

# AGENDA

## Planning Committee

Date: **Wednesday 28 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](mailto: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](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Planning Committee**

## **Membership**

**Chairman**

**Councillor PGH Cutter**

**Vice-Chairman**

**Councillor BA Durkin**

**Councillor PA Andrews**

**Councillor AN Bridges**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor J Hardwick**

**Councillor JW Hope MBE**

**Councillor MAF Hubbard**

**Councillor RC Hunt**

**Councillor Brig P Jones CBE**

**Councillor JG Lester**

**Councillor RI Matthews**

**Councillor FM Norman**

**Councillor AJW Powers**

**Councillor GR Swinford**

**Councillor PJ Watts**

## AGENDA

		Pages
1.	<b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2.	<b>NAMED SUBSTITUTES (IF ANY)</b> To any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 7 November 2012 at 10:00 am..	1 - 8
5.	<b>CHAIRMAN'S ANNOUNCEMENTS</b> To receive any announcements from the Chairman.	
6.	<b>APPEALS</b> To be noted.	9 - 12
7.	<b>S121798/F - SITE ADJACENT TO 28 SOUTHBANK ROAD, HEREFORD, HR1 2UF</b> Detached new 3 bedroom house with garage and drive.	13 - 24
8.	<b>S122252/F - 1 HAMPTON PARK ROAD, HEREFORD, HR1 1TQ</b> Change of use from public house to a nursery school, class D1; reconfiguration of existing flat from 1-bedroom to 2-bedrooms; together with associated car parking spaces.	25 - 34
9.	<b>S121401/F - SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL</b> Proposed construction of detached dormer bungalow.	35 - 42
10.	<b>S121554/F - FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD,</b> Demolition of existing building and erection of 34 houses and garages together with roads, sewers and associated external works.	43 - 66
11.	<b>S122606/F - PENTWYN FARM, DORSTONE, HEREFORDSHIRE HR3 6AD</b> Single 50kw wind turbine, with a maximum blade tip height of 25.1m along with improvement of access track, electrical switchgear house with associated underground cabling and temporary crane hardstanding.	67 - 82
12.	<b>DATE OF NEXT MEETING</b> Date of next site inspection: 18 December 2012 Date of next meeting - 19 December 2012	



# **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 7 November 2012 at 10.00 am**

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

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, Brig P Jones CBE, FM Norman, AJW Powers, P Rone, GR Swinford, DC Taylor and PJ Watts

**In attendance:** Councillors GA Powell and GJ Powell

**78. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JG Lester, G Lucas and RI Matthews.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone, JA Hyde and DC Taylor attended the meeting as substitute members for Councillors JG Lester, G Lucas and RI Matthews.

**80. DECLARATIONS OF INTEREST**

10. S122243/FH - 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST.  
Councillor AN Bridges, Disclosable Pecuniary, The application directly affected the Councillors residential property as defined in his register of interests.

**81. MINUTES**

Councillor J Hardwick advised that he had declared a non-pecuniary interest in agenda item 8 as he knew the applicant as well as being a Member of the Wye Valley AONB Joint Advisory Committee.

**RESOLVED:** That subject to the amendment detailed above, the Minutes of the meeting held on 17 October 2012 be approved as a correct record and signed by the Chairman.

**82. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor Powers to the Planning Committee.

The Head of Neighbourhood Planning advised the Committee that an appeal had been lodged by Crest Nicholson regarding the recent refusal of an application relating to land off Attwood Lane, Hereford. He requested volunteers from the Committee to assist in the appeal. Councillors Hubbard, Greenow and Watts agreed to join Councillors Edwards and Robertson who had already agreed to attend the appeal.

**83. APPEALS**

The Planning Committee noted the report.

**84. N121940/O - LAND ADJACENT TO BLISS HOUSE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NA**

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Rawlings, the applicant's agent, spoke in support of his application.

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

- The Planning Inspector's view was that the land was suitable for housing and it would have been included in the UDP had it not been considered that the change could result in a delay in the adoption of the policy.
- The lack of a 5 year housing supply had resulted in the site now being considered as suitable for housing development.
- The Parish Council had objected to the application although their proposed neighbourhood plan would consider it for development.

The Committee raised concerns in respect of the proposed layout of the site and were of the opinion that the affordable housing provision on the site should be better integrated with a provision of larger homes. They were concerned that the proposed layout could result in a social division on the site.

The Concerns of the Parish Council were noted however the Committee disagreed with their comments that nothing had changed since the application was previously submitted in 1999. It was noted that the situation had changed and that the lack of a 5 year housing supply had made it difficult to refuse these types of applications.

The Committee expressed their concerns regarding the lack of a 5 year housing supply for the County as defined in the National Planning Policy Framework. They discussed the matter at length and requested that further investigation be undertaken outside of the remits of the Planning Committee. They were concerned that more suitable sites could be overlooked in favour of sites brought to the attention of the Committee through the planning application process. The Chairman was requested to liaise with the Scrutiny team to address the concerns of the Committee.

In respect of the points raised during the debate, the Principal Planning Officer advised that the layout plan was purely indicative and that the actual site layout would be determined at the reserved matters stage. He did however add that in general housing associations preferred affordable housing to be in one area for ease of maintenance. In response to a point raised regarding the size of the proposed affordable units, the Principal Planning Officer confirmed that two-bedroom homes had been recommended as a result of the housing needs survey undertaken in the area. In response to a final point regarding land use he also advised that the commercial usage on the site would cease and move to an alternative new site.

Councillor Hope was given the opportunity to close the debate. He chose to make no additional statement.

**RESOLVED**

**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.

#### **85. S121503/F - UPPER HOUSE FARM, BACTON, HEREFORD, HEREFORDSHIRE, HR2 0AU**

The Principal Planning Officer gave a presentation on the application.

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

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

- The electoral roll listed Bacton as having 50 residents.
- This application had resulted in more letters of objection than any other application in Bacton over the last 18 months.
- The Parish Council had echoed the concerns of the local residents.
- There was no objection in principle although there was a concern that the tents were not visible from the farmhouse, therefore the location for the tents should be revised.
- The tents were 240 metres away from the farmhouse, the applicant had been reluctant to change this despite discussions taking place.
- The nearest shops were 4-5 miles away so visitors would still be dependant on a motor vehicle.
- The application was not in accordance with Policies DR1 and DR3 of the unitary development plan.
- Blue light services would not be able to access the site.
- The buffer zone could not be achieved whilst enabling the woodland owner to still have a 12 ft legal access.
- Due to the concerns in respect of access, health and safety, site management and the location of the tents, the application should be refused.

The debate was opened with a Member of the Committee speaking in support of the application. He was of the opinion that the application highlighted the unique selling points of the county and enabled visitors to see rural Herefordshire at its finest. He did however note that there was still a requirement to protect the woodland trust and considered that this could best be achieved by educating visitors as to the reasons why they should not scavenge wood for fires. He noted the concerns in respect of the location of the proposed tents but considered that the proposed area for the tents appeared to be the most suitable area on the site due to its topography. Finally he requested that appropriate monitoring of the site be undertaken to ensure that the tents were taken down over the winter months and then re-erected in spring.

Members continued to discuss the application and whilst broadly in support they did highlight some concerns including the possible risk of fire through the stoves and cookers which were proposed to be located inside the tents. Further concerns related to the apparent lack of a site management plan, although it was noted that this would be required prior to any of the tents being occupied; the right of access to the site; the proposed siting of the tents; and the difficulty in accessing the site by the emergency services.

Members continued to discuss the application with a number highlighting that the proposed usage was a low impact use and therefore a good farm diversification. However in supporting the application concerns were still expressed in respect of possible safety issues on the site.

Regarding the issue of visual impact, one member proposed that the tents should be finished in the dark green material demonstrated to members on the site inspection. Another Member of the Committee was of the opinion that a slate blue finish would reduce the visual impact considerably.

The right of access issue caused some concern to Members with the Committee stating that any right of access should be honoured and not obstructed in any way. The Head of Neighbourhood Planning responded to this point and advised that a planning permission

would not supersede any right of access. It was further noted that if the location of the tents did impede the right of access the applicant could come back to the planning department with a revised site layout.

The Head of Neighbourhood Planning addressed a number of further issues raised by the Committee during the debate. He advised that the applicant may have been awaiting a planning permission prior to completing the site management plan; that issues of health and safety did not fall within the remit of the Planning Committee; that the water supply was also not within the remit of the committee and that enforcement action would be taken if the tents were not removed from the site between October and March.

The Principal Planning Officer also clarified a number of points raised by the Committee. He advised that the mains water pipe would be extended to provide water; that the issue of stoves within tents was not a new one and should not result in any health and safety issues; that the collection of wood could be addressed through better education; and that the buffer zone proposed was a mix of deciduous plants which would not be able to restrict the existing access to the site.

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

- The proposed site is on a slope.
- Emergency vehicles would not be able to access the field.
- The stoves could result in a fire risk.
- The two access gates shown on the plan are obstructed by the tents.

A motion to approve the application was lost. A motion to defer the application pending further discussions with the applicant in respect of the proposed location of the tents was also lost.

At this stage the Committee discussed the reasons proposed for refusing the application. Members were of the opinion that the application was contrary to Unitary Development Plan Policies DR2 and DR3 in terms of land use and activity as well as the issues relating to the difficult access to the site by emergency vehicles.

## **RESOLVED**

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

- 1. The proposed camp site given its relationship to the road network and existing access route is isolated and would not be readily accessible for emergency vehicles and further would not provide a safe and convenient access for visitors of the camp site. Therefore, the proposal is contrary to the provisions of Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.**

### **86. N101140/L - THE COTTAGE, ASHPERTON, HEREFORDSHIRE, HR8 2RZ**

The Senior Planning Officer gave a presentation on the application.

The Committee noted that the application had only been brought before them as it had been submitted by a Council Officer in a politically restricted post.

The Development Manager (Northern Localities) advised that the recommendation should be amended to grant listed building consent and not planning permission as referred to in the report.

## **RESOLVED**

**That listed building consent 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**

- 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.**

## **87. S122243/FH - 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST**

The Development Supervisor gave a presentation on the application.

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

- No site visit had been approved by the Council however she had visited the site with the Planning Officer.
- The Transportation Manager had not objected to the application.
- The site was not public open space and was in the ownership of the applicant.
- The amenity value was not significant as public open space.
- Paragraphs 6.6, 6.7, 6.9 and 6.10 of the officer's report were all in support of the application.
- Visibility was not an issue.

Councillor PJ Edwards also commented on a number of issues, including:

- The venting gabions needed to be accessed and should not be fenced in.
- The proposed mitigation measures were a concern.
- Trees had been felled and the gabion had been unearthed.
- The application was contrary to Unitary Development Plan Policy S1 as it did not respect or improve the health and safety through reduced pollution and safer design of the built environment and landscaping.
- The application was contrary to UDP Policy S2 as high standards of design and layout were not being retained from the initial planning permission for Arundel Close.
- The application was contrary to UDP Policy DR1 in terms of design principles and poor design and does not promote or reinforce the distinctive character and appearance of the locality.

- The application was also contrary to UDP Policies DR2 and DR3.
- The application was contrary to UDP Policy H13 in terms of sustainable residential design.
- Policies LA2, LA3, LA5 and LA6 were also quoted as landscape reasons for refusing the application.
- The application was contrary to UDP Policy HBA9 in terms of the protection of wildlife corridors within built up areas.
- Due to these policy issues the application should be refused.

Members discussed the application and were generally in support of the application. They noted the existing posts that appeared to be higher than the two metres stated in the report however they were reassured by the Development Supervisor that the posts would be cut down to two metres high once the fence panels were erected. Members were of the opinion that a condition requiring the fence posts to be reduced in size in a designated time frame would be beneficial.

The Development Manager (Northern Localities) advised Members that the parcel of land in question was in fact part of the applicant's garden and that it was not a public open space. He added that the applicant could have erected a lower fence without any need for planning permission.

It was noted that there had only been one letter of objection received in respect of the application and that this had now been withdrawn.

Councillors Edwards and Powell were given the opportunity to close the debate. Councillor Edwards reiterated his opening remarks and made additional comments, including:

- The application had been bought before the committee as the Parish Council and one of the Local Ward Members had objected to it.
- Site photographs presented to the Committee should be supplied by the Planning Department and not by the applicant.
- The application was out of character with the design statement.

Councillor Powell reiterated her opening remarks and made additional comments, including:

- The existing fence will be removed and the new fence posts will be reduced to two metres high.
- The existing trellis will also be removed.
- The application should not have been bought before the Committee.

**RESOLVED:**

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

- 1. B02 Development in accordance with approved plans and materials**
- 2. The fence, subject of this approval, shall not exceed 2 metres in height when measured from the highest point of adjacent land.**

**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.

The meeting ended at 12.15 pm

**CHAIRMAN**



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>APPEALS</b>

---

**CLASSIFICATION:** Open

### **Wards Affected**

Countywide

### **Purpose**

To note the progress in respect of the following appeals.

### **Key Decision**

This is not a key decision

### **Recommendation**

That the report be noted

### **APPEALS RECEIVED**

#### **Application No. S 121669/F**

- The appeal was received on 31 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 Miss Karen Harris
- The site is located at Losito Stud, Harris Lodge, Whitchurch, Ross-On-Wye, Herefordshire.
- The development proposed is Horse training menage and storage building. Change of use of part of field no 5079 from industrial (brownfield) to equine
- The appeal is to be heard by written representations

**Case Officer: Mr M Tansley on 01432 261815**

#### **Application No. S 113564/F**

- The appeal was received on 19 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 Nigel Braithwaite
- The site is located at Garden of the Bull Ring Inn, Kingstone, Hereford, HR2 9HE

---

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

- The development proposed is Change of use of the garden from use class A4 drinking establishment to use class C3 dwelling houses. Construction of 2 new dwellings and creation of public pavement
- The appeal is to be heard by Written Representations

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

## **APPEALS DETERMINED**

### **Application No. S113472/FH**

- The appeal was received on 3 August 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 Andrew Marshall
- The site is located at 2 Crossways, Howle Hill, Ross on Wye, Herefordshire, HR9 5SP
- The application dated 30 December 2011 was refused on 24 February 2012
- The development proposed was a proposed two storey extension.

**Decision:** The appeal was withdrawn on 8 October 2012.

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

### **Application No. S112188/F**

- The appeal was received on 17 February 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by NJ & IE Cockburn
- The site is located at Pennoxstone Court Farm, Ruxton Lane, Kings Cople, Hereford, Herefordshire, HR1 4TX
- The application dated 15 August 2011 was refused on 1 December 2011
- The development proposed was Proposed variation of conditions 10, 12 and 19 and the removal of condition 7 of planning permission DMSE/100966/F - To erect take down and re-erect polytunnels rotated around fields as required by the crops under cultivation. (Part retrospective)

**Decision:** The appeal was withdrawn on 16 October 2012.

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

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

- The appeal was received on 18 July 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs Alison Dean
- The site is located at Doward Park Campsite, Great Doward, Symonds Yat, Ross on Wye, Herefordshire, HR9 6BP
- The application dated 3 November 2011 was refused on 19 December 2011
- The development proposed was a proposed new vehicular entrance parking and turning area to serve existing managers mobile home
- The main issue is the effect of the proposed development on the character of the surrounding landscape

**Decision:** The application was refused under delegated powers on 19 December 2011. The appeal was dismissed on 19 October 2012.

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



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

- The appeal was received on 19 July 2012
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Carlos Felices
- The site is located at Castle Lodge Hotel, Green Court, Wilton, Herefordshire, HR9 6AD
- The application dated 19th January 2012, was refused on 25 April 2012
- The development proposed was the removal of Conditions 13 and 16 of Planning Permission DMS/102971/F. To remove conditions linking the ancillary use of the restaurant to the hotel
- The main issue is the effect on highway safety of the proposed removal of conditions 13 & 16

**Decision:** The application was refused by committee contrary to officer recommendation on 25th April 2012. The appeal was allowed on 23 October 2012.

An application for the award of costs made by the appellant against the Council was allowed

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

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>S121798/F - DETACHED NEW 3 BEDROOM HOUSE WITH GARAGE AND DRIVE AT SITE ADJACENT TO 28 SOUTHBANK ROAD, HEREFORD, HR1 2UF</b>  <b>For: Dr Jenkins per Architype, Upper Twyford, Hereford, HR2 8AD</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121798&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121798&amp;NoSearch=True</a>

**Date Received: 21 June 2012**

**Ward: Aylestone**

**Grid Ref: 351986,240289**

**Expiry Date: 16 August 2012**

Local Members: Councillors NP Nenadich and DB Wilcox

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

- 1.1 Planning permission is sought for the erection of a three bed detached dwelling with integral garage and driveway on land adjoining and to the west of the Grade II listed Georgian dwelling 28 Southbank Road. The site forms part of the mature gardens to the listed building and is bounded to the north and west by No. 26 Southbank Close and its drive, and to the south by 12 Bodenham Road and Nos. 57 and 59 Chartwell Road. Further to the north and west are properties within Southbank Close, a residential cul-de-sac comprising modern detached dwellings.
- 1.2 The site is within the Bodenham Road Conservation Area, its western boundary coinciding with that of the Conservation Area, which excludes Southbank Close and Chartwell Road. Access is via a narrow metalled track from Southbank Road, which can also be accessed via Southbank Close at a right-angled junction approximately half-way along its length.
- 1.3 The site has the benefit of planning permission for a dwelling dating back to 1999. That permission was renewed in 2004 and the permission implemented. The presence of this permission is thus a material consideration as a 'fall-back' position. A further permission for a detached dwelling of an alternative design was approved in 2009. This permission has lapsed, but is material insofar as it relates the Council's most recent decision on the site.
- 1.4 The conservation area is characterised by high quality late Victorian villas typically fronting Bodenham Road itself. The immediate context of the application site, however, is that of a diverse range of architectural styles and periods, ranging from the three-storey listed Georgian house to the east, to late C20th suburban housing to the south, west and north. The application site does not have a prominent road frontage.
- 1.5 The proposed dwelling is in a modernist architectural style that is in contrast to all other properties in the local area. Comprising three distinct 'blocks' extending across almost the full width of the plot, the dwelling would exhibit flat roofs and a distinct appearance, driven largely by the desire to achieve Passivhaus standards in relation to energy efficiency. As such the building is designed to reduce leakage, has an integrated mechanical vent heat recovery

---

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

system (MVHR) and also seeks to maximise the potential for passive solar gain through large expanses of glazing on the south facing elevation and conversely fewer and smaller openings on the north elevation.

- 1.6 The application site is broadly rectangular and measures approximately 20m x 30m. Relative to the earlier planning permissions the dwelling would be sited further north and so further from the rear boundary shared with Nos. 57 & 59 Chartwell Road. This maximises separation distances relative to properties in Chartwell Road and the extent of garden to be retained, as well as enabling the retention of the ornamental Maple tree located centrally within the site.
- 1.7 The southern boundary is marked by a tall brick wall, with hedgerows along the western and northern boundaries and metal 'estate' style fencing separating the site from No. 28. There is a fall across the site of approximately 2.5m from the south-east corner to the north-west.
- 1.8 The dwelling is orientated broadly east-west across the site, the rear elevation 10 degrees from due south. The north-eastern corner is 0.5m from the metal fence and 4.5m from the corner of the relatively modern single-storey flat roofed garage attached to the flank elevation of the listed building. The south-western corner of the building is 4.5m from the attached double garage serving No. 26 Southbank Close, although there is an intervening, mature coniferous hedgerow. In this position the dwelling would sit forward of and on a different axis relative to the listed building. The distance from the south-facing elevation to the point where the site meets the boundary with No. 57 Chartwell Road is 19m.
- 1.9 The proposed dwelling has a split level layout, which is a consequence of the fall across the site and the desire to minimise excavation. It has an essentially rectangular plan – there is a modest forward projection of the central tower – measuring 7.6m x 16m. The central tower is 8.2m tall, the eastern block i.e. that nearest the listed building is 700mm lower and the western block is 2.2m lower. The eastern block comprises open plan living, kitchen and dining accommodation at ground floor, with two bedrooms and gallery on the first floor. The central, three-storey element comprises the entrance hall and stairwell, utility room, shower and MVHR system. The western block houses the garage with master bedroom at first-floor. As noted above, the south facing elevation is predominantly glazed so as to maximise passive solar gain. The glazing is, however, recessed by 1 metre to provide shading and so prevent excessive over-heating. On the north elevation the ratio of solid to void areas is substantially different, it being imperative that heat loss on the elevation that does not receive direct sunlight is minimised.
- 1.10 External facing materials are white painted smooth render, with local facing brick to the north and west elevations of the garage. Windows are dark grey powder coated aluminium.
- 1.11 The revised site layout plan confirms that the curtilage listed metal gates and fence will be retained, with the gates and posts removed during the construction phase, stored and then reinstated prior to first occupation.
- 1.12 In accordance with the temporary suspension of the SPD: Planning Obligations, the applicants have undertaken to commence development within 12 months should planning permission be granted.
- 1.13 The application was subject of pre-application engagement with officers, Ward Members and the local community and is accompanied by a Design and Access Statement, Planning Statement and Tree Constraints Report.

