church Lane, Ashperton, Herefordshire, HR8 2RZ |
| WEBSITE LINK: | http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=101140&NoSearch=True |

Date Received: 12 May 2010

Ward: Frome

Grid Ref: 364410,241686

Expiry Date: 31 October 2012

Local Members: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The Cottage is a grade II listed building originally constructed in the 16th century and possibly earlier, with 20th century alterations and additions. It is located within the settlement of Ashperton where the A417 meets Church Lane. It is timber framed with painted brick infill built on a sandstone plinth. The framing appears to be largely complete although recently repaired. The roof is half-hipped to the south and tiled. Later additions to the cottage include a brick extension at the rear, a gabled dormer window and a rooflight. Within the curtilage of The Cottage is a large painted metal outbuilding. The plot is bounded by trees and mature hedgerows.
- 1.2 The existing windows to which this application relates are rotting and in a poor state of repair. The scheme submitted proposes to replace the original softwood windows with Oak ones of a similar design. The windows will be oiled rather than painted and will consequently match the four windows on the south and west elevations subject of a previous application (DCNE2007/1076/L). The existing fittings will be maintained.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (HUDP)

DR1 - Design
HBA1 - Alterations and extension to listed buildings

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

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

3. Planning History

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

- 3.1 The following is the only previous application considered relevant to this case:
DCNE2007/1076/L: Replacement of four windows on south and west elevations – Approved with conditions

4. Consultation Summary

Internal Council Advice

- 4.1 The Conservation Manager (Historic Buildings)

The proposed scheme is considered acceptable, subject to the imposition of conditions.

5. Representations

- 5.1 None

6. Officer's Appraisal

- 6.1 All work carried out to a listed building must be in keeping with the age, style detailing and character of the building. Proposals will only be permitted where the components which make up the special interest of the building and its setting are preserved as stated in Policy HBA1 of the Herefordshire Unitary Development Plan. The principle of replacing the softwood frames with hardwood alternatives is considered acceptable. The Conservation Manager notes that the proposal to oil the oak would see the frames inherit a tan appearance and recommends the oak be left to weather naturally. However other windows on the dwelling, subject to a previously approved application, have been oiled.
- 6.2 The design of the windows would not be altered and would therefore be a mixture of small-pane casements and casements with horizontal glazing bars. It is stated within the application that the details proposed will match those of the previous consent. However, the glazing bars of the previous application were 28mm in width and those now proposed are 22mm. The glazing bars must be 22mm thick given the fact that only single glazing is being used. The thinner the glazing bars, the more historic the character and appearance. Added to which the light penetration into the rooms would be increased as there would be more glazing and less frame. Glazing beads will increase the visual thickness of the glazing bar considerably and consequently putty must be used. All casements must be traditional flush-fitting casements rather than storm-proofed to ensure that the historic integrity of the building is maintained.
- 6.3 The proposed scheme to install oak framed windows, replacing the rotting softwood ones currently in place, is considered to preserve the historic fabric and aesthetic quality of the dwelling. Consequently the scheme accords with policies DR1 and HBA1 of the Herefordshire Unitary Development Plan and is consistent with guidance provided within the National Planning Policy Framework. The application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. B01 Development in accordance with the approved plans**
- 3. D05 Details of external joinery finishes**

Reason for Approval

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

1. **The installation of oak framed windows is considered an acceptable response to the need to replace existing rotting softwood units. The plans submitted propose a design which respects the historic fabric and aesthetic quality of the dwelling in accordance with policies DR1 and HBA1 of the Herefordshire Unitary Development Plan and is consistent with the National Planning Policy Framework.**

