

AGENDA

Planning Committee

Date: **Wednesday 11 December 2013**

Time: **10.00 am**

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

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

**Please also note that consideration of agenda items
12-16 will not commence until 2.00pm.**

For any further information please contact:

Tim Brown, Democratic Services Officer

Tel: 01432 260239

Email: tbrown@herefordshire.gov.uk

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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 AM Atkinson

Councillor AN Bridges

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor J Hardwick

Councillor JW Hope MBE

Councillor MAF Hubbard

Councillor RC Hunt

Councillor Brig P Jones CBE

Councillor JG Lester

Councillor RI Matthews

Councillor FM Norman

Councillor AJW Powers

Councillor GR Swinford

Councillor PJ Watts

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 20 November 2013.	7 - 22
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	23 - 24
7.	131680/F LAND OFF TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW Proposed erection of 12 affordable dwellings, comprising a mixture of 2 and 3 bed houses.	25 - 52
8.	131732/F THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG Change of use from public house on ground floor and residential unit on first floor to a single 6 bedroom detached dwelling.	53 - 64
9.	131981/F BARN AT EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HR9 6LH Change of use of existing barn to 5 dwellings.	65 - 72
10.	132446/O LAND AT JUNCTION OF A44 AND PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QR Site for construction of 2 no. dwellings.	73 - 80
11.	132448/O LAND ADJACENT TO LONGLANDS, LOWER HARDWICK LANE, BROMYARD, HEREFORDSHIRE New three bedroom dwelling with access drive, parking and garden.	81 - 88

(The Committee will adjourn following consideration of this item and reconvene at 2.00 pm to consider the remaining items listed below.)

(TO BE CONSIDERED AFTER 2.00 PM)

- | | | |
|-----|--|-----------|
| 12. | 132014/CD MERRY GO ROUND DAY NURSERY, BOYCOTT ROAD, HEREFORD, HR2 7RN | 89 - 94 |
| | Replacement of extant Planning Permission S120972/CD. | |
| 13. | 132674/O LAND EAST OF WEOBLEY PRIMARY SCHOOL, WEOBLEY, HEREFORDSHIRE | 95 - 108 |
| | Residential development. | |
| 14. | 132304/F LAND TO THE REAR OF WHITE HOUSE, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7LR | 109 - 114 |
| | Proposed demolition of existing metal clad storage building and erection of two new dwellings with associated garaging, cycle storage and landscaping. | |
| 15. | 132629/F LAND AT REAR OF STANDALE, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7LT | 115 - 120 |
| | Proposed new dwelling with attached garage. | |
| 16. | 132566/CD HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU | 121 - 128 |
| | Variation of Condition 2 of planning permission DCNC0009/1820/CD – to allow the use of the multi-use room for the purpose other than ancillary to The Hope Centre, up to 4 no. council staff as part of the Council's Better Ways of Working Policy. | |
| 17. | DATE OF NEXT MEETING | |
| | Date of next site inspection – 7 January 2014 | |
| | Date of next meeting – 8 January 2014 | |

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HEREFORDSHIRE COUNCIL

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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 20 November 2013 at 10.00 am

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

Councillors: PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, Brig P Jones CBE, JG Lester, RI Matthews, AJW Powers, GR Swinford and PJ Watts

In attendance: Councillors WLS Bowen and EPJ Harvey

82. APOLOGIES FOR ABSENCE

Apologies were received from Councillor FM Norman.

83. NAMED SUBSTITUTES (IF ANY)

There were no substitute members present at the meeting.

84. DECLARATIONS OF INTEREST

Agenda item 10 – 132033/F & 132034/C – Land at Chestnuts, the Avenue, Ross –on – Wye, Herefordshire

Councillor PGH Cutter declared a pecuniary interest in respect of a contract he held with a person who may be interested in the development. He also declared non-pecuniary interests as Chairman of the Wye Valley AONB Joint Committee; a member of the Management Committee of the Conservative Club and a governor of St Joseph's Primary both of which properties were near to the Chestnuts.

85. MINUTES

RESOLVED: That the Minutes of the meeting held on 30 October 2013 be approved as a correct record and signed by the Chairman.

86. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

87. APPEALS

The Planning Committee noted the report.

88. 131964/O - QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORD

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, as appended to these Minutes.

In accordance with the criteria for public speaking Mr Davis, Vice-Chairman of Bartestree and Lugwardine Parish Council, and Mrs Rolfe, a resident, spoke in objection to the application and Mr J Spreckley the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution Councillor DW Greenow, the local ward member spoke on the application.

He commented on a number of issues including:

- The proposed development was not sustainable because the access off the A438 was below standard and demonstrably unsafe. The A438 was a very busy road. There was a risk of traffic backing up as vehicles waited to turn into the development and heavy lorries hurrying up and down the A438 posed a particular hazard. Visibility could also be affected by mist and fog caused by proximity to the River Lugg. The traffic survey had been undertaken at the wrong location and did not reflect the actual speeds of vehicles passing the development site itself.
- The proposed access arrangements acknowledged the difficulty by seeking to maximise the available land for the access. However, this had the effect of making the access run up against adjoining cottages whose occupants' access would therefore be directly onto the highway.
- The footpath leading to the village was narrow and single file. Parents, for example, with a pushchair and another child would be at risk. The suggestion that railings might be put up to separate the footpath from the highway entailed a risk to the foundations of the C17 properties alongside the footpath and the possibility of a claim for damages.
- Cotts Lane was used as a rat run and was not a suitable alternative pedestrian access.
- There had been a lack of engagement by the developers with the local community.
- An application for a smaller development nearby off the A438 had been refused planning permission because it was out of character.

The debate opened and the following principal points were made:

- The Traffic Manager's comments did not reflect the reality of the situation and the volume of traffic that the development would generate both from residents and vehicles servicing the development. Both usability and visibility needed to be considered.
- Pedestrian safety was a concern. The footpath to the village alongside the A438 was single file and raised above the highway. Any pedestrian who slipped ran the risk of falling into the road. The Council could do nothing to require pedestrians to use an alternative route. In addition, the possible use of Cotts Lane as a pedestrian route did not form part of the application and that lane also had no pavement.
- The lack of consultation by the developers with the community and provision of information was completely at odds with the provisions in the Localism Act 2011.
- Linear development would change Lugwardine's character.
- There was a suggestion that tests to establish whether the land was contaminated should be undertaken prior to granting planning permission.
- It was noted that the Council's barrister was currently arguing at a Public Inquiry that the Council had in fact met the 5-year housing land supply. Clarification was sought on the bearing this had on the report before the Committee.

The Planning Lawyer referred to paragraph 6.3 of the report which noted that the scale of the housing land supply deficit was evolving. The matter had been discussed at a recent Public Inquiry and the Council had put forward a strong case that the supply requirement is being met. However, only when a decision or formal position was published would the Council be able to assert that the supply is being met.

- The Chairman undertook to request a statement from the relevant Cabinet Member for Members on the housing land supply.
- It was argued that whilst the report focused on the presumption in the National Planning Policy Framework relating to the 5-year housing land supply there were other elements of that framework to which weight could also be given but to which there was no reference.
- The development was a mile away from the nearest shop and not close to the school. It would rely on car travel and insufficient pathways and was not sustainable.

The Principal Planning Officer confirmed that the Council's design guide provided that a footpath should be 2 meters wide. This width could not be achieved in the location under discussion even with the mitigating measures proposed.

The Development Manager reminded the Committee that if Members were minded to refuse planning permission it was essential that clear reasons for refusal were identified. In his opinion it might be argued that the pedestrian route from the site to facilities, which as the report acknowledged could not be made to meet the council's design guide requirement of 2 metres width, was a potential ground for refusal. He expressed reservations about advancing the visibility and vehicular access as grounds for refusal. He clarified the perceived benefits of the Scheme and sought clarification on the suggestion that the development would have a harmful impact on Lugwardine's character to the extent that it would outweigh the Scheme's benefits.

The local ward member was given the opportunity to close the debate and reiterated his opposition to the Scheme.

Members then discussed grounds for refusing the application.

RESOLVED: That planning permission be refused and officers named in the scheme of delegation be authorised to finalise the reasons for refusal in accordance with the following grounds advanced by Members, namely:

- **MT1 – Traffic management, highway safety and promoting active travel**
- **Single access – concerns about usability and visibility**
- **LD1 – Local Distinctiveness (character of area/linear development and Seventeenth Century Housing) - landscaping measures would not provide sufficient mitigation**
- **LD2 – Landscape and Townscape**
- **ID1 – Infrastructure Delivery**
- **Pedestrian Safety**
- **Lack of consultation and information**
- **Potentially contaminated land**

(Note: For the avoidance of doubt the references to policies above have been updated in the decision notice by officers to reflect the Unitary Development Plan policy references and the National Planning Policy Framework)

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 by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

(The meeting adjourned between 11.05 and 11.15 am)

89. 132598/F - LAND OFF KITCHEN HILL, ORLETON, LUDLOW, SHROPSHIRE

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, as appended to these Minutes. He added that two further letters of objection had been received but these raised no new points. He highlighted the intention to recommend a modification to either condition 4 set out in the printed recommendation or the Section 106 agreement to ensure that maintenance liability for the proposed balancing pond was properly addressed. He also added that it was proposed that there should be a condition requiring that the dwellings had tiled roofs.

In accordance with the criteria for public speaking Mrs B Mark, Chairman of Orleton Parish Council, spoke on the application. Mr C Mitchell, a resident, spoke in objection and Mr P Sutton the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution Councillor WLS Bowen, the local ward member, spoke on the application.

He commented on a number of issues including:

- There was a demand for affordable housing in the local community. The Scheme complied with Unitary Development Plan policies, was on the edge of the village boundary, and would help to ensure that Orleton remained a living village.
- The project had been community led with close working with the developer to improve the design of the scheme and other aspects.
- The site had emerged as the only viable one after a prolonged exercise and investigation of 26 sites.
- The site had community facilities within reach. There was a concern about the absence of a footpath but Orleton was a rural village. It was hoped that a village gateway could be developed that would slow traffic.
- Landscaping would be satisfactory.
- He considered that the proposed measures would reduce flooding problems. Severn Trent had said that the existing sewerage system, over the capacity of which some concerns had been expressed, could accommodate an additional 20 dwellings. It was essential, however, that Severn Trent met its legal duty to ensure that the system did cope.

The debate opened and the following principal points were made:

- It was suggested that the Section 106 agreement should be used to ensure that maintenance liability for the proposed balancing pond was properly resolved.

- In response to a question about traffic calming the Planning Officer stated that the Transport Manager considered there to be low usage of the road. Traffic calming measures would have to be led by the Parish Council and the community.
- Regret was expressed that more had not been done to ensure the sustainability of the development by designing the properties to minimise energy usage and costs.
- The engagement with the community and the level of consultation was welcomed.
- The site had a negative impact on the landscape that could not be mitigated and at 120 metres from the village was not close enough.
- Concern was expressed that Severn Trent would not ensure that the sewerage system would cope and make improvements.
- It was requested that tree planting needed to be carefully managed to ensure that the impact of the development was mitigated but the development was not hidden and overshadowed.

The local ward member was given the opportunity to close the debate. He reiterated his support for the Scheme. He added that Severn Trent were now attending Parish Council meetings when invited and seemed committed to making improvements. He believed that the Scheme would be energy efficient. A village development Group was involved in the tree planting details.