## **2. Policies**

- 2.1 Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H13	-	Sustainable Residential Design
H16	-	Car Parking
T6	-	Walking
T11	-	Parking Provision
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
HBA4	-	Setting of Listed Buildings
HBA6	-	New Development Within Conservation Areas

## 2.2 National Planning Policy Framework 2012 (NPPF)

The NPPF has, at its heart, a presumption in favour of sustainable development. Guidance relevant to this proposal can be found in Chapter 7 – Requiring Good Design and Chapter 12 – Conserving and enhancing the historic environment.

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

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

## 3. Planning History

### 3.1 DCCE0009/1194/F: Erection of 4-bed dwelling with detached double garage: Approved 16 July 2009

DCCE2004/1539/F: Erection of 4-bed dwelling (renewal of SC99/0039PP): Approved 5 July 2004

SC99/0039PP: Erection of 4-bed dwelling: Approved 28 April 1999.

## 4. Consultation Summary

### Statutory Consultations

### 4.1 Welsh Water: No objection subject to the imposition of planning conditions preventing the connection of surface water and land drainage run-off to the mains sewer.

### Internal Consultations

### 4.2 Conservation Manager (Building Conservation): No Objection.

The application site is adjacent to 28 Southbank Road, a Grade II listed late C18 house, and is within the Bodenham Road conservation area. No. 28 pre-dates all other buildings in the area, which is characterised by late C19 high status villas on Bodenham Road itself, and late C20 infill housing development on the back land sites. The main heritage impact of the proposal is the relationship with No. 28, although the principle of development in this location has been established by previous permissions.

Clearly there is a contrast between their architectural idioms, but this is not necessarily a fatal conflict; the architectural character of the conservation area is typically eclectic, in the late Victorian manner, and the immediate environs of the site are dominated by fairly indifferent late C20 suburban housing.

Passivhaus technology imposes strict functional demands, and it is inevitable that these have influenced the design in areas such as massing, orientation, fenestration etc., over and above purely aesthetic considerations. Nevertheless, the scheme carries clear references to the interwar 'International Style' and it seems ironic that this is still perceived as challengingly 'modern' 80 years after its heyday.

It is imperative that sustainability should become the dominant consideration in building design in the future and it must be accepted that this will impact on the appearance of the built environment. Indeed the NPPF explicitly cautions against rejecting low energy buildings solely because of concerns 'about incompatibility with an existing townscape'. The present scheme certainly represents a contrast with its neighbours, but this is a consequence of its environmental strategy rather than a gratuitous challenge, and it is an accomplished design in its own right. It is considered that the character of the surrounding area and No28 in particular, is sufficiently robust to absorb some divergence, especially when this harm should be weighed against the public benefits [in terms of sustainability] of the proposal.' It has long been accepted that by the nature of their piecemeal development, most conservation areas have do not have a uniform character and that 'not all elements...will necessarily contribute to its significance', as the NPPF puts it. Bodenham Road conservation area for example was designated primarily for the sequence of C19 villas fronting the road, which was the earliest phase of development in the area, and for convenience the boundary follows their historic plot boundaries. Much of the C20 infill development to the south is thus technically outside the conservation area but since the artificial boundary is indistinguishable, that does not alter the impression that the area is of a very mixed character overall. It cannot therefore be said that a single building on a 'back land' site can have a profound influence on the character of the conservation area, and the oblique aerial photomontages rather reinforce this point: they make it clear that the site sits amongst a fairly heterogeneous collection of detached houses, where no one characteristic prevails.

4.3 Conservation Manager (Landscape): No objection

4.4 Traffic Manager: No objection

## **5. Representations**

5.1 Hereford City Council: No objection

5.2 Alcocks Chartered Surveyors have submitted a detailed objection to the proposal on behalf of residents living at the following properties:

5, 7 and 9 Southbank Close – Properties to the north-west of the application site.

26 Southbank Close – The detached property to the immediate west of the application site.

55 & 57 Chartwell Road – Properties to the immediate south of the application site.

In addition, separate correspondence has been received from residents at Nos. 5, 7, 12, 14 and 15 Southbank Close and Nos. 53, 55 and 57 Chartwell Road. The content of the objections is summarised as follows:-

- The proposed design is at odds with the local area and is without precedent locally;
- The design is driven by personal choice and not a desire to respond to, promote, reinforce or contribute to the local character and appearance of the site;

- The energy efficiency claims are outweighed by the harm caused to the setting of the listed building and the conservation area;
- Energy efficient designs are achievable via more conventional designs;
- The principle of development is accepted and there would be no objection to the construction of the dwellings permitted under the 2004 and 2009 planning permissions;
- Attempts to draw parallels with other modern developments are flawed because the site context is markedly different in each case. The Point (at the top of Aylestone Hill) is ½ mile away and bounded by large institutional buildings;
- Planning policies and national guidance are consistent in requiring that priority be given to the promotion and reinforcement of local distinctiveness, particularly within a conservation area and adjoining a listed building;
- There are no social and/or economic benefits arising from the proposal that warrant the harm caused;
- The large areas of glazing in the south elevation will result in overlooking of properties to the south and a lack of privacy for occupants within the building itself and will result in light-spill;
- The building is uncharacteristically tall and out of keeping. It will be visually dominant locally;
- The building is too close to No. 26 Southbank Close;
- Although the originally proposed roof terrace on the western block has been removed, the long-term enforcement of this cannot be guaranteed;
- The future loss of conifer trees in the hedgerow on the northern boundary will denude the existing screening and open up views across the gardens of properties to the north of the application site;
- The materials are stark and incongruous. Brick is dominant locally and would be more in keeping;
- There is concern that land drainage run-off will result in greater water-logging of properties at a lower level than the proposed dwelling.

5.3 One letter of support has been received from Mr & Mrs Craddock, Charades Guest House, 32 Southbank Road, Hereford. The letter notes the large amount of natural screening that already exists in the form of trees and hedgerows.

5.4 The architect has provided an explanation for the flat roof design. This is in response to concerns that question whether the Passivhaus standard could not be met via a more conventional design. The explanation accepts that more conventional pitched roof designs can achieve Passivhaus standards, but also that flat roofs are preferable in terms of reducing heat loss as they minimise the surface to floor area ratio. In addition, flat roofs are easier to insulate to desired levels and also assist in reducing the overall height of the building relative to the adjoining listed building.

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

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

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

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

## 6. Officer's Appraisal

6.1 The application proposes the erection of a 3-bedroom detached dwelling with integral garage and drive on a site that already has planning permission for the erection of a dwelling with detached garage. The site is within an established residential area with Hereford City. The principle of a single residential property on this site is established and the presence of the 2004 planning permission, which is capable of implementation, is a material consideration to which significant weight should be attached.

---

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

- 6.2 The principle of development being established, the key issues in the determination of the application are considered to be:
- An assessment of the impact of the development upon the setting of the adjoining listed building having regard to UDP policy HBA4, the Listed Building and Conservation Areas Act 1990 and NPPF guidance;
  - An assessment of the impact of the development upon the character or appearance of the Bodenham Road conservation area having regard to UDP policy HBA6, the Listed Building and Conservation Areas Act 1990 and NPPF guidance; and
  - An assessment of the impact of the development upon the levels of residential amenity currently enjoyed by occupiers of adjoining property having regard to UDP policies DR2 and H13.
- 6.3 Policy HBA4 of the UDP states that development proposals which would adversely affect the setting of a listed building will not be permitted. The impact of the proposal will be judged in terms of scale, massing, location, detailed design and the effects of its uses and operations. Paragraph 132 of the NPPF recognises that the significance of a heritage asset can be harmed by development within its setting. Any harm is required to demonstrate clear and convincing justification. As noted above, planning permission already exists for a dwelling on this site and the effects of the proposed development's use and operations would be much the same i.e. both the extant permission and the current proposal are for detached residential development.
- 6.4 Significant concern has, however, been raised by objectors in relation to the development's impact upon the listed building in terms of its position and detailed design. Objectors contend that the position within the plot will appear over-dominant in relation to the listed building and that the three-storey tower will be visually dominant in the wider context. The proximity of the building relative to the front corner of the listed building is also noted.
- 6.5 Against this, the NPPF cautions against the refusal of sustainable development because of concerns at incompatibility with the existing townscape. Paragraph 65 states:-
- Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).*
- 6.6 The appropriate test, therefore, is to consider whether the design of the proposal mitigates any concerns in relation to its appropriateness within the local context, with reference to the adjoining heritage assets concerned. If it is considered that the development would cause material harm to the setting of the asset, then it is necessary to weigh any economic, social and environmental benefits against that harm. Insofar as this applies to the setting of the listed building, it also applies to the conservation area, which will be considered below.
- 6.7 Officers recognise the concerns locally that the building is without precedent in the local area and a stark contrast with the adjoining listed building. NPPF guidance, however, suggests that such a contrast should not necessarily determine that the proposal is unacceptable. This approach is reinforced by CABE guidance which calls for good design within historic environments which can add to the quality of what exists, rather than "getting bogged down in questions of style."
- 6.8 Taking the policy guidance into account, and bearing in mind the NPPF represents the Government's more recent policy publication, officers consider that the out-of-hand rejection of



sustainable, modern building, on the basis that it would cause harm to the setting of the listed building cannot be sustained in this case. Whilst the principle of development on this site has been established, officers are not convinced that the erection of the 2004 dwelling would be more desirable than the current proposal in relation to the setting of the listed building. Officers conclude that in terms of the impact upon the setting of the listed building, the proposal would be no less desirable than the extant permission, whereas the sustainability credentials of the current scheme are also a material factor. Arguments that the detailed design should follow a more 'conventional' form are weakened by the lack of a strong local context and the consequent broad divergence of architectural styles and periods locally.

- 6.9 Concerns that the detailed design is inappropriate relative to the listed building are repeated in relation to the proposal's wider impact upon the character or appearance of the conservation area. In accordance with UDP policy HBA6, which enshrines the statutory requirement within the Listed Buildings and Conservation Areas Act 1990, the local planning authority must be satisfied that development proposals either preserve or enhance the character or appearance of the conservation area. Preservation is the equivalent of not causing harm. S.72 (1) of the Act states:

".....With respect to any buildings or other land in a conservation area ..... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

- 6.10 The Bodenham Road conservation area was defined principally for the high status Victorian villas fronting the road. The inclusion of No.28 Southbank Road and its garden is to a degree an anomaly, but recognises that No.28 is the earliest, surviving building locally. The application site is, however, atypical of the majority of the Victorian villas within the conservation area as it is a comparatively discrete back-land site without a prominent road frontage. No. 28 is itself perpendicular and some distance from Bodenham Road, with the application site beyond.
- 6.11 The application site is therefore peripheral to the conservation area and by no means as prominent within the townscape as the majority of properties on Bodenham road. Public views into the site are limited by its enclosure by surrounding development in Chartwell Road, Bodenham Road and Southbank Close and by mature hedgerow planting and trees along the northern boundary. The wider impact of the building is thus muted from public vantage points. As a consequence of these features, the Conservation Manager considers that the site and its surroundings are sufficiently 'robust' i.e. not so sensitive as to be unable to accommodate the proposed development.
- 6.12 The NPPF recognises that not all elements of a conservation area will necessarily contribute to its significance (para. 138). This is not to diminish or undermine the qualities of the immediate area, but to objectively measure the site's significance relative to the defining characteristics of the conservation area. The application site is bound on three sides by comparatively modern suburban housing that sits outside but adjacent the conservation area. Other than being late C20th housing, there are comparatively few unifying features. The 'Tudor revival' architecture in Southbank Close is markedly different to that in Chartwell Road. Within this heterogeneous mix, officers consider there is less justification for insisting on a 'conventional' build, the term 'conventional' being referred to by objectors, but not defined. On this basis officers consider there is no more justification for insisting on a 'mock' Georgian building as the most complimentary form of architecture adjacent the listed building, than there is for introducing a distinct and contrasting piece of C21st architecture.
- 6.13 Although officers accept that the design of the building is unconventional, it is considered no more harmful to the special characteristics that contribute to the character and appearance of the conservation area than the 2004 permission. The development does not rely on the irrecoverable loss of historic fabric or landscape features, and as noted above, the site is

comparatively discrete and well-screened from public vantage points. As such, and having regard to the fall-back position, officers consider that the proposal will not result in harm to the character or appearance of the Bodenham Road conservation area. The development is thus considered to accord with the statutory test to either preserve or enhance the character or appearance of the area, set out in UDP policy HBA6 and NPPF guidance.

- 6.14 The third main issue relates to the impact of the development upon local amenity. Objectors have recorded their lack of support for the design and appearance of the building. The fact that the building can be glimpsed from some adjoining property is not, however, a material consideration. Loss of privacy or amenity in a wider sense arising from development of adjoining land is, however, a material consideration. UDP policies DR2(4) and H13(11) require new development to demonstrate that the impact upon adjoining residential amenity has been considered. Development which would result in an undue loss of amenity should be resisted.
- 6.15 Concern has been expressed in relation to the scale of the building. Officers consider, however, that the scale is not inappropriate in the context. The central tower element is 8.2m tall. The parapet is lower than the ridge height of the 2009 scheme. The western block is substantially lower at 6m. In a local context defined by what are generally quite generous detached dwellings, the scale and massing of the building is not considered excessive or harmful to the character of the area.
- 6.16 Specific objections in relation to loss of privacy have been received from properties to the north, west and south of the application site. Those properties to the north in Southbank Close have quite extensive rear gardens. The distance from the north elevation of the proposed dwelling to the rear elevation of No.7 Southbank Close is 37m, slightly further to No.5. There is also quite significant intervening landscaping in the form of the hedgerow along the site's northern boundary and the hedgerows forming the southern boundary to the gardens in Southbank Close. Illustrative material submitted as part of the principal objection demonstrates how views towards the application site from these gardens are filtered by mature planting. Whilst it is recognised that some constituent parts of the hedgerow are deciduous, there are three small window openings in the north elevation of the central tower and four larger windows on the eastern block. There are none in the north elevation of the western block. Two of the windows in the central tower serve bathrooms and will be obscure glazed. Given the use of obscure glazing, separation distances and intervening landscaping, officers do not consider that the proposal has any undue adverse impact upon the living conditions of residents 5, 7 and 9 Southbank Close.
- 6.17 No. 26 Southbank Close has its own drive, which separates the gardens to No. 5, 7 and 9 from the north boundary of the application site. No. 26 is an earlier, mid C20th property. It is two-storey with a double garage attached at right-angles. The east-facing elevation i.e. that facing the application site, has only one first-floor obscure glazed window, serving a bathroom. The garden to No. 26 is found to the south-east and south-west of the dwelling. At the moment there is a clear line of sight between the application site and the garden area to the south-east of No. 26. This will require additional landscaping and will be subject to a condition.
- 6.18 The south facing elevation is 19m from the point at which the boundary intersects with the rear garden of 57 Chartwell Road. No. 57 is a semi-detached property within a very generous triangular plot. The distance from the south-elevation to the rear corner of No.57 is 35m and orientation is such that there would not be direct visibility between habitable rooms. The distance to the flank elevation of No.59 is 40m. It is concluded that the relationship with adjoining residential property is acceptable and in accordance with policies DR2(4) and H13(11).

## **Conclusion**

- 6.19 The scheme promotes a highly sustainable form of modern architecture. Whilst recognising the local concern in relation to the stark and contrasting design, officers are mindful of central government guidance that promotes innovative, high-quality sustainable design. Within designated areas, guidance and policies rightly urge caution, and the local planning authority is under a duty to ensure that development either preserves or enhances the character or appearance of the conservation area and does not harm the setting of the listed building. On both issues, officers consider the scheme acceptable. Given the site's discrete nature, the impact of the development is limited and localised and will not cause harm to the defining characteristics of the Bodenham Road conservation area. The impact of the building upon the adjoining listed building is considered acceptable. The scale is deferential and the juxtaposition of opposing architectural styles is more authentic than merely attempting to reproduce pastiche Georgian architecture. The impact upon adjoining residential property has been carefully assessed and is considered acceptable. Although the majority of the south elevation is glazed, the separation distance and orientation combine to mitigate excessive overlooking. Good separation distances and landscaping result in an acceptable relationship to properties in Southbank Close. Planning conditions will be imposed requiring certain windows to be and remain obscure glazed, prevent the future introduction of windows in the flank elevations and forbid the use of any element of the flat roof as a terrace. The application is recommended for approval.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. L01 Foul/surface water drainage**
- 5. L02 No surface water to connect to public system**
- 6. L03 No drainage run-off to public system**
- 7. H13 Access, turning area and parking**
- 8. H27 Parking for site operatives**
- 9. G09 Details of Boundary treatments**
- 10. G04 Protection of trees/hedgerows that are to be retained**
- 11. F14 Removal of permitted development rights**
- 12. F16 No new windows in specified elevation**
- 13. F17 Obscure glazing to windows**
- 14. I21 Scheme of surface water regulation**
- 15. I51 Details of slab levels**

- 16. I16 Restriction of hours during construction
- 17. The flat roofs of the building hereby approved shall not be used as a roof terrace

**Reasons for Approval**

- 1. The application has been considered against ‘saved’ Unitary Development Plan policies S1, S2, 27, DR1, DR2, DR3, DR4, H1, H13, H16, 76, T11, LA5, LA6, HBA4, and HBA6, guidance set out in the National Planning Policy Framework and the presence of a ‘fall-back’ position in the form of the 2004 planning permission.

The local planning authority concludes that the proposal would represent a sustainable residential development on a site that already has the benefit of planning permission for a single dwelling. The design and scale of the proposal would respect the presence and setting of the adjoining Grade II listed building and is considered to preserve the character and appearance of the Bodenham Road Conservation Area. In other respects the proposal would not adversely affect the residential amenity of neighbouring occupiers, would be provided with satisfactory on-site parking that would be served by an access road that is suitable for an additional property.

For these reasons the local planning authority considers the development to comply with the aforementioned Unitary Development Plan policies and guidance set out in the National Planning Policy Framework; paragraph 65 specifically.

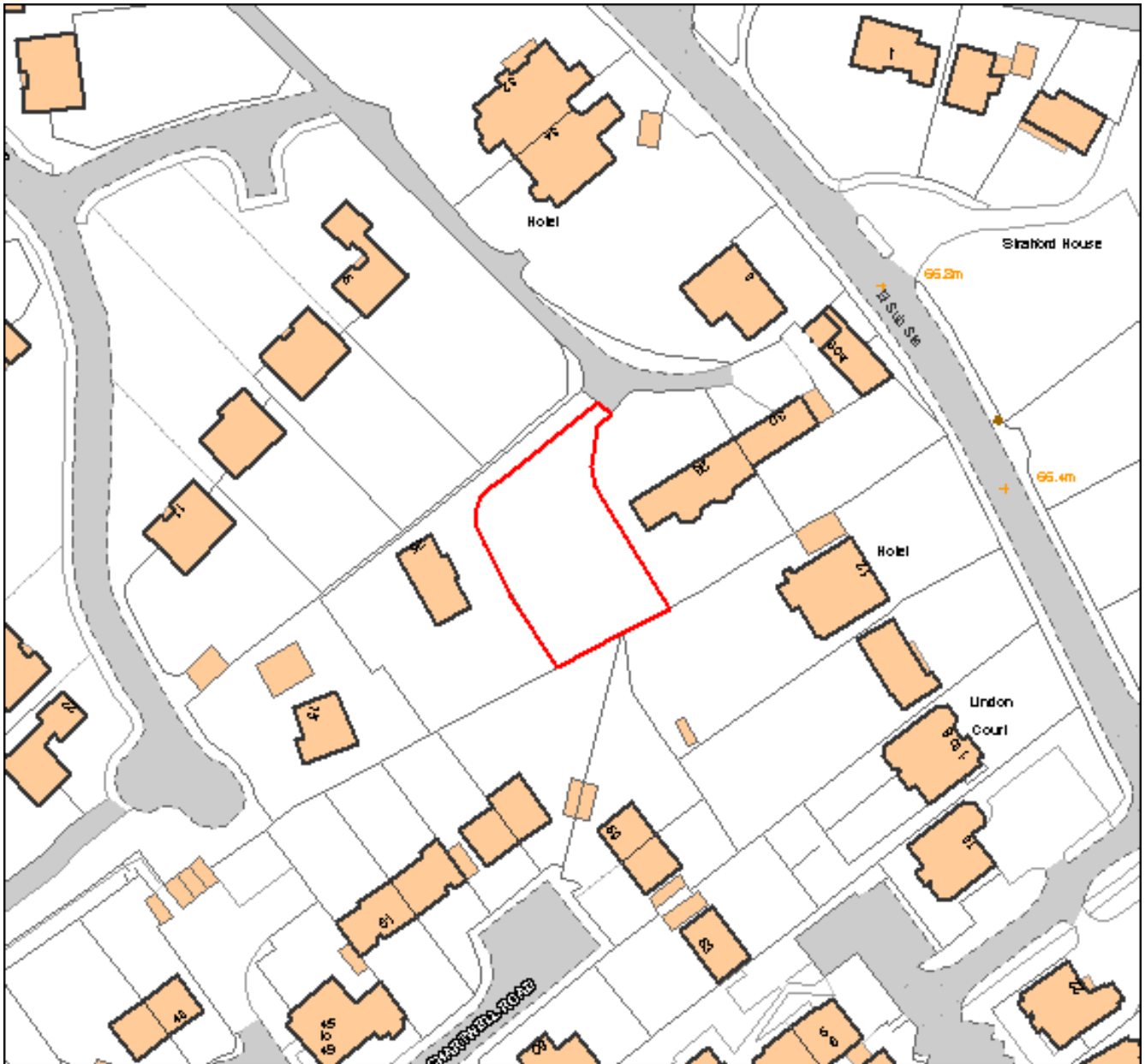
Decision: .....

