

# AGENDA

## Planning Committee

Date: **Wednesday 15 May 2013**

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Time: **10.00 am**

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

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

For any further information please contact:

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

## **Membership**

**Chairman**

**Councillor PGH Cutter**

**Vice-Chairman**

**Councillor BA Durkin**

**Councillor PA Andrews**

**Councillor AN Bridges**

**Councillor PJ Edwards**

**Councillor DW Greenow**

**Councillor KS Guthrie**

**Councillor J Hardwick**

**Councillor JW Hope MBE**

**Councillor MAF Hubbard**

**Councillor RC Hunt**

**Councillor Brig P Jones CBE**

**Councillor JG Lester**

**Councillor RI Matthews**

**Councillor FM Norman**

**Councillor AJW Powers**

**Councillor GR Swinford**

**Councillor PJ Watts**

## AGENDA

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<b>2.</b>	<b>NAMED SUBSTITUTES (IF ANY)</b> To any details of Members nominated to attend the meeting in place of a Member of the Committee.	
<b>3.</b>	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4.</b>	<b>MINUTES</b> To approve and sign the Minutes of the meeting held on 24 April 2013.	7 - 28
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| <p><b>14. DATE OF NEXT MEETING</b><br/>Date of next site inspection: 4 June 2013<br/>Date of next meeting: 5 June 2013</p>   |                |

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## HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 24 April 2013 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, Brig P Jones CBE, FM Norman, AJW Powers, GR Swinford and PJ Watts

**In attendance:** Councillors H Bramer, RB Hamilton, GJ Powell, PD Price and SJ Robertson

**175. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JG Lester and RI Matthews.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone and R Preece attended the meeting as substitute members for Councillors JG Lester and RI Matthews.

**177. DECLARATIONS OF INTEREST**

7. S123556/F - LAND ADJACENT TO ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE.

Councillor DW Greenow, Non-Pecuniary, The Councillor advised that he was a member of the Gorsley Baptist Church.

8. SE100966/F -PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a member of the Wye Valley AONB Advisory Committee.

8. SE100966/F -PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a member of the Wye Valley AONB Advisory Committee.

8. SE100966/F -PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee..

**178. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 3 April 2013 be approved as a correct record and signed by the Chairman.

**179. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**180. APPEALS**

The Planning Committee noted the report.

**181. S123556/F - LAND ADJACENT TO ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE**

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

In accordance with the criteria for public speaking, Mrs Clark, representing Linton Parish Council; and Mr Price, a neighbouring resident, spoke in objection to the application.

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

- A technical report regarding the drainage issues at the site had been sent to the Planning Committee Members.
- Members were thanked for attending the site visit.
- There were significant issues regarding highway safety at Ivy House Lane.
- Child safety was an important factor in determining the application.

The Development Manager advised the Committee that an appeal against non-determination had been received on Monday 21 April 2013 and as a result of this the application could not be determined by the Planning Committee. However in order to make an appropriate representation in respect of the appeal it was necessary for the Committee to advise officers as to how they would have determined the application had they been in a position to do so.

The first member of the Committee to speak on the application was of the opinion that it should be refused contrary to the case officer's recommendation. He noted the concerns of the parish council and of the local residents and had concerns regarding child safety due to the busy B road, which connected to a motorway. He also noted the concerns raised in respect of drainage and considered that as a result of these issues the development was not sustainable. He moved that the application be refused in accordance with Unitary Development Plan Policies S1, DR2, DR3 and T8.

The Committee stated that they were not in agreement with this view and a motion to approve the application was moved and seconded. Members noted that the drainage issues had been addressed through appropriate conditions and that the development could not commence until these issues had been fully resolved. Members did have some concern in respect of the vehicular speed in the vicinity of the school and requested that a condition be added to the resolution requiring the speed limit to be reduced to 20mph. Members continued to discuss the application and noted that the development could reduce vehicular movements to the school as residents of the proposed dwellings would be able to walk to the nearby primary school.

It was noted that a site search had been underway since 2007 and that this was the most appropriate site identified in Gorsley. The debate continued with Members supporting the application. It was considered that the application would result in the area being more built up which could also lead to a reduction in vehicle speeds.



During the debate the Parish Council were strongly advised to commence work on a neighbourhood plan,

In response to a number of issues raised by the Committee, the Senior Planning Officer advised that there was no Section 106 agreement contribution for highways although there were highway benefits within the site; that the density of the site was 29 dwellings per hectare; that priority for occupancy would be given to local residents; and that the front of the dwellings did not open onto the B road as there was a hedge and footpath between the dwellings and the road.

In response to a question regarding a condition addressing the speed limit in the area, the Head of Neighbourhood Planning advised that this was outside of the control of the applicant and could not be conditioned by the Committee. He did however state that he would advise the highway authority of the Committee's concerns in respect of this matter.

Councillor H Bramer was given the opportunity to close the debate. He reiterated his opening remarks and requested that the Committee refuse the application.

## **RESOLVED**

**THAT had an appeal not been submitted in respect of non-determination the Committee would have been minded to grant planning permission subject to the following conditions:**

1. **A01 – Time limit for commencement of development**
2. **B01 – Development in accordance with approved plans**
3. **B07 – No development until the completion, signing and receipt of S106 agreement**
4. **C01 – Sample of external materials**
5. **G02 – Retention of trees and hedgerows**
6. **G09 – Details of boundary treatments**
7. **G10 – Landscaping scheme**
8. **G11 – Landscaping scheme implementation**
9. **G12 – Hedgerow planting**
10. **H03 – Visibility splays**
11. **H04 – Visibility over frontage**
12. **H13 – Access, turning area and parking**
13. **H17 – Junction improvement**
14. **H21 – Wheel washing**
15. **H27 – Parking for site operatives**

16. H29 – Covered and secure cycle parking
17. I16 – Restriction on hours during construction
18. I17 – Scheme of foul water disposal
19. I20 – Scheme of surface water drainage
20. I23 – Improvement of existing sewerage system
21. I42 – Scheme of refuse storage
22. Contamination study and report and mitigation
23. Implementation of Remediation Scheme approved under condition no.23

#### **Reason for Approval**

1. The proposal represents a sustainable form of development satisfying a genuine proven affordable housing need within this locality on a suitable and available site which has limited constraints and is within close proximity to local services and facilities. The proposal is of a size, scale, design, layout and density in keeping with its edge of village location and has no detrimental impact on adjoining land uses, the character and appearance of the streetscene or highway safety. Accordingly Herefordshire Unitary Development Plan policies S1, S2, S3, S7, DR1, DR2, DR3, DR4, H4, H7, H9, H10, H13, H15, H16, T6, T8, T11, LA2, LA3, LA5, LA6 and NC1 and the relevant sustainability, housing and design aims and objectives of the National Planning Policy Framework are satisfied

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
  2. HN01 – Mud on Highway
  3. HN04 – Private Apparatus Within Highway
  4. HN05 – Works Within the Highway
  5. HN07 – Section 278 Agreement
  6. HN10 – No Drainage to Discharge to Highway
182. SE100966/F -PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX

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

regarding the legal background of the application including details of the judicial review; a description of the colour plan that they had been provided with which had details of the lawful polytunnels; a detailed description of each of the fields including photographs and plans as well as an update in respect of policy issues regarding the application. At the end of his presentation the Principal Planning Officer advised Members that the application would result in a large scale development in the AONB and therefore the application was recommended for refusal.

In accordance with the criteria for public speaking, Mr Beckett, representing Kings Cople Parish Council; and Mr Williams, representing a number of local residents, spoke in objection to the application and Mr Cockburn, the applicant, spoke in support.

The Head of Neighbouring Planning addressed the Committee in reference to the judicial review lodged by a local resident subsequent to the application being granted in May 2011. He advised that the reasons initially given for the judicial review were that the Council had failed to comply with the Environmental Impact Assessment and UDP Policy LA1, that the Council had taken into account irrelevant issues, and that there had been a failure to declare relevant interests. He added that a second judicial review was also lodged in respect of enforcement issues. After the judicial review's had been lodged the Council were criticised in a separate case for not having provided clear reasons for approving an application and at this stage the same reason was sought to be added to the existing judicial review for Pennoxstone Court. The Council took advice which was that there was a strong chance that the court would uphold this reason. Consequently the Council consented to the permission being quashed and this took place on 3 September 2012 with the decision being on the grounds that the Council had failed to supply sufficient reasons for approving the application. In summing up the Head of Neighbourhood Planning advised that Members were not bound by the previous decision, however they needed to be clear in how they reached their decision and to give clear reasons in the event that planning permission was granted.

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

- The application was contentious and required a balanced decision taking into account the needs of the business and the impact on the Lower Wye Valley AONB.
- The application was approved, contrary to recommendation, by one vote at the October 2010 meeting.
- The application had received representations both in support and in objection.
- The impact on the AONB was not acceptable and the application should be refused.
- There had been a number of complaints to the Council's Enforcement Team regarding breaches of planning conditions at the site. These complaints related to the failure to remove the Spanish polytunnel frames from Front Meadow; the failure to comply with conditions regarding screening and gap filling; the delay in setting up, and the subsequent disbanding of, the community liaison group; and polytunnels being erected outside of the approved times.
- Concern was expressed regarding the applicant's proposal to erect the polytunnel frames whilst the existing polytunnels were still in situ.
- The visual impact should not be based on the entire Wye Valley AONB but on the local AONB Landscape Management Zone, LMZ05 Kings Cople Lowlands.
- If the application was scaled up to the United Kingdom, the area covered by polytunnels would equate to an area larger than Greater Manchester.

- The application was contrary to Unitary Development Plan Policy LA1 and the National Planning Policy Framework.
- The Economic Impact Statement did not provide a balanced view.
- The application did not meet the three requirements, namely economic, social and environmental.
- Members had received an email from the applicant making reference to acts of intimidation. Any acts of intimidation could not be condoned, although it should be noted that police action had been commenced regarding harassment and intimidation to a local resident by a partner of Pennoxstone Court.
- The Core Strategy, although not yet adopted, sought to maintain and enhance the County.
- The 2011 Steam report stated that income from tourism was approximately £467,000,000.

Councillor RB Hamilton, the neighbouring ward member, also commented on a number of issues, including:

- The application was contentious and had resulted in a number of objections from residents of the Pontrilas Ward.
- The determination of the application should focus on the main planning policy issues as set out in the officer's report, namely UDP Policy LA1 and paragraphs 115 and 116 of the NPPF regarding the impact of the application on the Wye Valley AONB.
- Out of the 38 AONB's in England and Wales, 2 were located in Herefordshire, with their care entrusted to local authorities, community groups and the individuals who live and work within them.
- AONB's represent 18% of the finest countryside in England and Wales.
- The application fails to meet the requirements as set out in UDP Policy LA1.
- The application could also have an adverse impact on tourism within the area.
- Members witnessed the narrow roads on the site visit, these were not suitable for large HGV's.
- Polytunnels were an important part of modern farming but in this case their impact on the AONB was too significant.

Prior to the debate the Chairman wished it to be put on record that recent comments attributed to him in the Ross Gazette regarding polytunnels and the residents of Kings Cople were not correct.

The Committee opened the debate with a Member voicing his concerns in respect of the application. He gave a background to his close working with growers in formulating a policy for polytunnels when he was previously the Cabinet Member for Environment. He advised the Committee that he had concerns regarding the scale of the proposal and the impact it could have on the AONB; concerns regarding the previous compliance in respect of planning conditions on the site as well as concerns regarding ineffectual planting of screening on the site.

Another Member stated that he was fully in support of the use of polytunnels in modern farming however he had concerns in respect of the intensity of the polytunnels in such a sensitive area in the heart of the Wye Valley Area of Outstanding Natural Beauty. He voiced his concerns regarding the breakdown in communication between the applicant, the local residents and the parish council and advised all parties that means of communication would need to be reinstated for the good of the local community.

Members continued to discuss the application and noted that the lawful polytunnels on the site had become lawful as they had been in situ over a period of time without enforcement action being taken. They thanked the local residents and the parish council for their efforts in respect of the matter and reiterated the need for all parties to work together in the future for the benefit of all involved.

A number of Members stated that they appreciated the need for polytunnels in modern soft fruit farming but that this need had to be weighed up against the visual impact, in this case, in a sensitive location within the Wye Valley AONB they considered that protecting the landscape outweighed the need for the polytunnels.

Members made reference to a similar situation elsewhere in the County and advised that a successful liaison group had been set up there which had eliminated the majority of problems at the site over a period of time. Members considered that all parties involved should note the success of the liaison group and aim to set up a similar group at Pennoxstone Court.

Councillors Durkin and Hamilton were given the opportunity to close the debate. They reiterated their opening remarks and requested that the application be refused.

The Head of Neighbourhood Planning addressed the Committee before the vote and advised that whilst there had been reference made to communication issues and personalities, it was important for Members to focus their attention in making their decision solely upon material planning considerations

## **RESOLVED**

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

- 1. Having regard to Policies LA1 and LA2 of the Herefordshire Unitary Development Plan 2007, Guideline 2 of the Polyunnel Supplementary Planning Document 2008, and paragraphs 115 and 116 of the NPPF, the proposal is considered unacceptable. The scale of the development is large in relation to the sensitive landscape of the Kings Caple spur and has a negative visual impact from surrounding elevated areas. The dominance of the polytunnel coverage across this spur of land is a significant detraction from the natural beauty of the local landscape as part of the Wye Valley Area of Outstanding Natural Beauty.**

**With specific regard to Unitary Development Plan Policy LA1 it is concluded that the development is not small-scale, would adversely affect the intrinsic natural beauty of the landscape, is not necessary to facilitate the economic and social well-being of the designated area and the community and does not enhance the quality of the landscape or biodiversity. It is not demonstrated that the proposal is in the greater national interest than the purpose of the AONB designation and the impact is not capable of adequate mitigation. It is not demonstrated, therefore, that the proposal accords with the stated exceptions to the presumption against large-scale development within the AONB.**

**The acknowledged contribution of the business to the local economy is not considered to outweigh the identified harm to the Wye Valley Area of Outstanding Natural Beauty.**

**183. 130534/FH - 45 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DZ**

The Chairman advised Members that the order of the agenda would be changed so that application 130534/FH could be determined prior to the meeting being adjourned for lunch.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie, the local ward member, advised Members that she had no concerns regarding the application and requested that it be approved.

In response to a question, the Development Manager advised that a response had been received from Marden Parish Council which was detailed in the update sheet.

Councillor KS Guthrie was given the opportunity to close the debate but chose to make no additional statement.

**RESOLVED**

**That subject to no objections raising additional material planning considerations by the end of the consultation period, the officers named in the scheme of delegation be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:**

- 1. A01 Time limit for commencement (full permission).**
- 2. B01 Development in accordance with the approved plans.**
- 3. The facing bricks to be used in the construction of the side wall of the extension hereby permitted shall match those used in the existing building.**

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policies DR1 and H18 of Herefordshire Unitary Development Plan.**

- 4. The external cladding material to be used in the construction of the front and rear walls of the extension hereby permitted shall be in accordance with the submitted details. (Ebony Cedral Weatherboard).**

**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policies DR1 and H18 of Herefordshire Unitary Development Plan.**

- 5. F15 No windows in side elevation of extension.**

**Reason for Approval**

- 1. It is considered that the proposed extension will appear in keeping with the character and appearance of the existing building and surrounding area in terms of its siting, scale, mass, detailed design and materials. In addition, having regard to the disposition of nearby residential properties, it is considered that the proposal will not unduly impact on the amenities of**

**neighbouring residents. In the circumstances the proposal will not conflict with the design requirements of Herefordshire Unitary Development Plan Policies S1, DR1, H16 and H18 together with the sustainability and good design policies and objectives contained in the Introduction and Section 7 of the National Planning Policy Framework.**

**Informatives:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. N03B Adjoining Property Rights.**

**ADJOURNMENT**

The Chairman advised that the meeting would be adjourned until 1:30 pm.

**184. 130461/F - LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG**

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

In accordance with the criteria for public speaking, Mrs Joseph, representing a number of local residents; and Mrs Compton, Chairman of Clifford Parish Council, spoke in objection to the application and Mrs Smolas, the applicant, spoke in support.

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

- The application had received 112 representations with the majority being in objection to the application.
- The surrounding area was a unique eco-system of agriculture built up over many decades.
- The land was serviced by a small road network which did not have capacity for wedding vehicles as well as the existing farm vehicles.
- The proposition to force people to travel to the site by minibus was not enforceable.
- There were no suitable passing points and vehicles could be required to reverse 100 yards or more.
- Business diversification was vital, but this was in the wrong venue.
- The proposed business had little chance of success with its current business plan.
- The local community had concerns regarding the impact the application would have on the local area.
- There were also concerns regarding the water supply.
- The local residents could hear noise from Hay Festival, although this was accepted as it was for just 10 days and bough approximately £20 million into the local economy.



- There were also concerns regarding light pollution.
- The applicant needed to communicate better with the local residents and the parish council.
- The application should be refused.

Members opened the debate by voicing their concerns in respect of the 'events facility' part of the application. It was considered that this usage was alien to such a rural area and that the highway infrastructure was not suitable for the proposed usage. Members discussed the proposed use of taxis and minibuses for visitors and considered that this would not be enforceable. Concern was also expressed regarding light pollution.

Members considered that the issues regarding water could be addressed through appropriate conditions

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

- That he had met the applicants previously and had advised them that he was supportive of a training events venue however he could not support the current larger scale application.
- The current application was half the size of the original application but it was still too large for the proposed location.

In response to a question, the Development Manager advised Members that they could not issue a split decision in respect of the application.

## **RESOLVED**

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

- 1. The proposal represents a significant risk to highway safety and the free flow of traffic through the resultant increase in vehicular movements generated by the proposal on the local network. The proposed transport mitigation can not be controlled, monitored or unenforced and conditions would not be compliant with Circular 11/95. Furthermore there is a reliance on the use of passing places adjacent to the public highway which are located on private land outside the applicant's or Authority's control and as such these can not be relied on for their availability or use. The submitted Transport Assessment is also deficient, having insufficient survey data and has not assessed adequately two substandard road junctions where traffic flow will be significantly increased. As such the proposal is contrary to Herefordshire Unitary Development Plan policies S1, S2, S6, DR1, DR2, DR3, T6, T8, E11 and RST13**
- 2. Given there will be a significant increase of vehicles and people into this isolated, tranquil landscape area and the land use and activities proposed, this will significantly reduce the character, amenity and tranquillity of this sensitive isolated area and therefore have a negative impact on the overall landscape character. This is contrary to the stated aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR1, DR2, E11, LA2 and RST13**
- 3. The proposal fails to demonstrate that the valued dark landscape and sky resource will be protected and not adversely affected. As such the aims and objectives of the National Planning Policy Framework and**



**Herefordshire Unitary Development Plan policies S1, S2, S7, DR2, DR14, E11, LA2 and RST13 are therefore not satisfied.**

- 4. The proposal fails to ensure protected habitats and species will be suitably protected and safeguarded. The proposal, through the increased number of people into the area, traffic generated and requirement of unspecified vehicular passing places on common land, Special Wildlife Site and Ancient Woodland, and the location of the proposed package treatment plant all represent an unacceptable unquantified risk and impact to ecological and biodiversity resources, included designated resources and protected species, contrary to the aims and objectives of the National Planning Policy Framework and Herefordshire Unitary Development Plan policies S1, S2, S7, DR2, DR4, DR13, DR14, E11, NC1, NC4, NC6 and NC7.**

**185. 130426/F - FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ**

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

In accordance with the criteria for public speaking, Mrs Philpotts, representing Holmer and Shelwick Parish Council, spoke in objection to the application and Mr Cole, representing the applicant, spoke in support.

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

- The applicant had done a lot of additional work on the revised application, which as welcomed.
- The public speakers were thanked for their contribution.
- The site was designated as employment land, which had always been safeguarded by previous committee decisions.
- Live/work units would have been welcomed.
- The site would be better suited for a community usage.
- The traffic concerns were still valid.
- There were also concerns in respect of street lighting, density, drainage, and the impact on the open countryside.

Members discussed the application and noted that a lot of work had been undertaken by the applicant to address the concerns raised through the previous application on the site. Concern was expressed that the applicants had not considered live/work units on the site and had not investigated alternative drainage systems on the site.

In response to a number of questions from the Committee, the Principal Planning Officer advised that as density had been a concern on the site previously the decision was made to remove the onsite play area from the application and upgrade the existing Wentworth Road play facility instead; that permitted development rights would be removed to address the issue of the 'no dig layer'; and that contamination hotspots would be removed from the site to the satisfaction of the Environmental Health Officer.

Members noted that there were no stand-out features to the application and that it was disappointing that there were no sustainable features incorporated into the development such as live/work units. Members discussed the Parish Plan and sought clarification as

to the status of the plan in planning terms. The Head of Neighbourhood Planning advised that a parish plan could be a material planning consideration if it had been endorsed or adopted by the Council, however this was not the case for Holmer and Shelwick parish council's parish plan, therefore it could not be given any weight in policy terms.