That subject to the completion of a S106 Agreement planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Policy DR4 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

5. **F14 Removal of permitted development rights**
6. **G09 Details of Boundary treatments**
7. **G12 Hedgerow planting**
8. **Prior to commencement of the development, a full working landscaping method statement must 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 ensure that the development integrates into the

surrounding landscape with adequate mitigation and to comply with Policies LA2 and LA6 of the Herefordshire Unitary Development Plan.

9. Prior to commencement of the development, an ecological habitat enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the work 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, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan, in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

10. **I16 Restriction of hours during construction**

11 The section 106 Agreement ensure that maintenance liability for the proposed balancing pond rested with the developer.

12 There should be a condition requiring that the dwellings have tiled roofs

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. **HN04 Private apparatus within highway**

3. **HN05 Works within the highway**

90. 131680/F - LAND OFF TUMP LANE AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE

The Schedule of Committee Updates contained a change to the officer recommendation, proposing that planning permission be granted subject to no further objections raising additional material planning considerations by the end of the consultation period which was still ongoing.

In the circumstances, in the light of representations made at the meeting, it was proposed to defer consideration of the application.

RESOLVED: That consideration of the application be deferred pending completion of the consultation period.

(The meeting adjourned between 12.05 and 12.10 pm)

91. **132033/F & 132034/C - LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE,**

(Councillor PGH Cutter declared a pecuniary and non-pecuniary interests and left the meeting for the duration of the meeting.)

(Councillor BA Durkin (Vice-Chairman) in the Chair)

The Planning Officer gave a presentation on the application and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. An additional condition was proposed.

In accordance with the criteria for public speaking Mrs Utting spoke on behalf of Ross-on-Wye Town Council.

In accordance with paragraph 4.8.2.2 of the Council's Constitution Councillor AM Atkinson, one of the two local ward members, spoke on the application.

He commented on a number of issues including:

- He had always expected that the site would be developed. The reduction from five to four houses was welcomed. Overall the Scheme was in keeping with the area.
- He asked whether the height of the buildings could be reconsidered.
- The main impact of the Scheme was on Mulberry Lodge and Chasewood Lodge. There was some concern that large windows would overlook Mulberry House. By setting the houses back from the road they were also close to the boundary wall of the neighbouring properties and there was a concern they might overshadow them. He requested that mitigation measures be discussed further with the local ward members and residents
- He also requested that steps be taken to ensure that any damage to the new road surface by the site was made good at the developer's expense.

The debate opened and the following principal point was made: it was proposed that local members should be involved in finalising mitigation measures, noting in particular concerns about glazing to the rear of the proposed new dwelling and the overlooking of neighbouring properties.

The local ward member was given the opportunity to close the debate. He requested that a condition in relation to glazing be imposed.

RESOLVED:

That subject to no further objections raising additional material considerations by the end of the consultation period the officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers and subject to local ward members being consulted on mitigation measures:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G04 Protection of trees/hedgerows that are to be retained**

5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **H13 Access, turning area and parking**
8. **F14 Removal of permitted development rights**
9. **L01 Foul/surface water drainage**
10. **L02 No surface water to connect to public system**
11. **L03 No drainage run-off to public system**
12. **I16 Restriction of hours during construction**
13. **F08 No conversion of garage to habitable accommodation**
14. **H27 Parking for site operatives**
15. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary

In respect of 132034/C:

That Conservation Area Consent is granted for the following conditions:

1. **C23 - Time limit for commencement**
2. **C35 - Signing of contract before demolition**

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.**

92. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 12.37 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 20 November 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.

SCHEDULE OF COMMITTEE UPDATES

131964/O - RESIDENTIAL DEVELOPMENT COMPRISING 20 OPEN MARKET HOMES AND 10 AFFORDABLE HOMES AT QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORD,

For: Mrs Seymour per Mr James Spreckley MRIC FAAV, Brinsop House, Brinsop, Herefordshire HR4 7AS

ADDITIONAL REPRESENTATIONS

Three further letters of representation have been received from local residents. The context is summarised as follows:

- The local planning authority has recently refused an application for residential development at Three Penny Bit Cottage. It is clear that 131964 would impact in a similar way by the introduction of a large number of houses which would intrude visually on the approaches to the village from the A438 and from Cotts Lane and which would also be visible from the historic meadows on the Lugg Flats.
- Horseshoe bats are active in the area. This is a rare bat in the UK and, like all bats, is protected. Their presence is potentially an additional reason for objection.
- The proposed entrance to Quarry Field will quickly become an accident black spot as the blind corner combined with excessive speed means that the westbound traffic will not be able to stop in time. This will be a particular problem for the large articulated lorries that travel down the road.
- The narrow pavements mean that traffic cuts in very close to pedestrians, making it very dangerous to walk on the footpath, particularly for school children and for the elderly walking to the post box or to catch a bus.
- The amended plan for the access detracts from the appearance of Croft Cottage and will make the existing vehicular access to Quarry Cottage very difficult to negotiate. The increased splay for the entrance to the development will be a visual intrusion on this main approach to the historic part of the village with its older properties, 3 of which are Grade 2 listed buildings. If it is deemed necessary to remove some of the grass bank, given that the level of Greencroft is below the level of the pavement, this will be a further visual intrusion on the distinctive black and white properties which are such a feature of this particular approach to the village.
- Concern is expressed at the impact of any potential improvements to the footways, particularly in relation to the structural integrity of High House and the existing stone retaining wall.
- The proposed development is adjacent to the rear boundaries of 3 listed properties and as Quarry Field is a rising elevation the new houses will be overbearing and have an adverse impact as the development would overlook the listed buildings.
- The development will not be sustainable economically as there will not be sufficient employment in the local area, yielding a high enough salary, to enable people to afford the new mainly 4 bedroom homes, particularly as the largest employer in Herefordshire was the local council which is currently cutting back on its number of employees.

- The Localism Act 2011 says that local communities should decide for themselves. In this instance, although the Agent first approached the planning department in December 2012, the local community was not consulted on its views of the development prior to a planning application being submitted. In addition it is disappointing that it is for outline planning and all other matters are reserved.

Welsh Water

Welsh Water has confirmed that the provision of new off-site and/or on-site water-mains and associated infrastructure will be required for the development. In this instance Welsh Water does not require a Hydraulic Modelling Assessment to be carried out.

OFFICER COMMENTS

- The presence of all species of bats has been taken into account. Subject to conditions the Council's Ecologist has no objection.
- The Traffic Manager confirms that the access arrangements meet the requisite standards.
- Increasing the width of the footway back towards the village has been considered and discounted because of the impact upon the setting of adjoining listed buildings. This position can be revisited if deemed necessary by Members.
- In the light of Welsh Water's comments, a refusal on the basis of inadequate water supply cannot be sustained.

NO CHANGE TO RECOMMENDATION

132598/F - PROVISION OF 14 NO. AFFORDABLE HOMES AND ASSOCIATED ANCILLARY USES AT LAND OFF KITCHEN HILL, ORLETON, LUDLOW, SHROPSHIRE

For: South Shropshire Housing Group per The Old Library, Hagley Road, Stourbridge, West Midlands, DY8 1QH

ADDITIONAL REPRESENTATIONS

The Conservation Manager has responded to the application indicating that the proposed development should not affect the immediate setting of the nearby grade II listed cottage.

The response indicates that the site does not touch any dwelling boundaries alongside Kitchen Hill Road, (public highway access to the application site), which will contribute towards giving an impression of isolation to the proposed development, which is contrary to the grain of the village. Concerns are also raised about the internal layout in that the dwellings do not front onto the adjacent lane with their rear gardens facing towards Kitchen Hill Road, and this will result in privacy fencing which is degrading to the overall inclusive character of the village. Concerns are also raised about the site boundary on the northern side in that it appears to represent an awkward shape and therefore overall the proposal is considered contrary to the character of the Conservation Area.

OFFICER COMMENTS

It is acknowledged that the development does have an impact on the overall character of the surrounding landscape and consequently the Conservation Area. The site is a sloping site,

facing north, where the applicants have offered significant landscaping in order to mitigate the visual impact of the development. With consideration to the character of the surrounding landscape and its openness in a northerly direction, the proposed internal layout and dwelling layout is considered the most appropriate. The issue about proposed rear privacy fencing is acknowledged and is a matter that has been brought to the attention of the applicants. The northern boundary of the site is designed like this due to the fact that the applicants propose a sustainable urban drainage balancing pond as part of the overall development.

It is considered that the proposal does reflect landscape impact concerns and that these are considered in the report.

Whilst the concern about rear privacy fencing is noted, it is considered that conditions 6 and 7 as attached to the Committee report will address these concerns.

NO CHANGE TO RECOMMENDATION

131680/F - PROPOSED ERECTION OF 12 AFFORDABLE DWELLINGS, COMPRISING A MIXTURE OF 2 AND 3 BED HOUSES ON LAND OFF TUMP LANE AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW

For: The Owner and/or Occupier per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH

ADDITIONAL REPRESENTATIONS

One further letter of representation has been received reiterating that traffic census was undertaken by the applicants during Easter half term 2012. It is also stated that Tump Lane is exceptional for heavy traffic usage. Mention is also made of national policies relating to 'safe route for school'

The applicant has submitted a revised plan providing for a 1.2 metre wide section of footpath and a crossing point linking the site to the existing footpath and Wormelow beyond. This was the single focus of the refusal reason set out in the report and whilst the judgement is finely balanced, since it only resolves part of the problem, it is considered to make the proposal more sustainable, offering benefits to existing residents of Tump Lane. This has enabled officers to change the recommendation.

OFFICER COMMENTS

Reference has been made to the period of the traffic survey, namely 22 -28 March 2013. Much Birch School has confirmed this period did not fall within a half-term holiday period, which was earlier in February. However, Thursday 28 March was the first day of the Easter holiday. Accordingly although one day was not the subject of school traffic this would not invalidate the legitimacy of the traffic survey carried out.

CHANGE TO RECOMMENDATION

Subject to no further objections raising additional material planning considerations by the end of the consultation period and the completion of a Section 106 Agreement in accordance with the Draft Agreement submitted with the application, 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 C01 Samples of materials
- 4 G10 Landscaping scheme
- 5 G11 Landscaping scheme – implementation
- 6 H03 Visibility splays
- 7 H11 Parking – estate development (more than one house)
- 8 Prior to first occupation of any dwelling hereby approved, the footpath as shown on approved drawing b/MGPCMuch Birch.1/03 or a suitable alternative shall be completed, surfaced and drained in accordance with a scheme of works that shall be approved by the local planning authority.

Reason: To ensure the provision of improved pedestrian access to facilities in Wormelow and to comply with the requirements of Policies S1 and H13 of Herefordshire Unitary Development Plan

- 9 H29 Covered and secure cycle parking provision
- 10 I16 Restriction of hours during construction
- 11 I19 Drainage in accordance with approved plans
- 12 K4 Nature Conservation – Implementation
- 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

Informatives:

- 1 The Local Planning Authority has acted positively in determining this application by assessing the proposal against planning policy and any other material considerations . Negotiations in respect of the 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. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times . No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

132033/F & 132034/C - DEMOLITION OF POST WAR BUILDING AND ERECTION OF 4 NO. DWELLINGS AT LAND AT CHESTNUTS, THE AVENUE, ROSS ON WYE, HEREFORDSHIRE

For: Balimark Ltd per RRA Architects Ltd, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

ADDITIONAL REPRESENTATIONS

The Town Council have made further representation, however it would appear that there was some confusion at the meeting and their comments related to the original scheme of five dwellings not the amended plans. I have been advised by the Clerk that a representative will clarify their position at the committee meeting.

