

**SUPPLEMENT TO THE AGENDA FOR**

# **Planning Committee**

**Tuesday 16 June 2015**

**10.00 am**

**Council Chamber, Shire Hall, St Peters Square, Hereford. HR1  
2HY**

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# **PLANNING COMMITTEE**

**Date: 16 June 2015**

## **Schedule of Committee Updates/Additional Representations**

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

## **SCHEDULE OF COMMITTEE UPDATES**

**151204 - PROPOSED SINGLE STOREY 3 CLASSROOM EXTENSION WITH ASSOCIATED GROUP ROOMS AND STAFF AREA, A NEW MUGA AND PERIMETER FENCING AND ENCLOSURE OF AN EXISTING EXTERNAL FIRE ESCAPE STAIR AT AYLESTONE SCHOOL BUSINESS AND ENTERPRISE COLLEGE, BROADLANDS LANE, HEREFORD, HR1 1HY**

**For: Ms Davidson, Children's Wellbeing, Herefordshire Council per Mrs Sharon Bacha, Scape Group, 7th Floor City Gate East, Tollhouse Hill, Nottingham, Nottinghamshire, NG1 5FS**

### **ADDITIONAL REPRESENTATIONS**

#### **Traffic Manager – Updated comments in response to the objection**

Further to the recent objection received in respect of the above application I would comment as follows.

The pedestrian access to the west of the school onto Broadlands Lane is to be used for reception and pre-school access only. In view of the age of these children, they will need to be accompanied to the building and I would therefore consider it unlikely that indiscriminate double parking would therefore result due to use of that access as vehicles would need to be left unattended for some time. With the former use for Aylestone School and older pupils I can see that it may have presented a problem.

A letter could be sent to parents informing them of the available access points to the new school, their correct use and appropriate parking behaviour expected of parents. Also ongoing monitoring could be employed by the school, perhaps as part of the school Travel Plan, which will probably need to be updated in view of the relocation, and planning condition CB3 included on any permission granted.

Subject to the imposition of this additional condition my recommendation therefore remains unchanged.

### **OFFICER COMMENTS**

Although the proposal will generate an increase in traffic relative to current levels, this will not equate to the level when pupil numbers at Aylestone were at their historic peak. The planned admission number for Aylestone is 100, limiting the total to 500 pupils in the high school and 210 in the primary school – 710 in total; compared to 1300 at Aylestone prior to 2008.

The school also intends opening the current staff car park to visitors and parents, which it is hoped will actually spread the load of parking to try to reduce congestion. It will be communicated to those parents with young children in particular who will be encouraged to use the visitor parking at the beginning and end of the day.

It is also likely that because of the good pedestrian accessibility, many parents will still choose to use the parking area outside the current primary school location and walk along the footpath.

#### **CHANGE TO RECOMMENDATION**

Add Travel Plan condition.

**150727 - OUTLINE APPLICATION FOR UP TO 120 DWELLINGS WITH ASSOCIATED OPEN SPACE AND LANDSCAPING WITH ALL OTHER MATTERS RESERVED, EXCEPT ACCESS AT LAND OFF, PENCOMBE LANE, BROMYARD, HEREFORDSHIRE**

**For: The Gladman Developments Ltd., Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB**

#### **ADDITIONAL REPRESENTATIONS**

One further letter of objection has been received from a local resident. In summary it considers that the current application is unsound as it is a re-submission with no material changes. On this basis it cannot be considered to be valid.

The author considers that the officer support for the application is also unsound as the report refers to the proposed modifications to the Core Strategy as justification. The correspondence questions the removal of references to a link road as it goes against the unanimous wishes of local councils and other local bodies. The Core Strategy is still in draft form, the modifications have not been subject to consultation and there is no reason to assume that they will be approved.

Finally, the statement made in the officers report about the viability of a link road is also questioned on the basis that Bovis Homes and Mosaic both attended the Core Strategy Examination in Public and stated that development at Hardwick Bank would fund a link road.

#### **OFFICER COMMENTS**

Section 70A of the Town and Country Planning Act relates to the powers local planning authorities to decline to determine applications and states that:

- (1) A local planning authority may decline to determine a relevant application if—
  - (a) any of the conditions in subsections (2) to (4) is satisfied, and;
  - (b) the authority think there has been no significant change in the relevant considerations since the relevant event.

Subsections 2 to 4 refer to appeals that have been heard by the Secretary of State and therefore are not relevant to this application. However, the remainder of Section 70A is clear that it is a judgement for a local planning authority to make whether it decides to decline an

application. There is no suggestion that an application is not valid if it is not materially different from one which has been previously refused. In this case your officers remain concerned that the council is not meeting its five year housing land supply and it is primarily for this reason that the application is before committee for their consideration.