Councillor Robertson was given the opportunity to close the debate. She reiterated her opening remarks and made additional comments, including:

- The Parish Plan had not yet been adopted.
- There were 41 people employed on the site previously.
- The decision should be made democratically.

## **RESOLVED**

**That subject to final clarification in relation to the acceptability of the proposed S106 Obligation terms, 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**
10. **I50 Measures to deal with soil contamination**
11. **I55 Site Waste Management**
12. **I51 Details of slab levels**
13. **L01 Foul/surface water drainage**
14. **L02 No surface water to connect to public system**
15. **L03 No drainage run-off to public system**
16. **L04 Comprehensive & Integrated draining of site**
17. **F14 Removal of permitted development rights**
18. **I16 Restriction of hours during construction**
19. **H27 Parking for site operatives**
20. **M09 Land affected by contamination**
21. **H26 Access location**

## **Informatives**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. HN10 No drainage discharge to highway**
- 3. HN08 Section 38 Agreement and Drainage details**
- 4. HN07 Section 278 Agreement**
- 5. HN04 Private Apparatus within the highway**
- 6. HN1 Mud on the highway**
- 7. HN28 Highways design guide**
- 8. HN13 Protection of visibility splays on private land**
- 9. 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 of development 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.**

**It is considered that the proposed development, subject to a condition, can be served by an acceptable and adopted drainage system in accordance with policy DR4 and CF2 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.**

**186. 123417/F - DAIRY FARM - LODGE FARM, WALTERSTONE COMMON, HEREFORDSHIRE, HR2 0DT**

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

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

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:

- There was no objection to the dwelling itself.
- There were no issues with ingress or egress.
- There were no objections from local residents or the Parish Council.
- The application had been submitted in 2011 but was withdrawn.
- In July 2012 a further agricultural building on the site was granted.
- The businesses had increased by 35% year on year.
- There were 600 standard man days required to run the business.
- The agricultural services enterprise that had been set up had grown.
- The breeding cattle business would bring in more profit than the agricultural services enterprise.
- There were no affordable dwellings in the area.
- The application met the requirements of NPPF Paragraph 28.

The first Councillor to speak in support of the application noted that the business had been established and financially viable for over three years and therefore met the requirements of the Unitary Development Plan. It was however noted that an agricultural tie condition should be added to any planning permission.

In response to a question, the Development Manager advised that none of the three previous planning approvals on the site had been implemented.

Members discussed the application and noted that the applicant's contracting equipment was all stored on the farm. Some concern was expressed in respect of the time taken for a response to be received from the County Land Agent in respect of the application.

The Committee considered the application and was of the opinion that the functional need for the development had been met. In terms of policy issues, the Committee noted that Unitary Development Plan Policies S1, DR1, H7 and H13 as well as National Planning Policy Framework paragraph 28 supported the application.

Councillor Powell was given the opportunity to close the debate but chose to make no additional statement.

**RESOLVED**

**That planning permission be granted subject to the following condition and any conditions deemed necessary by officers named in the scheme of delegation to officers.**

**1 Agricultural occupancy condition.**

**187. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 3.45 pm

**CHAIRMAN**



# PLANNING COMMITTEE

24 April 2013

## Schedule of Committee Updates/Additional Representations

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

**S123556/F - ERECTION OF 10 NO. AFFORDABLE HOMES WITH ASSOCIATED PARKING, ACCESS & LANDSCAPING AT LAND ADJ ROSE COTTAGE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Two Rivers Housing Association per Quattro Design Architects Ltd, Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT**

### ADDITIONAL REPRESENTATIONS

Following the comments from Members, Gorsley Goffs Primary School was contacted regarding attendance of pupils on the last day of term before the Easter holidays. The school confirmed that of 195 pupils on the roll, 9 were absent on 27<sup>th</sup> March.

The Council's Education department has provided figures illustrating where attending pupil's currently live. Ross on Wye is the most common home of pupils, with 37 children coming from there. 28 pupils from Gorsley attend the school. The overall data shows that a significant number of pupils travel considerable distances, often passing other existing schools to attend Gorsley Goffs Primary School.

Gorsley and Kilcot Parish Council made a representation of objection on 22 April 2013. The Parish Council objects to the application on a number of grounds. These are summarised as –

- The school is at capacity and cannot cope with the demand for places from local children as it is
- Ivy House Lane is used at peak school times by parents parking and is very congested. The proposal will make the situation worse
- The proposal will result in more vehicles driving through the village and B4221

Via the Councils Housing Development Officer, a local resident has provided details of a 2007 survey of the existing drainage infrastructure in the Ivy House estate. This suggests that part of the system in the vicinity of 12-14 Ivy House was deteriorating.

On 21 April 2013, the council received confirmation that the applicant had lodged an appeal against the non-determination of the application.

### OFFICER COMMENTS

9 pupils being absent represents under 5% of the pupil roll. It is not considered these absences had a demonstrable impact upon the number of vehicles witnessed by officers accessing the school or parking in Ivy House Lane taking into account the number of free spaces available within the pub car park which is used by parents collecting children.

The data regarding where attending pupils come from shows that parents are making either specific or linked trips to use a school often some distance away and only accessible to them by the use of a private vehicle. This undermines wider objectives regarding sustainability. The proposed development therefore

would help redress this balance and help it contribute to sustainability objectives, including reducing the county's carbon footprint by helping reduce the need for people to travel to access services.

In response to the Parish Council's comments, the Area Engineer has made no objection and the proposal enhances road safety through improvements to the junction with the B Class road and also through additional pedestrian infrastructure. The additional traffic generated from the proposal is not considered to have a significant impact over the existing situation having regard to the improvements proposed, sustainable location of the site, and the status of the B Class road.

In response to the details of the 2007 drain survey, it remains the case that the statutory undertaker has raised no objection to the proposal and subject to a condition requiring details of the drainage system to serve the proposed development being agreed before construction starts and implemented before first occupation, this is not considered to be a sustainable reason for refusal.

The effect of the appeal against non-determination is that determination of the application now rests with the Planning Inspectorate and the council cannot now issue a decision. However to assist the preparation of the Council's case it would be appropriate for the Committee to debate this item and reach a resolution on the decision that it would have reached had the appeal not been lodged.

## **NO CHANGE TO RECOMMENDATION**

**SE100966/F - APPLICATION (PART RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX**

**For: NJ & IE Cockburn per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW**

## **ADDITIONAL REPRESENTATIONS**

A letter has been received from Burges Salmon solicitors acting on behalf of the applicants. The letter sets out what are perceived as material deficiencies in the Report to Committee. These are as follows:

- 1) The Report fails to properly explain the circumstances as to why this application is being reconsidered. In particular, the Report fails to set out the basis on which the Council approved the application previously. This is a material consideration to this matter. The Report also fails to note that whilst the judicial challenge sought to challenge the lawfulness of the Council's assessment of the planning merits of the application that challenge was successfully resisted by the Council and rejected at the High Court. It is a material consideration to this matter that the Council's planning assessment of the application was upheld by the High Court, and it was simply the articulation of the reasons for approval rather than the basis on which the application was approved that was found to be deficient. The Report should set out clearly the grounds of challenge that were successfully resisted by the Council.
- 2) The Report refers to certain matters in the economic report provided by the applicant as "unresolved." As you will be well aware, officers have never asked the applicant to address these matters. Having never brought these matters to the attention of the applicant or expressed any concerns regarding their economic report, it is disingenuous for Officers to then describe the matters listed as "unresolved." In any event the applicants have been advised that the matters identified in the Report to Committee can be addressed.
- 3) The Report to Committee fails to note that the conclusions of the applicants' economic report are not challenged. It also fails to note that the economic benefits of the development were found to be valid grounds to approve this application previously. As noted above, that approach was



successfully defended by the Council in the High Court. That is a material consideration to this application.

- 4) The criticisms of the ZVI are misconceived. No attempt has been made by Officers to seek clarification from the applicants on any of the issues belatedly raised.
- 5) The Council's assessment of landscape and visual impacts is predicated upon the application site and surrounding area being located within a part of the AONB with a higher value and sensitivity than the rest of the AONB. The Report provides no justification for this approach beyond the development being located within the Wye Valley and no policy support is cited. The assessment of impacts is fundamentally undermined by this erroneous approach.
- 6) The assessment of impacts fails to set out clearly the baseline position. It also fails to properly set out and consider the benefits that the proposal will provide by restricting the use of polytunnels and cloches in other areas. This is a material consideration to this matter.
- 7) The analysis of Policy LA1 is flawed. The example of a 50-storey building is irrelevant to a temporary and transient development as proposed. The Report fails to properly articulate the applicants' position on Policy LA1.

The applicants request that the application be withdrawn from the agenda for the meeting of 24 April.

A separate letter has been received from Antony Aspbury Associates, the applicants' planning consultant. The letter restates the benefits of using polytunnels, revisits the original Planning Committee resolution to approve and also reaffirms that because of the controls that can be imposed via conditions, the applicants are only seeking an increase in covered polytunnels of 15 hectares. Reference is also made to the well established nature of the enterprise and the ability to secure, via a legal agreement, a restriction on the use of other forms of plastic crop protection that are considered to fall outside planning control e.g. cloches. It is stated that this additional control, together with landscape enhancements will only be possible upon the grant of planning permission. Comparison is also drawn to other polytunnel sites within the AONB. The letter also restates the applicants' position regarding Policy LA1 and the economic benefits that the soft fruit enterprise generates. These issues are covered at length in the Committee Report.

## **OFFICER COMMENTS**

The planning permission was quashed by Consent Order. The Order was based on the Council's failure to provide adequate reasons for the decision to grant planning permission; specifically the failure to articulate how the proposal complied with Unitary Development Plan Policy LA1. Against the background of an earlier resolution to approve, Members are not obliged to disregard their previous opinions or the decision to grant planning permission but should look at the proposal on the basis of the evidence before them and consider any material change in circumstances that have occurred since that time. The application as it stands now is the one to be considered.

Reference to unresolved issues is at 6.21 of the report, where the Council's commissioned response to the applicants' 2013 Economic Impact Appraisal is summarised. The methodology employed by the applicants' is not challenged and the Report to Committee recognises at 6.22 that the economic benefits to the local economy must be afforded considerable weight and that the economic benefit is not 'inconsiderable'. It is the conclusion of officers, however, that having regard to Policy LA1, NPPF guidance and the SPD, this benefit should not override protection of the AONB.

Although the letter does not specify, perceived criticism of the Zone of Visual Influence (ZVI) is taken to refer to paragraphs 4.4.3, 4.4.4 and 4.4.5 of the Report on page 37 of the printed agenda. Paragraph 4.4.3 refers to the usefulness of the ZVI images in demonstrating the potential visibility of the polytunnels based on the underlying landform of the area. Analysis of the application of the ZVI to the development (4.4.5) explains the limitations of the ZVI given that people's experience of the polytunnels will not be influenced by the fact that the overall ZVI is small or that the whole development cannot be seen from a single vantage point.

Officers disagree with the criticism that the Report seeks to elevate the sensitivity of the local landscape above other parts of the AONB. The Landscape Manager's assessment at 4.4.4 reflects the fact that large parts of the application site are found within the river valley, and therefore in the part of the landscape with the highest value and sensitivity in the context of the whole AONB.

The baseline position, if taken as the 9.86ha of lawful polytunnels, is reported at 1.2.2.

The applicants' position in relation to Policy LA1 is reported at length in the summary of the updated Supplementary Planning Statement (paragraph 1.4.2.).

One further letter of support and one of objection have been received. No new issues are raised.

## **NO CHANGE TO RECOMMENDATION**

**130461/F - CHANGE OF USE OF FARM BUILDINGS TO CREATE 3 LETTING HOLIDAY COTTAGES, 1 B&B LETTING ROOM & AN EVENTS VENUE FACILITY. ERECTION OF 5 DEMOUNTABLE GEO DOMES FOR HOLIDAY/EVENTS LETTING USE, WITH WC/SHOWER FACILITIES IN A NEW BUILDING & COMMUNAL FACILITIES IN ONE FARM BUILDINGS AT LLANERCH Y COED, DORSTONE, HEREFORD, HR3 6AG**

**For: Mr & Mrs Smolas per Mr David F Baume, 41 Widemarsh Street, Hereford, HR4 9EA**

## **ADDITIONAL REPRESENTATIONS**

Dorstone Parish Council reiterates its objection to the application.

Natural England has no objection to the application. Natural England confirms that with respect to our previous consultation response regarding the withdrawn application S122992/F, their opinion has not changed, and do not object to the application on the grounds of any impacts to the River Wye Special Area of Conservation (SAC), or the River Wye Site of Special Scientific Interest (SSSI).

Three further objections have been received as of 23 April 2013. These are from people who have already objected and includes a letter signed on behalf of 21 people and one family. No new issues are raised, however the following points are made –

- The letter to neighbours referred to by the applicant's was not received by many local people
- There was only 11 working days from the withdrawal of the previous application to the submission of this application
- There is no desire to keep new comers to the area out and the community is made up of recent new residents from outside the area
- Contrary to the diversification report there are numerous properties within 1 mile of the application site
- Existing Wedding venues within a 25 mile radius have vacancies and capacity for bookings so there is adequate existing supply
- No business case has been presented demonstrating the proposal will generate employment. The previous larger application stated no jobs would be created, however this reduced application states jobs will be created

## **OFFICER COMMENTS**

The updated comments made by Dorstone Parish Council are noted and have been considered and are covered within the Committee Report. This also applies to the further representation received from the local residents. The above points are referenced for Members benefit.

The comments from Natural England do not conflict with or contradict the ecological assessment and findings of the Council. Natural England note that they expect the Local Planning Authority to assess and consider the other possible impacts resulting from this proposal on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species. This assessment has been carried out and is within the Committee Report.

## **NO CHANGE TO RECOMMENDATION**

**130426/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 34 NO HOUSES AND GARAGES TOGETHER WITH ROADS, SEWERS AND ASSOCIATED EXTERNAL WORKS AT FORMER POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ**

**For: Lioncourt Homes Ltd per Mr Paul Harris, The Stables, Woodbury Lane, Norton, Worcester, WR5 2PT**

## **ADDITIONAL REPRESENTATIONS**

Holmer and Shelwick Parish Council's objection to the application to build 34 houses at the above site remains unchanged from previous applications, the objection is based on the following points:

1. contamination - the fact remains that the soil at the site is contaminated and there is no proposal to remove that contamination simply cover over with topsoil, now to a level of 600mm. Planting of fruit trees and digging to install ponds in gardens would take you down further than 600mm. The site is not suitable for residential development.

2. The site was identified in the Parish Plan for retention as employment land or for community use, such as a doctors surgery or community hall. In view of the contaminated nature of the soil this is the most suitable use of the site. The Core Strategy although not adopted does intend to create more employment sites north of the city, it does not seem sensible to turn an existing brownfield site into a residential development and create new industrial/commercial sites on greenfield sites. The parishioners of Holmer and Shelwick have confirmed through the Parish Plan that they would like this site to retain its availability to provide employment in the parish.

## **OFFICER COMMENTS**

In response to the above comments received from the Parish Council, Officers would refer to the committee report, details about the additional testing and the remediation strategy that was circulated to members.

## **CHANGE TO RECOMMENDATION**

Following on from discussion with the applicants, it has been agreed that the application proceed with the Heads of Terms attached to this report. As such, the recommendation should now read as follows:

That planning permission be granted subject to the following conditions: (see report)

**130534/FH - PROPOSED FIRST FLOOR EXTENSION AT 45 WALKERS GREEN, MARDEN, HEREFORD, HR1 3DZ**

**For: Mr Williams, 45 Walkers Green, Marden, Hereford, Herefordshire HR1 3DZ**

**ADDITIONAL REPRESENTATIONS**

Marden Parish Council support the application but raise concerns about the lack of a proposed ground floor plan.

**OFFICER COMMENTS**

In response to the concern raised by the Parish Council, the proposal does not involve any changes to the existing ground floor

**CHANGE TO RECOMMENDATION**

Since the publication of the report the consultation period has expired and so the recommendation is now one of approval subject to conditions.



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>SE100966/F - APPLICATION (PART RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX</b></p> <p><b>For: N J &amp; I E Cockburn per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</b></p>
<b>WEBSITE LINK:</b>	<a href="http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=100966&amp;NoSearch=True">http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=100966&amp;NoSearch=True</a>

**Date Received: 26 April 2010**

**Ward: Old Gore**

**Grid Ref: 355972,228695**

**Expiry Date: 3 August 2010**

Local Member: Councillor BA Durkin

## 1. Update

- 1.1 The planning application was reported to the meeting of the Planning Committee on 24 April 2013. The application was refused in accordance with the recommendation.

It has since come to officers' attention that the report to Committee did not include the statement on positive and proactive working as required by article 31 1 (cc) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010/2184 (as amended).

The purpose of this report is to seek a Committee resolution to enable this to be added as an informative note to fulfil this statutory requirement. The informative is as follows:

"The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified approval has not, in this instance, been possible."

Subject to agreement the informative will be attached to the decision notice.

**RECOMMENDATION**

**That Members resolve to approve the addition of the Statement of Positive and Proactive Working as an addendum to the Report to Committee for inclusion on the planning decision notice.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>130166/F - PROPOSED ERECTION OF 30 NO DWELLINGS INCLUDING 10 AFFORDABLE UNITS AND ASSOCIATED WORKS TO PROVIDE NEW ACCESS AND ROAD AT SITE ADJ TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ</b></p> <p><b>For: G P Thomas &amp; Son Ltd per Hook Mason Architects Ltd., 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130166">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130166</a>

**Date Received: 21 January 2013    Ward: Wormsley Ridge    Grid Ref: 346348,248579**

**Expiry Date: 22 April 2013**

Local Member: Councillor AJM Blackshaw

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

- 1.1 The application relates to an area of 0.89 hectares of grazing land, and is a field located towards the southern end of Canon Pyon. The land is flat and falls between two areas of residential development – the main village core to the north and a post-war residential estate, Meadow Drive, slightly divorced from the rest of the village, to the south. The site is bounded immediately to the east by a post and rail fence with a footpath and then hedgerow forming the roadside boundary. A mature hedge bounds to the west with open countryside beyond.
- 1.2 The village is very linear and older properties are arranged along the road frontage with outlooks across the countryside to the east and west. Meadow Drive is a cul-de-sac development, and a similarly sized development has also taken place at the northern end of the village and is known as Brookside.
- 1.3 Canon Pyon is identified as a main settlement by Policy H4 of the Unitary Development Plan. The settlement boundary excludes the application site, bounding it immediately to the north. The village facilities include a shop and post office, primary school, public house, playing fields and village hall.
- 1.4 The application is made in full and is for the erection of thirty dwellings. These are proposed as a mix of 20 open market properties – 10 two bed, 8 three bed and 2 four bed – and 10 affordable dwellings – 6 two bed, 3 three bed and 1 four bed. The houses are predominantly semi-detached, with only the two four bed open market properties in the south western corner of the plot being detached. Each dwelling has its own parking provision and half of the open market properties also include garages. The dwellings are all of brick construction, with some having rendered elements, and tiled roofs.
- 1.5 Vehicular access into the site is directly from the A4110. The plans show the construction of a minor road with a turning head within the site, the access from the A4110 being positioned

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

approximately centrally on the road frontage. The requirement to provide appropriate visibility splays necessitates the removal of the roadside hedgerow. The plans propose to reinstate a new hedgerow behind the visibility splays with a new 2 metre wide footpath behind the hedge and thus separated from the road, to recreate the existing situation.

- 1.6 The development is arranged with frontage development facing onto the A4110, with further development arranged around the new access road behind. Each of the properties has gardens to front and rear with the precise details of boundary treatments to be agreed should planning permission be forthcoming. The mature hedgerow that forms the western boundary of the site is to be retained.
- 1.7 The application relies on the ecological survey previously undertaken for the earlier proposal determined by committee in 2012. This concluded that there were no significant ecological issues which would be adversely affected by the development of the site. The application also confirms that the development would be connected to the mains sewer currently serving the village, and that storm water and surface water runoff will be dealt with through soakaways within the curtilage of each property. The application also includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. A copy is attached as an appendix to this report.