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/121798/F

**SITE ADDRESS :** SITE ADJACENT TO 28 SOUTHBANK ROAD, HERFORD, HR1 2UF

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 Edward Thomas on 01432 260479





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S122252/F - CHANGE OF USE FROM PUBLIC HOUSE TO A NURSERY SCHOOL, CLASS D1; RECONFIGURATION OF EXISTING FLAT FROM 1-BEDROOM TO 2-BEDROOMS TOGETHER WITH ASSOCIATED CAR PARKING SPACES AT 1 HAMPTON PARK ROAD, HEREFORD, HR1 1TQ</b></p> <p><b>For: Mrs Marshall, Nursery School, Oak House, Ross Road, Brampton Abbots, Ross-On-Wye, Herefordshire HR9 7JD</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122252&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122252&amp;NoSearch=True</a>

**Date Received: 9 August 2012**

**Ward: Tupsley**

**Grid Ref: 352301,239277**

**Expiry Date: 31 October 2012**

Local Members: Councillors MD Lloyd-Hayes, JLV Kenyon and AJ Hempton-Smith

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

- 1.1 Planning permission is sought for the change of use of the recently closed Salmon Inn Public House into a day nursery for children of pre-school age. The building occupies a prominent position at the gateway to the Hampton Park conservation area. The building dates from the Victoria period. Accommodation is arranged over three floors with cellar and detached brick built outbuilding. Land to the rear rises quite sharply with the effect that there is direct access to the rear garden from first floor. It closed as a public house on 1st December 2011. It was purchased by the applicants following a seven week marketing exercise.
- 1.2 Vehicular access is via a gated entrance to the front of the building direct from the B4224. This leads to an existing parking area. It is proposed to formalise parking arrangements to create a total of 19 spaces shared by staff and parents/visitors. The junction with the main road would remain unaltered. Segregated pedestrian access is also intended via a separate opening to the east of the car park entrance. This would allow direct pedestrian access to the front door without crossing the parking area.
- 1.3 The existing cellar would be used for storage, with reception, office, baby room, toddler activity room and kitchen on ground floor. The first floor would be used for the kindergarten with the second floor reconfigured to provide 2 bedrooms for the live-in managers and occasional play room. Dining and kitchen accommodation on the first floor would be shared with staff during the opening hours, which are 07:30-18:00 Monday to Friday.
- 1.4 Externally the building would be modified by the introduction of 5 dormer windows in the rear attic space, to generate sufficient headroom, removal of the rear chimney and introduction of patio doors in the flank and rear elevations to enable access to the outdoor play space from individual rooms.

---

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

- 1.5 The application is accompanied by a Planning Statement and Transport Statement, the former incorporating an assessment of need for the nursery facility and an analysis of alternative local public house provision.

## 2. Policies

- 2.1 The National Planning Policy Framework (NPPF) (2012)

- 2.2 Herefordshire Unitary Development Plan (UDP) 'saved' policies:

S1	-	Sustainable development
S6	-	Transport
DR2	-	Land use and activity
DR3	-	Movement
T6	-	Walking
T7	-	Cycling
T11	-	Parking provision
HBA6	-	New development within conservation areas
CF5	-	New community facilities
CF6	-	Retention of existing facilities
NC1	-	Biodiversity & development
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat creation, restoration & enhancement

- 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.aspx>

## 3. Planning History

- 3.1 S120810K - Fell 1 sycamore tree that is undermining boundary wall: Tree works allowed to proceed: 25th April 2012
- 3.2 DCCE2000/2174/F - External fire escape: Approved 6th November 2000

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Welsh Water: No objection

### Internal Consultation Responses

- 4.2 Traffic Manager: The proposal for a nursery for up to 82 children has been supported by a Transport Statement to assess the likely traffic impact of the proposals. Whilst the application form states that 401 square metres of D1 use is proposed, Appendix 7 of the Transport Statement gives a breakdown which indicates that the floor space proposed as nursery is 293 square metres, with residential and storage making up the remainder of the 401 square metres total. As all assessments, including parking, are based on the 293 square metres figure, any consent granted should also reflect this as the ceiling figure for D1 use.

The parking provision is in accordance with our maximum standards for the quoted floor space of 293 square metres of D1 use and an acceptable layout has been produced. Adopted parking standards are based on floor space, not child numbers. No separate parking provision



has been made for the residential element, which should be conditioned and restricted as such. Whilst tandem parking spaces are unusual they are to be used exclusively by staff. On this basis the layout is considered acceptable.

The Transport Statement compares the likely traffic generation for the nursery to that of the lawful use as a public house. Whilst over a 24 hour period the overall traffic generation is similar, the pattern of arrival/departures is different, particularly in the morning peak hour. The Transport Statement, using the TRICS database as reference, indicates a likely traffic generation inbound of 29 vehicles based on the floor area of D1 use proposed. I have carried out a similar exercise within TRICS based on child numbers, and a similar but slightly lower figure is obtained for arrivals based upon the proposed number of child spaces. This is considered acceptable in capacity terms on the road network, and it is also likely that a proportion of this traffic is already using the road network in the area.

With a predicted 29 arrivals in the morning peak (0800-0900) spread over that hour, and with the parking provision shown, it is considered that the parking provision would suffice and also meets our maximum standards. However, as the vehicle arrival rate is based on information from the TRICS database, which covers sites in various locations around the country, and as each site is individual in terms of catchment, location, sustainability and local influences such as the intensity of use of the floor space and arrival times/patterns, these figures are only a guide.

Any overflow of parked vehicles onto Hampton Park Road would be likely to be detrimental in terms of impact on visibility for both drivers exiting the entrance itself or the junction with Old Eign Hill, which without parked vehicles is excellent and in excess of required standards. There are currently no restrictions to prevent on-street parking. It is also noted that currently the junctions operate satisfactorily with only one recorded personal injury accident in the last three years in the section 100m either side of the access to the site.

The proximity of the site entrance to Old Eign Hill junction carries a risk of possible confusion to drivers waiting to exit Old Eign Hill if eastbound drivers indicate too early, but that is no different to the current situation with the pub entrance, just a different pattern of usage.

To establish how this individual location works in terms of travel patterns, spread of arrivals and parking usage by staff and parents, I would suggest consideration of a lower threshold on numbers at around the 60 mark to enable operation of the site to be assessed over a period of perhaps a year with a less intensive use of the parking, rather than approval of the full 82 places at the outset.

I would also recommend the provision of car parking and cycle parking as shown prior to first opening and submission of a Travel Plan.

- 4.3 Early Years Lead Consultant: No objection. A nursery at this location would support the necessary growth in childcare places resulting from increased government funding for disadvantaged 2 year olds. Most of these children are not currently in childcare, leading to likely displacement of 3 and 4 year olds and a supply issue for the local authority. The nursery would also act as compensation for the loss of the ABC nursery at 45 Eign Road, which has recently closed.
- 4.4 Conservation Manager (Historic Buildings): No objection. The former Salmon Inn is a fine building occupying a prominent gateway site and makes a positive contribution to the Hampton Park conservation area. The proposed changes are generally minor and do not materially affect the building's character, although the conversion of the attic for relatively little usable space is questionable, particularly as it relies upon the introduction of five dormer windows.

4.5 Conservation Manager (Ecology): No evidence of bats or bat roosts in the attic area that is proposed for conversion was found. The proposals include the installation of dormer windows; the roof slates appear to be well-fitting in these areas, limiting any opportunities for bat roosting. The ridge tiles do have some gaps where bats could roost and I would be concerned if any disturbance was proposed to these features. If this application is to be approved, it would be appropriate to secure implementation of a working method statement as well as a habitat enhancement scheme with inclusion of new features for bat roosting post-development.

## 5. Representations

5.1 Hereford City Council: Objection. Concern that evidence has not been produced to justify the loss of the public house and that the parking area would prove insufficient and result in disruption to the flow of traffic on the highway.

5.2 Hereford Civic Society: Objection. Public Houses can contribute to local communities beyond the provision of alcohol, whilst the proposal will impact upon the road network at peak drop-off and pick-up times.

5.3 Fourways Day Nursery, 26 Vicarage Road, Hereford: Objection. The opening of a new nursery will impact upon the ability of existing local providers to fill the spaces required to remain operational. Concern is also expressed in relation to additional congestion on busy routes into town.

5.4 ABC Nursery, 26 Eign Road, Hereford: Objection. Concern is expressed in relation to the impact upon existing childcare providers, some of which have received public funding, traffic congestion and the loss of the public house.

5.5 Seventeen letters of objection have been received. The content is summarised as follows:

- The loss of the public house should not be permitted until it can be demonstrated that genuine attempts have been undertaken to market the property as such;
- The marketing period was insufficient and the asking price higher than the true value as a licensed premises. In this way pub companies thwart potential independent operators or locally based breweries who have shown that free of pub company influence, pubs can become profitable;
- The benefits derived from the proposed nursery would not outweigh the negative consequences of losing the pub;
- The parking provision is inadequate and likely to lead to parents parking on the public highway, thus risking congestion and obstructing visibility at busy junctions during peak periods;
- The pub serves a large catchment spreading along Hampton Park Road to Hampton Dene, north to Tupsley and west into St. James and central ward. There are no other pubs with equivalent facilities within easy walking distance;
- The nearest pubs are 'town pubs' with a different, typically younger clientele;
- The application undermines the provisions of the Localism Act. If offered on the open market it is likely that the pub would be bought independently or by consortium and run as such;
- There are already sufficient nurseries in the local area. Unnecessary further provision could compromise existing providers.

5.6 Fifteen letters of support have been received. The content is summarised as follows:

- There is an existing unmet demand for an outstanding nursery in the eastern part of Hereford city;

- The applicant has a proven, long established track record, and a facility reaching the same standard as their existing nursery near Ross would be an asset to the community;
- The proposal will create much needed employment, especially for younger people;
- The proposal represents a sensitive re-use of the existing building;
- The nursery will increase the choice for parents locally and support some in their ability to return to work;
- A nursery in this location would reduce travelling by local residents who take their children further away because of a lack of good quality local provision;
- There are alternative pubs locally. The Salmon was in a long period of decline prior to closing;
- Traffic movements are staggered during the drop-off and pick-up periods and would not lead to the congestion that is being suggested.

5.7 A further eight letters of support and one of objection are contained within the appendices to the Planning Statement. The content is covered in the summaries provided above at 5.5 and 5.6.

5.8 The application also contains the results of a survey of households within a 600m radius of the application site undertaken by the applicants. The sample included 726 households. Of the 384 respondents 86.2% were prepared to sign a statement confirming no objection to the loss of the public house and support for the application. 10 respondents (2.6%) were explicit in their wish that the Salmon remain as a public house. Of the 342 households where no response was received, 327 were not in at the time of the visit, 9 were unoccupied and 6 had no adult present.

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

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

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

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

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

6.1 The application proposes the change of use of the now closed public house to a nursery for children of pre-school age. The application raises issues around the loss of a community facility in the form of a public house. What is slightly unusual is that the application seeks to replace the pub not with residential development, but with a nursery – a use defined as a community facility in the Unitary Development Plan. As such, the proposal substitutes one community facility for another, albeit the two uses serve very different purposes.

6.2 The key issues in the determination of this application are as follows:

- An assessment of the loss of the public house facility with regard to advice contained within the NPPF and UDP.
- An assessment of the impact upon the local highway network and adequacy of on-site parking provision.

6.3 The NPPF calls for the prompt determination of applications that promote sustainable forms of development. Paragraph 17 identifies the twelve core planning principles, which include a requirement to deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 21 states that investment in business should not be over-burdened by the combined requirements of planning policy expectations. Paragraph 70 states that in order to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- Plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments; &
- Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Paragraph 72 reaffirms the importance that government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

- 6.4 UDP Policy CF5 supports the provision of new community facilities. The definition of community facility includes day nurseries for children. New facilities should be appropriate in scale to the needs of the community and reflect the character of the location. They should not impact upon the amenity of neighbouring residents and incorporate safe and convenient pedestrian access, appropriate car and cycle parking and operational space.
- 6.5 UDP Policy CF6 promotes the retention of existing facilities, with the loss of facilities which contribute to the needs of the community not permitted unless alternative provision of at least community benefit is provided in a convenient and accessible location; or the facilities can be best enhanced or complemented through the development of a small part of the site; or there is continuing evidence that the facility is no longer required and that it could not accommodate an alternative community facility for which there is a need. It is thus the final criterion to CF6 that provides the context for this application. Whereas the application material contends that there is alternative, conveniently accessible public house provision that can meet the community need, objectors consider this to be untrue by reference to the characteristics of alternative pubs and walking distances involved. In addition to this, Policy CF6 refers to the requirement to consider whether there is an alternative community facility that might be accommodated for which there is a need. Whilst the application proposal is indisputably a community facility under adopted policy, the issue of need is contested.

#### Marketing of the premises as a public house

- 6.6 The public house was marketed from the week following closure and sold following bid by informal tender seven weeks later. 24 parties viewed the premises, of which at least 15 were known to be intent on continuing with the pub business. Only one potential publican proceeded to bid, but could not proceed promptly. On this basis officers can understand the concerns expressed by the City Council and local residents alike as regards the length and intent of the marketing exercise. In a context where a non-community facility e.g. residential use, was now proposed, officers would agree that the marketing period was insufficient in order to establish the true extent of demand from prospective landlords. In this case, however, the application proposes the substitution of one community facility for another and whilst 15 letters of objection have been received, the response to the potential loss of the pub has not hitherto been overwhelming. As such, whilst the scope and nature of the marketing exercise is a material consideration, it is not necessarily the determining factor.

#### Alternative public house provision

- 6.7 The application identifies four public houses within a 1km radius of the application site. There are 37 pubs within a one mile radius (the increase being attributable to the fact that the 1 mile radius takes in some of the city centre pubs). These are The Brewers Arms', The Volunteer, The Victory and The Rose and Crown. Although officers recognise that for the closest neighbours these alternative venues are not as convenient, and have different qualitative characteristics, they are within a reasonable distance of the application site and represent comparable alternatives. On this basis officers do not consider that the loss of the public house would be prejudicial to the ability of the community to meet its day to day needs and would not undermine the objectives of the NPPF as expressed at paragraph 70. As such, although officers do not consider the marketing of the public house to have been conducted

over a sufficiently long period to prove there is no continuing requirement for the facility, this is tempered both by the fact that a new community facility is proposed and that four public houses continue to exist within a 1km radius. On this basis officers conclude that the application has demonstrated alternative provision and an alternative community facility. As such, whilst the proposal does not accord with a strict interpretation of Policy CF6 (1) or (3), officers conclude that alternative provision exists and also attach weight to the fact that the proposal promotes a substitute community facility.

#### The need for a further nursery

- 6.8 Whilst it is not normally a requirement for an applicant to demonstrate the need for development, the policy context in this case demands it. The loss of an existing community facility may be sanctioned where it can be proved that there is no longer a need for it and the facility can accommodate an alternative facility for which there is a need. The issue of need has been addressed by the Council's Early Years Lead Consultant at paragraph 4.3. This, in common with a comparatively recent appeal decision on the issue, identifies an unmet need for pre-school places within Hereford City. The need derives from increased funding for 2 year olds who are not already in settings. The recent closure of the ABC premises at No.45 Eign Road is also noted. There are also three large primary schools within the local area, and it is envisaged that the proposed nursery would act as a 'feeder' for these schools. In this respect support for the application has been received from the head teacher of Hampton Dene Primary School.
- 6.9 Although officers understand the concerns expressed by existing local nurseries in relation to capacity and competition, the Council's own evidence does not bear this out. As such, officers do not consider that an objection based upon a lack of demand or prejudicing of existing childcare providers can be sustained.
- 6.10 Concerns have been raised in relation to the adequacy of the parking and turning arrangements, in the context that insufficient space is likely to lead to indiscriminate parking on the public highway. At present there are no parking restrictions in the vicinity on Hampton Park Road, Old Eign Hill or Lichfield Avenue. The Traffic Manager has confirmed that the parking numbers are sufficient if related to the gross floor area of the nursery, the layout is acceptable and visibility at the junction is in excess of standard requirements. This notwithstanding concern remains that the potential maximum number of children (82) could lead to disruption on the highway network if peak drop-off and collection times are not staggered. On this basis it is suggested that for an interim period the maximum number of children catered for might be restricted to 60. This would give an opportunity to review the situation during that 12-month period and ascertain whether additional numbers would be acceptable.
- 6.11 The immediate take up of places is unlikely to reach 82 within the first year. The applicants have confirmed that for the first two to three years the need to retain capacity in the pre-school age-group, to service future demand, will mean that the kindergarten will not be full from the outset. This notwithstanding, until such time as the pattern of vehicular and pedestrian movements to and from the site can be measured, it is considered appropriate to impose a maximum limit on the number of children attending in line with the Traffic Managers comments i.e. 60 children. In the future, if the applicants were able to prove effective management of drop-off and collection times, they would be able to apply to vary the restrictive condition.

#### Other matters

- 6.12 Officers are also conscious of the employment generation associated with the proposed use. Whereas the public house supported four full-time equivalent posts at the time of closure, the nursery would employ 16 full-time equivalents.

- 6.13 The ecologist has inspected the interior and exterior of the attic space in order to ascertain the likely presence of bats. No evidence was found to suggest occupation by bats during the season. It is recommended, nonetheless, that prior to commencement of re-roofing, a working method statement is produced to demonstrate that the work will be undertaken in a manner that is not prejudicial to the presence of, or future occupation by bats.
- 6.14 Policy CF5 requires that new community facilities should not affect the residential amenity of adjoining residents. Although officers recognise that external play can generate noise, the use in and of itself is not inherently noisy in the same way as industrial processes can be. In this case the nearest neighbours to the development (No.5 Hampton Park Road) have written in support of the application and consider the nearby presence of a nursery, which is closed in the evenings and at weekends, preferable to a public house. Officers do not consider that an objection based on a subjective assessment of potential noise nuisance can be sustained. The use is considered to comply with Policy CF5 and DR2 (4).

#### Conclusion

- 6.15 The proposal would result in the loss of a public house. Although the proposal does not meet the strictest interpretation of Policy CF6, it does result in the provision of an alternative community facility for which there is a need. Officers are also of the opinion that the loss of the pub would not prejudice the ability of the community to meet its day to day needs i.e. there are alternatives within a reasonable distance of the application site.
- 6.16 Officers are also mindful of the fall-back position, which would permit a change of uses falling within Use Classes A1, A2 and A3 (shops, certain types of offices and restaurant/café) without the requirement for planning permission. Given the prominent location, available on-site parking and links to public transport, officers consider the fall-back position to represent a material consideration.

#### RECOMMENDATION

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

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **The maximum number of children to be looked after at the nursery hereby approved shall not, in accordance with an OFSTED registration, exceed 60.**

**Reason: In the interests of highway safety so as to comply with Policies S6, T11 and DR3 of the Unitary Development Plan.**

4. **G09 Details of Boundary treatments**
5. **H13 Access, turning area and parking**
6. **H29 Secure covered cycle parking provision**
7. **H30 Travel plans**
8. **Prior to the commencement of development, a full working method statement and habitat scheme for bats should be submitted to and approved in writing by the local planning authority, and the work shall be implemented as approved.**

**Reason: In order to ensure the protection of European Protected Species in**

accordance with Unitary Development Plan policies NC1, NC7, NC8 and NC9, the NERC Act 2006 and the Habitats Directive.