Following the receipt of the amended plans and posting of a new site notice a further four letters of objection have been received; all from properties adjoining or near by the application site. All had made previous objections to the original scheme for five dwellings. Although the reduction to four dwellings is welcomed by all, there are still objections to the application on the following grounds;

- The gap to the western end of the site serves no purpose;
- The properties still overlook the Mulberry House to the rear given the extensive glass in the rear elevation;
- The design is out of keeping with the general character of the area being three stories;
- Not enough parking with each of the dwellings;
- The dwelling on the most easterly end is too close to the Coach Lane;
- The dwellings still represent an overdevelopment of the site being too large in scale
- No comparison to other properties within the Avenue;
- Uniformity is not welcomed as is not a characteristic of the surrounding area;
- The highway is already congested with heavy parking morning and mid-afternoon and no consideration is given to the additional traffic.
- The dwellings are still far too close together;
- Development harmful to the character and appearance of this established residential area; and
- The development still overlooks The Coach House, and in particular the side windows;

OFFICER COMMENTS

- The 'gap' referred to on the western end of the site is to be retained with the existing house. The two storey element of each property is located 8m from the rear boundary, and there is a gap of over 12m from the two storey element of plot 4 on the eastern end of the site and the neighbouring property The Coach House. The front building line of the property is also sat 4m back from the rear building line of the

coach house. These distances are considered to be adequate so as not to give rise to any issues of overlooking.

- The parking for each dwelling meets with the Council's parking standards.
- The space between each dwelling is 2.2m, which is similar to the other existing properties fronting onto The Avenue.
- Although uniformity in design is not a characteristic within the street scene, paragraph 60 of the NPPF is clear that 'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.'

NO CHANGE TO RECOMMENDATION

Additional condition is recommended relating to details of slab levels;

15. Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary

MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application 130930/F

- The appeal was received on 5 November 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Ms Kat La Tzsar
- The site is located at Trinity House, Barricombe Drive, Hereford, HR4 0NU
- The development proposed is Demolition of existing building and erection of 9 no. flats and
- The appeal is to be heard by Written Representations

Case Officer: Ms K Gibbons on 01432 261781

Application 131296/O

- The appeal was received on 13 November 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by Mr Graham Davies
- The site is located at Land adjoining Maund Bryan Cottages, Bodenham, Hereford, HR1 3JB
- The development proposed is Proposed two storey dwelling
- The appeal is to be heard by Written Representations

Case Officer: Mr Matt Tompkins on 01432 261795

Application 100966/F

- The appeal was received on 6 November 2013
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal is brought by NJ & IE Cockburn
- The site is located at Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX
- The development proposed is Application (part retrospective) to erect, take down and re-erect polytunnels, rotated around fields as required by the crops under cultivation (soft fruit)
- The appeal is to be heard by Inquiry

Case Officer: Mr M Tansley on 01432 261815

APPEALS DETERMINED

Application 122066/F

- The appeal was received on 2 July 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Mrs Susan Willmott
- The site is located at Newtown Inn, Lower Eggleton, Ledbury, Herefordshire, HR8 2UG
- The development proposed was Change of use from A4 drinking establishment to C3 dwelling house
- The main issue was: whether the loss of the public house is acceptable in the light of policies dealing with loss of community facilities and services.

Decision:

- The application was Refused under Delegated Powers on 27 November 2012
- The appeal was Dismissed on 11 November 2013

Case Officer: Mr Matt Tompkins on 01432 261795

Application 122658/F

- The appeal was received on 6 June 2013
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission
- The appeal was brought by Miss Margaret Rigby
- The site is located at Log Cabin at Tan House Farm, Upton Bishop, Ross-on-Wye, Herefordshire
- The development proposed was Erection of temporary log cabin, treatment plant system and photo 8 voltaic panels.
- The main issue was whether there is an essential need, which would justify the proposed dwelling as an exception to local and national planning policies which generally seek to restrict development of isolated new dwellings in the countryside.

Decision:

- The application was: Refused under Delegated Powers on 29 November 2012
- The appeal was Allowed on 19 November 2013

Case Officer: Mr Matt Tompkins on 01432 261795

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



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	131680/F - PROPOSED ERECTION OF 12 AFFORDABLE DWELLINGS, COMPRISING A MIXTURE OF 2 AND 3 BED HOUSES ON LAND OFF TUMP LANE AT TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW For: Markey Builders (Gloucester) Ltd per BM3 Architecture Ltd, 28 Pickford Street, Digbeth, Birmingham, West Midlands B5 5QH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131680

Date Received: 19 June 2013

Ward: Pontrilas

Grid Ref: 349582,230469

Expiry Date: 18 September 2013

Local Member: Councillor J Norris

Introduction

This application was originally presented to Planning Committee on 20 November 2013.

That report was amended by an updated report contained in the Schedule of Committee Updates that altered the recommendation to one of planning approval subject to the applicants entering into a Section 106 Planning Obligation.

Members resolved at the above mentioned Planning Committee to defer determination given that the Parish Council and local residents were in the process of being re-consulted in respect of revised plans providing improved footpath linkages to Wormelow.

The updated report below includes responses received to date, including the revised recommendation of the Traffic Manager.

1. Site Description and Proposal

- 1.1 The site comprises 0.39 hectares of agricultural land. It adjoins the western boundary of a development of red brick faced dwellings that incline eastwards from this boundary, along the northern side of Tump Lane. This classified road (C1264) links Wormelow and the A466 road to the west and the A49(T) up hill from the site. The application site inclines north eastwards from Tump Lane. The roughly rectangular site will step up the slope at a gradient of roughly 1 in 13. There is existing hedgerow on the eastern boundary adjoining existing properties. There is a line of trees and hedgerow between 30 to 40 metres north of the northern boundary of the site. The southern boundary of the site is defined by an existing ditch and culvert which is on the line of a hedgerow heading north westwards from Tump

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

Lane. A public footpath follows the line of an existing hedgerow, but is wholly outside of the application site.

- 1.2 This is a fully detailed application for 12 affordable dwellings. These dwellings will be in 6 pairs of semi-detached dwellings in two house types, which have 2 (Type A) and 3 (Type B) bedrooms. Three pairs of the Type A dwellings (Plots 1-6) are sited close to the proposed access point onto Tump Lane. One pair is aligned north to south and the two other pairs are aligned east to west. There is a gap of 20 metres between the two dwellings facing Tump Lane (plots 5 and 6) and a pair of dwellings (plots 7 and 8) further up slope. The site on the opposite side of the spine road from these two plots (7 and 8) comprises parking bays for plot 7 and two spaces for plots 11 and 12 which are Type B, 3 bedroom properties and informal open space area. Plots 9,10,11 and 12 are the most elevated pairs of dwellings on the site. The 12 dwellings will be finished in a red brindle facing brick under grey coloured concrete tile roofs.
- 1.3 There will be 20 allocated spaces for the twelve semi-detached properties together with 6 visitor spaces. Each dwelling will have a dedicated cycle storage shed.
- 1.4 An existing foul sewer that crosses the site will be replaced by a new one that will follow the line of the spine road serving the cul-de-sac development before it leads westwards towards Wormelow.
- 1.5 The access point joining Tump Lane will have visibility splays of 2.4 metres by 39.5 metres onto this classified road.
- 1.6 The application was accompanied by an Extended Phase 1 Habitat Survey, a Statement of Community Involvement, a Flood Risk and Drainage Strategy, accident data and automatic classified count, a Design and Access Statement and draft Planning Obligation/Section 106 Agreement (draft appended). This was supplemented before the November Planning Committee with revised plans providing details for footpaths within highway verge and on the landowner's property improving links to Wormelow and a revised layout plan detailing more tree and hedgerow planting, than originally proposed on the western boundary of the site

2. Policies

2.1 National Planning Policy Framework (NPPF)

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 (HUDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and Historic Heritage
S8	-	Recreation, Sport and Tourism
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity

DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
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
LA2	-	Landscape Character
LA3	-	Setting of Settlements
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC8	-	Habitat Creation, Restoration and Enhancement
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T11	-	Parking Provision
RST4	-	Standards for Outdoor Playing and Public Open Space
W11	-	Development and Waste Implications
CF2	-	Foul Drainage

2.3 Supplementary Planning Documents

Landscape Character assessment
 Planning Obligations
 Design
 Biodiversity and Development

2.4 Herefordshire Local Plan – Core Strategy 2011-2031 (draft)

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS4	-	Movement and transportation
H1	-	Affordable housing- thresholds and targets
H2	-	Rural exception sites
RA2	-	Herefordshire's villages
MT1	-	Traffic management, highway safety and promoting active travel
LD1	-	Landscape and townscape
LD2	-	Biodiversity and geodiversity
SD1	-	Sustainable design and carbon efficiency

2.5 Other Guidance

Strategic Housing Land Availability Assessment
 Annual Monitoring Report

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:-

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

3. Planning History

3.1 None identified

4. Consultation Summary

4.1 Welsh Water

Welsh Water state that conditions should be attached requiring the separation of foul and surface water discharges. Welsh Water states further that the developer needs to engage with the statutory body at an early stage. No problems are envisaged for the treatment of domestic discharges from the site.

Welsh Water also states that a water main crosses the site and that it may be possible to divert this water main, the cost of which would be borne by the developer

Internal Council Advice

4.2 Transportation Manager: The revised submitted plan from the applicant showing the provision of a footpath linking the site to the west and Wormelow, makes the development acceptable in transportation terms. The footpath is not a standard width but is the minimum acceptable; the width is restricted by the highway land available. The footpath does not impede on the width of the carriageway which is less than 4.8 metres in sections.

4.3 Conservation Manager (Landscapes): No visual impact assessment has been carried out. Proposal constitutes an extension of built development into open countryside. No existing field boundary to contain this impact or assist in integrating it into wider landscape. Although development viewed against existing development, it will not appear as a natural extension. Also landscape proposals will not overcome this negative impact. Landscape has not informed proposals and therefore not supported and mitigation proposed is not appropriate.

4.4 Conservation Manager (Ecology): No objections as regards the mitigation for biodiversity and enhancement. Should application be approved, recommend further hedgerow planting and conditions relating to the production of a habitat and enhancement scheme.

4.5 Housing Manager: Supports application. There is an identified need in Much Birch and in surrounding parishes.

4.6 Public Rights of Way Manager has no objections

5. Representations

5.1 Much Birch Parish Council state:

The Much Birch Parish Council does not object, in principle, to this application but would be seeking conditions to be applied as described below.