## **2. Policies**

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

S1 – Sustainable development  
S2 – Development requirements  
S3 – Housing  
DR1 – Design  
DR3 – Movement  
H4 – Main villages: settlement boundaries  
H7 – Housing in the countryside outside settlements  
H10 – Rural exception housing  
H13 – Sustainable residential design  
H15 - Density  
H19 – Open space requirements  
T8 – Road hierarchy  
NC1 – Biodiversity and development  
NC6 – Biodiversity Action Plan priority habitats and species  
NC7 – Compensation for loss of biodiversity

### **2.2 National Planning Policy Framework**

The following sections are of particular relevance:

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

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



### **3. Planning History**

- 3.1 N111770/F - Erection of 14 no. affordable homes on greenfield site including required access and services – Refused by Committee on 1 February 2012 for the following reasons:

The proposal fails to reinforce the character or appearance of the locality due to the layout and density and detailed design of the scheme. The orientation of the dwellings with their gable ends fronting onto the A4110 is at odds with the general pattern of development in the village. The proposal is therefore contrary to Policies DR1, H13 and H15 of the Herefordshire Unitary Development Plan.

The proposal requires the removal of a prominent roadside hedge. This represents an important feature in the locality, both in terms of its contribution to the appearance of the area and due to its biodiversity value. The application fails to demonstrate that both of these aspects have been satisfactorily mitigated and therefore the loss of the hedgerow is unjustified, contrary to Policies DR1, NC1 and NC7 of the Herefordshire Unitary Development Plan.

- 3.2 77/0627 – Erection of one bungalow – Refused.

- 3.3 75/0605 – Erection of one bungalow – Refused.

- 3.4 Two separate applications were also submitted and refused in 1966 for nine and five dwellings respectively. Both applications went to appeal and were both dismissed.

- 3.5 In the case of all of the applications referred to above the issues were the same;

- That the application site was beyond the recognised settlement and that there were no circumstances to justify an exception to policy; and,
- The site was within an Area of Special Landscape and development would detract from this.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Welsh Water – No objection subject to the imposition of conditions to ensure that foul and surface water are dealt with separately and that the latter should not be allowed to discharge to the mains sewer.

#### Internal Council Consultations

- 4.2 Head of Strategic Planning & Regeneration - As Council cannot demonstrate a five year housing supply, an interim policy position was adopted by Council in July 2012 and allows some exemption to Policy H7 to enable housing development on suitable strategic and sustainable sites which have been assessed in the SHLAA as having none or minor constraints.

The subject site was assessed as part of a larger site in the Strategic Housing Land Availability Assessment (O/cp/001) and was assessed as having 'Minor Constraints.' The assessment detailed that the site was suitable, available and achievable for development during the plan period, and that although the site would result in linear development, this is not

detrimental as a development would connect the satellite housing development further south. Taking this into account, the subject site is of suitable size and of a sustainable location to enable this site to be considered under the interim policy position.

During this interim period before the Core Strategy is adopted, the site is appropriate in principle for residential development as it accords with the interim policy position for residential development on suitable SHLAA sites.

- 4.3 Transportation Manager - No objections subject to the imposition of conditions.
- 4.4 Conservation Manager - Landscape – The proposed site is suitable in landscape terms as it does preserve the linear character of the original settlement of Canon Pyon. It retains the field hedgerow to the west, but the roadside hedge will be lost, which is a significant negative impact. However, the proposed terraced appearance fronting onto the road will have a positive streetscape impact.

The layout of the development is a little dense and further details are required about the nature of landscaping proposed within the site.

It is concluded that there is no overall landscape objection to the principle of housing on this site subject to the imposition of landscaping conditions and to ensure the protection of the retained hedgerow during construction.

- 4.5 Minerals and Waste Officer – No objection subject to the completion of a site waste management plan.
- 4.6 Waste Services Manager - The shared surface road needs to be built to a standard suitable for a 26 tonne refuse collection vehicle to travel over it twice weekly, without causing damage. Collection operatives will only walk up to 30m from the location that the vehicle can safely access to collect any refuse or recycling containers therefore if the shared surface road is not suitable then the collection locations for properties 13-22 may be too great a distance and residents will have to bring their refuse/recycling to a point closer to the junction.
- 4.7 Housing Manager - Supports the application for 30 houses at Canon Pyon with the provision of 10 affordable houses.

The application states that the affordable will be built to Lifetime Homes, DGQ and Code 3 and will be allocated to those with a local connection to Canon Pyon in the first instance which is supported.

## **5. Representations**

- 5.1 Pyons Group Parish Council – Following the rejection of the application to develop this site only last year. Canon Pyon should not now fall victim to the hiatus in planning caused by the NPPF and the gap created whilst the county core strategy is being completed. The site does not fit in with the Parish Council and the residents agreed objective of developing the village from the centre, near all the village facilities as the Council members understand. You are fully aware that work is underway to achieve these objectives and is only currently delayed by this application. The necessary background work on this was nearing completion when, without warning, the rushed application now under consideration appeared.

Last year the full planning committee at that time also viewed the site opposite the Nags Head preferred by the Parish Council and local residents and subsequently gave their almost unanimous support for the position taken by the Parish Council. In contrast, the site adjacent to Valentine Court has been rejected on repeated occasions in previous years when similar applications have been submitted.

We are considering the future of the village and consequently we must look to the draft core strategy, which will be in place during the period:

1. Contrary to the core strategy, there has been no contact with either the Parish Council or residents made by the developers. Policy RA2.5 and p 142 of the Core Strategy "Developers should ensure early engagement with the community".
2. The development is site led not by housing need contrary to the Core Strategy p 144 and is against RA2.1 "reflecting size of village".
3. It is a form of unacceptable ribbon development.
4. The design, urban and cramped, with a frontage of 16 houses lining the road, bears no relevance to a rural setting and is against RA2.3 Character of Village, policy H2.3 "respects characteristics of surroundings, good design and reasonable access to facilities" and policy H3.3 "elderly housing".
5. The site has drainage issues which will be exacerbated by 30 houses on impervious ground. The site, never built on for good reason, will produce continuing intractable problems, particularly if a change in climate results in higher rainfall.
6. The senior landscape officer acknowledges that the loss of the hedge has "significant negative impact. In fact, it would produce an ineffective barrier for some years and an inadequate replacement for a mature hedge.
7. The Parish Council supports housing development and has already added around 25% to Canon Pyon's building stock within the last decade; this development is out of proportion to the size and needs of a small village and does not comply with policy RA1 of the draft Core Strategy.
8. There remain serious concerns over sewage, highlighted during mid 2012 with yet another total blockage towards the southern end of the village.
9. In view of the preceding paragraphs, there is doubt whether the development is sustainable. At the last PC meeting the subject of both community and environmental sustainability was raised and these must be more fully addressed.

Pyons Group Parish Council trusts that the objections made will be given due consideration

5.2 16 letters of objection have been received from local residents. In summary the points raised in the representations are as follows:

- The housing to be built will not cater for the needs identified.
- It is unnecessary development with more suitable sites available in the middle of the village.
- The applicant's have chosen the wrong site and should have looked to develop the site next to the playing fields.
- A substantial amount of housing has been erected in the village and there is ample to meet local requirements. No further need.
- Houses should be built nearer to places where people are likely to find work.
- Canon Pyon is not well served by public transport.
- Why has no consideration been given to the erection of bungalows for older people?
- It would amount to ribbon development and contradict previous planning decisions.
- It will increase pressure on the local primary school
- Play space for under 12's should be provided on site.

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

- The design of the dwellings and the density of the development as a whole is considered to be inappropriate.
- The development will be detrimental to the residential amenities of the residents of Valentine Court and Meadow Drive.
- The proposal will have negative impacts on views across the countryside.
- It would result in the loss of an old hay meadow to the detriment of the local ecology of the area.
- The loss of the road side hedge would be to the detriment of the village and would remove a useful buffer between the road and footpath as the new hedge will take time to establish.
- The development would give rise to issues of highway and pedestrian safety
- The proposal will have a detrimental effect on the River Wye SAC.

5.3 CPRE objects to the application on the following grounds:

- The application relates to a Greenfield site beyond the village settlement boundary and is contrary to Policies H4 and H7 of the Unitary Development Plan.
- The village should not be a victim of the Council's failure to meet its five year housing land supply.
- A brownfield site within the settlement boundary is identified in the UDP and is yet to be developed.
- The proposal is contrary to the draft Core Strategy.
- The village is not well served by public transport and will increase dependency on private motor vehicles.
- Development of the site will be detrimental to highway safety of pedestrians living to the south of the site and wishing to access village facilities.
- The proposal will be visually intrusive and detrimental to the local landscape.
- The dwellings are poorly designed and do not take account of energy efficiency standards.
- The scheme does not include an infants play space and therefore is contrary to Policy H9 of the Unitary Development Plan.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/>

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

<https://www.herefordshire.gov.uk/contactus>

## 6. Officer's Appraisal

- 6.1 The site lies just beyond the settlement boundary for Canon Pyon as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. The proposal does not satisfy any of the exception criteria outlined by Policy H7 of the UDP – it is not entirely a scheme for affordable housing as was previously considered on part of the site, but is a mix of open market and affordable - and therefore is contrary to it. However, it is necessary to consider whether there are any other planning policy or material planning considerations to support the principle of development.
- 6.2 The Core Strategy is not sufficiently advanced to be given due weight in the consideration of the application and in any event, there are no specific policies or proposals that relate to this particular site. The National Planning Policy Framework (NPPF) came into force in March 2012. Paragraph 215 of the NPPF clarifies that due weight can still be given to the relevant

UDP policies for a period of 12 months from the date of adoption of the NPPF providing those policies are largely consistent with the NPPF.

- 6.3 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF now requires that local planning authorities should identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered the requirement for a 5% buffer is applicable to Herefordshire.
- 6.4 The Council's 2012 Annual Monitoring Report (AMR) which monitors housing land availability, identified that the Council currently has a shortfall of 216 units, which equates to a 4.6 year supply. This shortfall does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units and therefore a total of 356 units.
- 6.5 Paragraph 49 of the NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. In view of this, there is a requirement to release further land for housing that is deliverable within the next five years and is sustainable. There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance but in terms of the principle, if the development is acceptable in all other respects, the conflict with UDP policy H7 is not a reason for refusal of the application that could be sustained.
- 6.6 Two specific reasons were given previously for the refusal of a smaller scheme on part of this site. These refer to the loss of the hedgerow as a biodiversity asset and the design, layout and density of that particular scheme. If it is considered that the density, design and layout of the scheme is acceptable, and that it does not give rise to unacceptable detriment to the amenity of nearby dwellings, then the only judgement to be made is the weight to be given to the loss of the roadside hedge and meadow as opposed to the need to try and address the current shortfall in housing land supply.
- 6.7 Many of the points raised in objection to this application are matters that were previously considered, particularly the availability and preference for the development of other sites within the village and in relation to matters of highway safety. The previous report deals with both matters in detail and there has not been a material change in circumstance since the determination of that application to assume that either would now give rise to a reason to refuse this proposal.
- 6.8 Schemes have not been brought forward for any of the sites preferred by the parish council, and it has not expressed any intention to complete a Neighbourhood Plan. Such documents will ultimately provide the mechanism for parish councils to identify specific sites for development, but current proposals have to be determined on the basis of the adopted Development Plan – the National Planning Policy Framework and the Herefordshire Unitary Development Plan. This proposal must be treated on its merits, and not what might be preferred at some point in the future.
- 6.9 Although this proposal is for a greater number of dwellings, no objections have been raised by the Council's Highway Engineer. The A4110 is perfectly straight at this location and visibility is potentially very good, subject to the removal of the hedgerow. The plans now proposed have taken account, as best as possible, of the concerns of local residents and the hedge is to be re-planted between the road and a new 2 metre wide footpath. The footpath will be positioned further away from the road as a consequence and its widening is considered to be of significant benefit as it is currently rather narrow. The proposal is considered to accord with Policies DR3 and T8 of the UDP.

- 6.10 The application relies on the ecological survey previously undertaken for the earlier proposal determined by committee in 2012. This concluded that there were no significant ecological issues which would be adversely affected by the development of the site. No part of the site is afforded a specific designation of either local or national level and it is your officers opinion that its loss is significantly outweighed by the lack of a five year housing land supply. Canon Pyon is a village that is considered to be sustainable. It has a good range of local services, is designated as a main village in the UDP and is identified as being appropriate for development by Policy RA.1 of the draft Core Strategy. The intention is now to re-plant a new hedgerow behind the visibility splay by way of mitigation for the removal of the existing one and it is not considered that the previous reason for refusal on biodiversity grounds could be sustained.
- 6.11 Canon Pyon does not have a strong architectural identity. Its original core of buildings would have centred on the Nags Head public house and it is clear that the buildings that surround it are of some age. It is likely that the village evolved from here, predominantly along the eastern side of the A4110 where the majority of older buildings lie. These are a combination of timber frame, brick and stone construction and the majority are either rendered or painted, giving their appearance a degree of uniformity. The western side is dominated by post war developments of red brick bungalows and two storey dwellings arranged in a linear fashion along the road frontage, with later cul-de-sac developments at the northern and southern ends of the village.
- 6.12 It is important that any development should be integrated with the village and in this respect the best approach is to have dwellings that front onto the road and make a contribution to the street scene, rather than simply creating a cul-de-sac that is inward looking. Notwithstanding this, the site itself, with its long road frontage, lends itself to the development proposed and makes a good use of the land available.
- 6.13 A more traditional approach has been taken in design terms. The previous scheme sought to make best use of sustainable energy techniques by orientating roof slopes in a southerly aspect and installing solar panels. The layout was not considered to be acceptable and the application was refused in part on this basis. It is your officers opinion that this scheme takes account of the concerns expressed about the layout of the earlier scheme and has satisfactorily addressed them.
- 6.14 The introduction of rendered elements to the road frontage will give some relief to the overall appearance of the scheme. This could be extended further through a variation in brick types and could be agreed through the imposition of an appropriately worded condition.
- 6.15 The development is not of a high density and with 30 dwellings on 0.9 hectares, equates approximately to 33 dwellings per hectare. Each property has its own parking provision and good sized gardens, the majority having a length of at least 10 metres. All of the facilities required can be provided and, moreover, the retention of hedgerow along the western boundary with open countryside beyond, will serve to give a sense of space and enclosure. The proposal is compliant with Policy H15 of the UDP.
- 6.16 Two properties within Valentine Court do look out across the application site and, at their closest point, lie within 15 metres of the dwelling proposed for plot 30. The flank wall of the garage is closest and does contain a window but the elevation of this property is otherwise blank.
- 6.17 A similar relationship will exist between the dwelling on plot 19, and 10 and 11 Meadow Drive, with only a first floor bathroom window in the opposing elevation. A condition could be imposed to ensure that this remains obscure glazed.
- 6.18 The two dwellings shown as plots 17 and 18 do have rear elevations facing 13 Meadow Drive. The distance between them is, at its closest point, 25 metres, and in light of the fact that 13

Meadow Drive does not directly face these two properties it is considered that this relationship will not give rise to a loss of privacy or amenity to justify the refusal of the application, or to require any amendment to the scheme as submitted.

- 6.19 In conclusion, the relationship between existing and proposed properties is considered to be appropriate. There will inevitably be a change in the outlook that is currently enjoyed by some of the properties in Valentine Court and Meadow Drive, but in terms of a typical residential context, this is considered to be acceptable and in accordance with Policies DR1 and H13 of the UDP.
- 6.20 One objector has raised concerns about the potential effect of this development on the River Wye Special Area of Conservation (SAC) and has suggested that planning permission should not be granted until it can be demonstrated that the proposal will not have a significant effect on water quality.
- 6.21 Officers have been engaged in a continued dialogue with Natural England, the Environment Agency and Welsh Water about the matter, not only in relation to planning applications but also in a wider context for the draft Core Strategy. In order to bring this forward, it has been agreed that a Nutrient Management Plan is necessary and work is currently underway to secure its completion. In the interim, Natural England and the Environment Agency have signed a Statement of Intent to complete the management plan and have confirmed that, where a proposal indicates an intention to connect to mains sewers and there is capacity within the existing system, planning permission can be granted without delay. In this case Welsh Water have raised no objection subject to the imposition of conditions and your officers are content that the proposal will not have a significant effect on water quality. The scheme is therefore compliant with Policy NC1 of the UDP and the guiding principles of the NPPF in this regard.
- 6.22 The application also includes a Draft Heads of Terms Agreement to set out contributions towards highway, education, open space and sports facilities improvements, a contribution towards library services and waste and recycling facilities, and also to agree the terms of the provision of affordable housing on the site. Contributions will be spent locally in consultation with the parish council and the completion of a Section 106 Agreement prior to the commencement of development can be ensured through the inclusion of an appropriately worded condition should planning permission be forthcoming.
- 6.23 In conclusion, the proposal is considered to be acceptable. The lack of a five year housing land supply is considered to outweigh the loss of the roadside hedge and meadow that would result as a consequence of the development of the land, particularly as neither has either national or local designated protection. Canon Pyon is a sustainable settlement, having a good range of local services and access to public transport facilities. The scheme is considered to accord with policies S1, DR1 and H13 of the UDP and the guiding principles of the NPPF in this regard. The proposal demonstrates that a safe means of access with appropriate visibility splays in either direction can be provided and is compliant with policies DR3 and T8 of the UDP. It is also considered that the design has been influenced by the characteristics of the site and that the strong road frontage development is reflective of and complementary to the character and appearance of the village. The proposal accords with policies DR1 and H13 in this regard and consequently 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)**

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

2. **B01 Amended plans**
3. **B07 Section 106 Agreement**
4. **C01 Samples of external materials**
5. **F16 No new windows in specified elevation**
6. **G04 Protection of trees/hedgerows that are to be retained**
7. **G10 Landscaping scheme**
8. **G11 Landscaping scheme - implementation**
9. **H03 Visibility splays**
10. **H09 Driveway gradient**
11. **H11 Parking - estate development (more than one house)**
12. **H13 Sustainable Residential Design**
13. **H18 On site roads - submission of details**
14. **H21 Wheel washing**
15. **H27 Parking for site operatives**
16. **I16 Restriction of hours during construction**
17. **I55 Site Waste Management**
18. **L01 Foul/surface water drainage**
19. **L02 No surface water to connect to public system**
20. **L03 No drainage run-off to public system**

**Reason for Approval:**

1. **The lack of a five year housing land supply is considered to outweigh the loss of the roadside hedge and meadow that would result as a consequence of the development of the land, particularly as neither has either national or local designated protection. Canon Pyon is a sustainable settlement, having a good range of local services and access to public transport facilities and the scheme is considered to accord with policies S1, DR1 and H13 of the Herefordshire Unitary Development Plan and the guiding principles of the National Planning Policy Framework in this regard. The proposal demonstrates that a safe means of access with appropriate visibility splays in either direction can be provided and is compliant with policies DR3 and T8 of the UDP. It is also considered that the design has been influenced by the characteristics of the site and that the strong road frontage development is reflective of and complementary to the character and appearance of the village and the proposal also accords with policies DR1 and H13 of the UDP.**



**Informatives:**

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. **N02 Section 106 Obligation**
- 3. **HN01 Mud on highway**
- 4. **HN04 Private apparatus within highway**
- 5. **HN05 Works within the highway**
- 6. **HN10 No drainage to discharge to highway**
- 7. **HN08**

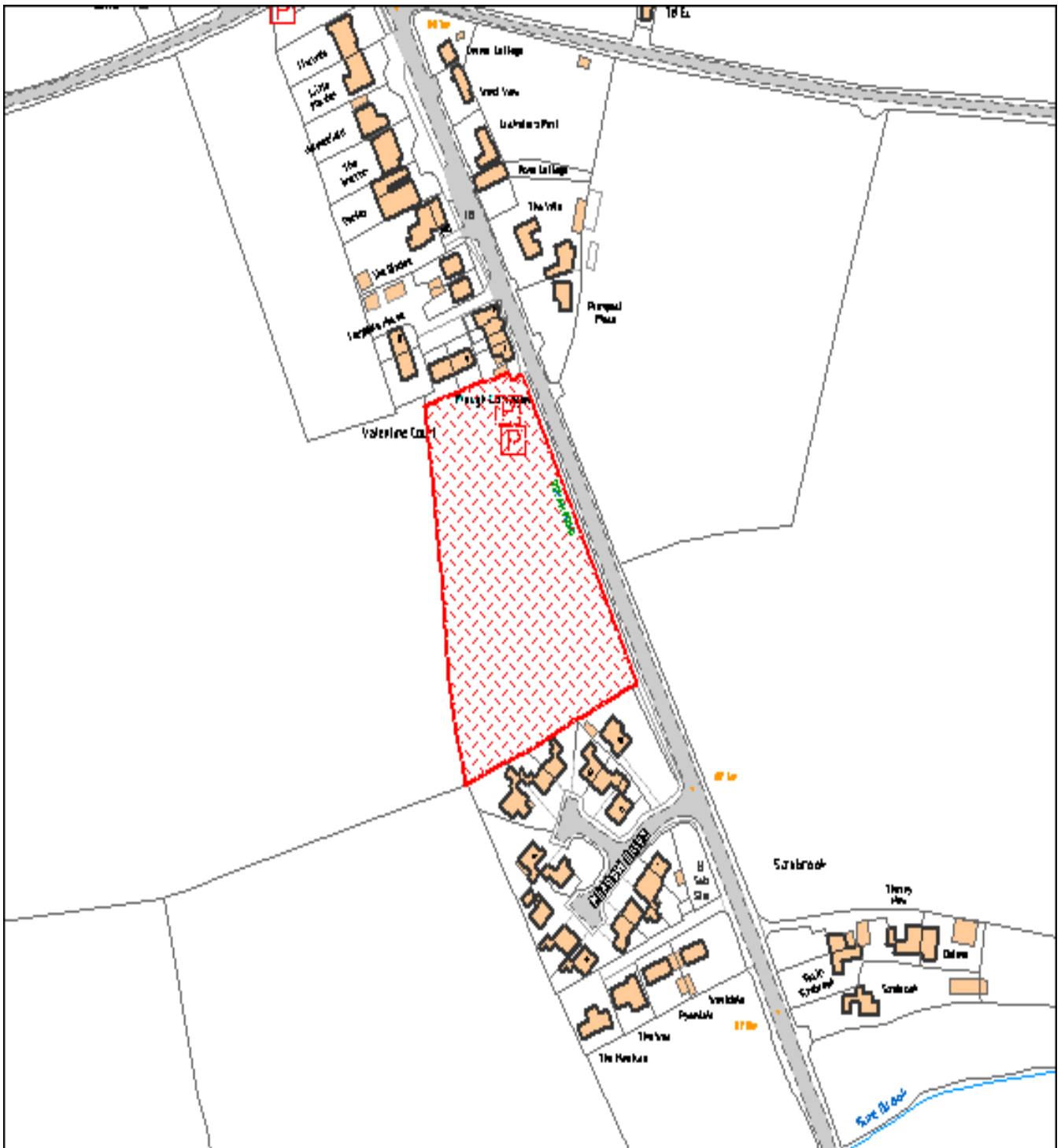
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 130166/F

**SITE ADDRESS :** SITE ADJ TO 4 VALENTINE COURT, CANON PYON, HERFORD, HR4 8NZ

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DRAFT HEADS OF TERMS  
Proposed Planning Obligation Agreement  
Section 106 Town and Country Planning Act 1990

Planning Ref – 130166/F  
Erection of 30 dwellings, including 10 affordable units and associated works  
to provide a new access and road

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £27,208 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality / accessibility of existing facilities in Canon Pyon. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,658 (in accordance with the Sport England Sport Facility Calculator) for improvements to sports facilities in consultation with the local community. This sum shall be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.