**Reason for Approval**

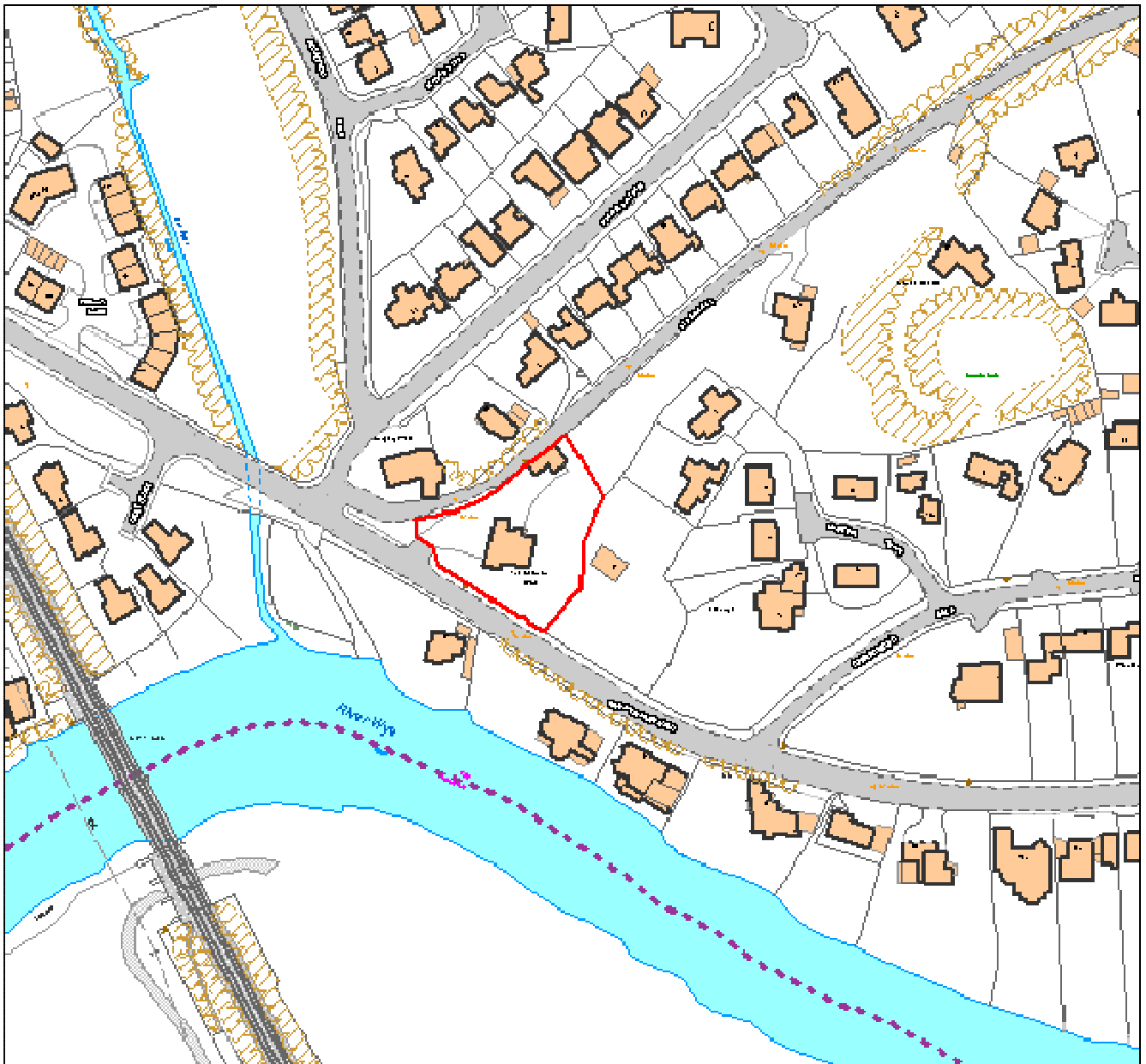
1. The application has been considered with regard to Unitary Development Plan policies S1, S6, DR2, DR3, T6, T7, T11, HBA6, NC1, NC7 and NC8 and guidance set down in the National Planning Policy Framework 2012. The loss of the public house is not considered to prejudice the ability of the local community to meet its day to day needs and weight has been attributed to the proposed introduction of a community facility for which there is an identified need. The local planning authority is also conscious of the employment opportunities that will be created. With an initial limit of 60 children, the proposed parking layout is considered acceptable in accordance with Policies DR3 and T11. The proposed use would not significantly effect existing levels of residential amenity by comparison to the historic use as a public house in accordance with Policy DR2.

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/122252/F

**SITE ADDRESS :** 1 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TQ

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 Edward Thomas on 01432 260479





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<b>S121401/F - PROPOSED CONSTRUCTION OF DETACHED DORMER BUNGALOW AT SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL</b>  <b>For: Mr &amp; Mrs Mifflin per Mr Roy Pipe, 35 Browning Road, Ledbury, Herefordshire, HR8 2GA</b>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121401&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121401&amp;NoSearch=True</a>

**Date Received: 10 May 2012**    **Ward: Burghill, Holmer and Lyde**    **Grid Ref: 350586,242253**

**Expiry Date: 25 July 2012**

Local Member: Councillor SJ Robertson

The application was deferred by the Planning Committee for a site visit. This was undertaken on the 27 November 2012.

The report has been updated to include comments received by the applicant prior to the last committee.

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

- 1.1 The application site comprises part of a residential garden belonging to a detached bungalow, sited to the east of a residential cul-de-sac that is part of Belle Bank Avenue. The site lies within the urban settlement boundary of Hereford and within the parish of Holmer.
- 1.2 The proposal is for the construction of one detached bungalow. This would be sited to the east of the existing dwelling between it and the A49. The proposed bungalow would be sited 4m further forward than the existing dwelling and would have a linear form, with a footprint of 7m by 12m. The eaves height would be 2.5m, and ridge height of 5.5m. The proposal includes a dormer window in a central position in the east elevation overlooking the A49, and two rooflight windows in the west elevation overlooking the existing dwelling. windows would also be inserted in each of the gable ends. The window to the south elevation would be obscure glazed and top hung. The plans that are being considered are in an amended form to address concerns raised about the original submission.
- 1.3 The ground floor would comprise a bedroom, lounge, kitchen diner and bathroom, with hallway and stairs to two further bedrooms and a shower room.
- 1.4 Access to the site would be shared. The existing gates posts would be removed, widening the access width to the width of the carriageway (4.2m). Externally the existing garage would be removed and garden subdivided. Parking would be provided for the existing bungalow, with a minimum of three spaces and a turning area being provided. Likewise parking and turning would also be provided for three vehicles. The existing hedge along the boundaries of the site to the east and north would be retained, and there is a new close board fence in situ (replacing

---

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

a leylandii hedge) to the south. A bike storage shed is also proposed to the north east corner of the site.

## **2. Policies**

### **2.1 National Planning Policy Framework (NPPF):**

The following sections are of particular relevance:

- Introduction - Achieving sustainable development
- Section 6 - Delivering a wide choice of high quality homes
- Section 7 - Requiring Good Design

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

- S1 - Sustainable Development
- S3 - Housing
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- H1 - Hereford and Market towns: Settlements Boundaries and Established Residential Areas
- H13 - Sustainable Residential Design

### **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.aspx>

## **3. Planning History**

### **3.1 None.**

## **4. Consultation Summary**

Statutory Consultees

### **4.1 Welsh Water recommend conditions.**

Internal Council Advice

### **4.2 The Traffic Manager confirms that the revised parking and turning areas for Salou and the new property are acceptable.**

## **5. Representations**

- ### **5.1 Holmer and Shelwick Parish Councils objects to the above proposal for the following reasons:**
- a) the access road, parking and turning area are insufficient for additional traffic
  - b) dormer style overbearing the existing dwelling
  - c) bedroom window on the proposed new dwelling will directly overlook an existing property
  - d) there is a danger of setting a precedent for other properties to apply for developing gardens in a residential cul-de-sac.

In response to the *revised plans* Holmer and Shelwick Parish Councils make the following comments:

---

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

Would like to maintain their objection to the proposal. The access road remains an issue and although they are proposing altering the parking turning area, they will be unable to widen the access much more due to the surrounding properties and footpaths. The PC feel that any development will have a detrimental effect on the unique character of Belle Bank Avenue and will set the precedent of other to follow suit and build in gardens.

5.2 Letters of objection have been received from:

Simon Bythell, Highcroft, Belle Bank Avenue  
Michael Hayward (on behalf of occupier) Tehidy, Belle Bank Avenue  
Betty Hayward, Tehidy, Belle Bank Avenue  
Gordon Neale, Pantiles, Belle Bank Avenue  
Sue Hall-Neale, Pantiles, Belle Bank Avenue  
Ceri Lloyd, 3 Belle Bank Avenue  
Ian Pontin 9 Belle Bank Avenue  
Mrs S Powell, 36 Wordsworth Road, Whitecross  
William Hall, Stockingfield, Dilwyn

These letters can be summarised as follows:

- Approval would set a precedent for other development within gardens
- Would alter and be detrimental to the character of the area
- Refer to appeal decision at Levante / Belle Bank Avenue
- Loss of privacy / overlooking to Pantiles from Gable end window
- Intrusive and overbearing on the existing bungalow
- The existing house could be extended without harm to the area
- Concern / objection over additional traffic movements and potential for indiscriminate parking on Belle Bank Avenue
- Already difficulty with traffic on Belle Bank Avenue due to the shop
- Difficulty in making access wide enough
- The proposal is garden grabbing

5.3 A letter was received from the applicant prior to the committee meeting on the 7<sup>th</sup> November and the following was included in the committee updates:

*Firstly, I have read your report to support your recommendation of the application for approval and I completely agree with your appraisal and conditions stated.*

*With regard to the objections received. I believe that they consist of a few concerns fairly raised, and then reiterated by a handful of local residents a number of times in the hope that a larger apparent volume of objections will have a more negative effect on the outcome of the application.*

*The points which were initially raised I believe were satisfactorily addressed with the revised and resubmitted plans, the first point being the lack of parking , extra volume of traffic and inadequate access through the proposed development entrance.*

*With reference to volume of traffic and given its proximity to Salou, I find it difficult to absorb the constant references to excess traffic from Bellebank stores to be in any way connected to this application. I believe that the amount of traffic generated by the proposed dwelling would be of virtually no impact after its completion.*

*The present access is approximately 2.3 metres in width, it appears that one objector has taken the time to measure the maximum that the entrance can be widened by taking care not to obstruct the pathway and this is 1.57 metres, this additional space would allow 3.8 metres in*

*total width, a modern standard fire engine is 2.5 metres wide so obviously access would be no problem for a standard vehicle and as the revised plans show there will be adequate parking for at least two vehicles at each property together with the ability to access and egress in a forward direction. This facility also serves to address the concerns over parking in the cul-de-sac as I believe that Salou is possibly unique in that it can contain its own and its visitors parking requirements within its own grounds, this in fact has been more necessary of latter years as a number of public parking spaces have recently been lost to lowered kerbs.*

*The objection over the impact of this dwelling on the present Bellebank development I believe would be negligible as it would be virtually out of view to all but the A49 traffic and the residents of Pantiles to the south. The revised plans have allowed for obscured glass to be placed in the only south facing window to ensure the continued privacy of Pantiles garden, the same however cannot be enjoyed by Salou and the proposed dwelling as Pantiles has a northerly facing first floor window enjoying views into the garden of Salou, this has been the case for many years and causes no irritation to anyone.*

*Another point raised is that the existing bungalow could be extended to allow for carer accommodation. This is not a route which would be sufficient for our requirements as we had hoped to occupy the new dwelling as a family ,(hence the request for a three bedroom property) thus having limited effect on the day to day lives of our children and relative ease in which we could care for both generations, an extension for carer accommodation would not be suitable for our needs, however were this to be the case I would very much doubt that there would be less traffic issues as one objection stated that no.4 Bellebank Avenue has "round the clock carers which create an additional three cars parked on the narrow road".*

*As far as the objection of "opening the floodgates for further development" is concerned I would hope that any application would be considered in its own merit, and would be successful if it met all the requirements in the same way as a development in any other area.*

*The remaining objection of financial gain is surely irrelevant as if the development is approved it will be done so because it is within permitted development criteria and whether or not any individual should benefit from a gain is of no interest to others.*

*Finally, I note that there have been objections from as far afield as Wordsworth Road and Dilwyn, unless these persons find it difficult to park when visiting the aforementioned shop I would have to doubt the credibility of their intentions.*

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

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

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

- 6.1 Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within primarily residential areas where compatible with housing design and other policies of the Herefordshire Unitary Development Plan.
- 6.2 The application falls to be considered having regard to three main issues; firstly the design of proposed dwelling and the impact of the proposal on the character of the area; secondly the impact upon highway safety; and thirdly the impact upon the amenities and living conditions of local residents.

- 6.3 The application site comprises a detached bungalow, set in a quite substantial garden. The site boundary to the east is a substantial and mature hedgerow with the A49 to the east. The dwelling is one of a number of similar bungalows set around a cul-de-sac, albeit these are not set within such spacious gardens as much of the remainder of Belle Bank Avenue. The cul-de-sac element of Belle Bank Avenue has a different character. The dwelling to the south (Pantiles) being a two storey dwelling, with dormer windows.
- 6.4 The subdivision of this plot, and introduction of a new dwelling in this location has been carefully considered, especially having regard to the dismissed appeal for a new dwelling nearby. This application must be considered on its own merits, having particular regard to the character of this area, and the site characteristics. Whilst it is acknowledged that Belle Bank Avenue does have a special character, the introduction of a dwelling, that would be of a similar scale, size and design to the bungalows in the area, would not result in a form of development that would appear cramped or uncharacteristic. This cul-de-sac element of Belle Bank Avenue, has different characteristics, with dwellings being closer together, plot sizes and gardens being smaller, and distances between dwellings being less formal and rhythmic. There is sufficient space within the site to provide amenity space and parking / turning to both dwellings without being cramped or out of character with other dwellings in this locality. Local residents raise concern about distance between the existing and proposed dwellings. This would be 3.8m, which is similar to the distances between Tehidy and High Croft (2.5m) to the west and Edale and Pantiles (2m) to the south.
- 6.5 The proposed bungalow, does introduce a dormer window to the east elevation that would front the A49. This has been designed as a flat roofed dormer, similar to that in Pantiles. The height of the proposed dwelling is 500mm taller than the existing bungalow. To accommodate this change in height, the dwelling would be set at a level 300mm lower than Salou, utilising the existing change in levels within the garden. Whilst this will be perceptible, the character of the dwellings is not so rigid that this would be uncharacteristic or detrimental to the area. As roofing materials will be important, the details / samples of materials would be required by condition. Having regard to the design and siting of the proposed dwelling, the development would comply with the design requirements of policies DR1 and H13 of the Unitary Development Plan and would represent a form of development that not be detrimental to the character of the area in accordance with these policies.

#### *Highway safety*

- 6.6 One of the key issues raised in letters of representations is the potential impact on highway safety. These letters outline issues that exist in relation to indiscriminate parking. This application has been amended to demonstrate that parking for at least three vehicles can be provided, off road, and within the curtilage of the dwellings. The additional traffic generated by this one three bed dwelling, can be accommodated on this residential highway network without detriment to highway safety. An inspector reiterated this point in the appeal decision at 'Levante' stating '*I am less concerned about safety because I do not think a compelling argument has been mounted that the potential increase in traffic from one additional house would materially increase the likelihood of accidents*'. The highways officer raises no objection to the proposed development, and subject to a condition in respect of the provision of the parking areas detailed the proposal would comply with the requirements of policy DR3 of the Herefordshire Unitary Development Plan.

#### *Impact on amenities and living conditions of local residents*

- 6.7 Local residents raise concern about the impact of the proposed development on their living conditions. The plans have been amended to detail the first floor gable windows as being obscure glazed and top hung. This window would be approximately 4m (to centre) above ground level, and 15m from the boundary, that is a 2m close board fence. Its inclusion in the scheme would not adversely impact upon the living conditions enjoyed by the occupants of

Pantiles. A condition requiring this window to be obscure glazed is recommended. The dormer window would serve a bathroom, and likewise would be obscure glazed.

- 6.8 Concerns are also raised about the relationship between the existing and proposed bungalows. The distance between these would be 3.5m, with the proposed bungalow being staggered in its position to ensure a satisfactory relationship. Principle windows are south facing. To ensure that these relationships are protected in the future, permitted development rights are proposed to be removed by condition. As such the proposed development would not adversely impact upon the amenities and living conditions of local residents in accordance with the requirements of policies H13 and DR2 of the Herefordshire Unitary Development Plan.

#### *Section 106 agreement*

- 6.9 The development would have been subject to a planning obligation as per the Council's Supplementary Planning Document on Planning Obligations. However, in response to the current economic climate, the Council has introduced a temporary suspension of the payment of planning obligations provided that the development is commenced within 12 months. This decision was ratified by Cabinet on 4 March 2009. The applicant has requested a 12 months commencement date to be attached to any approval notice as part of the planning application.
- 6.10 As such the proposed development is by virtue of its siting, scale and design would represent a form of development that would respect the character of the locality and the amenities enjoyed by local residents, and that, with the suggested conditions would ensure that this accords with the requirements of policies H1, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan. The proposal for one dwelling, and inclusion of parking and turning for both the existing and proposed dwellings, would also comply with the requirements of policy DR3 of the UDP in respect of highway safety. As such, the proposed development is recommended for approval subject to the appropriate conditions.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F14 Removal of permitted development rights**
- 5. F17 Obscure glazing to windows**
- 6. G11 Landscaping scheme - implementation**
- 7. L01 Foul/surface water drainage**
- 8. L02 No surface water to connect to public system**
- 9. L03 No drainage run-off to public system**
- 10. H13 Access, turning area and parking**

### **Reason for Approval**

- 1. The proposed development, by virtue of its siting, scale and design would represent**

---

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

a form of development that would respect the character of the locality and the amenities enjoyed by local residents, and that, with the appropriate conditions would ensure that this accords with the requirements of Policies H1, DR1, DR2 and H13 of the Herefordshire Unitary Development Plan. The proposal for one dwelling, and inclusion of parking and turning for both the existing and proposed dwellings, would also comply with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan in respect of highway safety.

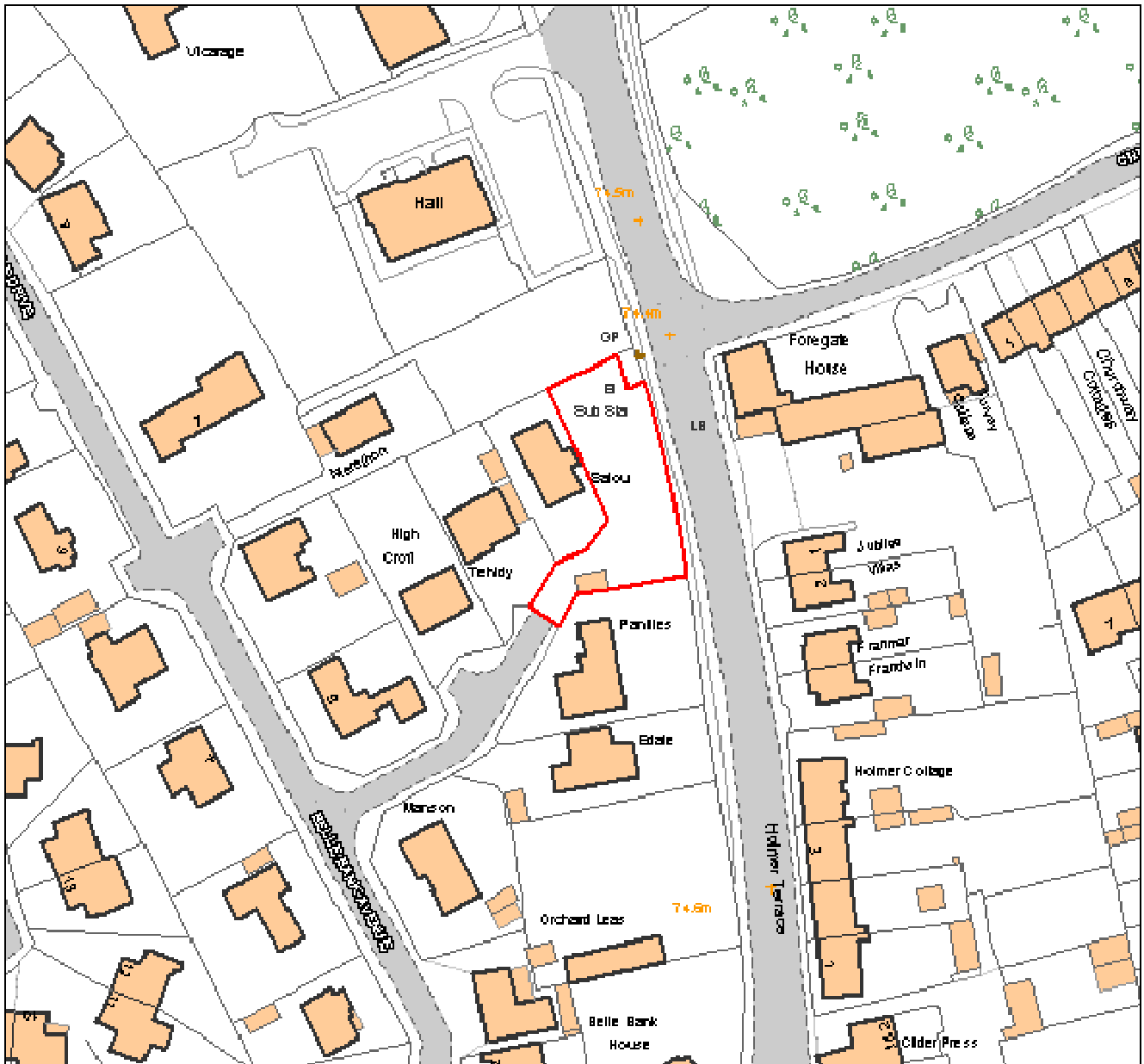
Decision: .....