If the Planning Department are minded to approve the application then the Much Birch Parish Council would be seeking the imposition of four specific conditions to safeguard residents and road users :-

- 1) The reduction in speed limit for the entire length of the road known as Tump Lane from 40 mph to 30 mph
- 2) The imposition of a vehicular maximum weight of 17.5 tonnes

- 3) The installation of a pavement to enable safe pedestrian use for its entire length, paying particular note to information that the applicant/owner also controls land on the opposite side of Tump Lane
- 4) That there be a restriction on any future proposed additional development that may seek to use the access point of this development

5.2 Much Birch Parish Council response, in respect of revised plans is awaited

5.3 8 letters of objection have been received together with 2 letters from Herefordshire CPRE. In summary the points raised are as follows:

- Additional traffic on Tump Lane passing residents walking to school
- Access to left restricted by bank and parked cars
- Traffic count carried out during Easter holidays and counter down slope from site thereby missing a lot of A49(T) bound traffic
- Campaigned for 20 years for footpath for benefit of elderly residents and school children
- Without footpath along length of Tump Lane intolerable, residents isolated now.
- Schools, pubs, doctors surgery, churches shop, recreational ground and bus-stops are all within walking distance
- Tump Lane used as a short cut by heavy traffic (e.g Pontrilas Timber and Allensmore Feed Mill) –conflict now with pedestrians using road with limited footpaths
- Additional traffic from Pilgrim Hotel joins Tump Lane, as traffic cannot directly access A49(T)
- A49 junction a death trap. Son knocked down
- Not infill as required by legislation
- Extension of built development into open countryside, on land farmed for many years
- Loss of hedgerow
- Understand newts cross road from site, ecological survey not comprehensive
- No garages irresponsible given incidents of theft in the locality
- Poor drainage and no capacity for mains drainage

5.4 3 letters of objection have been received in response to the revised plans . In summary the points raised are as follows :

- Whilst a FULL footpath, not one stopping short as proposed, to Wormelow would make it easier to walk to the shop, pub and bus routes. The major need is for a FULL footpath link to the A49 for more frequent buses (hourly), the school, church and surgery
- Still dangerous stretch at bottom of Tump Lane ; landowner should provide more land
- Hardly anyone walks to Wormelow
- Footpath as proposed will not reduce conflict between heavy traffic and pedestrians
- Were proposal in Hereford boundary a full pathway in both directions would be needed , why not in the countryside?

5.5 The applicant's agent has responded to issues raised in representations previously . These are summarised as follows :

- Address objections as follows
- The company objective is the identification and construction of affordable housing for Housing Associations
- Search centred on Much Birch, in villages south of Hereford, given unwilling landowners and comments from officers
- Working with Council's Housing Development Officer (HDO) focus on Tump Lane given to low land value attributable to such schemes ; Tump Lane offered an opportunity
- Positive response from planning department

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

- Funding available from a HCA grant
- Met officers and discussed with Ward Member, at time. The Ward Member identified issues relating to use of Tump Lane by HGVs. This was a matter he sought to improve with traffic calming measures
- Have proposed a significant length of footpath for the betterment of the village. Our highway consultants confirm that without footpath are safe. Members urged to read transport statement.
- Validity of traffic survey questioned. It was not carried out in Easter holiday as confirmed in addendum to Committee report
- Our ecologist surveyed site and nearby ponds for newts. Given intensively farmed land is of little ecological value
- Land part of Grade 2 agricultural land in response to statement that it constitutes part of highly productive land
- Access to sewer crossing land. It has adequate capacity to serve proposal. Also storm water attenuation proposed assists in reducing possibility of flooding
- Understand 30 pupil shortfall at school, our development will assist in continuity of school.
- This is an exceptions site. Therefore issue of infill or not relevant
- Issue of not providing garages; grant funding does not stretch to such provision.
- Short length of hedgerow needs to be removed to improve visibility. More than offset by increase of 600 per cent of hedging elsewhere.
- Additional landscaping proposed to reduce impact of development. The open space area will also soften impact of development. Landscape impact was not previously highlighted as an issue.
- Landscape Officer states contrary to Policies LA2 and LA6 (of HUDP), however the fact it is a rural exceptions site sets this aside.
- This scheme will satisfy local housing need. There is little profit for developer and housing association, and therefore main beneficiaries are local residents in housing need.

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:

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, the NPPF and housing land supply
- 2) Highway safety and pedestrian access
- 3) Landscape Impact
- 4) Drainage
- 5) Biodiversity
- 6) Conclusion

The Principle of Development, the NPPF and housing land supply

6.2 There is a general presumption in favour of sustainable development at the heart of the NPPF and applications for housing should be considered in this context. The proposal would serve to boost the supply of housing available in Herefordshire and whilst this proposal also

meets a quantifiable and established need for affordable housing in Much Birch and adjoining parishes. The Herefordshire Unitary Development Plan (HUDP) encourages the provision of affordable housing within or adjoining established rural settlements, in this instance Much Birch. Policy H10 also requires that sites are within reasonable access to facilities and where possible public transport. This is also a requirement in Policy H13 of HUDP. New residential development will also need to respect the landscape context of the site, not give rise to problems relating to foul and surface water drainage and not have an adverse impact on biodiversity.

- 6.3 This proposal will satisfy an identified local housing need as required by Policy H10, and is considered to be appropriate in scale and character having regard to the established residential context of Much Birch. It is considered that the erection of pairs of red brick semi-detached dwellings reflects the layout of existing terraces of red brick dwellings up slope from the site. Therefore, given that a quantifiable need for affordable housing has been demonstrated for a site adjacent to a smaller settlement this proposal can be reasonably considered as a rural exception site.
- 6.4 The key issue and area of conflict is considered to be whether or not the location of the dwellings allows for reasonable access to services and facilities such as the school and surgery along the A49(T) and the public house, shop and post office to the west on the A466 road, in Wormelow. More detailed consideration of this issue is set out below.

Highways safety and Pedestrian Access

- 6.5 This is the issue that has generated most of the representations and is the focus of Much Birch Parish Council's response. It is evident that the development will generate traffic that will use Tump Lane and whilst it is considered that the C1264 is capable of taking additional traffic via a new access point onto the road, the additional use of Tump Lane, will as the Traffic Manager confirms have consequences for existing pedestrians using the road to use the bus-stop, school and GP surgery close to the A49(T) or the bus-stop on the A466, the village shop and post-office in Wormelow. The issue of concern is not one of walking distance to these services, but the lack of a safe walkable route along Tump Lane. There is a narrow footpath adjoining the road in front of the post war housing and towards the top of Tump Lane as it bends before joining the A49(T). However, aside from this provision which would appear to have been provided in conjunction with the associated residential development, there is little refuge for pedestrians and cyclists from vehicles using this narrow road which is also characterised by limited forward visibility in places given the alignment of the road. The lack of a safe pedestrian link has been raised by both local residents and the Parish Council. The Traffic Manager has highlighted a possible means of providing an informal footpath link, information on which was provided shortly before the Planning Committee in November. The lack of any improvements along Tump Lane was a factor that officers considered weighed against the merits of providing much needed affordable housing. This has been addressed with the improvements to footpath linkage to wormelow. Notwithstanding, the representations received to date in respect of the footpath proposal, it is considered that the benefits of providing improvements to access to Wormelow particularly for residents using the shop/post office and public house are factors that with the provision of affordable housing make the proposal more sustainable as required by the NPPF, Paragraph 17.
- 6.6 The matters raised by the Parish Council in relation to the introduction of a speed limit and weight restriction on Tump Lane are not matters that fall within the remit of this planning application, as they could not be made the subject of a planning condition. However, the recommendation that a footpath be provided, notwithstanding it does not extend along the length of Tump Lane is addressed by this revised proposal. This improvement will with the identified need for affordable housing in the Parish outweigh the shortfall in footpath provision to the A49. The lack of a footpath link was considered to render this proposal

unsustainable and detrimental to highway safety. Accordingly, the revised proposal is considered to accord with Policies S1, DR1, DR3, H10 and H13 of the HUDP.

Landscape Impact

6.7 The Conservation Manager (Landscapes) has raised specific concerns about the limited supporting information demonstrating that the proposal has been informed by consideration of the landscape and the inherent difficulties of effectively integrating it given the lack of existing landscape features along the site boundaries. The issue is also raised in representations from local residents and the CPRE which is focused on the relationship of the new development to the mix of modern housing up slope from the site and later twentieth century housing set further back from Tump Lane. As referred to above this is particularly problematic given that the new houses are not contained within established hedgerow boundaries with the only hedgerow boundaries relating to the site being on the eastern side, distantly to the north and partially along the southern boundary. Notwithstanding this, the new dwellings will be viewed from the west and south west against the existing dwellings located immediately up the slope from the site towards the A49(T). This factor has though been addressed by submission of a revised layout plan providing additional tree and hedgerow planting particularly along the western boundary. This will assist in providing mitigation for the development, notwithstanding the principle benefit of providing much needed affordable housing within the parish. Therefore, the proposal is considered to have appropriate regard to Policies DR1, LA2, LA5 and LA6 of the HUDP.

Drainage

6.8 Drainage has been identified as a local concern. However, as confirmed by Welsh Water there are not considered to be grounds for resisting development given the ground conditions and the means of disposal available. It is evident that the applicants are aware of existing drainage across the site and this has informed the approach which has been adopted. An approach that is supported by Welsh Water. Therefore, subject to conditions controlling foul and surface water arrangements, the development in this respect would be capable of according with Policy DR4 of HUDP.

Biodiversity

6.9 The matters of concern raised relate to the loss of hedgerow, the survey undertaken and the possible use of the site by newts. The loss of roadside hedgerow would be unfortunate but inevitable with the creation of a new access and the need to provide sufficient visibility in the westerly direction towards Wormelow. This factor is not considered sufficient to outweigh the benefits of providing much needed affordable housing. This loss of hedgerow would need to be compensated for by the planting of additional hedgerow which would not only provide opportunities for enhancing biodiversity through the provision of wildlife corridors, as recommended by the Conservation Manager (Ecology), but would also provide some landscape mitigation for the new development. It is considered that the survey work undertaken and submitted in support of the application is satisfactory and the suggestion that newts may or may not frequent the site has been addressed by the habitat survey submitted which concludes that the site is of low ecological value.

Conclusion

6.10 Paragraph 14 of the NPPF states that a presumption in favour of sustainable development 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."

- 6.11 The development offers a primary benefit in terms of providing additional housing and in particular twelve affordable units, that is broadly supported by Policy H10 of HUDP. This will, with the improvements to footpath linkage to Wormelow, address the objections to the originally submitted scheme. Therefore, the goal of providing affordable housing will be achieved sustainably by providing improvements for existing and future residents walking to Wormelow. It is not considered that the development will have an adverse impact in the wider landscape given the landscaping provided and given the close relationship of the proposed dwellings to the adjoining dwellings to the east. There will be a loss of agricultural land as stated in representations received. However this needs to be weighed against the benefit of providing much needed affordable housing.
- 6.12 The proposal will provide much needed affordable housing and its environmental impacts can be satisfactorily mitigated, this provision will also have improved access to services and facilities that would be used by future residents and as such the proposal is sustainable in terms of the provisions of the Herefordshire Unitary Development Plan and the NPPF.