The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £106,110 to provide education improvements to Conningsby Early Years, Canon Pyon Primary School, Weobley High School, Herefordshire Youth Service and Special Educational Needs. This sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £51,116 to provide sustainable transport measures in Canon Pyon. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Pedestrian access improvements near the development and within Canon Pyon.
- b) Improvements to bus provision/passenger waiting facilities.
- c) Improvements to safe routes to local schools etc.
- d) Contribution to safe routes to schools.

The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £3,110 for the provision of library services. The sum shall be paid on or before the commencement of development, or to a timetable to be agreed between the Council and the developer prior to the formal completion of a Section 106 Agreement.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2,400 towards the provision of new or the enhancement of existing waste and recycling facilities in Canon Pyon (if appropriate provision/facilities are not provided on site).
3. The developer covenants with Herefordshire Council that ten of the residential units shall be “Affordable Housing” which meets the criteria set out in policy H9 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.
4. The Affordable Housing units shall be as follows with their tenure to be as follows:
  - 3 x 2 bedroom - Intermediate tenure

- 2 x 3 bedroom – Intermediate tenure
  - 3 x 2 bedroom – Social rented
  - 2 x 3 bedroom Social rented
5. 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.
  6. 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:
    - registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and
    - satisfy the requirements of paragraphs 11 & 12 of this schedule.
  7. 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:
    - a) A local connection with the parish of Canon Pyon; or
    - b) In the event of there being no person having a local connection to the parish of Canon Pyon a person with a local connection to the adjacent parishes.
    - c) In the event of there being no person with a local connection to any of the parishes referred to in 11(a) and 11(b) above any other person ordinarily resident within the administrative area of the Council who is eligible.
  8. For the purposes of sub-paragraph 11(a) of this schedule ‘local connection’ means having a connection to one of the parishes specified above because that person:
    - a) is or in the past was normally resident there; or
    - b) is employed there; or
    - c) has a family association there; or
    - d) a proven need to give support to or receive support from family members; or
    - e) because of special circumstances.
  9. 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.
  10. 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.
  11. The developer covenants with Herefordshire Council to pay Herefordshire Council a 2% surcharge fee for the monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.

12. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, 6 and 15 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.
13. The sums referred to in paragraphs 1, 2, 3, 4, 5, 6 and 15 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.
14. 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.

**ANDREW BANKS**  
**PRINCIPAL PLANNING OFFICER**

**4 December 2012**





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>N123414/CD - VARIATION OF CONDITION 15 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU</b></p> <p><b>For: Mrs Davis, Hope Family Centre per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123414">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123414</a>

**Date Received: 5 December 2012**    **Ward: Bromyard**

**Grid Ref: 364451,253846**

**Expiry Date: 8 May 2013**

Local Members: Councillors JG Lester and A Seldon

## 1. Site Description and Proposal

- 1.1 The Hope Family Centre is located to the west of the A465 (Hereford to Bromyard Road) just south of the settlement boundary of Bromyard. The 'Top Garage' and petrol station adjoins the site to the south, with the B4214 highway running alongside the western boundary. The residential property Touchwood borders the site to the north. There are two buildings on the site, both used by the H.O.P.E charity.
- 1.2 H.O.P.E stands for 'Holistic Opportunities for Play and Education' and was established in 1999 with the aim of supporting local parents on low incomes and those facing particular disadvantage. They currently provide childcare for 0-5 year olds, adult education and individual family support. The courses they run include literacy, numeracy, cooking, access to debt advice, access to health visitor and midwife. Within the second building approved under application DCNC0009/1820/CD building there are also small business units/workshops for individuals to work from and a café.
- 1.3 The original building granted under application DCNC2005/0062/F is restricted to use as a 'family centre, crèche and play group facilities and associated offices'. Condition 12 attached to the decision notice prevents the building being used for any other use in Class D of the schedule to the Town and Country Planning (Use Classes) Order 1987. The second most recent building granted under application DCNC0009/1820/CD is restricted to uses ancillary to the use of the existing premises on site (e.g. HOPE Family Centre). Both buildings have permission to be open to the public from 7am to 6pm on Saturdays, Sundays and Bank holidays, and 7am to 9pm on any other day.

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

PF2

## **Proposal**

1.4 This application proposes to vary condition 15 of planning permission DCNC0009/1820/CD to allow the workshop on the ground floor to be used for A1 uses. The end workshop has already been converted into a hair salon, with the other units currently being used for furniture restoration, dress making, office space and a multi sensory room. Each work space has its own access and according to the design and access statement amount to 25% of the overall centre.

1.5 Condition 15 of DCNC2009/1820/CD is as follows:

15. The areas depicted on the approved drawings for 'work space' shall only be used for purposes falling under the ambit of Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

1.6 The Council are currently considering two other applications to vary conditions 2 and 14 of permission DCNC0009/1820/CD. Condition 2 relates to use of part of the first floor as offices and 14 relates to the hours of opening.

## **2. Policies**

### **2.1 National Planning Policy Framework**

Paragraph 14 - The presumption in favour of sustainable development

Paragraph 17 - Core planning principles – Design quality and character of an area and different roles and character of different area. Promoting the vitality of our main urban areas.

Paragraphs 23-27 – Ensuring the vitality of town centres – applying a sequential test to planning applications for main town centres uses that are not in an existing centre and are not in accordance with an up-to-date plan – application for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraph 196 - Determining applications – determination in accordance with the approved plan unless material conditions indicate otherwise.

### **2.2 Herefordshire Place Shaping 2010**

Identifies Bromyard as having a vulnerable retail sector with above national average number of vacant shops.

### **2.3 Herefordshire Unitary Development Plan:**



S1	- Sustainable Development
S2	- Development Requirements
S4	- Employment
DR1	- Design
DR2	- Land Use and Activity
DR3	- Movement
E7	- Other employment proposals within and around Hereford and the market towns
E8	- Design standards for employment sites
E11	- Employment in the smaller settlements and open countryside
TCR1	- Central shopping and commercial areas
TCR2	- Vitality and viability
T11	- Parking Provision

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

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

### 3. Planning History

- 3.1 DCNC2003/2440/F – Playground family centre crèche facility, associated offices and Wc.s Approved 2/12/2003.
- 3.2 DCNC2004/1515/F – Variation to condition 3 of DCNC2003/2440/F re access. Approved 12/7/2004.
- 3.3 DCNC2005/0062/F – New build family centre. Approved 20/4/2005.
- 3.4 DCNC2005/1790/F – Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Refused 14/9/2005.
- 3.5 DCNC2006/0882/F – Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Approved 17/7/2006.
- 3.6 DCNC0009/1820/CD – Proposed construction of phase 2 of the H.O.P.E family centre, development to include day care facilities, office space, workshop space, multi-use community space and café, with associated parking facilities.
- 3.7 N102496/AM - Non material amendment to DCNC0009/1820/CD. Approved 18/2/2011.
- 3.8 N111678/F – Variation to condition 14 of DCNC0009/1820/CD – no time restrictions on use of building so it can be used for charity functions and occasional training events. Withdrawn.

### 4. Consultation Summary

4.1 None

#### Internal Council Advice

4.2 Traffic Manager - 'Given the number of objections received, and other observations, it appears that insufficient parking is available at this site to accommodate new activities not originally

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Further information on the subject of this report is available from Ms R Jenman on 01432 261961  
PF2

proposed, both retail and office. Because of the insufficient parking, I cannot support the applications’.

## 5. Representations

5.1 Bromyard Town Council – Support the application.

5.2 Avenbury Parish Council – Support the application.

5.3 A representation against the proposal has been received from Malcolm Scott Planning Consultant on behalf of the occupiers of Touchwood, the residential properties which adjoins the site to the north. The representation covers all 3 applications currently being considered by the Local Planning Authority. The objections to this application are summarised below:

1. Bromyard Town has a higher than average shop vacancy rate as identified in the Herefordshire’s Place Shaping 2010;
2. Application will not help either the vitality and viability of Bromyard’s Town Centre;
3. No sequential test has been provided or Impact Assessment;
4. Application form states B1 use, however no information has been given;
5. Insufficient information with the application to adequately determine the impact of the application on the surrounding area;
6. Proposed development will impact upon the amenity of the adjoin property;
7. No evidence of the need for A1 uses on the site;
8. Proposal is inappropriate given the impact the individual proposal will have, and the precedent that it will have;
9. The proposal will significantly alter the intended use of the site;
10. The conditions area necessary to limit the impact on the immediate and wider area; and
11. Retail development should be directed towards the town centre in first instance;

5.4 A Design and Access Statement was submitted with the application confirming the proposal is to change the Workshops to A1 uses. In summary it states:

- The development will help secure funding from the now defunct Advantage West Midlands – The centre put together a business case/plan demonstrating how they would sustain/fund their activities over future years, part of which was to let the work spacers.

5.5 A further letter from Sheenagh Davies has been received during the application in support of the proposal. In summary it states that:

The proposed A1 use will complement and enhance the existing businesses within the town of Bromyard,

- H.O.P.E. has a vested interest in ensuring the town centre thrives as it has three shops located on the high street.
- The businesses are desk space for fledgling businesses with H.O.P.E. providing support - there is no facility for this in the town.
- A number of the products made in the workshops are sold in the shops in town and therefore adds to the vitality and viability of the Town Centre
- The hairdressers - Rebecca Seal - has come from Hereford bringing her clients with her, who now regularly shop in the town, whilst attracting new clients from across the county who also use the town e.g. when she has had a later appointment the client has asked where they can eat rather than going home. Rebecca has taken on a trainee from Bromyard. The H.O.P.E. Centre provides a flexible facility for Rebecca at a time when she is trying to establish a business and this type off assistance for fledgling business in not available elsewhere in the community.

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

- H.O.P.E. provides opportunities for young people through the training, support and education projects which increase their confidence to start their own businesses in the small manageable units based within the Family Centre.

In addition to the letter a document showing a log of the Hairdressers clients has been submitted. The majority of those customers logged do not live in close proximity to the Centre. It identifies that they do use other shops and facilities in Bromyard Town. None of them identify that they are visiting the centre for another purpose.

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

<https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123414>

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

<https://www.herefordshire.gov.uk/contactus>

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

- 6.1 The main issue with the introduction of an A1 use on to the site is the effect it will have on the vitality and viability of Bromyard Town Centre. There is also the issue the effect the proposal would have on the level of the parking provision on the site.
- 6.2 According to the design and access statement the proposed A1 uses would be in 25% of the existing phase 2 building on the site. The UDP policies S5, TCR1 and TCR2 have the objective of promoting the vitality and viability of town centres (including Bromyard). Policy TCR2 states that to maintain and enhance the vitality and viability of town centres proposals for new shopping and commercial uses within part A of the Use Class Order will be directed to the central shopping and commercial areas. The proposed use of the existing work spaces to A1 uses is considered to divert expenditure away from the town centre and therefore undermine the vitality and viability of Bromyard town centre.
- 6.3 The site currently has permission for use by the H.O.P.E charity as a family centre only and consists of a day care facility as well as providing adult courses and advise from specialists. A town centre location would offer greater opportunity for linked trips where people travel by car but then make other trips on foot. At this site, on the edge of town there is little opportunity to do this other than for those people using the family centre.
- 6.4 The retail policies contained within the UDP have the objective of maintaining vibrant Town Centres by directing all retail uses to them. The application site is clearly an out of centre site being some 1.2km distant from the Town Centre and therefore its location is considered to divert expenditure away from the town centre. Whilst the proposal may be small in floor space terms in terms of expenditure and "trade draw" there is no evidence that its impact would be insignificant. The Local Planning Authority argues that any such out-of-centre premises have a potentially negative impact upon the Town Centre and certainly if repeated by other such premises have a negative cumulative impact.
- 6.5 It is noted that in an appeal relating to an application for a catering unit in the Homebase car park in Ledbury, the Planning Inspector agreed with the Council that whilst individually the effect of an A1 development on expenditure in the town centre could be relatively small is of little relevance, as the same argument could be made too often and, if successful, would cumulatively undermine the vitality and viability of the town centre.

- 6.6 In conclusion the proposal to vary condition 14, to allow for A1 uses on site would undermine the vitality and viability of Bromyard Town Centre and is therefore counter to the aims of Policies S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan.
- 6.7 At the heart of the NPPF is the presumption in favour of sustainable development with the aim of locating development to locations that are readily accessible by modes of transport other than the private motor vehicle. This has the objective of reducing carbon emissions and ultimately responds to climate change. Also by grouping commercial developments together within a Town Centre, even if one travels to that Town Centre by car, one can then visit a range of facilities without re-using ones car. In other words one travels to one destination for a variety of purposes. From the log of customers which has been submitted it is clear that the majority are arriving by car and are not using any other facility within the building. It is possible that they are moving there vehicles on down into the town to visit the shops, but no evidence has been provided.
- 6.8 The only other facility in the immediate vicinity is the Family Centre itself, whilst it is likely that a small number of the customers to the A1 use would also be using other facilities within the family centre, many existing and potential users are not. In essence the A1 uses would become a destination in its own right primarily by persons using the private motor vehicle as their mode of transport.
- 6.9 As a consequence it is submitted that the location of the proposed development would not assist in creating a sustainable pattern of development. Indeed the reverse is the case; it would create an unsustainable pattern of development increasing reliance upon the use of the private motor vehicle.
- 6.10 In conclusion, the proposal to vary condition 15 of planning permission DCNC0009/1820/CD would potentially prejudice the vitality and viability of Bromyard Town Centre, contrary to policies S1, S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan and guidance contained within chapter 2 of the National Planning Policy Framework.

## **RECOMMENDATION**

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

- 1. The proposed introduction of an A1 use in this out-of-town location would, in the opinion of the Local Planning Authority, potentially prejudice the vitality and viability of Bromyard Town Centre contrary to policies S1, S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan and guidance contained within chapter 2 of the National Planning Policy Framework.**
- 2. The application has not demonstrated that there is adequate parking on site for the additional vehicles generated by the proposal. As such the proposal fails to comply with Policy T11 of the Herefordshire Unitary Development Plan.**

**Informative:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

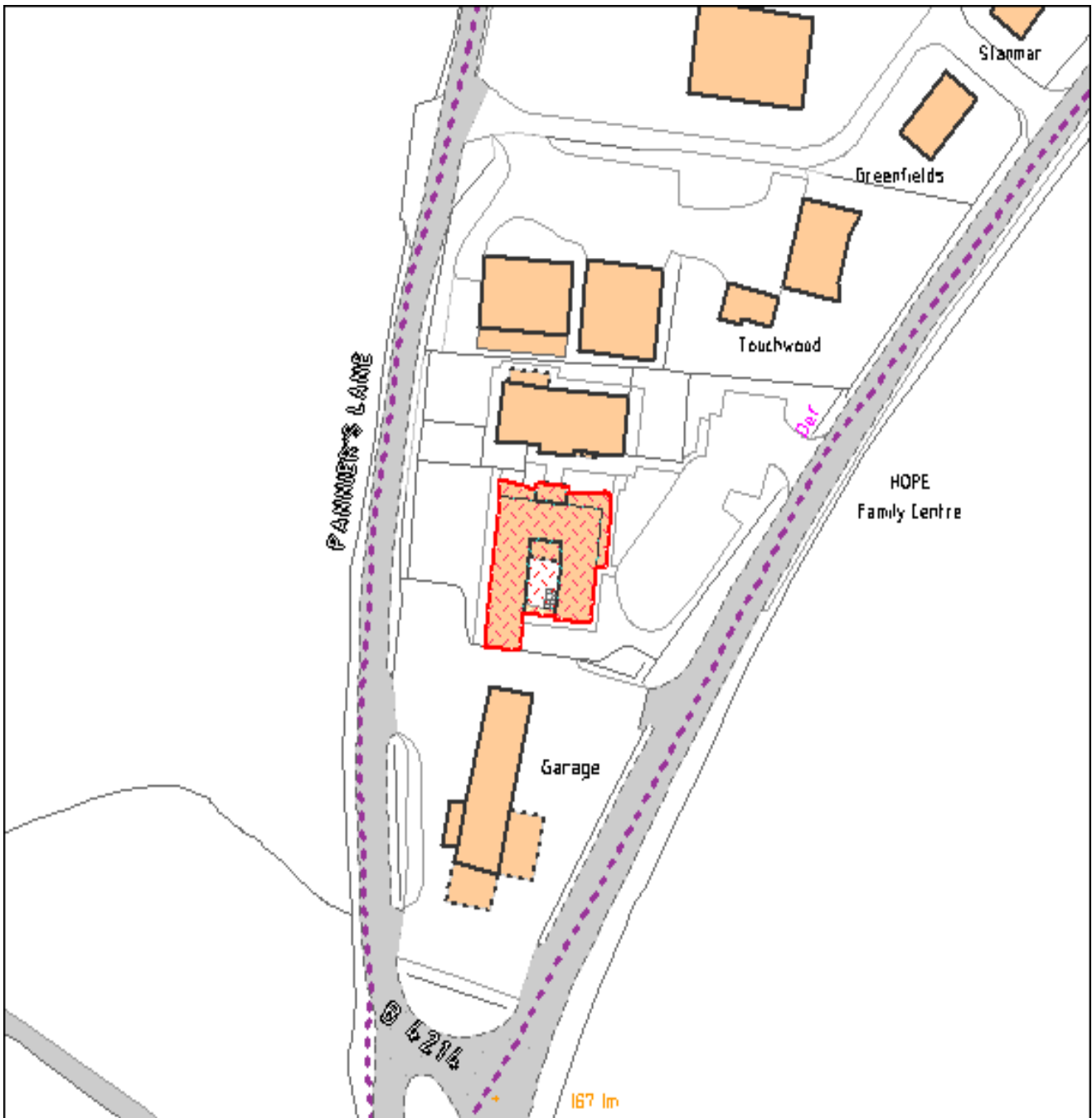
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** N/123414/CD

**SITE ADDRESS :** HOPE FAMILY CENTRE, HERFORD ROAD, BROMYARD, HERFORDSHIRE, HR7 4QU

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<b>123415/CD - VARIATION OF CONDITION 2 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU</b>  <b>For: Herefordshire Council per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123415">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123415</a>

**Date Received: 5 December 2012**      **Ward: Bromyard**      **Grid Ref: 364451,253846**

**Expiry Date: 8 May 2013**

Local Members: Councillors JG Lester and A Seldon

## 1. Site Description and Proposal

- 1.1 The Hope Family Centre is located to the west of the A465 (Hereford to Bromyard Road) just south of the settlement boundary of Bromyard. The 'Top Garage' and petrol station adjoins the site to the south, with the B4214 highway running alongside the western boundary. The residential property 'Touchwood' borders the site to the north. There are two buildings on the site, both used by the H.O.P.E charity as a family centre
- 1.2 H.O.P.E stands for 'Holistic Opportunities for Play and Education' and was established in 1999 with the aim of supporting local parents on low incomes and those facing particular disadvantage. The charity moved into the building, which is subject to this application, in 2006. They currently provide childcare for 0-5 year olds, adult education and individual family support. They run a number of adult courses, and provide access to debt advice, a health visitor and midwife. Within the second building approved under application DCNC0009/1820/CD there are also small business units/workshops for individuals to work from and also a café.
- 1.3 The original building granted under application DCNC2005/0062/F is restricted to use as a 'family centre, crèche and play group facilities and associated offices'. Condition 12 attached to the decision notice prevents the building being used for any other use in Class D of the schedule of the Town and Country Planning (Use Classes) Order 1987. The second most recent building granted under application DCNC0009/1820/CD, which is subject to this application, is restricted to uses ancillary to the use of the existing premises on site (e.g. HOPE Family Centre). Both buildings have permission to be open to the public from 7am to 6pm on Saturdays, Sundays and Bank holidays, and 7am to 9pm on any other day.