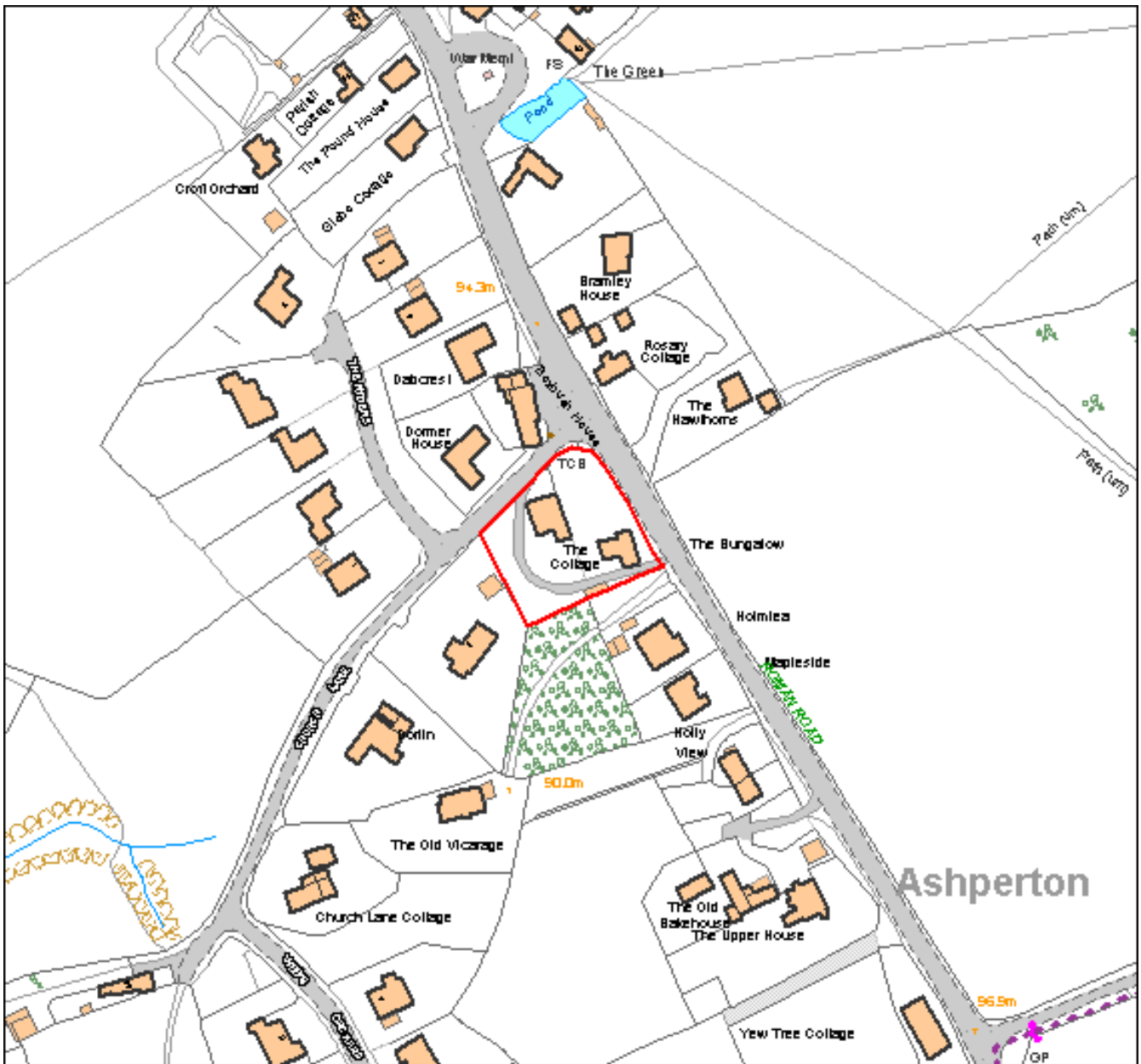
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: N/101140/L

SITE ADDRESS : THE COTTAGE, ASHPERTON, HEREFORDSHIRE, HR8 2RZ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005



| | |
|-------------------------|---|
| MEETING: | PLANNING COMMITTEE |
| DATE: | 7 NOVEMBER 2012 |
| TITLE OF REPORT: | S122243/FH - ERECT AND MOVE FENCE AT 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST For: Mr Hudson, 1 Arundel Close, Belmont, Hereford, Herefordshire HR2 7ST |
| WEBSITE LINK: | http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122243&NoSearch=True |

Date Received: 7 August 2012

Ward: Belmont

Grid Ref: 349229,238735

Expiry Date: 2 October 2012

Local Members: Councillors PJ Edwards, GA Powell and AN Bridges

1. Site Description and Proposal

- 1.1 The site is a small parcel of land within the ownership of the applicant bordering Broadholme Road in Belmont.
- 1.2 The proposal is to erect a 2 metre high fence that would enclose the land adjacent to the footpath alongside Broadholme Road.
- 1.3 The applicant was not aware of the limitations of permitted development rights and as the result of an enforcement investigation has submitted this part retrospective application.

2. Policies

2.1 Herefordshire Unitary Development Plan (HUDP)

| | | |
|-----|---|--|
| S2 | - | Development requirements |
| DR1 | - | Design |
| DR3 | - | Movement |
| H18 | - | Alterations & extensions |
| LA5 | - | Protection of trees, woodlands and hedgerows |
| LA6 | - | Landscaping schemes |

- 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

- 3.1 No relevant planning history

4. Consultation Summary

Further information on the subject of this report is available from Mark Lane on 01432 260 474

- 4.1 Transportation Manager: No objections
- 4.2 Team Manager (Air, Land and Water Protection): No objection subject to access arrangements being conditioned.