The proposed modifications to the Core Strategy are also pertinent to this re-submitted application as they acknowledge the fact that there is likely to be a need to find further sites beyond strategic allocations. Whilst the author of the further objection letter is correct that the proposed modifications to the Core Strategy have not been approved, they have been subject to further consultation, the period ending on 22 May.

#### **NO CHANGE TO RECOMMENDATION**

**143830 - PROPOSED 3 NO. HOUSES (4 BED) AT LAND ADJOINING UPPER HOUSE, (SITE A), LYONSHALL, HEREFORDSHIRE, HR5 3JN**

**For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire, HR5 3JN**

#### **ADDITIONAL REPRESENTATIONS**

Three e-mails expressing support for scheme as they would like to build their own house.

Applicant advises hasn't decided yet whether would sell off as self build plots, but wouldn't sell 'en bloc' to developer.

#### **OFFICER COMMENTS**

Members on site asked about plot sizes- the whole site (site A) inc the adj grassed area is 1.3 hec the plots are therefore approx. 0.2 hec.

Members asked about the Neighbourhood Plan. This has got to draft plan stage but has not been submitted under regulation 14 yet. It can be afforded no weight at this time.

Members asked about Strategic Housing Land Availability Assessment criteria.-

These came forward from land owners and to be considered had to be over 0.5 hec in extent or capable of accommodating at least 5 dwellings. Any sites which came forward, but were rejected during the UDP process were automatically reconsidered.

#### **CHANGE TO RECOMMENDATION**

In the second line of the recommendation there is a typographical error. Delete words: "in accordance with policy" from line 2.

**143832 - PROPOSED 6 NO. HOUSES (3 NO. 4 BED, 2 NO. 3 BED AND 1 NO. 2 BED) AT LAND OPPOSITE UPPER HOUSE, (SITE B), LYONSHALL, HEREFORDSHIRE**

**For: Mr Kinsey Hern, Upper House Farm, Lyonshall, Kington, Herefordshire HR5 3JN**

#### **ADDITIONAL REPRESENTATIONS**

Three e-mails expressing support for scheme as they would like to build their own house.

Applicant advises hasn't decided yet whether would sell off as self build plots, but wouldn't sell 'en bloc' to developer.

#### **OFFICER COMMENTS**

Having checked the Strategic Housing Land Availability Assessment issue it appears that this site was not identified during this process, but lies adjacent to one which was. ( the site immediately to the west, also accessed via the same access point).

Consequently the comment in paragraph 6.4 of the report is wrong. On that basis the site in policy terms is identical to the previous site, and the recommendation is amended accordingly.

#### **CHANGE TO RECOMMENDATION**

**The proposal is not considered sustainable development in accordance with the three dimensions of sustainable development as set out in the National Planning Policy Framework. Furthermore the layout, scale and design of the development is not considered to be reflective of the surrounding built and rural character and therefore considered contrary to Policies S1, DR1, H7 and LA2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**151165 - VARIATION OF CONDITION TO CONVERT COTTAGE ANNEXE TO PROVIDE ONE BEDROOM HOLIDAY COTTAGE. REMOVE CONDITION 4 USE OF FODDER STORE IS NO LONGER COMMERCIALY VIABLE AT FODDER STORE ADJACENT TO THE OLD RECTORY, CHURCH ROAD, WHITBOURNE, HEREFORDSHIRE, WR6 5RS**

**For: Mr & Mrs Poultney per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG**

## **ADDITIONAL REPRESENTATIONS**

The parish council have submitted the following comments, those referred to in the report were submitted by the chairman.

Whitbourne Parish Council strongly objects to the application for the following reasons. Please note that numbers 1-5 formed the basis of the Parish Council's original objection on 3<sup>rd</sup> September 2014:

1. The Old Rectory is a Grade II listed building, which, if divided up in this way would be deemed as an inappropriate development impacting upon its historic heritage and the historic fabric should be preserved.
2. The impact of the application on the present occupants of the Rectory – with regard to overlooking both front and rear gardens, increased density – i.e. noise, cars, people, etc.
3. This would be providing residential accommodation for a separate family within what should be one residential unit – thus impacting detrimentally upon the occupants of the main dwelling.
4. Lack of amenity for the annex accommodation – as this is essentially ancillary accommodation to the Old Rectory and as such does not have a defined curtilage. This inadequacy renders the unit not capable of being practical or appropriate as a form of accommodation.
5. We consider this application contrary to policy guidance in the Herefordshire UDP and the NPPF. The separation of the property is unauthorised.
6. The application is contrary to paragraph 55 of the National Planning Policy Framework and policy H7 of the Unitary Development Plan, which prohibited development in the open Countryside.
7. The application is contrary to policies H17 and H18 which states that there has to be a satisfactory standard of accommodation including layout and private amenity space. The amenity space does not have planning permission nor listed building consent. The first floor “open plan” layout similarly doesn't have planning permission. In 2010 when permission had been given for change of use of the annex from holiday let to residential use the decision notice had stated that it would be contrary to policy H18 to grant planning permission for a new dwelling in this location.
8. The proposal is contrary to policies HBA3 and HBA4 because it is incompatible with important features, would adversely affect the setting of the Old Rectory and severely affect the residential amenity of its occupiers. Unauthorised changes have been made to the building in order to support and enable this application without listed building consent being obtained. The Council is requested to take enforcement action to require the blocking up of the new cellar entrance, removal of trellis fencing and the removal of the new oil tank.
9. It is considered that the residential annex permissions in 2010 and 2013 have been implemented. Condition 4 of the 2004 holiday let permission cannot be removed because that permission has been superseded.