### Proposal

- 1.4 This application proposes to vary condition 2 of planning permission DCNC0009/1820/CD to allow the first floor of part of the second building to be used as a Multi Agency Office for

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

PF2

Council Staff in connection with the Council's policy for 'better ways of working'. The facility is aimed at Council employees living locally and will enable them to carry out their job without having to travel into Hereford. The area which is being proposed is approximately 189m<sup>2</sup>. The Multi Agency Office will encompass the whole floor, including the Meeting Room, Interview Room and toilets. There are a total of 12 workstations available for Council staff. On average it is expected that 4-5 council staff use the facility daily. The use has been in operation for a while with users signing in/out at the main reception and access the facility via the Centres communal staircase.

1.5 Condition 2 of DCNC2009/1820/CD is as follows:

2. The use of the development hereby approved shall be strictly ancillary to the use of the existing premises on site (i.e. HOPE Family Centre).

Reason: To ensure that the development is in-keeping with the existing use on site and to comply with the requirements of Policy CF5 of the Herefordshire Unitary Development Plan.

## 2. Policies

### 2.1 National Planning Policy Framework

The overarching theme of the NPPF is a presumption in favour of sustainable development.

Chapter 1 requires that the planning system supports sustainable economic growth, with the planning system acting to encourage not impede economic growth.

Chapter 3 states that local plans should "support sustainable growth and expansion of all types of business and enterprise in rural areas...and promote the development and diversification of agricultural and other land-based rural businesses."

Paragraph 187 confirms that decision takers at every level should 'seek to approve applications for sustainable development' where possible.

### 2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
E7	-	Other employment proposals within and around Hereford and the market towns
E8	-	Design standards for employment sites
E11	-	Employment in the smaller settlements and open countryside
TCR10-	-	Office Development
T11	-	Parking Provision

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

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

## 3. Planning History



- 3.1 DCNC2003/2440/F – Playground family centre crèche facility, associated offices and Wc.s Approved 2/12/2003.
- 3.2 DCNC2004/1515/F – Variation to condition 3 of DCNC2003/2440/F re access. Approved 12/7/2004.
- 3.3 DCNC2005/0062/F – New build family centre. Approved 20/4/2005.
- 3.4 DCNC2005/1790/F – Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Refused 14/9/2005
- 3.5 DCNC2006/0882/F - Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Approved 17/7/2006
- 3.6 DCNC0009/1820/CD – Proposed construction of phase 2 of the H.O.P.E family centre, development to include day care facilities, office space, workshop space, multi-use community space and café, with associated parking facilities.
- 3.7 N102496/AM - Non material amendment to DCNC0009/1820/CD. Approved 18/2/2011
- 3.8 N111678/F – Variation to condition 14 of DCNC0009/1820/CD – no time restrictions on use of building so it can be used for charity functions and occasional training events. Withdrawn.

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

##### Statutory Consultations

- 4.1 None.

##### Internal Council Advice

- 4.2 Traffic Manager: ‘Given the number of objections received, and other observations, it appears that insufficient parking is available at this site to accommodate new activities not originally proposed, both retail and office. Because of the insufficient parking, I cannot support the applications’.

#### **5. Representations**

- 5.1 Bromyard Town Council – Support the application
- 5.2 Avenbury Parish Council – Support the application
- 5.3 A representation against the proposal has been received from Malcolm Scott Planning Consultant on behalf of the occupiers of Touchwood, the residential properties which adjoins the site to the north. The representation covers all 3 applications currently being considered by the Local Planning Authority. The objections to this application are summarised below:
  1. Proposal is inappropriate given the impact the individual proposal and the precedent that it will set;
  2. The proposal will significantly alter the intended use of the site;
  3. Condition 2 is the only control which the Local Planning Authority has to stop the site becoming an unrestricted out of town commercial centre;
  4. The conditions area necessary to limit the impact on the immediate and wider area.
  5. Does not accord with the current local or national planning policy (Policies S5, TCR1, TCR2, TCR9 and TCR10 of HUDP identified);

6. If tie to H.O.P.E was not attached, an unrestricted planning permission would have been granted for town centre uses in an out of town location, therefore the is key in ensuring the development remain appropriate;
7. Office development should be directed towards the town centre in first instance;
8. No information in relation to a sequential test;
9. A full Impact Assessment should be carried out; and
10. Condition 2 is already being breached as café being advertised independent of the H.O.P.E centre.

5.4 A Design and Access Statement was submitted with the application. In summary this states:

1. The facility will provide desk spaces with access to the Council's Intranet and email for Council employees living locally to carry out their job without having to travel to Hereford.
2. The Council has adopted a better ways of working policy to free up desk space in the main offices and promote sustainable working/travel.
3. Users of the office are able to use the other facilities in the Hope Centre, such as the café and toilet.

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

<https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123415>

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

<https://www.herefordshire.gov.uk/contactus>

## 6. Officer's Appraisal

- 6.1 DCNC0009/1820/CD granted permission for a new building to be used by the H.O.P.E family centre as a day care facilities with office space, workshop space, multi-use community space, café and associated parking facilities. Condition 2 attached to the decision restricted the use of the development for ancillary uses to the HOPE Family Centre. The reason for the condition was to ensure that the development was in-keeping with the existing use on site and to comply with the requirements of Policy CF5 of the Herefordshire Unitary Development Plan.
- 6.2 This application proposes to vary condition 2 to allow the open plan offices approved in the first floor of the western part of the building to be used as a multi agency office for Council Employees to access their work as part of the Council 'better ways of working policy'. The area was always intended to be used as an open plan office, but as part of the H.O.P.E Centre and the families they support.
- 6.3 Policy E7 within the UDP sets the provision for 'other employment proposals within and around Hereford and the market towns'. The use being proposed, a Local Authority Multi Agency Office falls under part B1 of the use class order. In the supporting text of the UDP in paragraph 6.5.2 it is recognised that not all employment generating uses within Part B of the Use Class Order needs to be located within employment areas, and can offer a viable use for previously developed land and buildings within urban areas. In exceptional circumstances previously developed land which lies outside but adjacent to the settlement boundary of market towns may be considered.
- 6.4 However the UDP also seeks to protect and enhance the vitality and viability of the Market Towns Centres, and within policy E7 it states that proposals for employment generating uses within and around Hereford and the market towns will be permitted where there are no other suitable sites or premises available within existing and proposed employment areas or within the settlement. This is carried through in paragraphs 24-28 of the NPPF which advises that

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

applications for retail, leisure and office developments outside of town centres, which are not in accordance with an up-to date Local Plan, should require an impact assessment to assess the impact on the Town centre vitality and viability.

- 6.5 Policy TCR10 in the UDP deals more specifically with office development and does not encourage office development within the open countryside. The policy also requires that development is easily assessable to customers and staff by a choice of modes of transport and will not lead to an increase in the use of the private car.
- 6.6 It is acknowledged that the B1 use which is being proposed is fairly unusual. It is aimed not only at Council employees living within Bromyard Town but those living in the many rural villages and communities which surround it. Whilst it's overall aim is to reduce the need to travel into the Hereford, in all likelihood employees using the facility are likely to arrive by car.
- 6.7 At the heart of the NPPF is a presumption in favour of sustainable development, with the aim of locating developments in locations that are readily accessible by modes of transport other than the private motor vehicle. This has the objective of reducing carbon emissions and ultimately responds to climate change. Also by grouping commercial developments together within a Town Centre, even if one travels to that Town Centre by car, one can then visit a range of facilities without re-using ones car. In other words one travels to one destination for a variety of purposes.
- 6.8 The only other facilities in the immediate vicinity of the Family Centre is the adjoining petrol station. Whilst some Council employees using the proposed offices may use such a facility, many potential users would not. In essence the Multi Agency Office would become a destination in its own right largely primarily by persons using the private motor vehicle as their mode of transport.
- 6.9 As a consequence it is submitted that the location of the proposed development would not assist in creating a sustainable pattern of development. Indeed the reverse is the case; it would create an unsustainable pattern of development increasing reliance upon the use of the private motor vehicle.
- 6.10 It has been noted on visits to the site that although a sizable amount of parking is provided it is often used to its full capacity. Parking has also been noted as a concern by the adjoining neighbour. The proposal could on average allow for a further 6 cars to the site, if not more, In the absence of any details of a travel plan for staff or of existing or proposed parking, I can not conclude that there is a suitable provision of car parking on the site. The application is therefore contrary to policy T11 of the UDP that states that proposals should incorporate suitable parking provision for car parking.
- 6.11 Condition 2 was attached to the DCNC0009/1820/CD application to ensure the development and facility was used for the function that it was intended to fulfil - as a community facility appropriate in scale to the needs of the local community which it serves and to ensure that it was in keeping with the existing use on site. The introduction of a B1 office use, which has no connection with the H.O.P.E Family Centre, is not considered to be in keeping with the existing use on the site. The proposal is considered contrary to policies E7 and TCR10 of the HUDP as the site is detached from the central shopping and commercial areas of Bromyard. Furthermore it has not been demonstrated that there are no other suitable sites or premises available within existing employment areas or the settlement boundary or that there is adequate parking provision within the site for the proposed use.

## **RECOMMENDATION**

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

1. The proposal to vary condition 2 of planning permission DCNC0009/1820/CD to allow part of the building to be used as a multi agency office by Council employees is considered contrary to policies TCR10 and E7 of the Herefordshire Unitary Development Plan as the site is detached from the central shopping and commercial areas of Bromyard. Furthermore it has not been demonstrated that there are no other suitable sites or premises available within existing employment areas or within the settlement boundary. The application is therefore contrary to the advice set out in paragraphs 24-28 of the National Planning Policy Framework.
2. The proposed B1 Multi Agency Office in an out-of-centre location would, in the opinion of the Local Planning Authority, potentially prejudice the vitality and viability of Bromyard Town Centre contrary to policies S5, TCR1 and TCR2 of the Herefordshire Unitary Development Plan 2007.
3. The application has not demonstrated that there is adequate parking at the site for the additional vehicles generated by the proposal. As such the proposal fails to comply with Policy T11 of the Herefordshire Unitary Development Plan.

**Reason for Refusal:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

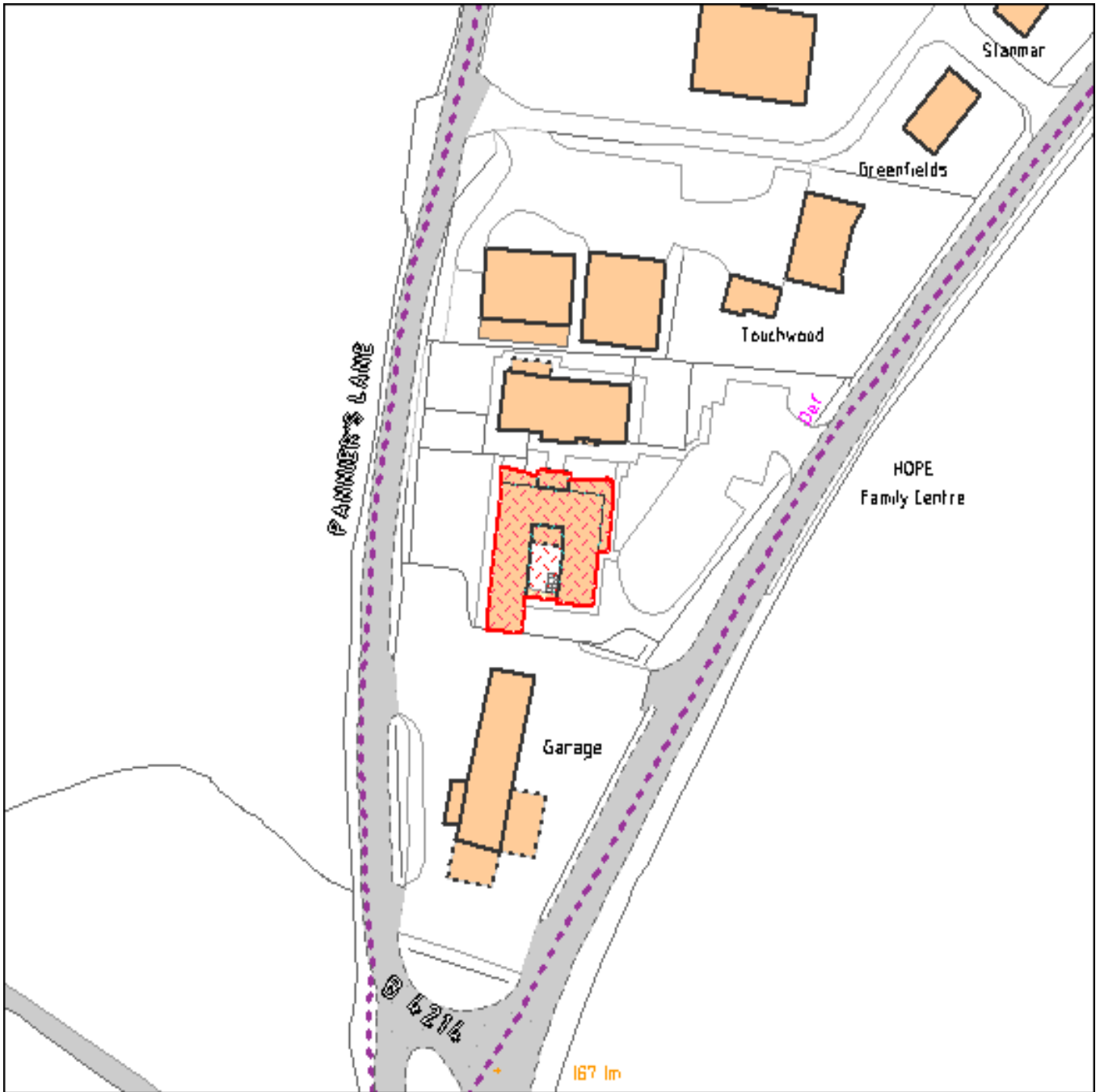
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** /123415/CD

**SITE ADDRESS :** HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 May 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>123428/CD - VARIATION OF CONDITION 14 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU</b></p> <p><b>For: Mrs Davis, Hope Family Centre per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123428">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=123428</a>

**Date Received: 5 December 2012**      **Ward: Bromyard**      **Grid Ref: 364451,253846**

**Expiry Date: 8 May 2013**

Local Members: Councillors JG Lester and A Seldon

## 1. Site Description and Proposal

1.1 The Hope Family Centre is located to the west of the A465 (Hereford to Bromyard Road) just south of the settlement boundary of Bromyard. The 'Top Garage' and petrol station adjoins the site to the south, with the B4214 highway running alongside the western boundary. The residential property Touchwood borders the site to the north. There are two buildings on the site, both used by the H.O.P.E charity.

1.2 The original building granted under application DCNC2005/0062/F is restricted to use as a 'family centre, crèche and play group facilities and associated offices'. Condition 12 attached to the decision notice prevents the building being used for any other use in Class D of the schedule to the Town and Country Planning (Use Classes) Order 1987. The second most recent building granted under application DCNC0009/1820/CD is restricted to uses ancillary to the use of the existing premises on site (e.g. HOPE Family Centre). Both buildings have permission to be open to the public from 7am to 6pm on Saturdays, Sundays and Bank holidays, and 7am to 9pm on any other day.

### Proposal

1.3 This application proposes to vary condition 14 of planning permission DCNC0009/1820/CD to extend the hours of opening of part of the building from 07:00 to 22:30, seven days a week. According to the design and access statement which accompanies the application the extended hours will assist the Charity in securing funding by letting the Multi Use Room and Café to local clubs and societies.

1.4 Condition 14 of DCNC2009/1820/CD is as follows:

Unless otherwise first agreed in writing by the Local Planning Authority, the premises shall not be open to the public outside the hours of:-

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

07:00 hours to 18:00 hours on Saturdays, Sundays and Bank or other public holidays.  
07:00 hours to 21:00 hours on any other day.

Reason: In the interests of residential amenity in the locality and in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.

- 1.5 The Council are currently considering two other applications to vary conditions 2 and 15 of permission DCNC0009/1820/CD. Condition 2 relates to the overall use of the building as ancillary to the Hope Family Centre and 15 to areas used for work space.

## **2. Policies**

### **2.1 National Planning Policy Framework**

Chapter 1	-	Building a strong, competitive economy
Chapter 2	-	Ensuring the vitality of town centres
Chapter 4	-	Promoting sustainable transport

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

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR14	-	Noise
E7	-	Other employment proposals within and around Hereford and the market towns
E8	-	Design standards for employment sites
E11	-	Employment in the smaller settlements and open countryside
CF5	-	New Community Facilities
TCR10	-	Office Development
T11	-	Parking Provision
CF5	-	New Community Facilities

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

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

## **3. Planning History**

- 3.1 DCNC2003/2440/F – Playground family centre crèche facility, associated offices and Wc.s Approved 2/12/2003.
- 3.2 DCNC2004/1515/F – Variation to condition 3 of DCNC2003/2440/F re access. Approved 12/7/2004.
- 3.3 DCNC2005/0062/F – New build family centre. Approved 20/4/2005.
- 3.4 DCNC2005/1790/F – Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Refused 14/9/2005.
- 3.5 DCNC2006/0882/F - Variation to condition 14 of DCNC2005/0062/F to extend opening hours of centre from 6pm to 9pm. Approved 17/7/2006.

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



- 3.6 DCNC0009/1820/CD – Proposed construction of phase 2 of the H.O.P.E family centre, development to include day care facilities, office space, workshop space, multi-use community space and café, with associated parking facilities.
- 3.7 N102496/AM- Non material amendment to DCNC0009/1820/CD. Approved 18/2/2011.
- 3.8 N111678/F – Variation to condition 14 of DCNC0009/1820/CD – no time restrictions on use of building so it can be used for charity functions and occasional training events. Withdrawn.

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

##### Statutory Consultations

- 4.1 None.

##### Internal Council Advice

- 4.2 Traffic Manager: No objection .
- 4.3 Environmental Health: No objection to the request to extend business hours in respect of the specific use as described.

#### **5. Representations**

- 5.1 Bromyard Town Council – Support the application.
- 5.2 Avenbury Parish Council – Support the application.
- 5.3 A representation against the proposal has been received from Malcolm Scott Planning Consultant on behalf of the occupiers of Touchwood, the residential properties which adjoins the site to the north. The representation covers all 3 applications currently being considered by the Local Planning Authority. The objections to this application are summarised below:
- Potential that the extended hours will reduce the vitality of Bromyard;
  - No evidence has been provided regarding the difference such funding will have or why the funding can not take place during the present hours;
  - Existing hours of use are already in excess of those originally granted;
  - Use for the site appears to be intensifying and changing without a full explanation or justification;
  - No explanation as to how the extended hours will benefit the Centre, other than funding;
  - Concerned that the extension of hours will generate inappropriate use of the centre;
  - Noise generated by increase in hours will harm the amenity of the neighbour;
  - Proposal will have a significant impact on the character and noise level in the area;
  - Area is a quite, tranquil part of Bromyard at night with very low noise levels and artificial lighting;
  - Proposal contrary to relevant policies in the UDP;
  - The centre has already breached the operating hours concern that allowing evening functions will go on later than 1030pm; and
  - Inadequate parking for functions.
- 5.4 A Design and Access Statement was submitted with the application. In summary this states:
- The Hope Family Centre in order to secure funding from the now defunct Advantage West Midlands put together a business case/plan demonstrating they would fund/sustain their

activities over future years, Part of this plan involved an income from letting the Multi Use Room and Café to local clubs and societies.