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/121401/F

**SITE ADDRESS :** SALOU, BELLE BANK AVENUE, HEREFORD, HR4 9RL

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 Ms Kelly Gibbons on 01432 261781





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S121554/F - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 34 HOUSES AND GARAGES TOGETHER WITH ROADS, SEWERS AND ASSOCIATED EXTERNAL WORKS AT FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD,</b></p> <p><b>For: Ms Rout per Mr Paul Harris, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121554&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121554&amp;NoSearch=True</a>

**Date Received: 28 May 2012**

**Ward: Burghill, Holmer and Lyde**

**Grid Ref: 351082,242346**

**Expiry Date: 26 September 2012**

Local Members: Councillor Cllr SJ Robertson

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

- 1.1 The application site lies to the north of Attwood Lane, Holmer between Holmer Nursing Home and Attwood Court and within the urban settlement boundary of Hereford as defined in the Herefordshire Unitary Development Plan.
- 1.2 This 0.98 hectare site comprises previously developed land with the last uses comprising a gravel distribution company, a car storage use and a scaffolding firm. It is partially designated as Employment Land and partially within an identified established residential area. The boundaries to the north and east of the site abut agricultural land with Holmer Nursing Home to the south together with Wentworth Park housing estate. Attwood Court abuts the eastern boundary.
- 1.3 Planning permission is sought to for the demolition and removal of the remaining commercial buildings and construction 34 dwellings, 12 of which will be affordable together with a small on-site play area. The proposal also includes changes to the highway layout at the access to the site from Attwood Lane.
- 1.4 The 12 affordable dwellings will be located in two clusters, with 6 units being sited to the south east corner in two terraces comprising 3 x 3 bed units 3 x 2 bed units and 6 units (with the same mix) being sited to the south west of the site.
- 1.5 The proposed open market dwellings would provide 2 x 3 bed dwellings with the remainder being 4 bed units. The open market units are a range of house types, each with garages and private amenity space.

---

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

- 1.6 The layout which comprises a mix of dwellings from detached, semi-detached and terraced properties, provides for frontage development onto Attwood Lane with the main access into the site being adjacent Holmer Court Nursing Home. A T-junction would be created at this point with traffic having to stop on Attwood Lane before either entering the housing site or continuing south to Roman Road.
- 1.7 The application has been accompanied by a detailed landscape scheme, that includes all hard and soft landscaping, including a detailed planting plan and details of all boundary treatments. The existing conifer forming part of the site's frontage with Attwood Lane would be removed and a new native species hedgerow planted. There would be no pedestrian or vehicular accesses directly from Attwood Lane to the dwellings.
- 1.8 The submission has been amended during the application process to address concerns regarding the layout of dwellings, the road layout and landscape impact. This has included alterations to the height of the dwellings to the north of the site and reorientation of the garages.
- 1.9 The proposal includes a detailed drainage statement that outlines the decision to connect to the Crest Nicholson new foul and storm sewers installed as part of their 300 unit site. This would involve the installation of foul and storm sewer pipes within Attwood Lane to connect the application site and the Crest development site.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

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

### 2.2 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR10	-	Contaminated Land
E5	-	Safeguarding employment land and buildings
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density

H16	-	Car Parking
H19	-	Open Space Requirements
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of tree, woodlands and hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
T6	-	Walking
T7	-	Cycling
T11	-	Parking Provision
RST4	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage

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

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

- 2.4 Supplementary Planning Documents

Landscape Character Assessment  
 Planning Obligations  
 Design  
 Biodiversity and Development

- 2.5 Other Guidance

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

### 3. Planning History

- |     |                 |   |
|-----|-----------------|---|
| 3.1 | SC981092PF      | Erection of temporary storage of temporary storage container for a period of twelve months<br>Approved  |
| 3.2 | CW2000/2069/F   | Variation of condition 2 of planning permission SC981092PF 16 April 99 for retention of temporary storage shed for twelve months –<br>Approved 06/10/2000 |
| 3.3 | CW2002/1738/F   | Change of use to storage yard for retail use (retrospective application).<br>Withdrawn 31st July 2002.  |
| 3.4 | DCCW2004/0182/F | Construction of 32 dwellings and associated works.<br>Withdrawn 9th September 2004.   |
| 3.5 | DCCW2004/3085/F | Construction of 32 dwellings and associated works<br>Withdrawn  |

---

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

- 3.6 DCCW2005/0207/F Continued use for distribution of sand and aggregates including retail for two years  
Approved 20/04/2005
- 3.7 DCCW2005/2661/F Variation of condition 2 & 3 (hours of working/loading/unloading) to extend operating time to 7.30am of planning application  
CW/2005/0207/F and allow employee arrival from 7.00am  
Approved 21/09/2005
- 3.8 DCCW2008/0205/F Residential development comprising 32 dwellings with car parking, landscaping and associated works  
Withdrawn

#### 4. Consultation Summary

Statutory Consultation responses

- 4.1 Welsh Water recommends standard conditions relating to foul and water discharges and request that no development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage will be dealt with and this has been approved.

Internal Consultation responses

- 4.2 The Conservation Manager (Landscape) makes the following comments:

*Comments made on the original submission:*

##### Landscape Description

The site is located on the very north edge of Holmer, to the north of Hereford. It is outside of the urban landscape character area and lies within the Landscape Character Type of Principle Settled Farmlands. This shows the transitional nature of the site in this urban fringe area. In the Urban Fringe Sensitivity Analysis: Hereford and the Market Towns (Jan 2010) it is designated as having a Medium Sensitivity to built development, meaning that key characteristics of the landscape are susceptible to change and/or have value as a landscape resource. That document states that Holmer has an intricate, intimate landscape character. It should be noted that although the immediate land to the north and east will remain agricultural, land to the east of Attwood Lane is currently under construction of a large residential development. The site has been the subject of several pre-application stages over the course of almost two years.

##### Landscape Impact

It is a brownfield site, consisting of a main depot building, large hardstanding area and ancillary buildings. In landscape terms development of brownfield sites is preferable to green field development. In this case, however, there will still be a major landscape change through the introduction of intensive housing development that will intrude into the valley side significantly more than the existing industrial buildings.

##### Comments on proposals

The application is supported by a Landscape and Visual Appraisal (LVA), which is welcomed. However it was not reviewed at the pre-application stages. The LVA goes some way to demonstrating that landscape character has influenced the development proposals, but I still

have some concerns that should ideally be addressed as part of the planning application, rather than follow later by condition.

- Lack of tree and hedgerow survey in accordance with BS5837:2012. Particularly important as both the LVIA and the D&A statement refer to the importance of the boundary vegetation to integrate the new housing with the surroundings. A survey has been requested numerous times during pre-application stage.
- The landscape strategy and site layout plan are not consistent in showing the trees that will be retained.
- Garage of plot 21 is shown within the canopy of retained trees. The root protection area of trees to be retained should be identified and protected. These ash trees should be retained.
- Off site trees, particularly in private gardens to the west, require root protection areas.
- No landscape scheme has been provided (although the D&A states landscaping is an integral part of the design).
- A sheet of boundary / enclosure details has been provided, but no plan of where these are on site.
- Could a section and detailed plan be provided for plots 27 – 34, along the public footpath. How will this change from existing (is all the existing scrub to be removed and replaced with native hedgerow?). Will a fence be required as well as the hedgerow? What will the section look like between the end of the gardens, the footpath (resurfaced with grass verge?), and the boundary of Holmer Court? This important in retaining public amenity value of the landscape experience along this public footpath.
- It would be useful to see the site layout on the same drawing as the existing topographical survey. I am particularly concerned about the level changes on the banks to the northern boundary.
- How can the new native hedgerow to the north boundary be established on the steep bank? How can it be consistently maintained (eg. If not conveyed to individual plots?). What height is it intended to reach, as it will be on a lower level than the houses and therefore will take a long time to provide any filtering of views from the north.
- The LVIA does not comment on the visual impact of 34 houses, all between 7.7m and 8.8m high, compared to the existing buildings which do not cover the whole site and are only approx. 3m and 5m (with only one up to 11.1m).
- Further details of the northern boundary need to be provided as I am not convinced that the opportunity to enhance this has been met or can actually be delivered (as per the statement in section 5.2 iii, in the LVIA).
- I believe the summary of the LVIA in sections 4.23 and 4.24 miss two key features of the site. A key landscape character feature is that the site itself is at a high point of the surrounding landform (as per section 4.7). A key visual feature is that the existing structures on the site are visible from viewpoints to the north (eg. 2,4 and 9) and therefore the northern boundary should be well designed to integrate with the landscape.

This additional information is requested in order to fully assess the landscape impact of the development against UDP Policies LA2 on landscape character, LA3 on setting of Hereford, LA5 on trees and hedgerows and LA6 on landscape schemes. Landscape details as described above are also important in addressing the NPPF requirements that new housing development should add to the overall quality of the area, establish a strong sense of place, respond to local character and be visually attractive as a result of good architecture and appropriate landscaping. A balance should be struck between innovation, originality and initiative, while also promoting local distinctiveness

*Comments on revised / amended proposals*

*Additional landscape information has been provided as part of this application. This memo is in response to this and should be read in conjunction with my previous memo (as above..*

- The up-to-date tree survey is welcome, it clearly marks root protection areas for trees to be retained and provides a good commentary on boundary vegetation. The plans have been updated to consistently take account of this report and the layout reflects the requirements for protection.
- The soft landscape scheme is welcome and suitable to the site. This shows a commitment to incorporating planting into the site that has many landscape and biodiversity benefits.
- The updated elevations and sections are particularly useful in illustrating the proposals across the site. Together with the annotations this does demonstrate that the proposals can be implemented.
- The northern boundary has been significantly improved through lowering the ridge heights and altering the design of the garages.

I remain of the view that this is a relatively high density scheme for an edge of city location, particularly in relation to the existing residential development on the north edge of Holmer. The boundaries will still present a new, built up edge in views across the open rural valley from the north and east and along the public footpath to the south. The existing brownfield site conditions and employment allocation, however, are not a positive contribution to the landscape character. On balance there is no landscape objection. If suitable, conditions could be added to any approval to provide final details of landscape maintenance and final plot levels prior to commencement of work.

#### 4.3 The Conservation Manager (Ecology) makes the following comments

The site is predominantly hard-standing with a number of buildings associated with its former use; no evidence of protected species was found during recent surveys. I note that there will be some opportunities within the proposed new development to create features for protected and priority species as well as for inclusion of native-species tree and shrub planting.

If this application is to be approved, I recommend the inclusion of conditions.

#### 4.4 The Traffic Manager makes the following comments:

I can confirm that the proposed internal layout and parking provision is now acceptable for the development, subject to slight adjustment to the dwelling on Plot 33 to achieve acceptable visibility for junction of the side road serving plots 25-32 and which is now to be adopted. I understand that this minor alteration is currently being undertaken and my recommendation is based upon that assumption.

The traffic impact of the proposed development has been assessed within the Transport Statement submitted with the application and is considered acceptable.

As regards the proposed highway alterations to Attwood Lane, it is considered that the junction priority change will achieve a traffic calming effect and discouragement to rat-running and therefore is supported and would need to be provided as part of the development. This work can be achieved and will be provided by way of a Section 38/278 agreement in conjunction with the development roads themselves.

A proposed scheme for achievement of a footway along Attwood Lane (shown on KTC Drawing No 0365-005) was submitted to achieve a link from the development to the existing footway to the south and provide pedestrian connectivity for the development. However, in view of the desire to achieve a more widespread traffic calming scheme for the Attwood Lane and Church Way area, it was considered preferable and would give more flexibility to consider this length as part of an overall design for the area and therefore not condition provision of the proposals as shown.

For this reason the off-site highway works proposals have been removed from the application (Architectural and Urban Design letter of 9<sup>th</sup> October 2012 refers) and provision of a footway scheme will be dealt with by way of a Section 106 contribution, which is considered acceptable.

Therefore my recommendation is for approval subject to conditions and informatives (see recommendation)

#### 4.5 Amey (Drainage)

This project is for the redevelopment of a former industrial site for residential purposes. It is not within any Flood Zone, and there are no ordinary watercourses in close proximity, with the nearest Ground Water Protection Zone 2.1 km away.

The site is presently at least 90 % impermeable, so the proposed development, which is to incorporate gardens and open space, will reduce the surface water runoff. Nevertheless, as the proposal is to drain to existing sewers, the applicant should be encouraged to include rainwater harvesting and green roofs etc in the development proposals and so manage the flows.

#### 4.6 The Head of Strategic Plans and Regeneration makes the following comments:

##### *Development Plan Policies*

The application site is within the settlement boundary and thus Saved Policy H1 of the Unitary Development Plan (UDP) is relevant. This policy is clear that residential development will be permitted within settlement boundaries where compatible with the development plan. However, approximately 0.49 hectares of the site is protected for employment uses under Saved Policy E5 of the UDP. The proposal is entirely residential in character and is therefore contrary to this policy, notwithstanding that the buildings associated with the previous business have remained vacant for almost 4 years in spite of sustained marketing.

As mentioned previously, the scheme would satisfy the provisions of Saved Policy H9 on affordable housing. This policy is clear that affordable housing at indicative target of 35% will be required on sites which are capable of delivering 15 dwellings or more in Hereford and the market towns.

There are no other directly relevant UDP policies concerning the use of the site and the Local Plan (Core Strategy) has not yet reached the stage where it can be considered as a material planning consideration.

##### *Other Material Considerations*

The degree to which the UDP is up-to-date and relevant needs to be considered. As part of the evidence base for the emerging Core Strategy a study of employment land requirements has been undertaken, updated in 2010 and published on the Council's website. However, the planning report submitted alongside this application correctly confirms that the application site does not feature in that study and so it is difficult to determine whether the site remains an important part of the County's employment land supply.

Accordingly, the continued protection of the site, through the application of planning policies, from non-employment uses, needs to be considered within the context of national policy set out in the National Planning Policy Framework (NPPF). Paragraph 22 of the NPPF is clear that local planning authorities should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The applicant's agent has argued that the application site is not a viable employment site and

would not have a realistic chance of being used for employment given any economic recovery in the years ahead.

The latest Annual Monitoring Report (AMR), published in June 2012, reveals that there are 101.66 hectares of employment land currently available in Herefordshire, meeting the target of 100 hectares prescribed by Policy S4 of the UDP. This means that there is sufficient employment land available to meet the economic objectives of the development plan, but in any event, the impact of the application proposal on the County's employment land supply would be negligible given the relatively small size of the employment allocation. In addition, the application site would provide the right conditions for the proposed use. There would, therefore, be reasonable justification to override the development plan in this case and consequently an approval of the scheme would be supported on planning policy grounds.

It is also worth noting that both the AMR and the Strategic Housing Land Review (SHLAA) allude to the fact that Herefordshire Council does not have a 5 year supply of deliverable housing sites. This means that the Council's policies on the supply of housing are in conflict with the NPPF - para 49 of the NPPF is clear that housing supply policies will be usurped by the Framework where they are in conflict with national policy.

Where the relevant UDP housing supply policies are out-of-date permission should be granted in accordance with the presumption in favour of sustainable development, unless any adverse impact of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in the NPPF taken as a whole, or if specific policies in the framework indicate that development should be restricted.

#### 4.7 The Housing Manager makes the following comments:

##### *Comments on the original submission:*

The application meets the requirements for 35% of units to be affordable and for these to be built to the HCA's Design and Quality Standards, Lifetime Homes Standards and level 3 of the Code for Sustainable Homes.

The tenure mix does not meet requirements as the application indicates the provision of social rented units only whereas the development brief indicated 9 units for social rent and 3 for intermediate tenure.

In addition, there are nine units located together in the south eastern corner of the site. When considering the design of developments that incorporate affordable housing, the affordable housing should be well integrated with the market housing and should be tenure neutral.

##### *Comments on amended plans:*

I would advise that the location of the affordable units is acceptable

#### 4.8 The Parks and Countryside Manager comments as follows:

On-Site Play Provision: On site play provision is supported given the location of the development and accessibility issues to existing play provision in the vicinity. It has therefore been designed to complement the play equipment being provided on the other development sites in Atwood Land and caters for the younger age group children. Play areas for younger children should be located close to residential areas within safe access thresholds.

Play Area Design: The Play Area Layout Option A covers the required activity zone area of 168 sq m for a development of this size and contains equipment previously suggested, but the Parks Development Manager has requested that the layout is refined, to combine cradle and



junior swings in an acceptable layout. It is noted that although the key refers to E, F and G as cradle and junior swings, G is not shown on the plan. The revised plan shows a 3 seat frame, 2.4 m high (one seat to be a cradle seat) installed along the northern edge of the Activity Zone currently shown as F (junior swing x 2). The remaining 4 items (A, B, C and D) will all fit into the remaining space, bearing in mind that Springers only need 1 clear all round. The bin could be located immediately inside the gate. As all the items are close together continuous wetpour surfacing over the whole activity zone is the preferred option and can easily be deepened where necessary to accommodate the relevant Critical Fall Heights. 1m high bowtop fencing with a self-closing gate 1.2 m wide would be the minimum acceptable fencing standard.

Sport England Calculation: It is noted that the draft heads of terms refer to a Section106 contribution of £18,522 towards provision of sports and recreation facilities including Aylestone Park as per the requirement in the SPD on Planning Obligations. This is the previously agreed figure base on Sport England's facility calculator modelling.

4.9 The Public Rights of Way Manager makes the following comments:

No objection but the proposed development will be in very close proximity to public footpath 08A. If development works are perceived to be likely to endanger members of the public or will inconvenience path users in any way then a temporary closure order must be applied for from the Public Rights of Way Manager, at least 6 weeks in advance of work starting.

The applicants should ensure that their contractors are aware of the line of the public right of way and that the right of way must remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion. This means that vehicles, materials, debris etc. must not be stored on the line of the footpath.

It is an offence under Section 131A of the Highways Act 1980 to disturb the surface of a public footpath so as to render it inconvenient for the exercise of the public right of way. A plan is attached to show the legal alignment of the public footpath / bridleway recorded on the current definitive map.

4.10 The Environmental Health Officer (Contaminated Land) makes the following comments:

*Comments on original submission*

I have reviewed our records and would advise that, although supported by two ground investigation reports the information would be considered insufficient at this stage.

In more detail I would advise that:

1. Concerns regarding the proposed remediation of the site have been raised previously. The consultants acting on behalf of the developer have suggested using a capping/cover system on the site. High levels of nickel have been identified with a proposal to mitigate the risk through capping/cover system. However, determination of thickness of capping has been made using a methodology considered appropriate for marginally contaminated soils only and may not be considered suitable in this instance.

2. The remediation scheme would need to be protective over the lifetime of the development/property and also consider circumstances where occupiers may want to build extensions, ponds and the like. In these circumstances it is likely that contaminated soils will come to the surface. The developer/consultant should consider a number of feasible remediation options and evaluate them in terms of effectiveness, durability and long term maintenance issues etc. as outlined in CLR 11. As such, more detail is required regarding suitable remediation options.

3. The submitted reports are dated 2003 and 2007 and as such will need to be reviewed with more recent guidance in mind (for example, BS10175 which was updated in 2011 and the withdrawal of CLR 7 in 2008 with its associated soil guideline values referenced in the reports).

4. As the application includes the demolition of existing structures on the site, I would advise that these will require investigation and assessment in due course.

In conclusion, I would consider that insufficient information has been submitted to date. Further information should be provided by the applicant to demonstrate the risks to future residents can be reasonably mitigated to a satisfactory level and that the reports have been reviewed with more recent guidance in mind.

*In response to additional information*

I would recommend that, as the developer has demonstrated a commitment to addressing the outstanding contamination issues at the site (letter from Lioncourt Homes dated 5<sup>th</sup> October 2012) a condition should be appended to any planning approval to ensure the site is suitable for use.

For reference, an example of a suitable condition can be found below:

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

## **5. Representations**

5.1 Holmer and Shelwick Parish Council make the following comments:

A large proportion of this site is allocated as an employment site within the UDP and the parish would like to see this protected to maintain sustainability as this is one of the few employment sites in the parish.

The Developers have had a lock out agreement with the site owner via the Estate Agent not to consider any potential commercial tenants who have shown an interest in the site.

During the Community led Plan process this site had been identified for use as a Doctors' surgery, Health Centre and Community facility. There are none of these facilities within the parish and to promote sustainability this site should be promoted.

This site has not been identified by the Authority to be included within the Strategic Housing Allowance Assessment.