RECOMMENDATION

- 1. A01 Time limit for commencement (full permission)**
 - 2 B01 Development in accordance with the approved plans**
 - 3 C01 Samples of materials**
 - 4 G10 Landscaping scheme**
 - 5 G11 Landscaping scheme – implementation**
 - 6 H03 Visibility splays**
 - 7 H11 Parking – estate development (more than one house)**
 - 8 Prior to first occupation of any dwelling hereby approved, the footpath as shown on approved drawing b/MGPCMuch Birch.1/03 or a suitable alternative shall be completed, surfaced and drained in accordance with a scheme of works that shall be approved by the local planning authority.**
- Reason: To ensure the provision of improved pedestrian access to facilities in Wormelow and to comply with the requirements of Policies S1 and H13 of Herefordshire Unitary Development Plan**
- 9 H29 Covered and secure cycle parking provision**
 - 10 I16 Restriction of hours during construction**
 - 11 I19 Drainage in accordance with approved plans**
 - 12 K4 Nature Conservation – Implementation**

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

INFORMATIVES

- 1 The Local Planning Authority has acted positively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of the 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 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times . No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

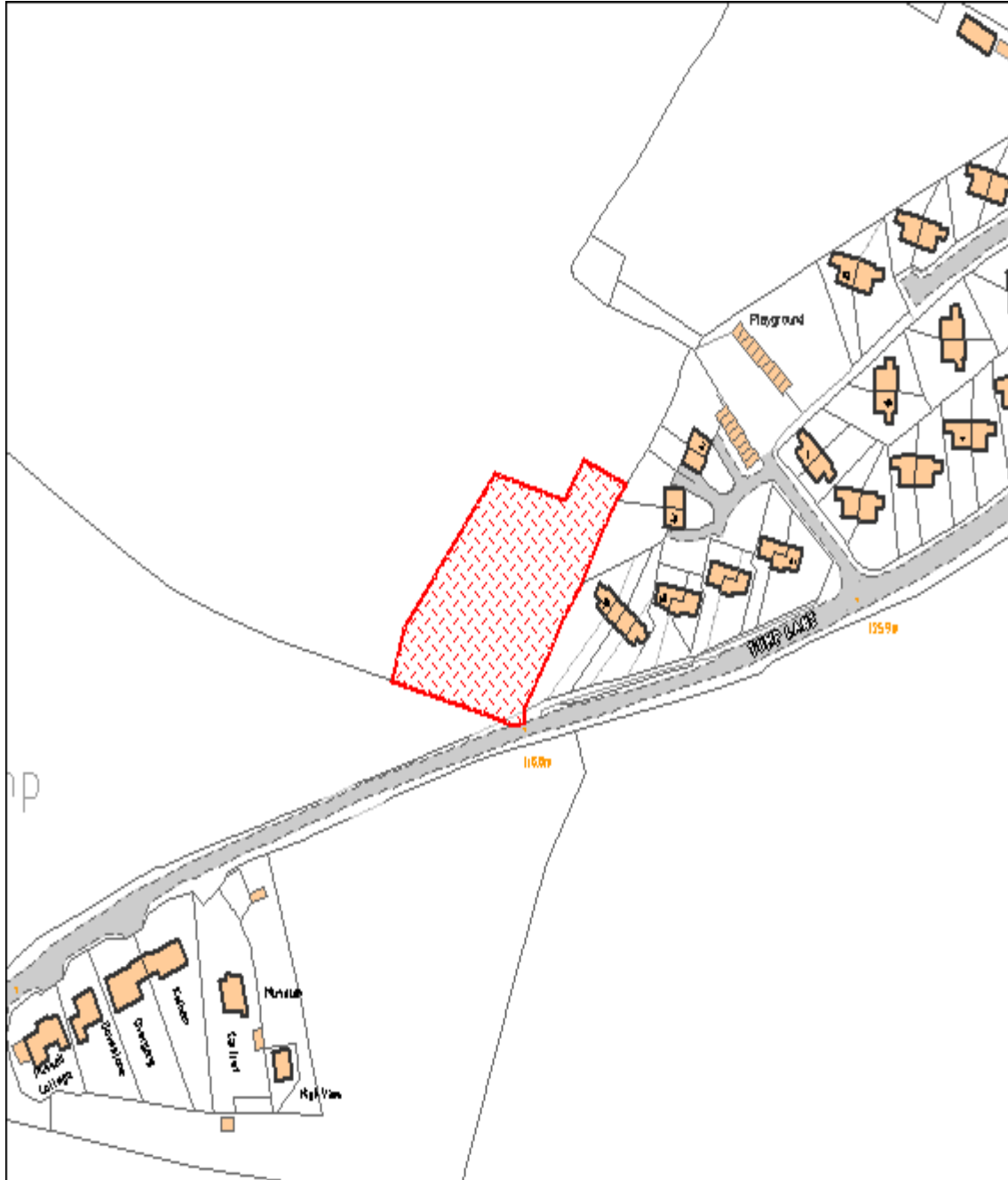
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

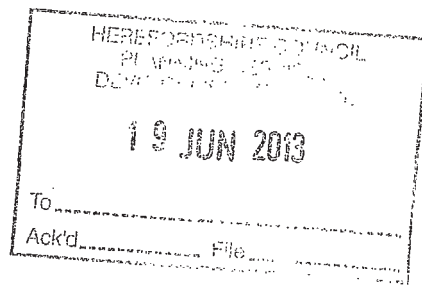
APPLICATION NO: 131680/F

SITE ADDRESS : TUMP LANE, MUCH BIRCH, HEREFORDSHIRE, HR2 8HW

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

Draft Section 106 Agreement



This draft document may be amended, replaced or withdrawn at any time by the Council without notice.

THIS DEED dated

is made BETWEEN:-

1. THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL of Brockington 35 Hafod Road Hereford HR1 1SH ("the Council")
2. ALISON MIRANDA LEWIS of Ash Farm, Much Birch, Herefordshire ("the Owner")
3. MG PROPERTY CONSULTANTS LTD (Company registration number 08017410) of Q1, Quadrant Way, Hardwicke, Gloucester GL2 2RN ("the Developer")

WHEREAS:-

1. The Council is empowered by Section 106 of the Town and Country Planning Act 1990 (as amended) ("the Act") to enter into an agreement with any person interested in land in its area for the purpose of restricting or regulating the development or use of that land.
2. The Owner is the [registered proprietor with title absolute] [owner in fee simple in possession] [free from encumbrances] of the Land described in the First Schedule to this Deed ("the Land").
3. The Owner [Developer] has by its agent submitted to the Council the application for planning permission described in the Second Schedule to this Deed ("the Application").
4. The Council [acting by its planning committee] has [resolved to delegate] [delegated] authority to its officers for the grant of the Permission (subject to conditions) and subject to the completion of this Deed for the purpose of restricting or regulating the development or use of the Land.
5. The Council is the local planning authority by whom the restrictions and obligations contained in this Deed are enforceable.
6. The Developer has an interest in the Land for the purposes of Section 106 of the Act by virtue of a Conditional Contract to purchase the land.

THIS DEED is made pursuant to Section 106 of the Act, Section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011 and all other enabling powers and enactments which may be relevant for the purposes of giving validity hereto or facilitating the enforcement of the obligations herein contained with the intent to bind the Land and WITNESSES as follows:-

1. Words and Expressions

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

- 1.1 The expressions "the Owner", the "the Council" and "the Developer" shall include their respective successors in title and assigns.
- 1.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa
- 1.3 Words of the masculine gender include the feminine and neuter genders and all references in this Deed to a person or persons shall include corporations and unincorporated associations and all other legal entities.
- 1.4 Where there are two or more persons included in the expression "the Owner" covenants expressed or implied to be made by Owner shall be deemed to be made by such persons jointly and severally.
- 1.5 Words denoting an obligation on a party to do any act include an obligation to procure that it be done.
- 1.6 Words placing a party under a restriction include an obligation not to permit infringement of that restriction.
- 1.7 References to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force.
- 1.8 "Affordable Housing" is housing provided to eligible households whose needs are not met by the Open Market. Eligibility is determined with regard to local incomes and local house prices. Affordable Housing should remain at an affordable price for future eligible households or the subsidy recycled for alternative Affordable Housing provision. The definitions for all types of Affordable Housing in Herefordshire are contained in the technical data which supports the Council's 'Planning Obligations Supplementary Planning Document' published in April 2008.
- 1.9 "Affordable Housing Units" means (unless otherwise agreed in writing by the Council) the 12 residential units and ancillary areas comprised within the Development and intended for occupation as Affordable Rented Housing identified as plots 1-12 on the drawing numbered 52394/DO1/H forming part of the Application and "Affordable Housing Unit" shall mean any one of such units.
- [1.10 "Affordable Rented Housing" is let by local authorities or Registered Providers to persons who are eligible for Social Rented Housing. Affordable Rented Housing is subject to rent controls that require a rent of no more than 80% of the Open Market rent (including service charges, where applicable).]
- 1.11 "Code for Sustainable Homes" means the national standard for the sustainable design and construction of new homes as defined by the Department of Communities and Local Government.
- 1.12 "Commence Development" and "Commencement of Development" mean to commence the Development pursuant to the Permission by the carrying out of a Material Operation.

- 1.13 "Design and Quality Standards" means the requirements and recommendations for all new homes as defined by the Homes and Communities Agency 'design and quality standards April 2007'.
- 1.14 "Development" shall mean the development of the Land disclosed by the Application.
- 1.15 "Herefordshire Allocations Policy" shall mean the Council's Policy for the allocation of Affordable Housing in the administrative area of the Council which under the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011 the Council has a duty to provide.
-
- 1.16 "Herefordshire Local Housing Allowance" means the arrangements in effect now or at any time in the future to calculate housing benefit for people who rent from a private landlord.]
- 1.17 "Home Point" means the agency or body (or any successor agency or body) that on behalf of the Council holds the common housing register and operates a choice based lettings system (or any subsequent lettings system) through which Affordable Housing in the administrative area of the Council is advertised.
- 1.18 "Intermediate Rent" means housing at a rent above the level charged for Social Rented Housing but below Open Market rents. In Herefordshire the Intermediate Rent is set at a maximum of 80% of the Herefordshire Local Housing Allowance."
- 1.19 "Lifetime Homes Standard" means the principles developed by the Joseph Rowntree Foundation establishing 16 design criteria (revised July 2010) intended to maximise good housing design and make homes adaptable for lifetime use.
- 1.20 "Material Operation" has the meaning given by Section 56 (4) of the Act.
- 1.21 "Occupy" "Occupied" and "Occupation" means the first occupation of the Development for residential purposes but excluding occupation for the purposes of construction and fitting out.
- 1.22 "Permission" shall mean the planning permission subject to conditions [to be] granted by the Council permitting the Development pursuant to the Application
- 1.23 "The Plan" means the plan attached to this deed.
- 1.24 "Registered Provider" means a registered provider of Affordable Housing under Part 2 of the Housing and Regeneration Act 2008 being a preferred development partner listed (or intended for listing) in the Council's 'provision of affordable housing technical data' which supports the supplementary planning document Planning Obligations April 2008 (or any subsequent or updated document), or ~~any such other Registered Provider as may previously be agreed with the Council~~ in writing such agreement not to be reasonably withheld.

2. Covenant

- 2.1 The Owner for the purposes of Section 106 of the Act with the intention of binding the Land agrees and covenants with the Council to observe the

restrictions and perform the obligations set out in the Third Schedule to this Deed.