- The Café and Dining area will be available for meetings, seminars and conferences

5.5 A letter from Sheenagh Davies CEO of H.O.P.E has clarified that the meetings/events which will take place past 21:00 will be occasional and for community organisations and groups. At most in envisaged the café and Multi Use room will be rented out twice a week.

5.6 The consultation responses can be viewed on the Council's website by using the following link:-  
<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=customer%20services&type=suggestedpage>

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

6.1 DCNC0009/1820/CD granted permission for a new building to be used by the H.O.P.E family centre as a day care facility with office space, workshop space, multi-use community space and café, with associated parking facilities. Condition 14 attached to the decision controls the hours of use of the building. This application seeks permission to extend the use of the café and multi-use room to 22:30.

6.2 The key consideration of this application is whether the increase in opening hours to 22:30, seven days a week, will cause a significant increase in detriment to the amenity of the adjoining residential property to warrant the refusal of this application, and whether there is sufficient justification for the extension of hours.

6.3 The permitted use of the building is controlled under condition 2 which states that the 'use of the development ...shall be strictly ancillary to the use of the existing premises (HOPE family centre)'. From the information submitted with the application the extension of hours is needed to enable the multi use room and cafe to be rented out to provide an income for the charity.

6.4 The letter of objection which has been received on behalf of the adjoining neighbour raises concerns about this extended period of use. Partly because of the lack of information submitted in support of the proposal and the concern that the use of the site is both intensifying and changing and not connected directly with the H.O.P.E family centre. The previous application to extend the hours to 21:00 was considered acceptable at it was a continuation of the H.O.P.E family centre allowing adult lessons/course to run in the evenings.

6.5 The Environmental Health Officer considered the extension of hours reasonable given the specific intended use. The increase in activity proposed is not considered to cause significant disturbance with regards to noise and therefore will not be of detriment to the neighbouring residents. The use of the Multi Use room till 22:30 Monday to Saturday for meetings/seminars is considered to be acceptable in that it will have limited impact on the adjoining neighbour with regards to noise and disturbance and would not harm the character or the existing use of the site as a D1 use. However the use of the building on a Sunday and on Bank holidays past the permitted 18:00 is of concern in relation to the residential amenity of the adjoining neighbour and considered would be of detriment in relation to noise and general activity.

6.6 The objectors have questioned the need to extend opening hours, referring to other buildings that can provide facilities for evening classes. Whilst it is acknowledged that there are other buildings within the locality which may well be available for evening use, it is not the role of the planning system to limit availability on such a basis.

- 6.7 As part of the application it has been requested that the café is also granted permission to be open until 22:30. The café has permission to be used until 21:00 and must be ancillary to that of the existing use on site e.g. to the H.O.P.E family centre. From the information that has been submitted, the kitchen and dining area are themselves intended to be rented out to groups. There is no evidence to suggest that the café will be open independently or when there is not a meeting taking place. I'm satisfied that appropriate conditions can be attached to a decision to ensure that the use of the café remains ancillary to the existing use on site and does not become a separate A3 enterprise.
- 6.8 It is therefore concluded that the variation to condition 14 of planning permission DCNC0009/1820/CD to allow the multi use room and café to be used until 22:30 on Monday to Saturdays by local groups within the local community to hold meetings is considered to be acceptable and will not significantly harm the amenity of the adjoining neighbouring property and is recommended for approval.

## **RECOMMENDATION**

**That condition 14 of the planning permission DCNC0009/1820/CD be varied as follows:**

- 1 The permission hereby granted is an amendment to planning permission DCNC0009/1820/CD dated 10 November 2010 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

**Reason: For the avoidance of doubt and to comply with the requirements of Policy DRI of the Herefordshire Unitary Development Plan.**

- 2. Unless otherwise first agreed in writing by the Local Planning Authority, the premises shall not be open to the public outside the hours of:-**

**07.00 hours to 18.00 hours on Sundays and Bank or other public holidays.  
07.00 hours to 2230 hours on any other day.**

**Reason: In the interests of residential amenity in the locality and in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.**

- 3. The café and kitchen within the building shall not be open independently past 21.00 and shall only be used ancillary to the use of the existing premises on site.**

**Reason: To ensure the development is in-keeping with the existing use on site and to comply with the requirements of Policy CF5 of the Herefordshire Unitary Development Plan**

**Reason for Approval:**

- 1. The application was considered against the background of seeking to protect and maintain the existing residential amenity and character within the area. The Local Planning Authority considered that the variations in the planning condition would not adversely affect residential Amenity by way of noise nor cause light pollution. As such, the proposal is considered to comply with the provisions of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework (NPPF).**

**Informative:**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

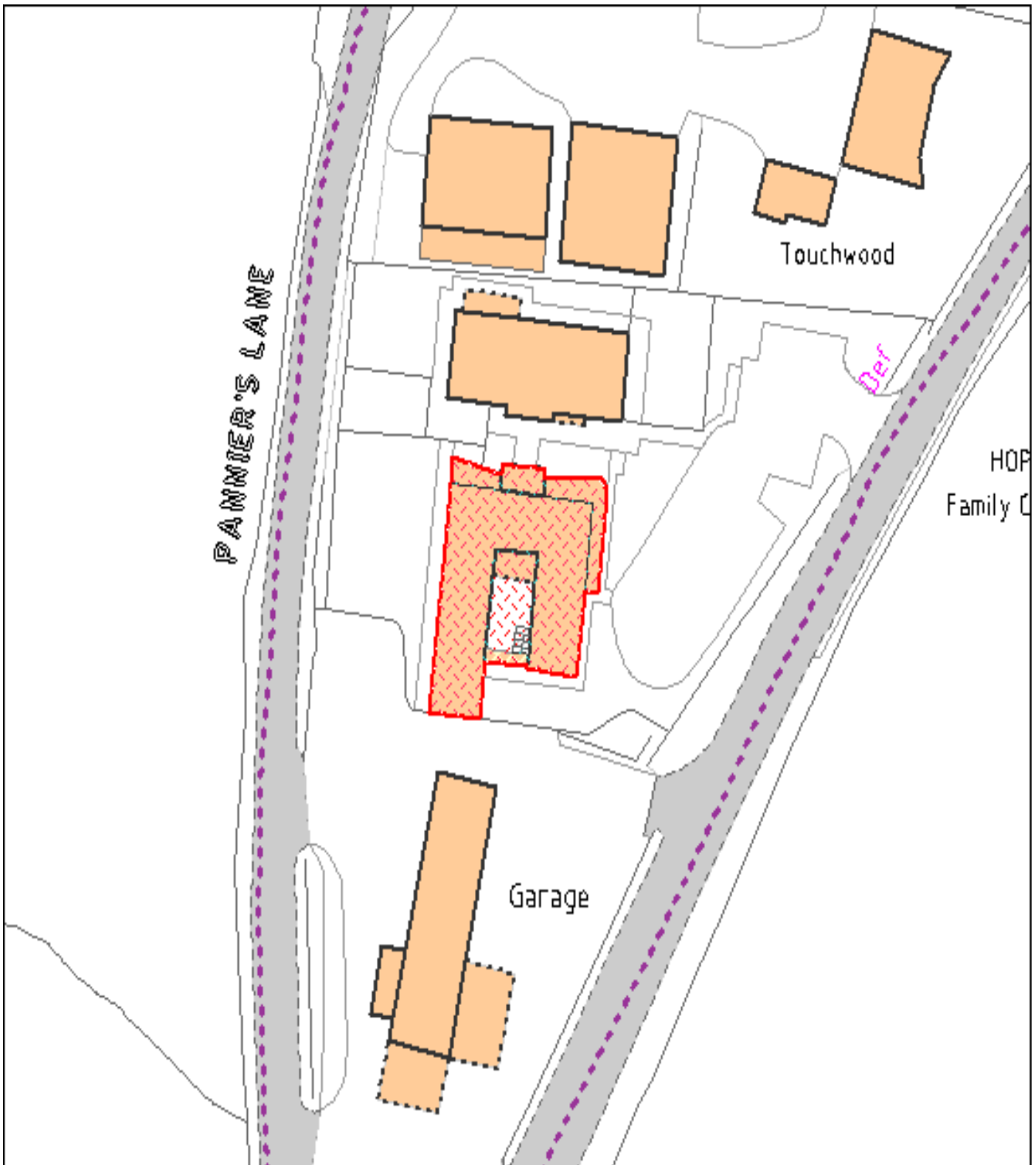
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 123428/CD

**SITE ADDRESS :** HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU

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





<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>130191/O - OUTLINE FOR THE ERECTION OF ONE SINGLE STOREY DWELLING AND DOUBLE GARAGE WITH ALL MATTERS RESERVED AT LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE, HR9 7JD</b></p> <p><b>For: Mr &amp; Mrs Snell per Mr Simon Snell, Eglosderry, Merrymeeting, Gwennap, Redruth Cornwall, TR16 6BL</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130191">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130191</a>

Date Received: 23 January 2013 Ward: Old Gore

Grid Ref: 360215,226823

Expiry Date: 20 March 2013

Local Member: Councillor BA Durkin

## 1. Site Description and Proposal

- 1.1 The application site lies on the western side of a narrow lane in the village of Brampton Abbots. The site has a width of some 26 metres and a depth of some 39 metres. Thus, the site has an area of some 0.1 hectare. The site is higher than the road and the pair of semi-detached houses opposite (including 'Abbey Haven'). Either side of the application site are detached single storey bungalows. The distance between the southern flank wall of Harwell and the northern flank wall of 'Hatchers' is approximately 35 metres. Upon the site are two trees that are worthy of retention, an apple tree and an ash tree which is on the frontage.
- 1.2 The site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB). It should be noted that the lane is also a public right of way.

The application is made in outline. The proposal is to erect a single storey dwellinghouse and double garage. All matters ((i.e. layout, design, appearance and landscaping) are reserved for future consideration.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF) 2012

Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement

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

S3	-	Housing
H7	-	Housing in the countryside outside settlements
S6	-	Transport
T11	-	Parking Provision
S7	-	Natural and Historic Heritage
LA1	-	Areas of Outstanding Natural Beauty
LA5	-	Protection of trees, woodlands and hedgerows
HBA9	-	Protection of open areas and green spaces
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of bio-diversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora

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

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

### 3. Planning History

3.1 S120304/O – Outline application for erection of one single storey dwelling and double garage with all matters reserved – Application WITHDRAWN

### 4. Consultation Summary

#### Statutory Consultees

4.1 Welsh Water does not raise any objections.

#### Internal Consultees

4.2 The Public Rights of Way Section has no objections.

4.3 The Conservation Manager - Landscape – Her views are contained within the appraisal section of this report.

4.4 The Planning Ecologist has no objections to the proposal. If planning permission were to be granted condition(s) would be required to secure implementation of the recommendations in the ecological report, retention of the Ash tree & apple tree and further details of the mixed, native hedgerow planting along the field boundary of the site.

### 5. Representations

5.1 Brampton Abbots Parish Council has no objection to the proposed development.

5.2 Letters of support have been received from the occupiers of five dwellings ('Follys End', 'Stonegate', 'The Mallards', 'The Beeches' and 'Townsend Cottage') on the following summarised grounds:-

- The site is a logical infill
- The site is of no real merit
- The proposal, being single storey only, is sympathetic



5.3 An agent acting for the occupiers of 'Abbey Haven' object on the following summarised grounds:-

- The proposal is clearly contrary to policy H7 of the Herefordshire Unitary Development Plan 2007 and as such represents unjustified new residential development in the open countryside;
- The site location of the site is such that the proposal would create an unsustainable pattern of development with the future occupiers of the bungalow being highly dependent upon the use of the private motor vehicle;
- The development would have a negative landscape impact contrary to policies LA1 and HBA9 of the Herefordshire Unitary Development Plan 2007;
- The proposal would have a negative impact upon the amenities of the occupiers of 'Abbey Haven' and 'Townsend Cottage' by way of overlooking. This is exacerbated by the fact that the site is some 1.4 metres higher than the lane; and
- Ecology and bio-diversity matters have not been satisfactorily addressed.

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

<https://beta.herefordshire.gov.uk/planning-and-building-control/development-control/search-and-comment-on-planning-applications/>

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

<https://beta.herefordshire.gov.uk/contactus>

## 6. Officer's Appraisal

### Principle of development

6.1 The application site lies outside of Hereford City, the market towns and any of the defined main villages (i.e. this listed in policy H4 of the Herefordshire Unitary Development Plan 2007. Furthermore Brampton Abbots is not listed as one of the smaller settlements in policy H6 of the Herefordshire Unitary Development Plan 2007 where infill development is permitted (subject to certain criteria being met). As such the application site within the open countryside in planning policy terms. Policy H7 of the Herefordshire Unitary Development Plan 2007 essentially establishes a presumption against new residential development in the open countryside. Whilst that policy provides for seven specified exceptions, none apply to this particular case. As a consequence, it is considered that the proposal is contrary to policy H7 of the Herefordshire Unitary Development Plan 2007. The Draft Core Strategy currently has no weight attached to it. It *may* be the case that the Core Strategy allows for a degree of housing development in Brampton Abbots but to permit such a scheme now on the basis of a policy that may emerge would not be appropriate.

### Sustainability of location

6.2 It is considered that the application site is not in a sustainable location. Whilst Brampton Abbots has a few facilities (i.e. a village hall, a private children's nursery and a church), it does not have a range of community facilities (e.g. employment, retail, community facilities).

- 6.3 Brampton Abbots is poorly served by public transport. Whilst there is a school bus service on Mondays to Fridays during term time, the only other service is a Thursday service. It is basically a market day service 459 which operates only on a Thursday and provides a journey to Ross at 1055 returning from Ross at 1335. Brampton Abbots has a very low level of service to Ross.
- 6.4 It is accepted that the site is within reasonably cycling distance of Ross-On-Wye being some 0.9 mile from the rear of the Overross Industrial Estate, some 1.6 miles to the edge of Ross Town Centre and 2 miles from Ross Market Hall. The Primary School is some 1.2 miles distant and the Secondary School some 1.3 miles.
- 6.5 However, the site is not considered to be within easy and safe walking distance of Ross-On-Wye due to the distance involved, the lack of a dedicated footway and the lack of street lighting.
- 6.6 There are no pedestrian facilities that would enable safe walking from Brampton Abbots to Ross. The C1273 is a busy road with tight bends and limited forward visibility. It is considered that the location is suitable for cyclists but this is not suitable for pedestrians, let alone children.
- 6.7 Thus, it is concluded that the location of the application site is physically remote from employment, retail, leisure and community facilities. Furthermore the site is poorly served by modes of transport other than the private motor vehicle and the bicycle. As such, the proposal would create an unsustainable pattern of development that would increase reliance on the private motor vehicle. As a consequence the proposal is considered to be contrary to the Central Government advice contained within the National Planning Policy Framework (March 2012) and policies S1, S2, S3, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.

#### Landscape Impact

- 6.8 The site falls within the Wye Valley Area of Outstanding Natural Beauty (AONB). The landscape character type is "Principal Settled Farmlands". The access road is a designated public footpath. Interestingly, the buildings on the eastern side of the road, opposite the site, are shown on historic maps (approx. 1880).
- 6.9 The site is currently unused and appears to be relatively unmanaged. It is considered that this open space provides a valuable small gap in an otherwise continuous linear development. It does, to a degree, provide the setting for the historic buildings on the eastern side of the access road. It also provides a view out of the settlement towards the attractive landscape of the Area of Outstanding Beauty. It is considered that the loss of this open space would have a negative impact on the landscape contrary to policies LA1 and HBA9 of the Herefordshire Unitary Development Plan 2007.

#### Ecology/Bio-Diversity

- 6.10 It is considered that the ecological/bio-diversity issues have been satisfactorily addressed. No evidence of reptiles has been found. There is one apple tree on-site that could support bat roosting. However, the intention is to retain and protect the tree during the construction phase, if planning permission were to be granted.
- 6.11 Therefore it is considered that the proposal is contrary to the provisions of the Development Plan in terms of the principle of developing within the open countryside, the unsustainable location and the landscape impact. The issue then arises as to whether there are any "other material planning considerations" that would justify another decision being made.

Housing Land Supply

6.12 There is a shortfall in the Council’s five year housing land supply. As such, the Local Planning Authority needs to address that shortfall. However, that does not mean allowing dwellinghouses anywhere at any environmental cost. Such new dwellinghouses should be in sustainable locations. As a consequence the approach adopted by the Council has been to look more favourably on sites adjacent to Hereford, the market towns and main villages (i.e. those listed in policy H4 of the Herefordshire Unitary Development Plan 2007). Brampton Abbots is not one of the main settlements and is not considered to be in a sustainable location.

Impact upon Residential Amenity

6.13 This is an outline application with all matters reserved. However, notwithstanding the fact that dwellings to the east of the road are set at a lower level, it is considered that a design could be achieved that ensures that there would be no undue loss of privacy and sunlight and/or daylight to occupiers of other existing dwellinghouses in the immediate area.

6.14 Therefore on balance I recommend that permission be refused.

**RECOMMENDATION**

**That Planning Permission be REFUSED on the following grounds:-**

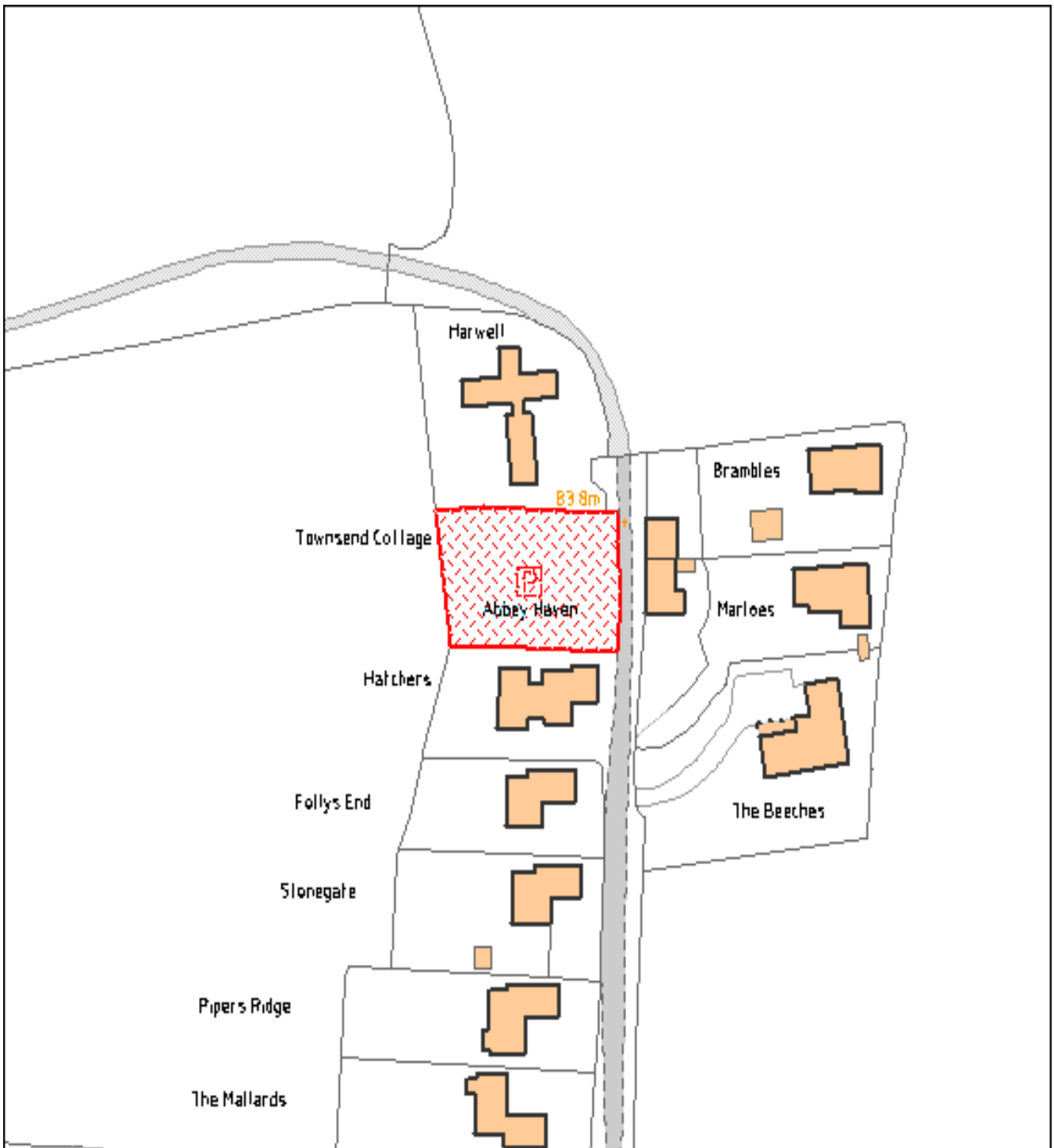
1. **The proposal involves the provision of an additional new dwellinghouse in the countryside contrary to policy H7 of the Herefordshire Unitary Development Plan 2007.**
2. **The application site is physically remote from employment, retail, leisure and community facilities. Furthermore the site is poorly served by modes of transport other than the private motor vehicle and the bicycle. As such, the proposal would create an unsustainable pattern of development that would increase reliance on the private motor vehicle. As a consequence the proposal is considered to be contrary to the Central Government advice contained within the National Planning Policy Framework (March 2012) and policies S1, S2, S3, DR2 and DR3 of the Herefordshire Unitary Development Plan 2007.**
3. **The proposed development would result in the loss of a visually important open space which provides a valuable gap in an otherwise continuous linear development which provides a setting to the historic buildings to the east and provides a public view out of the settlement towards the attractive landscape of the Area of Outstanding Beauty. It is considered that the loss of this open space would have a negative impact on the landscape contrary to policies LA1 and HBA9 of the Herefordshire Unitary Development Plan 2007.**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 130191/O

**SITE ADDRESS :** LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE,  
HEREFORDSHIRE, HR9 7JD

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



<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<p><b>S123565/F - ERECTION OF 12 NO. AFFORDABLE UNITS WITH ASSOCIATED ACCESS, LANDSCAPING AND ALLOTMENTS AT SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN</b></p> <p><b>For: West Mercia Housing Group per Quattro Design Architects Ltd., Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT</b></p>
<b>WEBSITE LINK:</b>	<a href="http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123565&amp;NoSearch=True">http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=123565&amp;NoSearch=True</a>

**Date Received: 21 December 2012**    **Ward: Backbury**    **Grid Ref: 357309,238666**  
**Expiry Date: 22 March 2013**  
Local Member: Councillor J Hardwick

## 1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of 12 affordable houses, allotments and play area on land adjoining Sufton Rise, Mordiford. Sufton Rise is a mid-twentieth century residential development located 1km north of Mordiford village on the C1292 that connects Mordiford with Dormington. There is a footpath linking Sufton Rise to Mordiford.
- 1.2 The application seeks to address the bulk of the need for affordable housing within the parish, which has been assessed as 16 units in total. This site has been chosen following an assessment of alternatives closer to the built up part of Mordiford village, which have been discounted owing to conservation constraints, access and/or flooding.
- 1.3 The site is grazing land with a field gate access onto the C1292. The site rises up to the east as does Sufton Rise. The layout is arranged around the play area and allotments, which run parallel with the boundary to Sufton Rise, with the effect that the dwellings are well removed from existing properties in Sufton Rise. On the road frontage a terrace of three bungalows is proposed. Parallel to the northern boundary and running up-slope from the entrance are two semi-detached buildings and a terrace of three properties.
- 1.4 The overall housing mix reflects the needs assessment and comprises 2 & 3 bedroom bungalows, flats and houses. The application is the result of a long consultative process with early engagement of the Parish Council and local residents. This process has helped inform the eventual layout.
- 1.5 The dwellings are traditional in appearance and constructed in brick and reconstituted stone. There is parking within the curtilage of each dwelling, but also additional parking for allotment users with some parking also available as an over-spill from Sufton Rise.