The house designs that have been proposed do not sit within the rural setting and are considered boring. The characteristics of Attwood Lane are rural dwellings set behind brick walls and this has been ignored within the proposal.

It is indicated within the proposal that drainage would be via the Crest development which still has not got an adopted sewer. Crest Development have appealed to Ofwat not to adopt the sewers in the area and if the Local Authority are mindful to approve this application the Developers should be restricted not to commence until the sewers are adopted

Comments on amended plans:

*The updated comment from the Parish Council were no available at the time of writing this report and will form part of the committee update.*

5.2 Letters of objection have been received from:

- Julia Dalton, 17 Lytham Drive
- Kenneth Conner, 15 Turnberry Drive
- Pauline Jenkins, Court Orchard, Attwood Lane
- Jonathan Collier, Attwood Croft Attwood Lane
- Sara Connor, Wychways, Attwood Lane
- Hemming Family, Attwood Court, Attwood Lane
- C K Trencham, 2 Turnberry Avenue
- E Jenkins, 9 Wentworth Park
- Mr Garrett, 4 Belfry Close

These letters can be summarised as follows:

- Ongoing problems with drainage in the area that have not yet been resolved;
- Outstanding OfWAT appeal that means that drainage in the area has not been adopted by Welsh Water;
- Insufficient capacity on the drainage network;
- Too many new dwellings being built in one area;
- Attwood Lane is a rat run between Roman Road and A49 with high speed and high volumes of traffic. Additional traffic will add to this.
- Attwood Lane is in a poor state of repair
- Loss of industrial land – where are all the people going to work?
- Change in character of the area. Density of the development is too high
- Overlooking and loss of privacy from dwellings overlooking Attwood Court
- Impact upon wildlife

- 5.3 The consultation period in relation to the amended plans expires on the 20<sup>th</sup> November 2012 and any additional representations will be reported to the Planning Committee via the updates.
- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-  
[www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx](http://www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx)

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

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

- 6.1 The key consideration in the determination of the application are as follows:

- 1) The Principle of Development
- 2) Loss of Employment Land
- 3) Landscape Impact
- 4) Layout and Design
- 5) Highway issues
- 6) Drainage Infrastructure
- 7) Other matters
- 8) Conclusion

### The Principle of Development

- 6.2 The application site lies within the defined settlement boundary and thus Saved Policy H1 of the Unitary Development Plan (UDP) is relevant. This policy is clear that residential development will be permitted within settlement boundaries where compatible with the development plan.

### Loss of Employment Land

- 6.3 It is acknowledged that approximately 0.49 hectares of the site is protected for employment uses under Saved Policy E5 of the UDP but also that the site has not been used for some time for this purpose. The Head of Strategic Plans and Regeneration has considered this issue in detail and concludes that whilst the residential development of part of the application site is contrary to the current development plan, this is an appropriate location for housing and the loss of 0.49 hectares of employment land would not be to the detriment of the County's overall supply of employment land. This stance on the loss of employment land is reinforced by the evidence base underlying the Core Strategy, as the 2010 study of employment land requirements provides no basis for emerging policy to maintain the application site's protected status.

### Landscape Impact

- 6.4 The site is located on the very northern edge of Holmer, to the north of Hereford and is, as identified in the Conservation Manager's comments an important transitional site between the urban and rural edge of Hereford. The application site is previously developed land, and the existing large industrial buildings and associated structures together with the unmaintained landscape boundaries are not attractive features. The development of this site represents an opportunity to improve the visual amenity of the locality in general. Notwithstanding this the introduction of dwellings in this location will have a visual impact and this needs to be considered having regard to policies LA2 and LA3 of the UDP. The scheme has been amended and improved upon during the course of the application, with additional information in respect of site levels and boundary treatments being clarified. The dwellings adjacent to the northern boundary of the site have been reduced significantly in height and garages reoriented

and reduced in height to improve their visual impact and to ensure that appropriate planting can be undertaken within the application site. This is particularly important when taking into account the significant difference in levels from the site to the agricultural land beyond.

- 6.5 The development is considered, in landscape terms, to be a high density scheme for an edge of city location and the boundaries will still present a new, built up edge in views across the open rural valley from the north and east and along the public footpath to the south. The proposed landscaping will take time to establish, and conditions are recommended in respect of the implementation and management of these to ensure its long term retention. This impact and mitigation needs to be weighed against the existing brownfield site conditions and employment allocation which are not considered to make a positive contribution to the landscape character or wider area. The Conservation Manager (Landscape) has considered the revised scheme and details and although acknowledging that the development will have an impact, confirms that there is no landscape objection to this proposal overall, subject to the imposition of appropriate conditions. Having regard to this, the proposal would represent a form of development that would comply with the requirements of policies LA2, LA3, LA5 and LA6 of the Unitary Development Plan.

#### Layout and Design

- 6.6 The proposed scheme has been amended twice as part of this process in order to address concerns raised in respect of landscape impact, highway design and layout and the siting of the affordable dwellings within the development. The site is predominantly 4 bed detached family homes, located at the entrance to the site and to the north, with the three and two bed units being located to the east and west. The dwellings represent a mix of house types, utilising a variation of materials such as render and brick and roofing materials, the precise details of which would be secured by condition. Dwellings are all two storey. The dwellings to the north have been reduced in height, along with their garages, to minimise impact. The site layout introduces dwellings that front Attwood Lane, with landscaped boundaries to help retain the transition from the more urbanised part of the Lane towards the west and the more rural area.
- 6.7 The road layout is a mix of formal traditional highway and more informal road surfacing, with trees and frontage planting to provide interest within the public spaces. Garden sizes are considered to be commensurate with the size of dwellings with parking provided within the curtilage of nearly all dwellings, thus avoiding courtyard parking. The play area equipped with formal play equipment is sited to the northern boundary of the site, providing relief in the built form of this aspect of the development. The play area is accessible via the footways and the position of the dwellings nearby provide natural surveillance over it in line with best practice.
- 6.8 Unitary Development Plan policies DR1 and H13 along with section 7 of the NPPF emphasise the importance of good design both in terms of the architecture of the buildings, the function of public and private spaces and integration with the wider environment. Paragraph 60 of the NPPF highlights that planning authorities should not stifle innovation, originality or initiative in design and having regard to the requirements of these policies, the proposed amended layout and house designs are considered to be acceptable.

#### Highways Issues

- 6.9 The application submission was accompanied by a detailed transport assessment that identifies and addresses the sustainable location of the site. It also details the reasoning behind the traffic calming proposals that formed part of the initial scheme. These have subsequently been removed at our request, with a financial contribution being sort toward the provision of a footway only. It is considered that a footway from the site to meet with the existing footway that joins Roman Road is a necessary part of the development of this site, and that this is achievable, albeit with some constraints. Issues relating to traffic calming and

alterations to Attwood Lane are being progressed with the Planning Obligations Manager and Highways, in consultation with the Ward member and Parish Council alongside other appropriate contributions that were received from the Crest Nicholson site at The Furlongs. It was agreed that this would be a more appropriate mechanism for dealing with these proposals and that a comprehensive approach is needed.

- 6.10 The concerns of local residents about 'rat running' are acknowledged, and it is evident that this does occur through the figures and survey produced. Nonetheless the Traffic Assessment demonstrates that Attwood Lane is capable of accommodating additional traffic from this development and there is no objection to this in principle. The site is "previously developed" with lawful uses that generated significant traffic movements, that would have included lorries and vans rather than domestic vehicles and this is a particularly relevant material consideration in the determination of this application. The proposal would comply with the requirements of policy DR3 of the UDP.
- 6.11 The design and layout of the development has included parking for the development at a near maximum provision, with two off road spaces, plus a garage for each of the four bed dwellings, and two spaces per unit for the three and two bed units. These garages are above standard size, ensuring space within for cycle storage (3m x 6.1m). As such this would meet with parking standards for the site in accordance with the requirements of policy H16 of the Unitary Development Plan.

#### Drainage infrastructure

- 6.12 The application included a drainage strategy that outlined the options for the developer and concludes that after negotiation with Crest Nicholson, the most appropriate drainage solution for this site would be a connection of both foul and storm drainage into the Crest Nicholson infrastructure associated with their 300 house development (known as The Furlongs) This is then pumped to the adopted pumping station on Roman Road which forms part of the adopted drainage network falling under the jurisdiction of Welsh Water. The new drainage network is also subject to a Section 104 Adoption Agreement with Welsh Water which is a contractual agreement for the new drainage infrastructure to be adopted. Technical information was provided as part of the Crest Nicholson applications on the adjoining sites. This demonstrated that the new network including the pumping station have adequate capacity to accommodate the development. The applicant also acknowledges that the key deciding factor to this decision were due to necessary technical and design considerations that had already been taken into account by the Crest design, that the solution was available for implementation and the amount of disruption within Attwood Lane was minimised. In refusing a recent application the Council has acknowledged that the lack of an adopted sewage system renders further residential development unacceptable. Notwithstanding this, it remains the case that Welsh Water raises no objection subject to conditions, including those requiring that no surface water is discharged to the public drainage system and that the detailed drainage scheme is agreed prior to the commencement of development.
- 6.13 This links to a key issue that is raised in representations by local residents, which concerns the adoption of the historic drainage network serving the nearby residential estate constructed in the 1990's. Whilst it has recently come to light that the new drainage network is connected to the currently unadopted network via a short length of pipe, given that Welsh Water has not identified any capacity issues, the adoption of this system is not considered to be a material planning consideration that is relevant to the consideration of this application. Therefore, to refuse the application on the basis of either inadequate drainage capacity or the lack of adopted network would be difficult to defend if challenged.

## *Other matters*

### Affordable Housing

6.14 The application makes provision for 35% of the dwellings to be affordable housing. The position of these dwellings has now been agreed with the Strategic Housing Officer. Of those Affordable Housing units, at least (6) shall be made available for rent with the remainder being available for either rent of intermediate tenure occupation. This tenure will be agreed via the Section 106 Agreement as would the local connection tenancy. Accordingly the proposal would comply with the requirements of policy H9 of the Unitary Development Plan.

### 6.15 Section 106 Agreement

Attached to this report is the latest and updated Section 106 Draft Heads of Terms. This provides details of the contributions payable towards the provision of new, and enhancement of existing community infrastructure in line with the adopted Planning Obligations Supplementary Document. This includes education, sustainable transport, off site play and sport and library contributions. The applicants have, at this stage, registered their concern about the viability of the site and are preparing for our consideration a viability report which may need to be verified independently by the District Auditor. The outcome of this will be reported to Committee by way of a verbal update.

### Biodiversity

6.16 An ecological survey has been completed concludes that there was no evidence of protected species found during recent surveys. The survey recommends enhancements, including planting to be undertaken. A condition is recommended that would ensure that these are undertaken and that the proposal would comply with the requirements of policies NC1 and NC8 of the Unitary Development Plan and guidance contained within chapter 11 of the NPPF.

### Open Space Provision

6.17 In line with the requirements of policy H19 of the UDP an on-site equipped play area has been provided. Details of this equipment are to be finalised by condition. This policy also requires older children informal play space. An off site contribution for this element has been negotiated, and is detailed in the comments form the Parks and Countryside Manager above and within the Heads of Terms appended to this report.

### Residential Amenity

6.18 The site has attracted a number of objections, one of which relates to the impact and loss of amenity to Attwood Court. This is the property to the west of the application site. This site is in an elevated position, and there are is a significant landscape boundary to the front portion of the site that is not within the site boundary and that would continue to provide a significant screen between units 7 to 12 and Attwood Court. The dwellings to the rear of the site have been orientated in such a way that they avoid overlooking and loss of amenity. A landscape boundary is proposed, with close board fence, the majority of trees are in the ownership and control of Attwood Court, and care will need to be taken during construction to protect these (identified in the planting plan). Officers are satisfied that the proposed development would not adversely impact upon the amenities that Attwood Court or any other nearby residents enjoy, and would note that a residential use is likely to be a much more neighbourly use than the existing industrial use. As such the proposal would comply with the requirements of policies DR2 and H13 of the Unitary Development Plan. To protect amenity during construction, a working hours condition is also recommended.

## Contaminated Land

- 6.19 The site has been identified as having significant contamination as evidenced by the comments from the Environmental Health Manager above. In response to this, the applicant has submitted details committing to reviewing and updating the reports submitted with the application in line with current guidelines including asbestos screening. A tailored remediation strategy would then be developed and submitted that may require a cover layer system. This remedial solution is intended to be flexible so as to adapt to findings within the site and allow for relocation or removal from the site as necessary. The Environmental Health Manager is agreeable to this approach and recommends conditions be imposed. As levels across the site may change to address these issues, a condition requiring slab levels is proposed. As such, officers are satisfied that with the appropriate conditions, the contamination can be addressed and that the proposal would, therefore comply with policy DR10 of the Unitary Development Plan.

## Housing Land Supply and the National Planning Policy Framework

- 6.20 The Council has acknowledged that it is unable to demonstrate a 5 year supply of deliverable housing land. Paragraph 17 of the NPPF encourages the effective use and development of brownfield sites, that are located in sustainable locations, in preference to greenfield sites. The development of this site would support the Councils requirement to deliver housing growth in accordance with the NPPF requirements.

## Conclusion

- 6.21 The proposed development has been carefully considered in respect of the saved policies of the UDP and in respect of the guidance contained within the NPPF. Whilst the site is partly allocated as an employment site, officers are satisfied that there is no reasonable prospect of this site coming forward for that purpose, and that, given the predominantly residential context of the locality, it would be a suited to and arguably more appropriate for residential development. Also relevant to this is the Councils current lack of housing land which is specific requirement of the National Planning Policy Framework.
- 6.22 The detailed design and layout of the proposed scheme, coupled with the inclusion of planting and landscaping proposals and having regard to the existing deleterious condition of the site would result in a built form that would be acceptable in respect of its landscape impact and its relationship with the neighbouring properties. Matters relating to highway safety have been carefully considered and no objection is raised subject to ensuring the provision of a footway by way of a financial contribution. As such, the proposal is considered to be acceptable subject to the imposition of conditions and a Section 106 agreement and is therefore recommended for approval.

## **RECOMMENDATION**

**That subject to final clarification in relation to the acceptability of the proposed S106 Obligation terms and subject to the consideration of the further comments outstanding, as referred to in the report raising no new material considerations, officers named in the scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. B07 Section 106 Agreement**



4. **C01 Samples of external materials**
5. **K4 Nature Conservation - Implementation**
6. **G11 Landscaping scheme - implementation**
7. **G15 Landscape maintenance arrangements**
8. **G18 Provision of play area/amenity area**
9. **G19 Details of play equipment**
10. **H11 Parking - estate development (more than one house)**
11. **I50 Measures to deal with soil contamination**
12. **I55 Site Waste Management**
13. **I51 Details of slab levels**
14. **L01 Foul/surface water drainage**
15. **L02 No surface water to connect to public system**
16. **L03 No drainage run-off to public system**
17. **L04 Comprehensive & Integrated draining of site**
18. **F14 Removal of permitted development rights**
19. **I16 Restriction of hours during construction**
20. **H27 Parking for site operatives**
21. **M09 Land affected by contamination**
22. **H11 Parking estate development**
23. **H13 Access, turning area and parking**
24. **H18 On Site roads – submission of details**
25. **H21 Wheel Washing**
26. **H26 Access Location (from A4103 only)**

#### **Informatives**

1. **HN10 No drainage discharge to highway**
2. **HN08 Section 38 Agreement and Drainage details**
3. **HN07 Section 278 Agreement**
4. **HN04 Private Apparatus within the highway**

---

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

5. **HN1 Mud on the highway**
6. **HN28 Highways design guide**
7. **HN13 Protection of visibility splays on private land**
8. **HN05 Works within the highway**

#### **Reason for Approval**

1. **The application site lies within the urban settlement of Hereford City, within which residential development is supported by policy H1 of the UDP. Whilst the site is allocated as an employment site, the Local Planning Authority is satisfied that there is no reasonable prospect of this site coming forward for that purpose, and that, given the predominantly residential context this would be a suitable site for residential development. As such the proposal would comply with the requirements of policy H1 and the guidance contained within the NPPF.**

**The detailed design and layout of the proposed scheme, coupled with the inclusion of planting and landscaping proposals would represent a form that would be acceptable in respect of landscape impact, design and layout in accordance with policies DR1, H13, LA2, LA3 and LA6 of the UDP.**

**The developments relationship with neighbouring properties has been considered and subject to ensuring that landscaping and boundary treatments are undertaken, the proposal is considered to be acceptable in accordance with the requirements of policies DR2 and H13 of the UDP.**

**The proposed development would not adversely impact upon the local highway network in terms of capacity or highway safety. The site lies in a location that is considered to be sustainable, with good access to alternative means of transport and the proposal makes provision of a new footway to serve the development and provide connectivity with Roman Road. As such the proposal is considered to comply with the requirements of policy DR3 of the UDP.**

**Provision has been made, through a Section 106 agreement or the appropriate contributions having regard to the requirements of policy DR5 and the SPD – Planning Obligations. The appropriate affordable housing provision and play space provision has also been provided and secured by way of the Section 106 agreement in accordance with policies H9, H19 and DR5 of the UDP.**

# HEADS OF TERMS

## PROPOSED PLANNING OBLIGATION AGREEMENT

### Section 106 Town and Country Planning Act 1990

Planning Application S121554/F

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

Demolition of existing building and erection of 34 dwellings (22 x open market dwellings and 12 x affordable dwellings) and garages together with roads, sewers and associated external works on land off Attwood Lane, Holmer Park, Hereford (Lioncourt Homes)

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£109,915.00** to provide enhanced educational infrastructure at North Hereford City Early Years, Broadlands Primary School, St Xavier Primary School, Hereford City Youth Service with 1% allocated for Special Education Needs. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£73,960** to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - 2.1. Traffic calming and improved signage
  - 2.2. Localised highway improvements including a footpath from Attwood Lane to Roman Road
  - 2.3. Contribution to Safe Routes for Schools
  - 2.4. Public and community transport facilities, including improved bus service
3. The developer covenants with Herefordshire Council to pay Herefordshire Council a sum to be agreed to provide localised highway improvements to include a footpath along Attwood Lane from the development site to the Roman Road, which sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum **£8,576** off site contribution to Older Children's Play Area (or connection to) and **£18,522** for

---

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

sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator).

5. The money shall be used by Herefordshire Council for priorities identified in the Indoor Sports Facilities Strategy, the emerging Play Facilities Strategy and emerging Playing Pitch Strategy including but not limited to the provision of new open space, play, sport and recreational facilities including new green routes/infrastructure in Hereford City principally at Aylestone Park. The sums shall be paid on or before the commencement of development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council a 15 year commuted sum for the future maintenance of the on-site open space and play facilities assessed against the tariff applicable at the time of adoption.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£5216.00** towards the provision of enhanced Library facilities. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
8. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of **£2760.00** towards the provision of new or the enhancement of existing waste and recycling facilities in Hereford City if appropriate provision/facilities are not provided on site. The sum shall be paid on or before the commencement of the development (or in accordance with a phasing strategy to be agreed), and may be pooled with other contributions if appropriate.
9. The developer covenants with Herefordshire Council that twelve (12) of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
10. Of those Affordable Housing units, at least (6) shall be made available for rent with the remainder being available for either rent of intermediate tenure occupation. For the avoidance of doubt, the term intermediate tenure shall not include equity loans or affordable rent.
11. All the affordable housing units shall be completed and made available for occupation prior to the occupation of no more than 50% of the general market housing or in accordance with a phasing programme to be agreed in writing with Herefordshire Council.
12. The Affordable Housing Units must at all times be let and managed or co-owned in accordance with the guidance issued by the Homes and Communities Agency (or any successor agency) from time to time with the intention that the Affordable Housing Units shall at all times be used for the purposes of providing Affordable Housing to persons who are eligible in accordance with

the allocation policies of the Registered Social Landlord; and satisfy the following requirements:-

12.1. registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

12.2. satisfy the requirements of paragraphs 11 & 12 of this schedule

13. 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:-

13.1. a local connection with the parish of Hereford City; or

13.2. in the event of there being no person with a local connection to any of the above parish any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 11.1 above.

14. For the purposes of sub-paragraph 11.1 or 11.2 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:

14.1. is or in the past was normally resident there; or

14.2. is employed there; or

14.3. has a family association there; or

14.4. a proven need to give support to or receive support from family members; or

14.5. because of special circumstances;

15. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to the Homes and Communities Agency 'Design and Quality Standards 2007' (or to such subsequent design and quality standards of the Homes and Communities Agency as are current at the date of construction) and to Joseph Rowntree Foundation 'Lifetime Homes' standards. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

16. The developer covenants with Herefordshire Council to construct the Affordable Housing Units to Code Level 3 of the 'Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes' or equivalent standard of carbon emission reduction, energy and water efficiency as may be agreed in writing with the local planning authority. Independent certification shall be provided prior to the commencement of the development and following occupation of the last dwelling confirming compliance with the required standard.