- 2.2 The Council covenants with the Owner that the Council will comply with the obligations on its part set out in the Fourth Schedule to this Deed

3. Agreement and Declarations

IT IS HEREBY AGREED AND DECLARED that

- 3.1 ~~The restrictions and obligations in the Third Schedule to this Deed are planning obligations enforceable by the Council in accordance with the provisions of Section 106(3) of the Act against the Owner and his successors in title to the Land.~~
- 3.2 With the exception of this paragraph 3.2 and paragraphs 5, 6, 7, 9 and 13, delivery and any other relevant paragraphs of this Deed which have effect on the date of this Deed none of the terms or provisions of this Deed will have operative effect unless and until the date that the Permission is issued by the Council.
- 3.3 If the Permission shall expire before Commencement of Development or shall at any time be revoked this Deed shall forthwith determine and cease to have effect insofar only as it has not already been complied with and without prejudice to the validity of anything done or payments or contributions made or expended whilst this Deed is in force.
- 3.4 Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Deed.
- 3.5 If any provision or part provision of this Deed:
- 3.5.1 shall be held by any court or competent authority to be invalid illegal or unenforceable the validity legality or enforceability of the remaining provisions shall not in any way be deemed to be affected or impaired; and
- 3.5.2 if any invalid illegal or unenforceable provision or part provision of this Deed would be valid legal and enforceable if some part or parts of it were amended the parties shall amend such provision(s) so that as amended it is legal valid and enforceable and so far as possible achieves the original intentions of the parties.
- 3.6 The Owner and the Developer shall not be entitled to any costs or compensation whatsoever from the Council arising from the agreement restrictions and obligations contained in this Deed.
- 3.7 A person who is not a party to this Deed has no right under the Contracts (Rights of Third Party) Act 1999 to enforce any term of this Deed but this does not affect any right or remedy of a third party which exists or is available apart from such act.
- 3.8 No person shall be liable for a breach of a covenant contained in this Deed after parting with all interest in the Land or the part of the Land in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.

- 3.9 The restrictions and obligations in the Third Schedule to this Deed shall not be enforceable against owner-occupiers of the Open Market Units nor against those deriving title from them except for the restriction on residential occupation in paragraph 1.2 of the Third Schedule to this Deed.
- 3.10 The obligation contained in paragraph 2 of the Third Schedule to this Deed shall not apply to or be enforceable against any Registered Provider or their mortgagees or chargees with a legal interest in the Affordable Housing Units or occupiers thereof.
- 3.11 The headings in this Deed are for convenience only and shall not be taken into account in the construction and interpretation thereof.

4. Reservations

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

5. Local Land Charge Provisions

5.1 this Deed is a local land charge and shall be registered by the Council as such.

5.2 on the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged the Council will issue a written confirmation of such performance or discharge;

5.3 following the performance and full satisfaction of all the terms of this Agreement or if this deed is determined pursuant to clause 3.3 the Council will on the written request of the Owner record such performance or determination in the Local Land Charges Register in respect of this deed.

6. Costs

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

7. Notices and Notice of Commencement of Development

7.1 A notice under this Deed is valid only if it is given by hand sent by recorded delivery or document exchange or sent by fax provided that a confirmatory copy is given by hand or sent by recorded delivery or document exchange on the same day and it is served at the address shown in this Deed for the receiving party or at any address specified in a notice given by that party to the other parties.

7.2 A notice sent to the Council:

7.2.1 in relation to any matters arising from sub-paragraphs 1.4; 1.5; 1.6 and 1.8 of the Third Schedule of this Deed shall be addressed to the Housing Manager (Development) Homes and Community Services, Herefordshire Council, PO Box 4, Plough Lane, Hereford HR4 0XH ; or

7.2.2 in relation to any matters arising from all other obligations in this Deed shall be addressed to the 'Planning Obligations Manager,' Planning Management Team, Herefordshire Council, Blue School House, Blue School Street, Hereford HR1 2ZB quoting reference [].

7.3 A notice:

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

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

7.3.3 sent by fax is to be treated as served on the day on which it is successfully sent or the next working day where the fax is sent successfully after 1600 hours or on a day that is not a working day whenever and whether or not the confirmatory copy is received unless the confirmatory copy is returned through the Royal Mail or the document exchange undelivered

7.4 The Council's Planning Obligations Manager shall be given 14 days prior notice of Commencement of Development.

8. Waiver

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

9. Arbitration

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

10. Warranty as to title

The Owner warrants to the Council that the title details referred to in recital 2 and the First Schedule are complete and accurate in every respect and that no person other than the Owner [and] [the Developer] [and the Mortgagee] [has] [have] any legal or equitable interest in the Land.

11. VAT

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

12. Interest

If any payment due under the terms of this Deed is paid late interest calculated at the rate of 4% above the National Westminster Bank plc base rate from time to time will be payable from the date payment is due to the date payment is made.

13. Jurisdiction

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

[14. Developer's Consent and Acknowledgement

The Developer hereby consents to the execution of this Deed and acknowledges that the Land shall be bound by the restrictions and obligations contained in this Deed and that the Developer's interest in the Land referred to in recital 6 takes effect subject to this Deed].

[15. Mortgagee's Consent and Acknowledgement

The Mortgagee consents to the execution of this deed and acknowledges that the Land shall be bound by the restrictions and obligations contained in this deed and that the security of the charge over the Land referred to in recital [7] takes effect subject to this deed].

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

FIRST SCHEDULE

(the Land)

The freehold land known as Land at Tump Lane, Much Birch, Herefordshire registered under title number [] or [more particularly described in [] and shown edged red on the Plan.

SECOND SCHEDULE

(the Application)

An application for planning permission for [“

made under the Council's reference [] and validated
by the Council on []”

THIRD SCHEDULE

(Restrictions and Obligations)

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

1. Affordable Housing

1.1 To construct or procure the construction of the Affordable Housing Units at no cost to the Council in accordance with the Permission; and

1.1.1 the 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);

1.1.2 the Lifetime Homes Standard [*need to list negotiated exclusions where appropriate*]; and

1.1.3 a minimum of level 3 of the Code for Sustainable Homes as updated by the technical guide issued in November 2010 assessed against the building regulations (2010) or any subsequent building regulations that come into force prior to the Commencement of Development and Development; and

1.1.4 independent certification of compliance with sub-paragraphs 1.1.1, 1.1.2 and 1.1.3 above shall be given to the Council before the Occupation of the final dwelling within the Development.

1.2 The transfer of the Affordable Housing Units to the Registered Provider shall include the following provisions:-

~~1.2.1 the grant to the acquiring Registered Provider of all rights of access and passage of services and other rights reasonably necessary for the beneficial enjoyment of the Affordable Housing Units.~~

1.2.2 a reservation of all rights of access and passage of services and rights of entry reasonably necessary for the purposes of the Development.

1.3 the Affordable Housing Units must at all times be let and managed [or co-owned] by a Registered Provider in accordance with the guidance issued from time to time by the Homes and Communities Agency (or any successor agency) with the

intention that the Affordable Housing Units shall not be used for any purpose other than the provision of Affordable Housing in the tenure(s) specified in definition 1.9 of this deed (unless otherwise agreed in writing by the Council) to persons who are:

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

1.3.2 satisfy the requirements of paragraph 1.5 below.

~~*1.4 The Affordable Housing Units must be advertised through Home Point unless otherwise agreed by the Council and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-~~

1.4.1 a local connection with the parish of Much Birch; or

1.4.2 in the event of there being no person having a local connection to the parish of Much Birch a person with a local connection to one of the following parishes: Much Dewchurch, Aconbury, Little Birch, Llandinabo ; or Llanwarne

1.4.3 in the event of there being no person with a local connection to a relevant parish referred to in sub-paragraphs 1.5.1 and 1.5.2 above any other person who has a local connection to the County of Herefordshire of a type described in sub-paragraphs 1.6.1 to 1.6.5 below and is eligible under the allocations policies of the Registered Provider if the Registered Provider can demonstrate to the Council that after 20 working days of any of the Affordable Housing Units becoming available for letting the Registered Provider having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraphs 1.5.1 or 1.5.2 above.

** instead of a parish local connection the Council may require a wider Herefordshire connection depending on the location of the development - see alternative paragraphs at the end of this document*

1.5 For the purposes of sub-paragraphs 1.5.1 or 1.5.2 of this schedule 'local connection' means having a local connection to one of the parishes specified above because that person:

1.5.1 is or in the past was normally resident there; or

1.5.2 is employed there; or

1.5.3 has a family association there; or

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

1.5.5 because of special circumstances

1.6 For the purposes of paragraph 1.6 of this schedule

- 1.6.1 "normally resident" shall be established by having resided in one of the parishes specified in sub-paragraphs 1.5.1 or 1.5.2 of this schedule for 6 out of the last 12 months or 3 out of the last 5 years.
- 1.6.2 "employed" shall mean in the employ of another (or a formal offer of such employment) not being of a casual nature but shall not exclude part-time employment of 16 hours or more per week or self employment.
- 1.6.3 "family association" shall mean where a person or a member of his household has parents, adult children, brothers or sisters currently residing in one of the parishes specified in sub-paragraphs 1.5.1 or 1.5.2 above and who have been resident for a period of at least 12 months and that person indicates a wish to be near them.
- 1.6.4 "support" shall mean a proven need to provide or receive personal and physical care to enable a person or a family member to live independently in the community and includes people who are in need of such support but are not normally resident but have long standing links with the local community.
- 1.6.5 "special circumstances" shall not normally apply but amount to circumstances which in the view of the Council may give rise to a local connection.
- 1.7 The provisions of paragraphs 1.4, 1.5, 1.6 and 1.7 of this schedule shall not be binding on nor enforceable against
- 1.7.1 any mortgagee or chargee of the Registered Provider of the land or any part thereof which exercises its power of sale appointment of a receiver or power of entry as mortgagee or chargee or its successors in title deriving title under such mortgagee or chargee shall not be bound by any of the restrictions provisions or obligations set out in this Schedule if the mortgagee or chargee shall have complied with its obligations pursuant to Sections 144 to 154 of the Housing and Regeneration Act 2008 and no proposals for the future ownership and management of the Land by a Registered Provider shall have been agreed by the mortgagee or chargee within the moratorium period determined in accordance with Sections 145 to 147 of the said Act and thereupon (for the avoidance of doubt) the covenants in this Third Schedule shall be deemed to be extinguished in respect of the Land or any relevant part thereof; or
- 1.7.2 any mortgagee or chargee of an Affordable Housing Unit designated for Shared Ownership ("SO Unit") shall prior to seeking to dispose of any SO Unit pursuant to any default under the terms of the mortgage or charge shall give not less than 20 working days' prior notice to the Council and to the Registered Provider with an interest in the SO Unit of its intention to dispose and:
- 1.7.2.1 in the event that the Registered Provider responds within 20 working days from receipt of the notice indicating that arrangements for the transfer of the SO Unit can be made in such a way as to safeguard it as Affordable Housing then the mortgagee or charge shall co-operate with such arrangements and use its best endeavours to secure such transfer

1.7.2.2 if the Registered Provider does not serve its response to the notice served under paragraph 1.8.2 within the 20 working days then the mortgagee or chargee shall be entitled to dispose free of all the restrictions set out in paragraph 1 of the Third Schedule which shall from the time of completion of the disposal cease to apply

1.7.2.3 if the Registered Provider cannot within 60 working days of the date of service of its response under paragraph 1.8.2.1 secure a binding contract for sale then provided that the mortgagee or charge shall have complied with its obligations under paragraphs 1.8.2.1 the mortgagee or charge shall be entitled to dispose free of all the restrictions set out in paragraph 1 of the Third schedule which shall from time of completion of the disposal cease to apply

Provided That at all times the rights and obligations in this paragraph 1.8.2 shall not require the mortgagee or charge to dispose of the SO Unit for any sum less than the monies outstanding pursuant to the mortgage or charge; or]

1.7.[3] any occupier of an Affordable Housing Unit who has exercised a statutory right to buy or acquire (or any subsequent or substituted contractual right) the whole of the freehold estate in an Affordable Housing Unit nor any mortgagee or such occupier or their respective successors in title.