The applicants' agent has submitted the following in respect of a listed building application received on 5 June;



I and my clients showed Ms Lowe the building and went through the issues. As the trellis is not attached to the building lbc is not required.

It was agreed that the following items needed to be included in any application for listed building works:

- The hatch underneath the stairwell;
- The boarding-up on the interior of the external door on the rear elevation (the external door and frame having been retained and;
- The removal of the plywood steps outside the door (see above) which stood on land now owned by the neighbours, Mr and Mrs Wood.

An application has now been submitted for these works. Mr and Mrs Wood have been formally notified of this application as it partly affects their property (the land on which the plywood steps once stood.)

#### **OFFICER COMMENTS**

Nothing further to add

#### **NO CHANGE TO RECOMMENDATION**

**150379 - PROPOSED ERECTION OF THREE DWELLINGS AND CONSTRUCTION OF ASSOCIATED WORKS AT LAND OPPOSITE WHITCHURCH PRIMARY SCHOOL, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DA**

**For: Mr Gee per Mr Paul Smith, First Floor, 41 Bridge Street, Hereford, Herefordshire, HR4 9DG**

#### **ADDITIONAL REPRESENTATIONS**

On 10 June 2015, the further views of Whitchurch and Ganarew Parish Council were received. They state that they have no objections to the proposal.

#### **OFFICER COMMENTS**

None

#### **NO CHANGE TO RECOMMENDATION**



# PLANNING COMMITTEE - 16 June 2015

## PUBLIC SPEAKERS

### APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
	Ms J Davidson (Hereford Council)  Per  Ms S Bacha, Scape Group	Proposed single storey 3 classroom extension with associated group rooms and staff area, a new MUGA and perimeter fencing is proposed. Also the enclosure of an existing external fire escape stair at <b>Aylestone School Business &amp; Enterprise College, Broadlands Lane, Hereford, HR1 1HY</b>	151204	
<b>OBJECTOR</b>		<b>MR M ADDISON (Local resident)</b>		
	The Gladman Developments Ltd	Outline Application for up to 120 dwellings with associated open space and landscaping with all other matters reserved, except access at <b>Land off Pencombe Lane, Bromyard, Herefordshire</b>	150727	
<b>PARISH COUNCILS</b>		<b>MR R PAGE (Bromyard and Winslow Town Council)</b> <b>MRS G CHURCHILL (Avenbury Parish Council)</b>		
<b>OBJECTOR</b>		<b>MR T WATTON (on behalf of Bovis Homes and Mosaic Estates)</b>		
	Mr Kinsey Hern	Proposed 3 no. houses (4 bed) at Land adjoining Upper House, (Site A), Lyonshall, Herefordshire, HR5 3JN	143830	
<b>PARISH COUNCIL</b>		<b>MR P AVERY (Lyonshall Parish Council)</b>		
<b>SUPPORTER</b>		<b>MR K HERN (Applicant)</b>		

Mr Kinsey Hern	Proposed 6 no. houses (3 no. 4 bed), 2 no. 3 bed and 1 no. 2 bed) at <b>Land opposite Upper House (Site B), Lyonshall Herefordshire</b>	143832
<b>PARISH COUNCIL</b>	<b>MR P AVERY (Lyonshall Parish Council)</b>	
<b>SUPPORTER</b>	<b>MR K HERN (Applicant)</b>	

Mr & Mrs Poultney	Variation of condition to convert cottage annexe to provide one bedroom holiday cottage. Remove condition 4 use of Fodder Store is no longer commercially viable at <b>Fodder Store adjacent to The Old Rectory, Church Road, Whitbourne, Herefordshire, WR6 5RS</b>	151165
<b>PARISH COUNCIL</b>	<b>MRS M WILLIAMS (Whitbourne Parish Council)</b>	
<b>OBJECTOR</b>	<b>MR P WOOD (Owner of the Old Rectory)</b>	
<b>SUPPORTER</b>	<b>MRS G POULTNEY (Applicant)</b>	

Mr Gee	Proposed erection of three dwellings and construction of associated works at <b>Land opposite Whitchurch Primary School, Whitchurch, Ross-on-Wye, Herefordshire, HR9 6DA</b>	150379
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