---

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

17. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
18. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
19. The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
20. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

**31 October 2012**

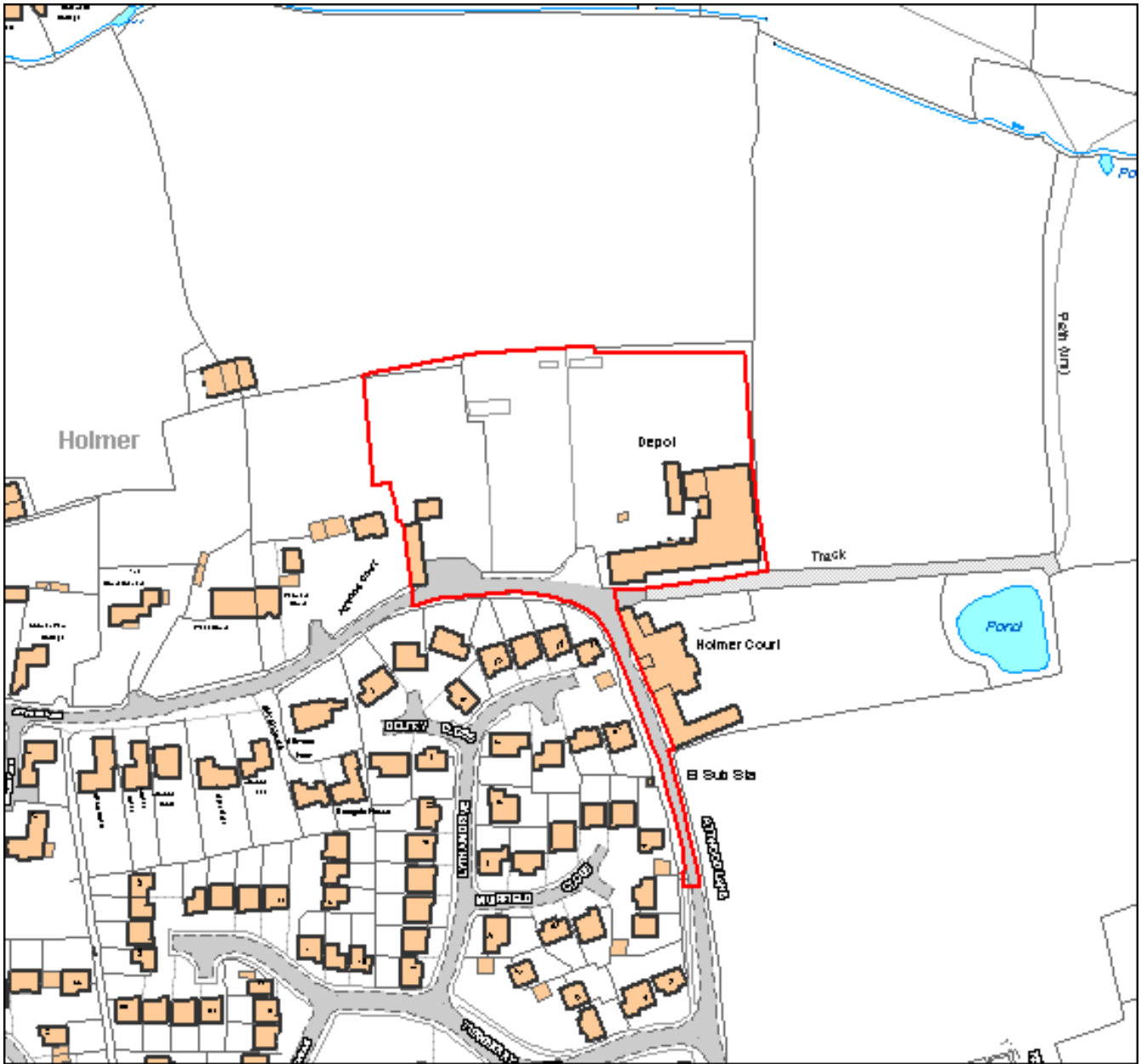
Decision: .....

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/121554/F

**SITE ADDRESS :** FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD

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 Ms Kelly Gibbons on 01432 261781







<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>28 NOVEMBER 2012</b>
<b>TITLE OF REPORT:</b>	<p><b>S122606/F - SINGLE 50KW WIND TURBINE, WITH A MAXIMUM BLADE TIP HEIGHT OF 25.1M ALONG WITH IMPROVEMENT OF ACCESS TRACK, ELECTRICAL SWITCHGEAR HOUSE WITH ASSOCIATED UNDERGROUND CABLING AND TEMPORARY CRANE HARDSTANDING AT PENTWYN FARM, DORSTONE, HEREFORDSHIRE HR3 6AD</b></p> <p><b>For: Mr Cottam per Maxet House, 28 Baldwin Street, Bristol, BS1 1NG</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122606&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=122606&amp;NoSearch=True</a>

**Date Received: 21 September 2012    Ward: Golden Valley North    Grid Ref: 329153,242256**

**Expiry Date: 28 November 2012**

Local Members: Councillor Cllr PD Price

## 1. Site Description and Proposal

1.1 The application states that Pentwyn is a hill farm of some 35.6 hectares (88 acres) approximately 2 kilometres west of Dorstone village. It is accessed via a minor road from the B4348 road to Hay-on-Wye, which is 7 kilometres to the west. The area is hilly, and there are no other dwellings visible from the farmhouse or the application site. The Brecon Beacons National Park boundary is approximately 5 km to the west and just visible from the farm. The nearest neighbours are Cwm Farm and Brynspear Farm; both are more than 500 metres from the actual proposal site and neither is visible from it, or from Pentwyn Farmhouse. The proposal is to erect a single 50 kW (0.5mW) 3-blade wind turbine, 16.85 metres to the hub; 25.1 metres to the blade tip. It would be located in one of the farm's sheep pastures approximately 200m north of the farmhouse and a height of just over 300 metres AOD. A switchgear building/kiosk approximately 2m x 2m would be necessary on site. A suitable electricity connection is said to be available within the farm, subject to appropriate equipment being installed on an existing transformer pole near the farmhouse. Cabling from the turbine to the connection would be laid underground, at a suitable distance from hedge-lines with no necessity to cross any roads. Temporary infrastructure would be required during the construction phase, as follows:

- A temporary field track of between 200 and 300 metres, to be allowed to grass over on completion of the construction. Existing farm tracks would also be used, following routine repairs. Subsequent maintenance access to the turbine would entail an occasional 4WD vehicle (estimated twice yearly).
- A crane hardstanding, approximately 8m x 10m, constructed from clean permeable crushed aggregate, to be removed on completion;
- Temporary materials staging area for equipment and components during construction, to be removed on completion.

---

Further information on the subject of this report is available from Debby Klein on 01432 260136

- 1.2 This application is a resubmission of application reference S121643/F, which was withdrawn on 13 September 2012. That application was for a turbine of 24.6m to the hub; 34.2m to the blade tip. Key issues for objectors on this resubmission and the withdrawn application are outlined and discussed below in consideration of this resubmission. The applicant considered the views of residents, with particular reference to turbine height, and agreed to propose a shorter turbine with a projected output similar to the first proposal, attributed to sourcing a more efficient model.
- 1.3 A formal Screening Opinion as to whether Environmental Impact Assessment (EIA) would be necessary was issued on 14 February 2012. This concluded that EIA would not be required because (a) it would only exceed the height threshold, not the number of turbines; (b) the site is not in a 'sensitive area' as defined in the legislation, and (c) the specification falls well below the indicative output criteria of 50 MW given in Circular 02/99. A second Screening Opinion was issued on 20 September relating to the revised scheme. As the height would be reduced the original Screening was confirmed.

## 2. Policies

### 2.1 Legislation

Town and Country Planning (Environmental Impact Assessment) Regulations 2011

### 2.2 National Planning Policy Framework (NPPF)

The NPPF carries significant weight and presents a broad overview of central government's approach to planning policy. It presumes in favour of sustainable development (as defined in the document) within the context of a plan-led system and up-to-date adopted local policies. The NPPF must be viewed in its entirety, but particular specific elements in this case are section 3 'Supporting a prosperous rural economy' and section 10 'Meeting the challenge of climate change'. Both support the proposal in principle at strategic level. Paragraph 28 encourages local authorities, through their adopted policies, to foster '*the sustainable growth of all types of business and enterprise in rural areas*' and to '*promote the development and diversification of agricultural and other land-based rural businesses*'. Section 10 makes particular reference to renewable energy. Paragraph 97 encourages local authorities to '*recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources*'. Paragraph 98 recognises that '*even small-scale projects provide a valuable contribution*' and advises local authorities to approve an application if its impacts are acceptable subject to other material considerations. Section 12 seeks to secure protection of the historic environment whilst recognising the need for the built environment to develop.

### 2.3 UK Renewable Energy Strategy 2009

This document sets government targets for renewable energy to 2020. It supports on-shore wind as one element of the variety of renewables required, including small-scale contributions. The strategy includes a predicted increase in energy from on-shore wind from about 3 GW in 2008 to almost 15 GW by 2020.

### 2.4 Other Guidance

CAP764 - CAA Policy and guidelines on wind turbines

TIN069 - Natural England guidance on assessing the effects of onshore wind farms on birds

### 2.5 Herefordshire Unitary Development Plan (UDP)

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
E12	-	Farm diversification
T8	-	Road hierarchy
LA2	-	Landscape character
LA5	-	Protection of trees, woodlands and hedgerows
NC1	-	Biodiversity and development
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora
CF4	-	Renewable energy

2.6 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 SH900974PF domestic extension at Pentwyn  
 SH940526FZ agricultural building at Pentwyn  
 S121643/F – the previous application for a turbine on this site, withdrawn 13 September 2012.

### 4. Consultation Summary

#### Statutory Consultees

- 4.1 National Air Traffic Services (NATS/NERL) - has examined the proposal from a technical safeguarding aspect and finds no conflict with safeguarding criteria. No objection to the proposal.
- 4.2 MoD - Was consulted by the applicant prior to submission and again by the Council for this application and the previous one. Referred the details on to Defence Geographic Centre (DCG) and Geospatial Air Information Team (GAIT). Request to be notified of any turbine being built, but no objections raised. Any further comments received will be reported to committee
- 4.3 Civil Aviation Authority (CAA) – is only a statutory consultee for onshore projects of more than 50 MW but provides standard advice drawing attention to statutory obligations to notify and consult aviation bodies, for example to enable any structure over 70 feet (21.3 metres) to be plotted on aeronautical charts.
- 4.4 Black Mountains Gliding Club, Talgarth – no objections; there are no issues for the club regarding this proposal.

#### Internal Council consultations

---

Further information on the subject of this report is available from Debby Klein on 01432 260136

- 4.5 The Head of Environmental Health and Trading Standards confirms that, on the basis of the submitted details, the proposed turbine will not give rise to nuisance from noise. Details provided of registered Private Water Supplies in the vicinity: one at Pentwyn itself, and one at 'The Nest' 660 metres to the North-west; no others within 750 metres of the site. No objections raised.
- 4.6 The Transport Manager commented on the first application (S121643/F) that further information was required, to clarify the methodology for delivering components to site. This information was provided by the applicant and consulted upon as additional information. The resulting comments were as follows: the details confirm the use of standard HGVs, which can use the relevant highways without modification. The turn into Pentwyn would be tight but given the low number of trips the likelihood of damage is minimal. No objections raised at the time.
- 4.7 On this revised resubmission, further comments received are as follows: The detailed assessment on component delivery is accepted. The C1208 is narrow and, if the proposal is approved, traffic management is necessary, along with assessment of the carriageway condition before and after the delivery exercise took place. No objection, subject to a condition being recommended for a Traffic Management Plan to be submitted and approved in advance, to ensure road safety and reparation of any damage that might occur.

#### Conservation Manager (Landscapes)

- 4.8 Landscape concerns raised at pre-application stage have been addressed; the report is thorough and detailed, the zones of theoretical visibility are clear and well presented. The magnitude of change at some viewpoints would be 'medium' rather than 'low'. In two instances the turbine could be noticeable, being distantly visible above the skyline. However this will not be a determining factor of the landscape character or dominate the field of view. The use of a cable-laying 'mole plough' would minimise physical impacts and the cabling route would avoid trees and hedgerows. The application meets the requirements of UDP policy LA2. The landscape change would not be so significant as to affect overall character or visual amenity. The application demonstrates that landscape impact has been considered in the choice of location.
- 4.9 Further comments received on this resubmission: The smaller turbine would be much closer in height to surrounding trees. It is relatively small compared to other masts and turbines in Herefordshire at 50-60 metres – a turbine at that larger scale could not be supported in this location. Cumulative impact of further turbines would also raise concerns should any be proposed in the future. I remain of the view that this turbine would bring identifiable change but would not have a significant negative impact on the wider landscape character.

#### Conservation Manager (Ecology)

- 4.10 The Senior Ecologist provided advice at the pre-application stage as to the siting of single small to medium-sized turbines so as to avoid harm to bats. A buffer of more than 50 metres from any woodland, tree or hedgerow was recommended.
- 4.11 On the first application (S121643/F) the following comments were made: The proposal observes the recommended distance and there is little likelihood that foraging bats would be affected. The submitted ecological survey was undertaken at an appropriate time of year by a suitably qualified and experienced consultant. Further surveys would only be required if any ponds and/or hedgerows and trees would be affected; however this is not the case and the report is acceptable. The turbine would be sited in accordance with current Natural England guidelines away from hedgerow corridors.

- 4.12 In response to this resubmission it was confirmed that the previous comments remain valid. A condition to secure a habitat enhancement scheme is recommended.

Conservation Manager (Archaeology)

- 4.13 The Archaeological Advisor states that the site is within a broad area of general archaeological interest. Prehistoric remains are present in the surrounding area. However, he comments that the site choice avoids any obvious impacts and is unlikely to harm the setting of recorded or designated sites. No objection to this particular proposal, although noting that this should not set any precedent. A condition is recommended for a watching brief during operations. Confirmation received of no further comments on the revised shorter turbine proposal.

**5. Representations**

- 5.1 Dorstone Parish Council: During consideration of the withdrawn application (S121643/F), the Parish Council visited neighbours and displayed the application in the village hall. Parishioners raised questions relating to site suitability, precedent, wildlife, traffic, noise, and how to visualise the height of the proposal.
- 5.2 The Parish Council stated that it appreciates the applicant's efforts to minimise impacts but could not support the proposal at that time, due to residents' expressed uncertainties.
- 5.3 The Parish Council now supports this application by a majority vote, subject to the following comments: the application has attracted a number of comments and concerns from parishioners. Given the sensitivity, the Parish Council requests the matter is determined by the Planning Committee. The Council shares concerns that approval should not set a precedent. The applicant is requested to clarify points raised by parishioners. Should permission be granted, a condition is requested to ensure that redundant equipment be removed and the ground restored.
- 5.4 CPRE: Commented on application S121643/F as follows: Considers the turbine would be visible from parts of the valley floor, especially near Dorstone. Concerns about the ridge opposite and the Herefordshire Trail from Arthur's Stone and Merbach Hill. The Herefordshire Black Mountains area is on Natural England's shortlist of possible future AONB designations. A precedent would be set for further turbines. Details of component transportation are unclear. With regard to this resubmission The CPRE repeats previous comments on visual impact, noting that the application's analysis of the viewpoints has not changed. Questions whether components would overhang the flatbed lorries and cause damage to hedges or trees.
- 5.5 Comments from residents: Up to the time of writing letters of objection from 28 people have been received, slightly fewer than those received on the earlier application. Key comments received previously were concerned with the principle of wind turbines generally and in this location in particular, visual and landscape impact, highways and traffic. Concerns were also raised about the potential for noise, flicker, disturbance, and effects on groundwater and wildlife. Objections to the height of the proposed turbine led to the applicant's agreement to a 10 metre reduction. In response to previous comments about local road use, further details about transport of components are included in this resubmission.
- 5.6 The main points still being raised are summarised as follows:
- It would set a precedent for other turbine proposals
  - The proposed turbine is too big; the size and scale is inappropriate
  - It could not be accommodated without causing damaging visual impact
  - There would be significant impact over a wide area including Hay on Wye
  - It will tower over the countryside
  - It will be half as high as Hereford cathedral

---

Further information on the subject of this report is available from Debby Klein on 01432 260136

- It will be visible over a large area of Herefordshire, Shropshire and Powys
- It will harm Little Mountain (Local Nature Reserve)
- Tourism businesses would suffer, adverse effects on walkers and riders
- It would be visible from Arthur's Stone and Brecon Beacons National Park
- There would be serious adverse effects on landscape and heritage
- The Golden Valley has been a candidate for AONB status since the 1980s
- Moving parts are not in keeping with the rural unspoilt character of this part of the country
- Wildlife would be adversely affected (e.g. birds, bats, newts, dormice)
- It would interfere with air traffic and military low-flying exercises
- Artic lorries going up there day after day, lorry after lorry, will have an enormous effect on a narrow road and its hedges
- It will be noisy
- There will be shadow flicker
- The technical details submitted are shallow, vague, inaccurate and misleading
- There are no specific noise assessment details for the particular model of turbine proposed
- The ambient background noise is very low so any additional noise will be noticeable
- Wind turbines are inefficient and their usefulness is questionable
- The proposal offers no economic benefits or employment yet would adversely affect local people and property values

Other comments concerned matters such as likely wind speeds, efficiency calculation methodology, the type of camera lens used for pictorial information in the application, and the applicant's personal circumstances or motives.

5.7 Two letters of support were received, stating 'I wholeheartedly support this application. It is a sensitive improvement on the previous application, reducing visual impact considerably' and that everyone should do their bit to limit fossil fuel use.

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

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

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

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

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

### Key Issues

6.1 The key points in this case are:

- National policy (NPPF) and government initiatives
- Renewable energy and sustainability
- Precedent
- Choice of technology and site
- Landscape, heritage assets and archaeology
- Visual impact, tourism
- Access and highways (construction phase)
- Biodiversity
- Groundwater
- Safety and amenity (e.g. noise, flicker, air traffic)

### National policy (NPPF) and government initiatives

- 6.2 The NPPF carries significant weight as an indicator of current Government thinking. It supports renewable energy projects on a range of scales and types, subject to good design and adequate protection for landscapes, biodiversity and heritage. The applicant has considered these factors, which are discussed further below. Section 3 of the NPPF promotes a prosperous rural economy. It generally supports agricultural diversification, whilst acknowledging the importance of rural tourism and leisure. Section 10 requires local authorities to support moves to a low carbon future, to promote renewable energy sources, and to approve proposals where mitigation is possible. Section 11 nevertheless seeks to conserve and enhance the natural environment including valued landscapes. Paragraph 187 of the NPPF requires local authorities to look for solutions rather than problems and ‘at every level ... seek to approve applications for sustainable development where possible’. Government acknowledges there could be some tension between these requirements, but local planning authorities are expected to exercise professional judgement in striking a balance between the various determining factors. External funding schemes fluctuate but remain supportive of small-scale schemes such as single turbines.

### Renewable energy and sustainability

- 6.3 Paragraph 98 of the NPPF states that local authorities ‘should not require applicants to demonstrate the overall need for renewable or low-carbon energy’. The application states that the purpose of the proposal would be farm diversification, domestic self-sufficiency and reduction of carbon footprint. A turbine of this type must be connected via the grid and this has been confirmed as possible, using existing infrastructure within the applicant’s farm. The export of surplus power to the grid is regarded favourably by Government advice. Officers accept that the proposal would contribute to overall government approaches to sustainable renewable energy provision. This meets the relevant parts of UDP policies S1, S11 and CF4 on these topics.

### Precedent

- 6.4 Dorstone Parish Council, whilst voting to support the proposal, has drawn attention to the fears of objectors that approval would lead to further turbine proposals by the same applicant and/or other landowners. Policy cannot take account of this because each proposal is considered on its own merits and every site is different. However, officers take the view that the construction of one small-scale turbine in this area would not set a precedent, should any further applications be made. On the basis of cumulative impact and the absorption capacity of the landscape and locality, there would be strong policy arguments for resisting any further development of this type in any form or size. It could thus be regarded as a protection in policy terms from further proposals. The Senior Landscape Officer has endorsed this view, stating that cumulative impact from further turbines in this area could have a significant adverse effect that may not be supported, whilst this particular proposal would not in itself pose such a threat.

### Choice of technology and site

- 6.5 The application sets out a justification for the turbine location. The area has high wind and rainfall figures compared to sunshine which, in the applicant’s view, favours wind turbines over solar panels. The chosen model is of modest height and estimated as capable of producing 200,000 kW of electricity per annum. Appendix 2.1 of the supporting statement gives details of the equipment, explaining that it was chosen for its attributes on safety, design, quietness and efficiency.
- 6.6 Alternative sites were considered by the applicant at various points within the farm. Whilst not the applicant’s primary option, the final choice was considered to be viable, able to achieve

more than the advisory distance of 50 metres from hedges and trees, and the least visible from any public viewpoint or other dwelling. The location would minimise track length, infrastructure, and impacts on trees, hedges or biodiversity.