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

Authorised Officer

[EXECUTED AS A DEED by affixing
THE COMMON SEAL of
[name of company]

in the presence of]

[SIGNED AS A DEED by
[*name of company*]
acting by a director and its secretary or two directors]

[SIGNED AS A DEED by

In the presence of:

Witness signature:

Name (capitals):

Address:

[SIGNED AS A DEED by

as attorney on behalf of

In the presence of:

Witness signature:

Name (capitals):

Address:

1

Other attestation clauses to be confirmed by the applicant as required. If the deed is to be signed by an attorney a certified copies of the power should also be supplied

Dated

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

- and -

[]

[- and -]

[]

DEED OF PLANNING OBLIGATION
made under the provisions of
Section 106 Town and Country Planning Act 1990 (as amended)
relating to

[]

Herefordshire

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

* Affordable Housing - Herefordshire Connection. Alternative paragraphs 1.5 to 1.7.2 Schedule 3.

[1.5] The Affordable Housing Units must be advertised through Home Point unless otherwise agreed by the Council and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

1.5.1 a local connection to the administrative area of the Council; or

1.5.2 in the event of there being no person with a local connection to the administrative area of the Council any other person ordinarily resident within the administrative area of the Council who is eligible under the allocations policies of the Registered Provider if the Registered Provider can demonstrate to the Council that after 20 working days of any of the Affordable Housing Units becoming available for letting the Registered Provider having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 1.5.1 above.

1.6 For the purposes of sub-paragraphs 1.5.1 and 1.5.2 of this schedule 'local connection' means having a local connection to the administrative area of the Council because that person:

1.6.1 is or in the past was normally resident there; or

1.6.2 is employed there; or

1.6.3 has a family association there; or

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

1.6.5 because of special circumstances

1.7 For the purposes of paragraph 1.6 of this schedule

1.7.1 "normally resident" shall be established by having resided in the administrative area of the Council for 6 out of the last 12 months, or 3 out of the last 5 years.

1.7.2 "employed" shall mean in the employ of another (or a formal offer of such employment) not being of a casual nature but shall not exclude part-time employment of 16 hours or more per week or self employment.

~~1.7.3 "family association" shall mean where a person or a member of his household has parents, adult children, brothers or sisters currently residing in the administrative area of the Council and who have been resident for a period of at least the last 12 months and that person indicates a wish to be near them.~~

1.7.4 "support" shall mean a proven need to provide or receive personal and physical care to enable a person or a family member to live independently in the community and includes people who are in need of such support but are not normally resident but have long standing links with the local community.

1.7.5 "special circumstances" shall not normally apply but amount to circumstances which in the view of the Council may give rise to a local connection.]



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	<p>131732/F - CHANGE OF USE FROM PUBLIC HOUSE ON GROUND FLOOR AND RESIDENTIAL UNIT ON FIRST FLOOR TO A SINGLE 6 BEDROOM DETACHED DWELLING AT THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG</p> <p>For: Mr Thomas per Urban Aspects Ltd, 22 Thatcham Avenue, Kingsway, Gloucester, GL2 2BJ</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131732&NoSearch=True

Date Received: 21 June 2013

Ward: Old Gore

Grid Ref: 365096,233266

Expiry Date: 19 August 2013

Local Member: Councillor BA Durkin

1. Background

- 1.1 This application was reported to the Planning Committee on 9 October 2013. A copy of that report is attached as **Annex 1**.

Members resolved to defer the application to:-

- a) allow the Planning Officer to seek an independent valuation; and
- b) allow the applicant to undertake further marketing, including through relevant national journals and magazines (such as the Morning Advertiser and Daltons Weekly).

2. Officer's Appraisal

- 2.1 A review as to the valuation of the property as a public house on the ground floor with residential accommodation above (i.e. its current lawful use) has been obtained from colleagues in the Council's Property Services Section. They value the premises at £275,000. This accords with the Planning Officer's own assessment of the matter as contained within the original report to the Planning Committee on 9 October 2013.
- 2.2 Furthermore the agent for the prospective purchaser referred to in the report to Planning Committee on 9 October 2013 has confirmed in writing that the offer of £275,000 remains and that if they were to successfully purchase the property their intention would be to reopen the public house within a period of approximately six weeks. They also confirm that their client is local and has experience of owning and operating public houses.
- 2.3 The agent for the applicant has confirmed that the premises continue to be marketed. It is understood that the asking price was reduced to £335,000 on 21 October 2013. It is understood that further marketing is taking place with advertisements in the local press and

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

advertisements in the national press planned. The recommendation that this includes the Morning Advertiser and Daltons weekly has been noted. It is understood that there may also be interest from a person interested in renting the premises although it is understood that no formal offer has been received.

2.4 It is considered that the duration of the marketing and the precise marketing strategy, whilst still somewhat lacking, are not the determining factor. It is considered that it is the terms that is the crucial matter. It is considered that the appropriate value of the premises is in the region of £275,000 and that the applicant has received an offer (that it is understood still stands) to purchase the premises from a person(s) who intends reopening the public house and has rejected that offer. Furthermore it is considered that if the public house was valued more realistically there could be additional genuine interest by persons wishing to purchase and re-open the public house

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The Central Government advice contained within paragraphs 28 and 70 of the National Planning Policy Framework, Policies S11, CF6 and TCR14 of the Herefordshire Unitary Development Plan 2007 and policies SC1 and RA6 of the Core Strategy effectively seek to retain public houses as their value to rural communities unless it can be demonstrated that they are no longer viable. In this instance it is considered that:-**

- **the length of the marketing period, being less than twelve months, has been inadequate;**
- **the marketing strategy has been somewhat lacking due to the failure to market through the national industry media / trade journals;**
- **the original marketing price of £350,000, recently reduced to £335,000 does not reflect the true market value of the premises taking account of its recent turnover. In this regard it is considered that the true market value is best ascertained by comparing the sold prices of similar public houses not the asking prices;**
- **there is no reason to suggest that the ‘Slip Tavern’ does not have the potential to be viable given its location and physical characteristics; and**
- **a reasonable offer for the ‘Slip Tavern’ has been rejected.**

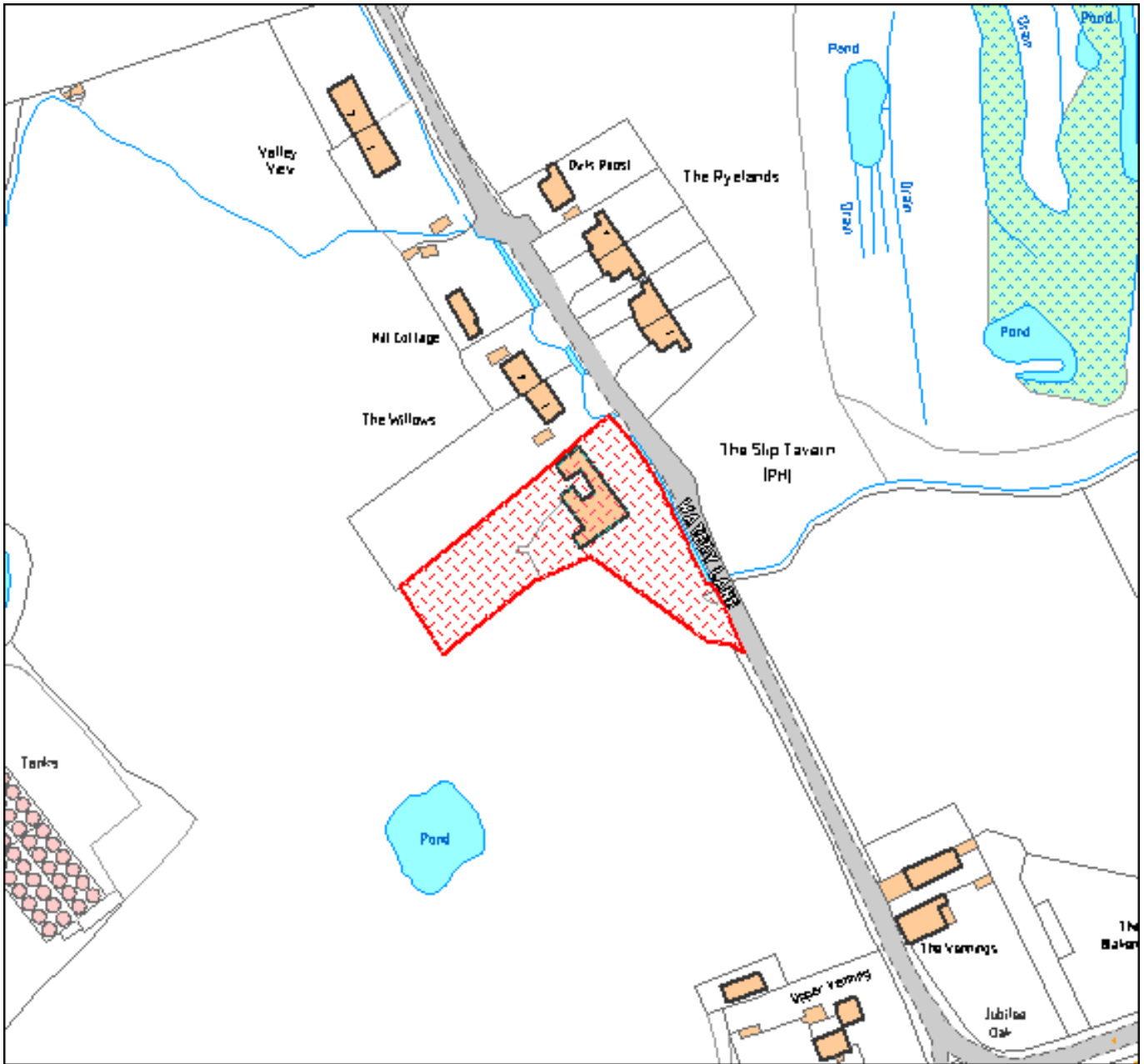
As such, the proposal is considered to be contrary to the Central Government advice contained within paragraphs 28 and 70 of the National Planning Policy Framework, Policies S11, CF6 and TCR14 of the Herefordshire Unitary Development Plan 2007 and Policies SC1 and RA6 of the Core Strategy.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131732/F

SITE ADDRESS : THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NG

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

MEETING:	PLANNING COMMITTEE
DATE:	9 OCTOBER 2013
TITLE OF REPORT:	131732/F - CHANGE OF USE FROM PUBLIC HOUSE ON GROUND FLOOR AND RESIDENTIAL UNIT ON FIRST FLOOR TO A SINGLE 6 BEDROOM DETACHED DWELLING AT THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG For: Mr Thomas per Mr Russell Ranford, 22 Thatcham Avenue, Kingsway, Gloucester, GL2 2BJ
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131732&NoSearch=True

Date Received: 21 June 2013
Ward: Old Gore
Grid Ref: 365096,233266
Expiry Date: 19 August 2013

Local Members: Cllr Barry A Durkin

1. Site Description and Proposal

- 1.1 This application relates to the Slip Tavern Public House which is located on the west side of Watery Lane within the Parish of Much Marcle. Much Marcle is a "smaller settlement" as defined in the Herefordshire Unitary Plan 2007. The Slip Tavern is located some 600 metres west of the settlement.
- 1.2 Within the settlement of Much Marcle is a public house known as the 'Walwyn Arms' whilst some 1km to the north-east is another public house known as 'The Royal Oak Inn'.
- 1.3 The existing accommodation within the Slip Tavern comprises a bar, dining areas (including conservatory), kitchen, utility areas, cellar and store on the ground floor. There is also a garage. The first floor accommodation comprises a lounge / kitchen dining area, four bedrooms and two bathrooms.
- 1.4 The existing public house has a generous and attractive garden area and generous parking provision.
- 1.5 The proposal is to change the use of the premises to six bedroomed dwelling. There would be no new building works.