- 1.6 The site is within the Wye Valley Area of Outstanding Natural Beauty (AONB). The application has been screened against the Habitat Regulations, which concludes that there will be no likely significant effects on the River Wye SAC/SSSI.
- 1.7 It is proposed that the developer would equip the play area and that the Parish Council will administer the allotments. The application is accompanied by a Design and Access Statement, Landscape Management Plan and Drainage Strategy.

## 2. Policies

### 2.1 National Planning Policy Framework (NPPF)

Paragraph 7 – the three dimensions to sustainable development  
 Paragraph 11 – The principle in favour of sustainable development  
 Chapter 6 – Delivering a wide choice of high quality homes  
 Chapter 7 – Requiring good design  
 Chapter 8 – Promoting healthy communities  
 Chapter 11 – Conserving and enhancing the natural environment

### 2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR5	-	Planning Obligations
H6	-	Housing in Smaller Settlements
H7	-	Housing in the Countryside Outside Settlements
H9	-	Affordable Housing
H10	-	Rural Exception Housing
H13	-	Sustainable Residential design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
LA1	-	Areas of Outstanding Natural Beauty
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and development
NC6	-	Biodiversity Action Plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
CF5	-	New Community Facilities

2.3 Dormington, Mordiford, Checkley and Priors Frome Parish Plan 2007.

2.4 Dormington and Mordiford Group Parish Housing Needs Survey 2009

2.5 Supplementary Planning Guidance: Provision of Affordable Housing (updated Nov 2004).

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

### **3. Planning History**

- 3.1 Adjoining land to the east: DCCE2003/3411/F – Change of use to form children’s play area: Approved. This play area has never been equipped. The current application would, in effect, supersede this permission.

### **4. Consultation Summary**

#### Statutory Consultations

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

#### Internal Consultees

- 4.2 Housing Needs Manager: Housing Needs and Development are in support of the application.

Detailed consultation has taken place with parishioners, residents and the parish council in relation to this scheme. Discussions have taken place relative to reducing the impact on the existing housing as well as providing a pathway and additional parking for residents of Sufton Rise to help alleviate parking issues in Sufton Rise.

A housing need survey has been carried out within the parish and a need for 16 additional dwellings was established.

These units will be built to the Homes and Communities Agency Design and Quality Standards and code 3 for the Code for Sustainable Homes. There will be a S106 ensuring that the units are affordable in perpetuity and that the dwellings are allocated to local people in housing need.

- 4.3 Transportation Manager: In the event that planning permission is granted the Transportation Manager recommends conditions. Further comments are summarised below:

Concern is expressed regarding the location and sustainability of the development which is 1.3km from the village centre and facilities such as the primary school and public house, with only a narrow footway immediately adjoining the C1262 carriageway which is de-restricted and has fast moving traffic. Consideration should be given to improving this footway.

The submitted Access Review (Hurlstone Associates) details the vehicle flows, speeds and accident record in the vicinity. No accidents have occurred as a result of turning vehicles from Sufton Rise and full visibility can be achieved for the proposed access. Whilst concerned at the addition of a further access road along this straight stretch of C1262, the Traffic Manager does not consider there to be grounds for a refusal of the application on highway safety grounds. Additional signing or alterations to existing signing will be required and this should be at the developer’s expense and can be finalised as part of the Section 38 works.

It is concluded that adequate visibility can be achieved without significant hedgerow removal although this will require careful maintenance of the existing hedge so as to maintain the splay and allow seasonal growth of the hedge without reducing visibility.

The footway on the east side of C1262, linking the development to Sufton Rise and the proposed crossing point, is narrow and should be 2.0m minimum. This footway will require piping of the existing roadside ditch. Kerb radii with C1262 should preferably be 10m.

The proposed level of parking provision is acceptable.

The separation of highway and private surface water drainage for the development, which is shown as a joint system with one attenuation feature, will not be acceptable if the roads on the development are to be adopted. I understand this matter is currently being addressed, and would be agreeable to it being conditioned if it is not resolved prior to determination.

- 4.4 Conservation Manager (Landscapes): The site is within the Wye Valley AONB. It is also included within the Old Sufton Un-registered park and garden of local historic interest. The landscape character type is principal settled farmlands. The site itself is an agricultural field, where the key characteristic is the sloping topography at the western base of the Woolhope Dome. The existing housing at Sufton Rise is out-of-keeping with the surrounding landscape and the settlement pattern of the area.

The proposed development does not work well with the existing topography, with retaining walls up to almost 2m high required to create the level platforms necessary for the houses. Whilst the introduction of housing will considerably alter the character of the site, it will always be seen in the context of the existing adjacent housing. There will not be a significant negative impact on the key characteristics of the AONB or the historic parkland. The application does include assessment of alternative sites in an outline landscape and visual impact statement, landscape details (including for the play area and allotments) and a landscape management plan – this is all necessary to demonstrate that the applicants have considered landscape character issues as required by UDP Policy LA2.

The retention of the roadside hedgerow is welcome. The Potterton Associates Ltd plan P/05 (March 2013) is suitable to the site. It includes native planting to the boundaries and amenity planting within the site. Small trees within the site, around the allotments and play area, will provide some structure and variety to the site, breaking up views of the hard landscape to the road and buildings.

Whilst I am not convinced that the proposed site layout makes the most efficient use of the topography and the allotments buffer means that there is no relationship between the existing built form of the houses at Sufton Rise and the new, random arrangement proposed. The applicants, however, have provided a wide range of information to try to overcome these issues.

- 4.5 Conservation Manager (Ecology): Although hedgerow loss is entailed in the formation of the new access, replacement is intended and the content of the Landscape Management Plan is thorough. Subject to the imposition of a condition requiring adherence to the recommendations set out in the Ecologist's report 2012, there is no objection.

## **5. Representations**

- 5.1 Mordiford Parish Council: The Parish Council entirely supports this application having been involved from the outset. The need for the affordable housing was initiated by the parish plan process which the Parish Council initiated.

- 5.2 Five letters of objection have been received from local residents. The content is summarised as follows:

- The site is within the Area of Outstanding Beauty and should not be developed in preference to sites elsewhere;



- The development will cause traffic congestion and no thought has been given to alleviating parking concerns in Sufton Rise;
- The site is not sustainable and the footpath link to Mordiford is too narrow and too close to speeding vehicles to be used safely, particularly by those with young children;
- The proposals are not in keeping. Sufton Rise is built exclusively in red brick;
- The impact on existing properties in terms of noise and loss of view is detrimental;
- Who will allocate and manage allotments? Will they be let to local people? The potential for use by strangers, particularly with the children's play area adjacent is undesirable;
- There are anti-social consequences of allotment use in such proximity to existing dwellings, including noise, smells, pests and bonfires;
- How will it be ensured that the houses will be allocated to locals in need? The housing needs survey was conducted in 2009. Can it be considered up-to-date?
- The development will upset the population balance and is in danger of making the Sufton Rise area larger than Mordiford, which itself has limited services;
- The school at Mordiford is full.

5.3 One letter of support has been received. The content is summarised as follows:

- The Parish Council, Housing Association and Housing Needs Officer have worked very hard to ensure the development is one which best meets the needs of the communities;
- Concerns regarding parking, traffic and conservation have been dealt with and local residents kept informed as to progress;
- The pre-planning consultation process has been very informative, with good partnership working.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The application is for affordable housing to assist in meeting the identified need within the parish. The site is within open countryside forming part of the Wye Valley AONB and Old Sufton park and garden of local importance, although these designations also encompass Sufton Rise. The key issues in the determination of this application are:

- An assessment of the need for the development and its location relative to Mordiford;
- The appropriateness of the site in relation to the AONB designation (including biodiversity mitigation and compensation);
- An assessment of highway safety.

6.2 The Unitary Development Plan envisaged the delivery of a suitable proportion of affordable housing via allocated and appropriate windfall sites within Hereford, the market towns and main villages. Mordiford is not defined as a main village, but is a 'smaller settlement'. It has been established that the housing delivery policies of the Unitary Development Plan are out of date as the Council cannot currently demonstrate a five-year housing land supply, although policies H7 and H10 do make provision for the release of land for rural exceptions housing in

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

instances where there is a proven, genuine and identifiable local need. With regard to the criteria of Policy H10 officers are satisfied that the local need is genuine, that local housing conditions cannot meet the need and that arrangements will be made to ensure that the housing remains available as such in perpetuity.

- 6.3 Paragraph 49 of the NPPF says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 Whilst officers are conscious that the site is not immediately adjacent the historic centre of Mordiford, genuine and long-term attempts have been made to identify a viable alternative closer to the village. Officers from the Housing Needs and Planning departments have been involved in this process along with the Parish Council.
- 6.5 As such, although the distance from the village is a cause for concern in the context of sustainability and reducing the need to travel by car, the new proposal should be seen within the context of the wider presumption in favour of sustainable development. In this case the site is adjoining Sufton Rise and would not be seen as isolated rural development and having regard to the available evidence officers are content that there is no other sequentially preferable location that would meet the immediate need that has been identified in the parish.
- 6.6 The presence of the existing residential development at Sufton Rise also acts to reduce the negative landscape impact as regards the AONB designation. Insofar as Policy LA1 is concerned the development can reasonably be described as small-scale and necessary to facilitate the social well-being of the area through the provision of affordable housing. Although the development will clearly alter the existing landscape character, officers are satisfied that landscaping proposals will be sufficient to adequately mitigate the effect and will result in some enhanced biodiversity value. Accordingly the proposal is considered to be in accordance with LA1 and paragraph 116 of the NPPF and the Policies, LA2, LA5, LA6, NC1, NC6, NC7 and NC8.
- 6.7 The Transportation Manager has made some observations regarding the sustainability of the site in location terms and has also set out conditions required to make the development acceptable in terms of the site access and drainage of surface water. Officers acknowledge that the site is over 1km from Mordiford, but conclude that the need for affordable housing in the parish outweighs these concerns regarding location. Although restoration and potential widening of the footpath linking Sufton Rise to the village would be beneficial, it is beyond the scope of this application to address this deficiency.
- 6.8 The Transportation Manager is content that the proposed access from the C1262 is acceptable and would provide a safe means of access onto the highway in accordance with UDP Policy DR3.

#### Other Matters

- 6.9 Natural England is content that the foul drainage strategy should mitigate likely significant effects on the River Wye/Lugg Special Area of Conservation. A condition is recommended to ensure that the stated approach to drainage is that undertaken on site.
- 6.10 The allotments and play areas have been included upon request from the Parish Council and allocation of the allotments will be administered by them in accordance with NALC guidelines. They are intended as a parish facility with preference given to those persons who have already registered an interest in taking one on. Likewise parking spaces for the allotments and overspill from Sufton Rise will also be administered by the Parish Council. With this local management in place officers are content that the allotments can co-exist with existing

housing without undue detriment to living conditions in a manner consistent with Policy DR2(4). The opportunity to provide allotments are also considered to underpin the objectives set out at Chapter 8 of the NPPF in that the provision of new community facilities can assist in facilitating social interaction and creating healthy, inclusive communities. It is also clear that this aspect of the proposal has the benefit of long-standing community support.

- 6.11 A legal agreement will be required in order to ensure that the dwellings are occupied in accordance with the Council's adopted eligibility criteria, with preference given to people in housing need living within the parish in the first instance before cascading out to surrounding parishes.

### Conclusions

- 6.12 The provision of affordable housing to meet genuine long-term need is supported by the Unitary Development Plan and although a site immediately adjoining Mordiford would have been preferred from the perspective of reducing the need to travel, officers are satisfied that there are no other available sites capable of meeting the need. In this instance, therefore, the provision of affordable housing to meet a parish-wide need is a material consideration to which significant weight can be attached. Likewise the proposals would realise other community-led aspirations around the provision of allotments and a children's play area. The proposal has been subject of wide-ranging local consultation and has the full support of the Parish Council and it is they who would assume management responsibility for the allotments and parking spaces. In this respect, although there is a degree of conflict with UDP Policy H10, officers conclude that the positive benefits to be derived from the scheme outweigh this conflict and the recommendation is one of approval in accordance with the objectives of the National Planning Policy Framework as expressed in chapters 6, 7 and 8.

## **RECOMMENDATION**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B07 Section 106 Agreement**
- 3. C01 Samples of external materials**
- 4. G10 Landscaping scheme**
- 5. G11 Landscaping scheme – implementation**
- 6. I18 Scheme of foul drainage disposal**
- 7. The recommendations set out in the ecologist's report dated December 2012 should be followed. Prior to commencement of development, an ecological enhancement scheme based on these recommendations shall be submitted to the Local Planning authority for written approval. The scheme shall be implemented as approved.**  
**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**
- 8. I20 Scheme of surface water drainage**
- 9. H03 Visibility splays (2.4m x 210m)**
- 10. H09 Driveway gradient**
- 11. H11 Parking - estate development (more than one house)**
- 12. H18 On site roads - submission of details (including outfall arrangements and**

pipng of the roadside ditch)

- 13. H21 Wheel washing
- 14. H27 Parking for site operatives
- 15. H19 On site roads - phasing
- 16. I51 - Details of slab levels
- 17. I55 - Site Waste Management
- 18. The allotments and play area hereby approved shall be completed in accordance with details to be approved in writing by the local planning authority prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to ensure that the community facilities are available for use so as to comply with Policy CF5 of the Herefordshire Unitary Development Plan.

**Reason for Approval**

- 1. The application has been considered with regard to ‘saved’ Unitary Development Plan Policies S1, S2, S7, DR1, DR2, DR3, DR5, H6, H7, H9, H10, H13, H15, H16, H19, LA1, LA4, LA5, LA6, NC1, NC7, NC8 and CF5 together with guidance laid down in the National Planning Policy Framework. The development promotes the provision of affordable housing and other community facilities to meet a long-established local need in the context of a current lack of housing land supply. The development, which is within the Wye Valley Outstanding Natural Beauty, is considered small-scale and necessary to facilitate the economic and social well-being of the designated area and its communities, would provide appropriate mitigation and compensation in relation to biodiversity and is in the public interest. Vehicular access from the C1262 is considered appropriate in accordance with Policy DR3, whereas the development would not, in the opinion of the local planning authority, adversely affect the living conditions of existing occupants of Sufton Rise. The local planning authority concludes that the development accords with the presumption in favour of sustainable development as set down in the National Planning Policy Framework.

**Informatives:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement & Drainage details
- 4. HN05 Works within the highway
- 5. HN24 Drainage other than via highway system

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.

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



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**APPLICATION NO:** S/123565/F

**SITE ADDRESS:** SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN

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<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>15 MAY 2013</b>
<b>TITLE OF REPORT:</b>	<b>130060/F - ERECTION OF 14 NO. SEMI-DETACHED AND DETACHED DWELLINGS AT LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE, HEREFORDSHIRE</b>  <b>For: K W Bell Group Ltd per Walter Stuart, Treetops Studio, Sevenleaze Lane, Edge, Stroud, Glos GL6 6NJ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130060">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=130060</a>

**Date Received: 8 January 2013**      **Ward: Ross-on-Wye West**      **Grid Ref: 359774,225086**

**Expiry Date: 9 April 2013**

Local Members: Councillors CM Bartrum and R Mayo

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

- 1.1 The application site is accessed from Greytree, an unclassified road (u/c 70604). The 0.49 hectare site is hedgerow lined along the unclassified road and on the southern side there an embankment covered by blackthorn and hawthorn. The A40(T) is located to the south which slopes down towards the south west and is almost contiguous with the level of the A40(T). It is in the south western corner of the site that a bund is proposed.
- 1.2 The application site is 32 metres wide at the north eastern end adjoining Belle Vue. It is proposed to erect 14 dwellings (12 will be detached and a pair of semi-detached dwellings. All the dwellings have principal elevations facing northwards towards properties on the opposite side of Greytree. The dwellings on the opposite side of the road are a mixture of two –storey dwelling. Plots 1- 4 share one access point which is opposite the access into Third Avenue. Plot 1 has been sited south eastwards into the site so that the adjoining bungalow (Belle Vue) to the north east retains a south westerly aspect across the parking and turning areas.
- 1.3 The next access point is 28 metres down slope and serves Plots 5-9. Three dwellings have integral garages (Plots 5-7). Plots 8 and 9 will share a double garage sited forward of Plot 9. The dwellings are between 8.2 and 8.3 metres high and sited between 17 to 19 metres back from the highway.
- 1.4 The remaining 5 detached dwellings Plots 10-14 will be served by an access point opposite Fourth Avenue. Four of these will have integral garages and Plot 14 will have a detached garage. These dwellings are between 8 metres and 8.5 metres high. The dwellings (Plots 10-14) are again sited between 17 and 19 metres back from the roadside. There are spaces provided between the three areas delineated above for visitor parking. There will be planting between the three parking area and along the road frontage. A mixed native species hedgerow is proposed to be planted along the roadside boundary It replaces the existing mixed species hedgerow that will be removed in order to provide a 2 metre wide footpath and the requisite visibility for each of the three site entrances.

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

- 1.5 The plans originally submitted proposed traffic calming measures together with a parking bay area between Third and Fourth Avenues. This also resulted in the frontage being set back over a middle section of the development site. This has been revised such that the highway verge is straightened thereby providing 1 to 2 metres extra turning space on the site and the removal of the parking bay between Third and Fourth Avenues. A wider footpath has been provided in its place adjoining existing properties. The objective of this amendment was to seek to address local concerns about the extent and impact of traffic management on Greytrees and to maximise visibility for each of the three new access points without compromising the existing visibility at the Third and Fourth Avenue junctions.
- 1.6 This application was accompanied by a Design and Access Statement, a Transport Statement, Ecology Report, Landscape and Visual Appraisal, a Noise Assessment and confidential Viability Appraisal. The covering letter refers to reductions in the bund, revisions to Plot 1's relationship to Belle Vue It is stated in the Noise Assessment documents that noise from the A40(T) will be mitigated by bunding on the south western area of the site. This bund has been reduced in scale from that proposed with an earlier refused application in order to reduce the visual impact of the bund and acoustic fencing.