- 6.7 Government has consistently advised that the planning system relates primarily to land use and should not seek to judge a renewable energy proposal on viability, efficiency or need. The NPPF (paragraph 98) specifically warns local authorities against requiring applicants to demonstrate 'need' in this context. The same paragraph states that local authorities should recognise the contribution of smaller projects. Nevertheless the application does offer reasoning, pointing out that a turbine can generate more power when needed during the winter months, in preference to solar panels in some circumstances. Officers acknowledge the applicant's efforts to consider the relevant factors. It is considered that, on technology and site choice there is no conflict with UDP policies S1, S2 or S11 and the proposal would comply with policies DR1, DR2, LA2 and CF4.

#### Landscape, heritage and archaeology

- 6.8 Local landscape characters are 'Wooded hills and farmlands' on the lower slopes and 'Ancient Timbered Farmlands' (on the highest area), typified by hedgerows, tree cover, clumps of woodland and small fields. The site is not within or adjoining any designated landscape area. Brecon Beacons National Park is more than 5 kilometres to the west, with hills, valleys and forest blocks in between. The Senior Landscape Officer has acknowledged the application's consideration of alternatives, the methodology for site choice and impact minimisation, and the use of underground cabling. She states that, on balance, the landscape change would not be so significant as to affect overall character. In her view, the application demonstrates that landscape impact has been taken into account in the choice of location, and the proposal meets UDP policy LA2. The applicant has stressed that the turbine blades would be coloured a non-reflective matt grey or off-white, to avoid being overly conspicuous or create reflections.
- 6.9 On this revised resubmission the Senior Landscape Office reiterates her earlier comments, but observes that the smaller turbine would be much closer in height to surrounding trees. The cumulative impact of any further turbines the might be proposed would raise concerns. Officers remain of the view that the landscape has capacity to absorb this one turbine and would not have a significant negative impact on the wider landscape character or conflict with UDP policy CF4.
- 6.10 Section 12 of the NPPF requires applicants to assess effects on any heritage assets or their setting. However, it stresses that the level of detail should be 'proportionate and no more than is sufficient to understand the potential impact'. The supporting statement includes an assessment of local cultural heritage. This explains the methodology, identifying all cultural assets within 2 kilometres of the site, and 5 Scheduled Ancient Monuments all more than 1.5 kilometres from site. Tables 4.4 and 4.5 in the report consider these sites, concluding there would be 'virtually no direct views' and no overall impact that would affect any such assets or their setting. The closest listed building is Brynspeard, 510 metres to the south west but not visible from the site. The topography and tree cover mean that views of the turbine would be generally limited or glimpses.
- 6.11 The Supporting Statement also includes a desk-based assessment which concluded no likelihood of on-site archaeological remains, confirmed by a walk-over. The Archaeological Advisor notes Arthur's Stone Neolithic monument as the most significant above-ground heritage asset but it is 2.8 kilometres to the east across the Dore valley. He confirms the site has low potential for any likely remains and the footprint of disturbance would be limited. In his view the proposal is broadly permissible, subject to a condition to enable a watching brief during groundworks.



- 6.12 The site is not within or near any Area of Outstanding Natural Beauty (AONB). The site is adjacent to the undesignated Golden Valley. In response to objectors' suggestions that the Golden Valley is a candidate for AONB designation, Natural England has confirmed that the area was listed in the 1980s for possible future consideration, but has never been assessed and is not on any current agenda.

#### Visual Impact and tourism

- 6.13 Section 3 of the Planning, Design and Access Statement includes the standard methodology to explain the approach taken, using a variety of information sources. In defining the Zone of Theoretical Visibility (ZTV) it highlights an initial 10 kilometre radius, but concentrates on a 5 kilometre radius for more detailed study as more suitable for a relatively small single turbine. Local topography has been used to inform the approach. It ignores the presence of buildings vegetation and other screening structures, highlighting the point that the study is based on a 'worst case' scenario. Within the study area, the report identified eight viewpoints at varying distances from the site ranging from 0.6 km to 7.3 km. The choice of viewpoint is stated to concentrate on particular locations from which the site may be visible, rather than those from which it could not be seen at all. The study technique has been to use photographs taken from each viewpoint, to be overlain by computer-generated 'wireline' views to show the topography with the turbine added. The photographs are intended to be indicative and illustrative. To avoid duplication of the considerable work undertaken, this has not been amended to reflect the shorter turbine now proposed. This confirms the 'worst case' approach; in practice the shorter turbine would be less visible than the previously proposed 35 metre one.
- 6.14 The Senior Landscape Officer accepts the submitted details as according with nationally recommended guidelines, acknowledging that key points are identified, with clear Zones of Theoretical Visibility and suitable baseline data. Offers consider that, although the turbine would be visible from at least 2 viewpoints and partially from others, due to distance this would not dominate the field of view. The radio mast on Vagar Hill is distantly visible from the site, and the much higher hills above Craswall are visible on the skyline. From the National Park or Offas Dyke Path the turbine would be unlikely to be noticeable since the site is over 7 kilometres away and at a lower level. At close quarters only glimpses would occur, due to topography and self-seeded holly trees on the farm which afford evergreen screening.
- 6.15 No evidence has been found to suggest that the presence of a single small-scale turbine would be likely to adversely affect tourism. This concern could not be substantiated as a basis for refusing planning permission.
- 6.16 On landscape, heritage and visual impact this particular proposal is not regarded as being contrary to UDP policies S7, LA2, any of the archaeology policies in chapter 9 (ARCH1-ARCH8), or section 12 of the NPPF. Any future proposals for other turbines would be judged specific circumstances, including height and cumulative impacts if this one were approved and built.

#### Access and highways during construction

- 6.17 Paragraphs 25 to 30 inclusive of the supporting statement explain the transportation details for the construction phase. Construction vehicles would follow motorways and trunk roads until the last phase, on the B4348 through Dorstone to reach the C1208 road to Pentwyn. Paragraph 34 provides a table giving estimated movements for a 4-week period with a total of 8 component deliveries by HGV; week 3 having 6 of those deliveries. Aggregate tipper trucks and concrete-mixer lorries would total 18 during weeks 1 and 2. A crane for final assembly would be deployed as one journey in week 4.
- 6.18 On request, the applicant has provided the following delivery information:

---

Further information on the subject of this report is available from Debby Klein on 01432 260136

- a) The turbine tower would be transported in two sections one inside the other;
- b) Large sections are delivered on standard 10-tonne articulated flatbed lorries;
- c) The existing road is adequate to accommodate such vehicles;
- d) No hedges or trees would be affected.

- 6.19 The C1208 is single-track, requiring all users to exercise care and make way from time to time when meeting. However, HGVs and tractors do use this road, which passes farms towards Hay-on-Wye. The proposal for a smaller turbine gives further weight to the applicant's view that all the equipment could safely be brought to site using vehicle types which already use roads in this area. The additional information also gives details of transport arrangements for all other components. On completion, 2 visits per year for maintenance using a normal 4WD vehicle are envisaged.
- 6.20 The Transportation Manager has accepted the additional and revised information, noting that numbers of movements are low and over a limited temporary period. There are no particular concerns that the turn into Pentwyn could not be achieved. The terms of policies DR3 and T8 can therefore be met, subject to precautionary arrangements being put in place. Attention is drawn to the provision of Sections 59 and 278 of the Highways Act, which enable the local authority to secure any repairs to the public highway without public cost, should the need arise. A condition is recommended requiring a Traffic Management Plan to ensure compliance with UDP policy DR3.

#### Biodiversity

- 6.21 The application includes reporting of an extended phase 1 habitat survey conducted in May 2012. The site and surroundings comprise small improved pastures, hedgerows and trees. The survey did not find significant populations of any priority species of any kind. Special attention was paid to the possibility of bats and birds being present. The survey was undertaken in May, and some evidence of small numbers of Common pipistrelle was found. However the site is high (over 300m AOD), the survey indicates a low level of use by a bat species which is relatively common; no evidence of potential roosts was found within 200m of the site. Common bird species were noted around the site but the report did not highlight any particular concerns. The location has been chosen at an optimum distance of more than 50 metres from any trees or hedges and the report concludes that effects on biodiversity would be negligible.
- 6.22 The Senior Ecologist has confirmed that the submitted ecological survey was undertaken at an appropriate time of year by a suitably qualified and experienced consultant. Further surveys would be required if any ponds and/or hedgerows and trees would be affected. However this is not the case and the report is accepted as adequate. The turbine would be sited in accordance with current Natural England guidelines away from hedgerow corridors. Under such circumstances Natural England recommends that surveys are not required. There could be opportunities to enhance or improve habitats by gapping up hedgerows, protecting hedges from grazing animals, and trimming back where ponds are shaded. A condition is recommended to that effect.
- 6.23 On the basis of the above the application would be in accordance with UDP policies S7, NC1, NC6 and NC7.

#### Groundwater

- 6.24 The site is above 300m AOD, is in flood zone 1 (low risk) and is not within a groundwater protection zone. The footprint of the hardstanding would be about 80 sq m. Further information received on drilling depths shows that the site topography is typified by bedrock. The application states the turbine would be 'fixed in place by galvanised bolts into a concrete

foundation 6m diameter and 1m deep'. It would be gravity held, would not be deep-piled, and would have no effect on ground or surface water flows.

- 6.25 The application reports preliminary studies undertaken with regard to groundwater, finding that the site is 600 metres from the Pont-Y-Weston Brook and the nearest river is the Dore at 1.5 kilometres. The site is not on a Principal Aquifer or Source Protection Zone. A springs is marked on the OS map to the south of Pentwyn and it is understood that legal agreements exist for the use of spring water by a neighbour. However the turbine site is above this spring and more than 200 metres to the north. The Environmental Health Officer dealing with private water supplies has not reported any risk. Other springs in the vicinity are considerably further away.

Safety and amenity (e.g. noise, flicker, air traffic)

- 6.26 The application includes a noise assessment undertaken to appropriate professional standards. This includes a graph showing estimations of indicative noise output over distances of 0 to 1000 metres. Established standards set a nominal acceptable noise level of 35 dB  $L_{A90}$  at 250 metres distance. The graph shows this can be met, and the nearest properties apart from the applicants' are not less than 500m away, giving a likely noise level of 20 - 26 dB  $L_{A90}$ . At 1 kilometre distance there would be no audible noise. The report takes account of strong prevailing winds. The Environmental Services Manager has studied the report and has no objections, accepting the findings as reasonable, with no risk of noise nuisance. On balance there would be no conflict with UDP policies DR13 and CF4. A condition is recommended to require adherence to specific noise limits and distances.
- 6.27 The application quotes government technical guidance to the effect that shadow and flicker can occur under certain circumstances within 130 degrees either side of north from the turbine site. However this will only occur 'within ten rotor diameters' and in oblique low level light. This means that in this case, with a rotor diameter of 16.5 metres, flicker would only occur within 165 metres of the turbine on the northern side. There are no structures within that distance or sector.
- 6.28 The application considers air traffic safety. It notes the required consultation distances for various establishments including radar areas.
- 6.29 National Air Traffic Services (NATS) was consulted and has no objections. The site is more than 60km from the nearest civil airport (Gloucestershire) and is not directly within a military low flying area. The application states that BT was consulted by the applicant with regard to any possible effects on telecommunications and has not raised any objections.
- 6.30 Both the Ministry of Defence (MoD) and Civil Aviation Authority were consulted and are therefore aware of the proposal. MoD refers applications to their Defence Geographic Centre (DGC) and Geospatial Air Information Team (GAIT). Comments received entail a request for a notification on completion of the turbine construction, for noting on their records. This would need to be undertaken by the applicant. The CAA offers standard advice, drawing attention to guidance on the internet. None of the above has offered any objection. Black Mountains Gliding Club is located approximately 23 kilometres (direct) from the site at Talgarth. The club was consulted and has no concerns or objections to the proposal.
- 6.31 There are no Public Rights of Way or public access areas in the site's vicinity or within the standard 'full height fall' distance ( i.e. tip height +10% = 27.6 metres)
- 6.32 On the basis of the above, officers accept that the application has paid proper and thorough attention to matters of safety and amenity and find no reason to doubt the assertions made.

## Conclusion

- 6.33 The application covers the aspects required in order to make a proper appraisal. Information on component delivery and transportation has been provided and a Traffic Management Plan to cover final practical details would be required before commencement. The submitted surveys and assessments are considered satisfactory to address the key issues. The site has been chosen carefully from a number of alternatives, taking account of matters of distance, visual impact, viability and amenity.
- 6.34 Although comprising open, hilly and attractive upland landscape, the area has no designation which merits special consideration for preventing such development. On balance the application is thorough, and presented in a clear and concise manner. Statutory consultees have not objected to any aspect of the proposal. Visual impact is a subjective matter but, in this case, no exceptional circumstances have been identified that would outweigh the matters assessed above. There is no reason why, if approved, this turbine should set a precedent for others; any application is judged on its own characteristics, including cumulative impact.
- 6.35 The applicant has demonstrated that this proposal could be successfully assimilated into its setting, offering only distant or partial views of the turbine in the main, particularly in light of the reduction in height. The proposal is therefore recommended for approval.

## RECOMMENDATION

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The external colour and finish of all parts of the structure hereby approved shall be permanently maintained in accordance with details which have first been submitted to and approved in writing by the local planning authority.**

**Reason: To protect the visual amenities of the area and to comply with the requirements of policy DR1 of the Herefordshire Unitary Development Plan.**

- 4. In relation to the development hereby permitted, no deliveries of components shall be made to the site unless or until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the local planning authority. The TMP shall include the following in particular:**
  - a. Estimated timescales for start and finish of the turbine installation;**
  - b. Provision for joint site meetings between contractors and officers of the local highways authority before the start and after completion of the delivery and construction period;**
  - c. The numbers, types, size and weights of all vehicles to be used to deliver components;**
  - d. Provision for agreement under section 278 of the Highways Act 1980 for the undertaking of any works required in reparation of any damage to the highway incurred by vehicles accessing the site;**
  - e. Details of the deployment of banksmen, where necessary, along the B 4348 and C1208 roads**
  - f. Means of ensuring all delivery drivers accessing the site are fully informed as to road conditions and their responsibilities along the delivery route**

**The TMP shall be implemented in accordance with the approved details.**

**Reason: In the interests of highway safety, and to conform with the requirements of policy DR3 of the Herefordshire Unitary Development Plan**

5. **Before the development hereby permitted begins, a Habitat Enhancement Scheme shall be submitted to and approved in writing by the local planning authority. The Scheme shall include in particular:**
  - a. **Away from the immediate vicinity of the turbine, new planting proposals and a plan to restore identified sparse hedgerows at Pentwyn Farm;**
  - b. **Proposals for additional habitats to attract birds, reptiles, insects and small mammals;**
  - c. **Double stock-proof fencing of some hedgerows to prevent over-grazing;**
  - d. **Measures to reduce shading to ponds, to increase light levels reaching the water;**
  - e. **A management plan to ensure after-care of planting and continuity for habitats created.**

**Reason: To improve biodiversity and connectivity for wildlife and restore hedgerow cover, in accordance with the requirements of policies S7, DR4, NC1, NC8 and NC9 of the Herefordshire Unitary Development Plan.**

6. **E03 Site observation - archaeology**
7. **I16 Restriction of working hours during construction**
8. **H06 Vehicular access construction**
9. **I06 Restriction on noise levels**
10. **Within six months of the equipment hereby approved becoming redundant, inoperative or permanently unused, the turbine and all associated infrastructure shall be removed and re-used, recycled, all materials recovered, or be finally disposed of to an appropriate licensed waste facility, in that order of preference.**

**Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and to safeguard the environment when the materials reach the end of their life, in accordance with policies S1, S2, DR1 and CF4 of the Herefordshire Unitary Development Plan.**

#### **Reason for Approval**

1. **The proposal has been considered having regard to possible impacts on visual amenity (including shadow flicker), landscape, biodiversity, and potential noise nuisance. The principles relating to renewable energy, sustainability and carbon footprint reduction have been taken into account in light of current national policy. With regard to visual amenity in particular, the site is remote with no neighbours within 500 metres of the site. The site is also generally screened or partly screened from public viewpoints by vegetation and the topography. Views of the turbine would primarily be distant and/or partial and would not be considered to dominate the field of view. The need for renewable energy carries weight provided other factors can be mitigated and the site has been chosen and assessed with this in mind. In light of the above, the proposal is considered to accord with, or be capable of compliance with, policies S1, S2, S7, S11, DR1, DR2, DR3, DR13, T8, LA2, LA5, NC1 and CF4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework, with particular (but not exclusive) reference to**

---

Further information on the subject of this report is available from Debby Klein on 01432 260136

paragraphs 28, 93, 97 and 98.

**INFORMATIVES:**

1. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
2. **N11C General**
3. **HN01 Mud on highway**
4. **HN21 Extraordinary maintenance**
5. **Applicant to notify CAA/GAIT DGC on construction**

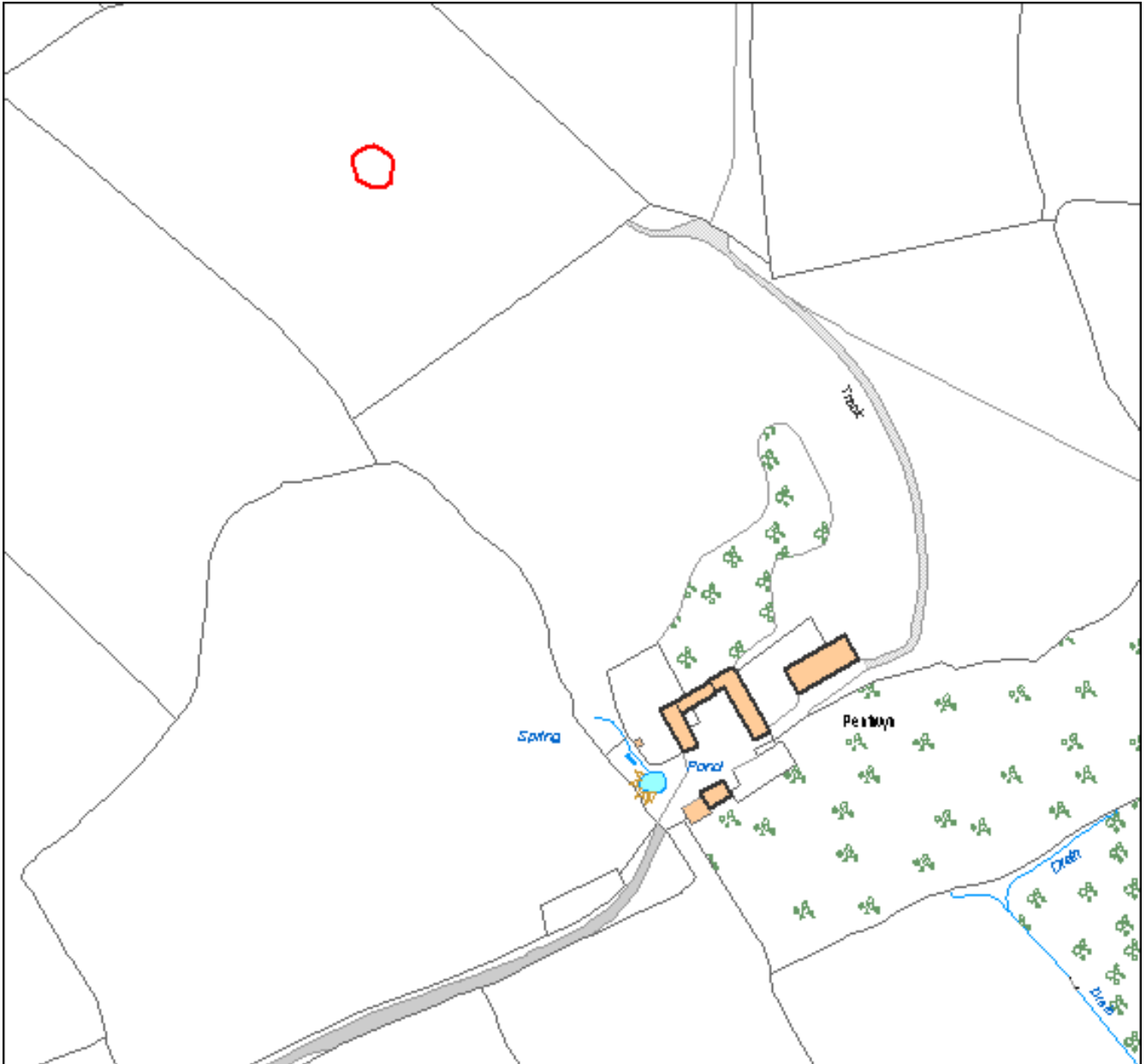
Decision: .....

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/122606/F

**SITE ADDRESS :** PENTWYN FARM, DORSTONE, HEREFORD, HEREFORDSHIRE, HR3 6AD

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 Debby Klein on 01432 260136