5. Representations

5.1 Belmont Parish Council:

Object to the application on the basis of the following:

1. Whilst it is acknowledged that the area of land to be enclosed by the proposed fencing appears to belong to the householder, this area was laid out as an unfenced area with trees and shrubs as part of the conditioned layout of this area of the overall development several years ago. The extension of a close boarded fence to the very edge of the footpath will impact substantially and to the detriment of the visual amenity of the area not only for those living immediately opposite the site, but down the entire length of Broadholme Road and for properties in Abbotsmead Road.
2. The current fencing which is located at the rear of the land now to be enclosed is much lower than that proposed and the top section which is an open trellis. The fence supports that have already been installed by the applicant indicate a close boarded fence which is several feet higher than the existing lighter fencing. Again, this will have a substantial and detrimental impact on neighbouring properties and visual amenity of the area.
3. Within the proposed new fencing area is a gas venting gabion and there is evidence that an attempt has been made to excavate this. The applicant has suggested that access to this gabion, which is required for monitoring and venting purposes, will be allowed through his garden but we question whether this access will be maintained in the future and by any potential purchasers of the property. We believe this presents a potential safety risk.
4. The applicant has already removed a number of mature trees and shrubs from this site; working having begun some considerable time before stated on the application. It is the policy of this parish council to request that whenever a mature tree is removed from open space, it be replaced with two new trees in a suitable location
5. We have considerable concerns that the visual amenity of the area is further compromised by the fact that the neighbouring property, which similarly owns half of the circle area to be enclosed, has not yet applied for planning permission for a similar fence which we were led to believe would be the case. It is nonsensical for part of this land to be enclosed without the other part.
6. Although this is a quiet cul-de-sac street, we do feel that moving the fencing to the very edge of the footpath will create a safety hazard for road users. Those properties further down the cul-de-sac will have sight further down the road towards the roundabout partially obscured by the fencing. It is well known that children play and cross Broadholme Road heading towards the play area at Northolme and we fear that vehicles will have insufficient warning of pedestrians or other vehicles with such a close boarded high fence obscuring the sight towards the roundabout.

- 5.2 One letter of objection was received, however this was subsequently withdrawn.
- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

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

6. Officer's Appraisal

- 6.1 The main considerations in this application are:
- The impact of the fence on visual amenity.
 - The impact of the proposal on the safe use of the highway.
 - The impact of the proposal on the access to the gas protection measure, (the gabion), for monitoring purposes.
- 6.2 The application is part-retrospective, as a number of fence posts have been concreted into position.
- 6.3 Policies DR1 and H18 of the HUDP essentially require proposals to be in keeping with the character of the site and surrounding area. In this case the land was previously planted with shrubs and trees as part of the landscaping of the estate. However there is not an enforceable planning condition attached to the original permission requiring the retention of the landscaping.
- 6.4 The proposed new fence alignment would contain a relatively small pocket of open land which would be best described as incidental landscaped amenity land and is depicted as such on the approved layout drawings for the residential development within which the site is located. It is an area within the ownership of the applicant and as such it should not be considered as public open space in this context.
- 6.5 The relevant planning permission and approvals for the site layout do not restrict permitted development rights governing the means of enclosure for individual residential curtilages. It would be possible therefore, to erect a fence not exceeding a height of 1 metre, in the position now proposed.
- 6.6 Having regard to the previously mentioned policies, it is not considered that the amenity value of the land, which it is proposed to enclose, is significant enough to warrant its protection as open space. Moreover it is considered that the fence itself would not appear unduly discordant in the street scene or detrimental to the visual amenity of the area. Accordingly the proposal would not conflict with Policies DR1 and H18 of the HUDP.
- 6.7 Concerning matters of highway and public safety and the proposed fence alignment, it is not considered that the fence would represent an unacceptable obstruction to visibility and as such would not prejudice the safety of drivers and pedestrians using Broadholme Road. The shrubs that have now removed had the same effect on visibility to highway users of Broadholme Road as the proposed fence will. The proposal therefore accords with Policy DR3 of the HUDP.
- 6.8 With regard to concerns regarding the gas protection measures. The Council does not have an explicit obligation to maintain or monitor the gabion located within this area of the former Hunderton Farm site. However in discussions with the Team Manager (Air, Land and Water Protection) it has been suggested that access to the gabion should be maintained for possible monitoring or maintenance of the gabion in the future. The applicant has indicated he is agreeable to this and this would fulfil the requirements of Policy S2 of the HUDP.
- 6.9 Attention is also drawn to a planning appeal decision for a similar proposal in the locality. Following the refusal of a planning application to retain a 2 metre high fence adjacent to a highway the resulting planning appeal decision concluded that whilst a series of features, such as open areas, has incremental value in helping to form the character of an area, it does not follow that the loss of any one such feature would materially and adversely affect that character.

- 6.10 In the Inspectors view, the enclosing of that particular small area, of limited visual merit, would not have that effect, nor would its removal prejudice the Council's ability to resist the loss of other open areas, each of which has individual characteristics and would stand to be assessed on its merits. Further, having regard to the incidence of similar enclosing features in the surrounding area, the new fence would not be unduly prominent or visually discordant.
- 6.11 In the light of these considerations it is maintained that the proposal is acceptable subject to planning conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **B02 Development in accordance with approved plans and materials**

Reason for Approval

- 1. **In making this decision and noting that the development had been commenced the local planning authority concluded that the development would not harm the visual amenity of the area, adversely affect residential amenity or have an adverse impact on highway safety.**

The local planning authority concludes that the development is in accordance with policies S2, DR1, DR3 and H18 of the Herefordshire Unitary Development Plan 2007.

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: S/122243/FH

SITE ADDRESS : 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mark Lane on 01432 260 474