## 2. Policies

### 2.1 National Planning Policy Framework:

The following sections are of particular reference:

- 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:

- S2 - Development Requirements
- DR1 - Design
- DR2 - Land Use and Activity
- DR3 - Movement
- DR4 - Environment
- DR5 - Planning Obligations
- DR13 - Noise
- DR14 - Lighting
- H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
- H2 - Hereford and the Market Towns: Housing Land Allocations
- H13 - Sustainable Residential Design
- H15 - Density
- H16 - Car Parking
- H19 - Open Space Requirements
- LA1 - Areas of Outstanding Natural Beauty
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA3 - Setting of Settlements
- LA5 - Protection of Trees, Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- T6 - Walking
- T8 - Road Hierarchy
- T11 - Parking Provision

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



- NC1 - Biodiversity and Development
- NC4 - Sites of Local Importance
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- CF2 - Foul Drainage

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

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

2.3 Supplementary Planning Documents:

Landscape Character Assessment  
Planning Obligations

2.4 Other Guidance:

Annual Monitoring Report  
Strategic Housing Land Availability Assessment

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

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

**3. Planning History**

- 3.1 S/121045/F                      Erection of 14 semi-detached and detached dwellings – Refused and Appeal by way of Public Inquiry pending.

**4. Consultation Summary**

Statutory Consultees

- 4.1 Welsh Water has no objections subject to conditions being imposed relating discharge of foul and surface water discharges

Internal Council Advice

- 4.2 Transportation Manager has no objections in response to the revised plans subject to the imposition of conditions
- 4.3 Conservation Manager (Landscape) states that the Landscape and Visual Appraisal submitted follows recommended guidelines. Accept notwithstanding contribution of open space the visual analysis particularly as regards the limited distant views of the site. The linear form takes account of the site. More landscaping required close to plot 14 and the bund. Need to know about construction of bund.
- 4.4 Conservation Manager (Ecology) states that the boundary of the Local Geological Site ( LGS) does not overlap with the application site . Conditions should be imposed providing measures to protect the LGS together with those to be detailed in a method statement for habitat and management enhancement.
- 4.5 Environmental Health & Trading Standards Manager (Pollution) has no objections to the mitigation measures as regards the bund and barrier.

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

- 4.6 Environmental Health & Trading Standards Manager (Contaminated sites) states that the site is within 250 metres of a former landfill site and therefore a desk top study and risk assessment should be undertaken before works are undertaken.
- 4.7 Countryside & Parks Manager states that that the provision of off- site contributions towards play areas on the other side of the A40(T) is acceptable given the proximity of the play areas to the proposal site. The contributions should be made via a Section 106 agreement.

## 5. Representations

### 5.1 Ross and Rural Parish Council object

At the Ross Rural Parish Council meeting on 30 January 2013 the Councillors resolved to object to planning application no. S130060/F, erection of 14 semi-detached and detached dwellings at Greytrees, Ross on Wye.

The main reason for the objection is that the density of housing is considered to be out of keeping with that of the surrounding residential area.

In addition to this, other concerns were expressed by local residents regarding:

- The potential traffic impact and the fact the associated traffic calming measures have yet to be detailed as part of this application.
- The impact of the proposed noise screening measures and the risks these will affect the stability of the soft bedrock which underlies the area.
- The absence of any play provision within the scheme, which were incorporated in the original proposal considered by the Parish Council.

There was a high turn out of local residents at our meeting and very strong views were expressed about the potential impacts of such an intensive housing development and the associated loss of a valued green space.

The view was expressed that there are a number of housing sites already approved, in the Ross urban area, which could accommodate the housing needs of the town without the need to develop a new site.

### 5.2 59 letters of objection have been received. In summary the points raised are as follows:

Greenfield site in AONB, brown field sites should be chosen over this significant open green space according to UDP Inspector also LA1, LA2, LA6 and HBA9 applicable

- Site identified in SHLAA report lower down slope, not this one.
- Not overcome previous reasons for refusal
- Linear green buffer zone
- Still contrary to Policy LA1 i.e. protection of AONB paramount
- Contrary to Ross & Rural Town Plan
- Linear green buffer zone
- Precedent for further development
- Too many houses out of keeping
- Over density of Greytrees area by 10 dwellings
- Need affordable houses. Good quality starter homes

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

- Possible to provide 5 bedrooms in some houses
- Loss of privacy and enjoyment of property
- Open space provision not an option. Contrary to Policy H19
- Loss of day-lighting and impact on solar panels
- Too much traffic now : 2 schools nearby
- Conflict of existing access points opposite entrances to Third and Fourth Avenues and parked cars
- Parking provision inadequate need more space for visitors, otherwise will spill out onto spine road
- Threatens wildlife
- Drainage problems with run-off will be exacerbated
- Part of Local Geological Site
- Damage to soft bed rock from baffles.

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

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-  
[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

6.1 The key considerations in the determination of this application are as follows:

- 1) The Principle of the Development
- 2) The NPPF and Housing Land Supply
- 3) Landscape Impact
- 4) Layout and Design
- 5) Highways Matters
- 6) Infrastructure

### The Principle of Development

6.2 The site is wholly within the defined settlement of Ross-on-Wye and therefore is by definition a sustainable location where there is a presumption in favour of residential development unless other material considerations indicate otherwise. In this case the main considerations are with regard to the impact that the development would have in the landscape, which in this instance forms part of the designated Wye Valley Area of Outstanding Natural Beauty; the ability of the local road network to accommodate the traffic generated by the development without undue consequences for highway safety and lastly the impact that the new development would have on the amenity of residents in the locality.

6.3 The Core Strategy is not sufficiently advanced to be given due weight in the consideration of this application, in any case there are no specific policies or proposals that relate to this particular site. The National Planning Policy Framework (NPPF) came into force in March 2012. Paragraph 215 of the NPPF clarifies that due weight can still be given to the relevant UDP policies for a period of 12 months from the date of adoption of the NPPF providing those policies are broadly consistent with the NPPF.

### The NPPF and Housing Land Supply

- 6.4 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. The NPPF requires that local planning authorities should identify a rolling five year supply of deliverable housing land to ensure choice and competition in the market. Additionally, the NPPF requires an additional buffer of 5% (increased to 20% if a planning authority has persistently under delivered housing land). On the basis of the evidence available to date, it is considered that the requirement for a 5% buffer is applicable to Herefordshire, although this assumption is the subject of challenge by developers.
- 6.5 The Council's Annual Monitoring Report (AMR) which monitors housing land availability is currently indicating of a shortfall of approximately 216 units which equates to a 4.6 year supply. This shortfall also does not account for the requirement to maintain the additional 5% buffer which would amount to a further 140 units. The data collection for the 2011/2012 period has commenced and this will provide a more up to date land supply position and it is anticipated that the shortfall will increase thereby lending greater weight to the granting of permissions for sustainable residential development.

### Landscape and Visual Impact

- 6.6 The site is within the designated Area of Outstanding Natural Beauty (AONB) and it is acknowledged that it makes a positive contribution to the amenity of this part of the AONB by providing a green wedge between the built up area of Greytree and the A40. The proposed development will have an inevitable localised impact but not one that can reasonably be regarded as harmful to the intrinsic natural beauty of the landscape given the urban context of the site and its relationship with the A40. Furthermore it is considered that the localised impact can be successfully mitigated through buffer planting along the roadside frontage and between the new dwellings and three proposed access points. The revised linear layout also maintains a green wedge, albeit much narrower within the rear gardens of the proposed dwellings. This is reflected in the comments of the Conservation Manager, which in conjunction with the strong presumption in favour of sustainable development are such that a refusal on the grounds of landscape impact could not be reasonably sustained.
- 6.7 The previously submitted and refused proposal for 14 dwellings was not accompanied by a Landscape and Visual Appraisal or an Ecological Appraisal and as such it was concluded that these key issues could not have been properly considered in the development of that proposal. Furthermore the dwellings proposed in the refused scheme were not laid out in a linear form in response to the topography but included a terrace of tall dwellings on the south western end of the site. This has been remedied with a simpler approach to the built form that reflects the linear configuration of Greytree and linking residential roads and a reduction in the bund area. It is considered that this proposal has addressed one of the primary reasons for refusal and therefore this revised proposal, in terms of its small scale, layout and mitigation measure accords with Policies LA1, LA2, LA5 and LA6 of HUDP.

### Layout, Design and Density

- 6.8 The proposal, given its modest scale, provides a housing scheme with an appropriate mix of housing types. The linear layout now adopted is more responsive to the local topography and with appropriate landscaping will provide for a suitably scaled extension to the established residential development in the Greytree area that follows the essentially linear pattern of housing. There is also considered to be sufficient spacing between properties and those facing the development site along Greytree such that adverse overlooking or loss of amenity would not arise.

- 6.9 There is some variation in the house types which reflects the mix of house types and materials already evident on the locality. The external materials are not detailed at this stage, the use of a facing brick and/or a rendered finish would be appropriate, together with a darker coloured roof tile in order to assist in assimilating the new dwellings into the local context. This can be made the subject of a planning condition.
- 6.10 The plot nearest to Belle Vue has been re-sited further into the site in order to reduce the impact on the aforementioned bungalow upslope from it. It is considered that the relationship is acceptable given that Belle Vue will have a clear view south westwards over the parking /turning areas of the 14 dwellings below it. The existing dwelling will not be unduly overlooked and will not be adversely overshadowed.
- 6.11 The development of 14 dwellings on a site of just under 0.5 hectares equates to a density per hectare of 28 dwellings which is very much at the lower end of the density range anticipated in existing urban areas and consistent with the density of existing development within the Greytrees area. Therefore, it is considered that this revised application addresses the previous reason for refusal and would accord with Policies DR1, DR2, H13 and H15 of HUDP.

#### Highways Matters

- 6.12 This is considered to be one of the major issues raised in objections received from local residents and the Parish Council. The primary issue is considered to relate to the speed and volume of traffic. It is evidently the case that traffic is generated in relation to the primary and senior schools to the north east. This is though only at peak periods and it is considered that the unclassified road is capable of accommodating the additional traffic without undue consequences for highway safety in the locality. The revised plans remove the parking bay on the northern side of Greytrees, which was the subject of objections in relation to the refused proposal and an earlier proposal of the current scheme. There is also considered to be sufficient off road parking and turning facilities in accordance with Policy H16 of HUDP. The provision of a wider footpath on the northern side of the road and the improvements to visibility along the site frontage have addressed the earlier concerns raised by the Transportation Manager. Accordingly whilst the concerns of local residents about additional traffic movements are acknowledged, these are not substantiated in relation to any evidence demonstrating that there will be an adverse effect on highway safety. The revised proposal provides acceptable visibility and does not compromise the continued use of existing road junctions. Accordingly, the proposal accords with Policies H16, DR3, T8 and T11. of HUDP.

#### Infrastructure

- 6.13 Welsh Water has confirmed that subject to conditions including controlling the separation of foul and surface water drainage from the site, no objections are raised. It is not considered that there are any matters relating to drainage, as stated in representations received that cannot be addressed by the imposition of conditions recommended by Welsh Water and therefore, the development accords with Policies CF2 and DR4 of HUDP.

#### Other matters

##### Section 106 Agreement/Play Facilities

- 6.14 This proposal has not been the subject of a draft Planning Obligation, the applicant has instead made a case for not paying contributions, on the basis of the viability of the development. This has been considered in detail by the Planning Obligations Manager who advises that the assessment provides sufficient justification for setting aside the normal S106 requirements that would pertain to a scheme of this scale. Accordingly the proposal accords with the specific provisions of the Councils SPD and the NPPF which calls for a realistic approach to be adopted in relation to securing contributions where convincing evidence on viability is

provided. Notwithstanding the above, in recognition of the lack of on-site recreational facilities, the applicant has agreed informally to make a contribution of £5000.

- 6.15 It is understood that there are extant Action Plans for sites at Mayhill and Rope Walk between 5 to 15 minutes for older children respectively and it is on the basis of securing this contribution that a Section 106 Agreement is considered reasonable and necessary and to accord with Policy H19 of HUDP

#### Biodiversity

- 6.16 The proposal site is used for grazing and therefore has limited botanical interest. Whilst, it is regretted that roadside hedgerow will need to be removed in order to facilitate development of the site, it is accepted that the new native species of hedgerow proposed along the roadside together with additional planting elsewhere will provide mitigation and arguably some enhancement for this loss of biodiversity. This will be secured by the imposition of conditions providing an enhancement and management scheme relating to this new planting. Therefore, the proposal accords with Policies NC1, NC4, NC7 and NC8 of HUDP.

#### Local Geological Site

- 6.17 Representations have been received from local residents and the Herefordshire and Worcestershire earth Heritage Trust in relation to the covered and exposed bed rock adjoining the south western corner of the site. The Conservation Manager has confirmed that the application site does not overlap or conflict with this Local Geological site, but that a full working method statement should be provided as part of a pre-commencement planning condition. This will safeguard the integrity of the site and therefore there are not considered to be reasons for resisting residential given these safeguards

#### Conclusion

- 6.18 Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking. In terms of the latter, this means approving development proposals that accord with the development plan without delay; and where a development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.19 It has already been established that there is currently a deficit in housing land supply, which is a material consideration that should be accorded significant weight in relation to this site which lies within the identified settlement boundary for Ross-on-Wye. The proposed development, whilst modest in scale, will contribute to the current shortfall in terms of the delivery of additional housing and it is accepted that the development is sustainable in terms of location of the site, proximity to services and facilities and accessibility by non car based transport modes. The local concerns regarding the loss of open space are acknowledged but it is not considered that the site would have a significant adverse impact in the local context, including residential amenity or indeed on the wider character of the AONB. The development is served by means of access that will not have an adverse impact on highway safety and furthermore, given the acknowledged viability considerations makes an appropriate contribution towards off-site play provision in the locality.

## **RECOMMENDATION**

**That subject to completion of a Section 106 planning obligation in relation to play space contributions, the Officers named in the Scheme of Delegation be authorised to grant planning**

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

permission subject to conditions noted in the report and subject to any further conditions considered necessary by Officers:

1. A01 Time limit for commencement (full permission)
2. B02 Development in accordance with approved plans and materials
3. B07 Section 106 Agreement
4. F08 No conversion of garage to habitable accommodation
5. H03 Visibility splays
6. H05 Access gates
7. H09 Driveway gradient
8. H11 Parking - estate development (more than one house)
9. H13 Access, turning area and parking
10. H17 Junction improvement/off site works
11. H21 Wheel washing
12. H27 Parking for site operatives
13. H29 Secure covered cycle parking provision
14. I44 No burning of materials/substances during construction phase
15. I48 Contents of scheme to deal with contaminated land
16. I49 Implementation of measures to deal with contaminated land
17. I51 Details of slab levels
18. K4 Nature Conservation – Implementation
19. Prior to commencement of the development, a full working method statement, including measures to protect the Local Geological Site should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

**Reason:** In order to maintain the integrity and visual amenity of the site and to conform with Policy NC1 of Herefordshire Unitary Development plan.

20. L01 Foul/surface water drainage
21. L02 No surface water to connect to public system
22. L03 No drainage run-off to public system
23. L04 Comprehensive & Integrated draining of site

#### **Reasons for Approval**

1. In reaching the decision to grant planning permission, regard has been had to the relevant policies in the Herefordshire Unitary Development Plan and the National Planning Policy Framework. The local planning authority was also mindful of other supplementary planning guidance.

The National Planning Policy Framework requires the council to maintain a 5 year supply of deliverable housing land and where this requirement is not being met, the relevant plan policies concerning the supply of housing land should not be regarded as up to date.

The development offers the benefits in terms of the additional housing within the next five years; is sustainable in terms of the location of the site, its proximity to existing

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services and facilities and accessibility by non-car based modes of transport. The amended proposal provides for an improved relationship with existing development and it is not considered that the development will have an adverse impact in this part of the designated Area of Outstanding Natural Beauty, in view of its small scale and limited prominence in long term views with its localised impact appropriately mitigated by additional landscaping. These measures will also provide some biodiversity enhancement on the site. The bund and associated works will not have an adverse impact on a local geological site. The need to deliver additional housing land and the requirement to consider new residential development in the context of a presumption in favour of sustainable development along with the benefits of the development outweigh the localised impacts identified. The development is considered to comply with Policies S2, DR1, DR2, DR3, DR4, DR5, DR13, H1, H2, H13, H15, H16, H19, LA1, LA2, LA3, LA5, LA6, T6, T8, T11, NC1, NC4, NC6, NC8 and CF2 of the Herefordshire Unitary Development Plan.

**Informatives:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN05 Works within the highway
5. HN07 Section 278 Agreement
6. HN28 Highways Design Guide and Specification
7. N02 Section 106 Obligation
8. N02A Section 106 Obligation
9. N03A Adjoining Property Rights
10. N04 Rights of way
11. N16 Welsh Water Informative

Decision: .....

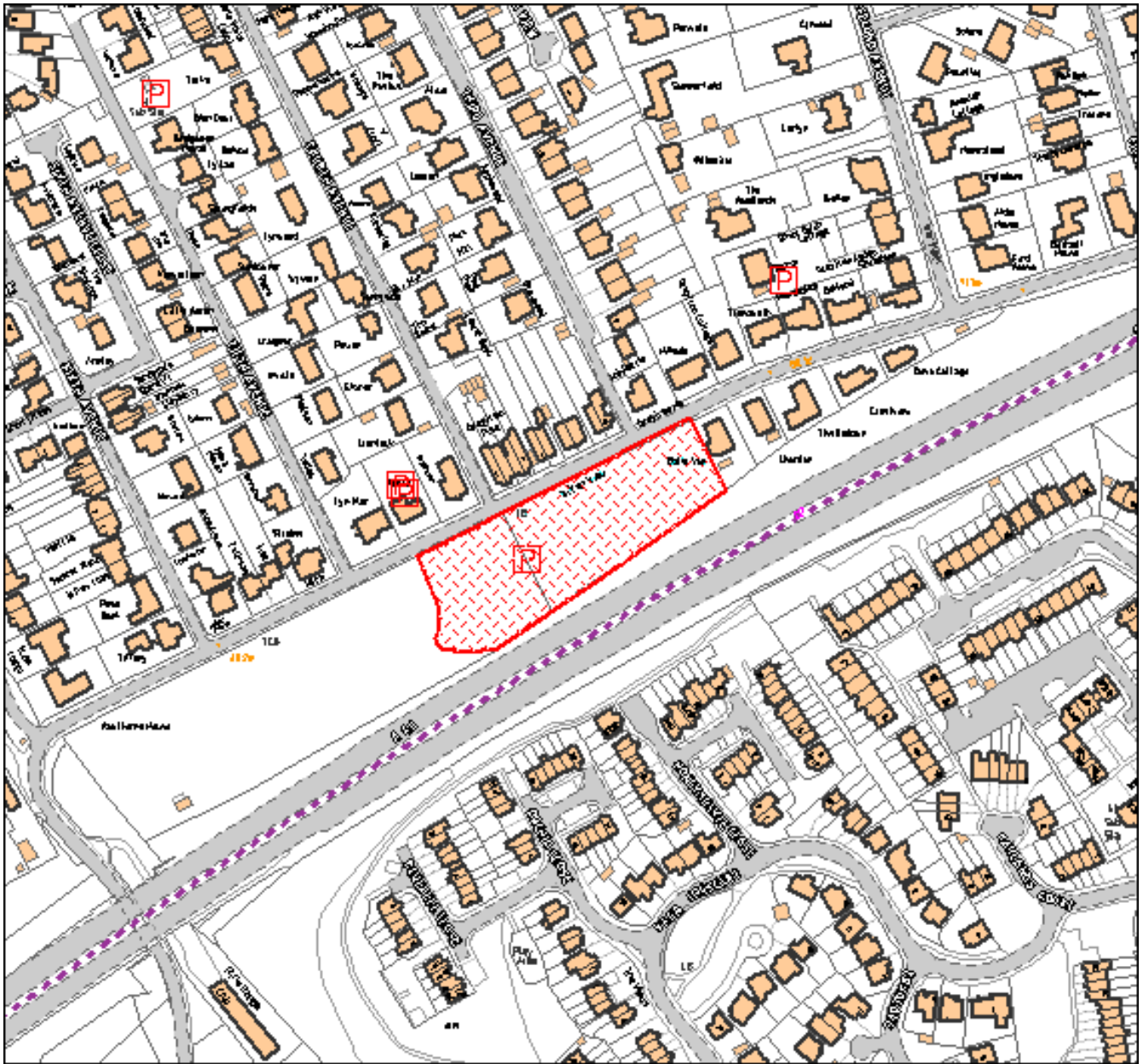
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 130060/F

**SITE ADDRESS :** LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE, HEREFORDSHIRE

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