2. Policies

2.1 National Planning Policy Framework

Paras. 28 & 70

2.2 Herefordshire Unitary Development Plan 2007

S11	-	Community Facilities and Services
CF6	-	Retention of existing facilities
TCR14	-	Village Commercial facilities

2.3 Herefordshire Local Plan – Core Strategy 2011-2031

SC1	-	Social and community facilities
RA6	-	Rural Economy

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 None relevant to consideration of this application.

4. **Consultation Summary**

Internal Consultees

4.1 Transportation – No objection

External Consultees

4.2 None

5. **Representations**

5.1 The Much Marcle Parish Council object to the proposed development on the following grounds:

- The marketing has been inadequate;
- A market value offer has been rejected;
- In the opinion of the Parish Council, The Slip Tavern is a viable sustainable business and an important facility for the community.
- The Parish Council consider the proposal to be contrary to the advice contained within the NPPF and policies of the UDP.

5.2 Thirty-six letters / e-mails of objection have been received on the following summarised grounds:-

- A realistic offer of £275,000 has been made for the public house that has been rejected;
- The public house has been poorly managed – turnover figures show a near consistent fall year after year;
- The Slip Tavern could be a genuine village public house of a different nature to the 'Walwyn Arms' and the 'Royal Oak Inn';
- Loss of a valuable local amenity;
- The Slip Tavern is well located being within 30 minutes of Gloucester, Hereford and Worcester and being within 15 minutes of Ledbury and Ross-On-Wye;
- The site is well located to tourist attractions such as Westons Cider, 'Hellens' and 'Homme House';
- National Marketing has been limited;
- The current marketing price is unrealistic especially in the light of the trading figures
- The public house has not been marketed via national trade magazines;

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

- The Slip Tavern is particularly valuable to those who live on the west side of the A449;
- There are many successful public houses in supposedly “disadvantageous locations”;
- The Slip Tavern is a community asset;
- The public house has not been supported by good food and great service;

5.3 One person has sent e-mails/letters of support expressing the view that Mr Thomas is an excellent chef and did everything possible to make the public house viable but unfortunately not enough people visited the public house frequently enough to make it viable. It is stated that many people enjoyed the Slip Tavern under the management of Mr & Mrs Thomas.

5.4 A petition with 150 signatures has been received objecting to the loss of the Slip Tavern which they regard as a community asset.

5.5 CAMRA object to the proposal on the following summarised grounds:-

- Social and economic impact
 - a successful public house brings investment and employment into local communities;
 - the Slip Tavern is regarded as the “village inn” of the local community; and
 - has the potential to be attractive to tourists;
 -
- Commercial Non- Viability not proven – the catchment population beyond the village itself is large with approximately 450,000 people living in towns and cities within a twenty mile radius. The free-of-tie freehouse and any owner are free to buy drinks and food from any supplier at competitive prices. There are many freehold pubs in Herefordshire that are making a healthy profit. Evidence in objector’s letters suggests poor management.
- Inadequate marketing of the Premises – the premises has not been marketed for 12 months. There has been no advertising in the industry media. The asking price is not a true reflection of the market value. In this respect CAMRA provide evidence of the price of other public houses in Herefordshire sold over the last two years (i.e. Bell Inn, Bosbury, Boughton Arms, Peterschurch, Maesllwch Arms Hotel, Glasbury on Wye). In this respect they specifically state that their analysis of market value is based upon sold prices rather than marketing prices. .

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:-

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

6. Officer’s Appraisal

6.1 Central Government advice within the National Planning Policy Framework (NPPF) promotes the retention of community facilities in rural areas, including public houses.

6.2 This approach is reflected in policies contained within the Development Plan for the area (i.e. the Herefordshire Unitary Development Plan 2007), namely policies TCR14, S11 and CF6. Minimal weight is afforded to the relevant policies of the Core Strategy at present (i.e. policies SC1 and RA6).

6.3 Firstly, it is recognised that the settlement / village of Much Marcle has an existing public house at its centre known as the ‘Walwyn Arms’. It is also recognised that there is another public house in close proximity known as the ‘Royal Oak Inn’ some 1km to the north-east of the village.

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

However, that in itself does not mean that the 'Slip Tavern' is no longer a community facility that should be retained.

- 6.4 It is evident from the level of objection received to this application that the 'Slip Tavern' is a facility valued by the local community.
- 6.5 Having inspected the floor plans of the existing building and the exterior of the site, it is not considered that the Public House building itself has any real physical constraints associated with it. In fact, it is considered that the site does not have any physical constraints that would prevent its further extension or even further development within its grounds, say for the provision of tourism accommodation.

Period of Marketing

- 6.6 Turning to the issue of marketing, the first point to make is that the Local Planning Authority normally requires an appropriate marketing time to be 12 months. In this case the premise's has not been marketed for twelve months, it has only been marketed since January of this year.

"The Offer" & Value

- 6.7 The premises have been marketed for a price of £350,000. There is clear evidence that the applicant received an offer of £275,000 and rejected that offer. It is understood that it was a "cash offer" from persons who "...are well established licensed trade operators and who currently own other public houses". It is understood that that offer still stands. The marketing agent for the applicant considered that offer to be too low. He also readily accepts that "his brief is to sell at the best possible price in an attempt to recoup a proportion of the cost of the property to the present vendors". It is understood that they purchased the property in December 2003 for £345,000.
- 6.8 However, all property prices rise and fall over time according to the economic climate and specific market at that time. In addition, when purchasing a business such as a public house the price would be influenced by the success or otherwise of the existing enterprise. It is accepted that the turnover relating to the 'Slip Tavern' has been particularly poor since 2012. It is considered that the most appropriate way of determining what is an appropriate value for the Slip Tavern is to analyse the price secured for similar public houses that have been sold in the recent past. This is materially different to comparing the marketing price of public houses.
- 6.9 CAMRA have usefully provided evidence of similar properties that have been sold. The Bell Inn at Bosbury was marketed for £245,000 but sold for £225,000 in 2011, the Boughton Arms at Peterschurch was marketed at £230,000 but sold at £210,000 in 2012 and the Maesllwch Arms Hotel at Glasbury-On-Wye was marketed at £270,000 but sold at £265,000 in 2012. In my view, it is the sold prices that accurately reflect the true market value rather than the asking / marketing prices. Both CAMRA and the agent for the applicant have provided a variety of evidence of similar sized premises that are on the market and their asking prices. However, it is considered that these provide little in terms of the genuine market values as it is the sold prices that are of more relevance.
- 6.10 It is therefore considered that the offer of £275,000 was a reasonable offer.

Marketing Regime/Strategy

- 6.11 As is apparent from the above, it is considered that the premises is probably overvalued. As the marketing agent readily admits "his brief is to sell at the best possible price in an attempt to recoup a proportion of the cost of the property to the present vendors". During the marketing period the asking price has not been reduced.

- 6.12 The marketing agent is a very well respected agent. He concedes that his firm does not specialise in public houses but he makes the valid point that his firm has a specialist commercial department that deals with a wide range of businesses. However, the one area where it is considered that the marketing strategy appears to have been lacking is that there is no evidence that marketing has taken place through the national industry media / trade journal, such as the Morning Advertiser or Dalton's Weekly – as is normal for licensed premises.

Viability

- 6.13 The trading figures set out in the Viability Statement accompanying the application summarise the annual turnover for the last 5 years:-

2008 - £155,527

2009 - £144,563

2010 - £124,809

2011 - £135,663

2012 - £71,061

2013 £ 4,499 (quarter 1 only – closed March 2013)

- 6.14 These turnover figures show a severe drop in turnover between 2011 and 2012 by almost 50%. It is acknowledged that the industry has been in decline for several years, but it has certainly not halved in just 12 months. Turnover was healthy before the Walwyn closed for refurbishment (from around February/March 2011 to May 2011) but when the Walwyn re-opened after refurbishment the Slip's turnover dropped by 50%. The agent for the applicant appears to attribute this to the re-opening of the Walwyn Arms. However, it is considered that it is unlikely that this was the reason for the lack of trade because the locals who frequented the Slip over many years would not have just moved to another pub. A more credible explanation may be poor management.
- 6.15 Whilst appreciating the applicants' situation, it is difficult to ignore the numerous letters / e-mails of objectors which suggest that poor management has been the major factor contributing to the drop in turnover. The objection / letters e-mails received have not been of a "standard format" and give some detailed evidence of what they regard as evidence of poor management.
- 6.16 Whilst it is appreciated that there is already another public house in Much Marcle (i.e. Walwyn Arms) and another in close proximity (Royal Oak Inn), there is no reason why the 'Slip Tavern' could not attract significant numbers of visitors from beyond the village itself. There are some significant population centres within say 25 miles. In addition, Much Marcle is well located in terms of being an attractive location for tourists.

Other Matters

- 6.17 It has been suggested that CAMRA as an interest group will seek to preserve as many public houses as possible. It is considered that having looked at their previous representations and lack of responses upon other cases they do not object to all planning applications that involve the loss of a public house. It is considered that they are indeed quite even handed and are thorough at analysing the evidence. So there are examples of cases involving a loss of a public house where they have not objected (e.g. Swan Inn at Letton, Black Horse at Leominster and Prancing Pony at Cradley).

Conclusions

- 6.18 In conclusion, whilst understanding the applicants situation the planning policy position is clear and in this instance it is considered that:-

- The length of the marketing period has been inadequate;

- The marketing strategy has not been targeted at trade publications or national industry media;
- The price does not reflect the true market value of the premises that reflects its recent turnover. In this regard it is considered that the true market value is best ascertained by comparing the sold prices of similar public houses not the asking prices;
- There is no reason to suggest that the 'Slip Tavern' does not have the potential to be viable given its location and physical characteristics; and
- A reasonable offer for the 'Slip Tavern' has been rejected.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. The Central Government advice contained within paragraphs 28 and 70 of the National Planning Policy Framework, policies S11, CF6 and TCR14 of the Herefordshire Unitary Development Plan 2007 and policies SC1 and RA6 of the Core Strategy effectively seek to retain public houses as their value to rural communities unless it can be demonstrated that they are no longer viable. In this instance it is considered that:-

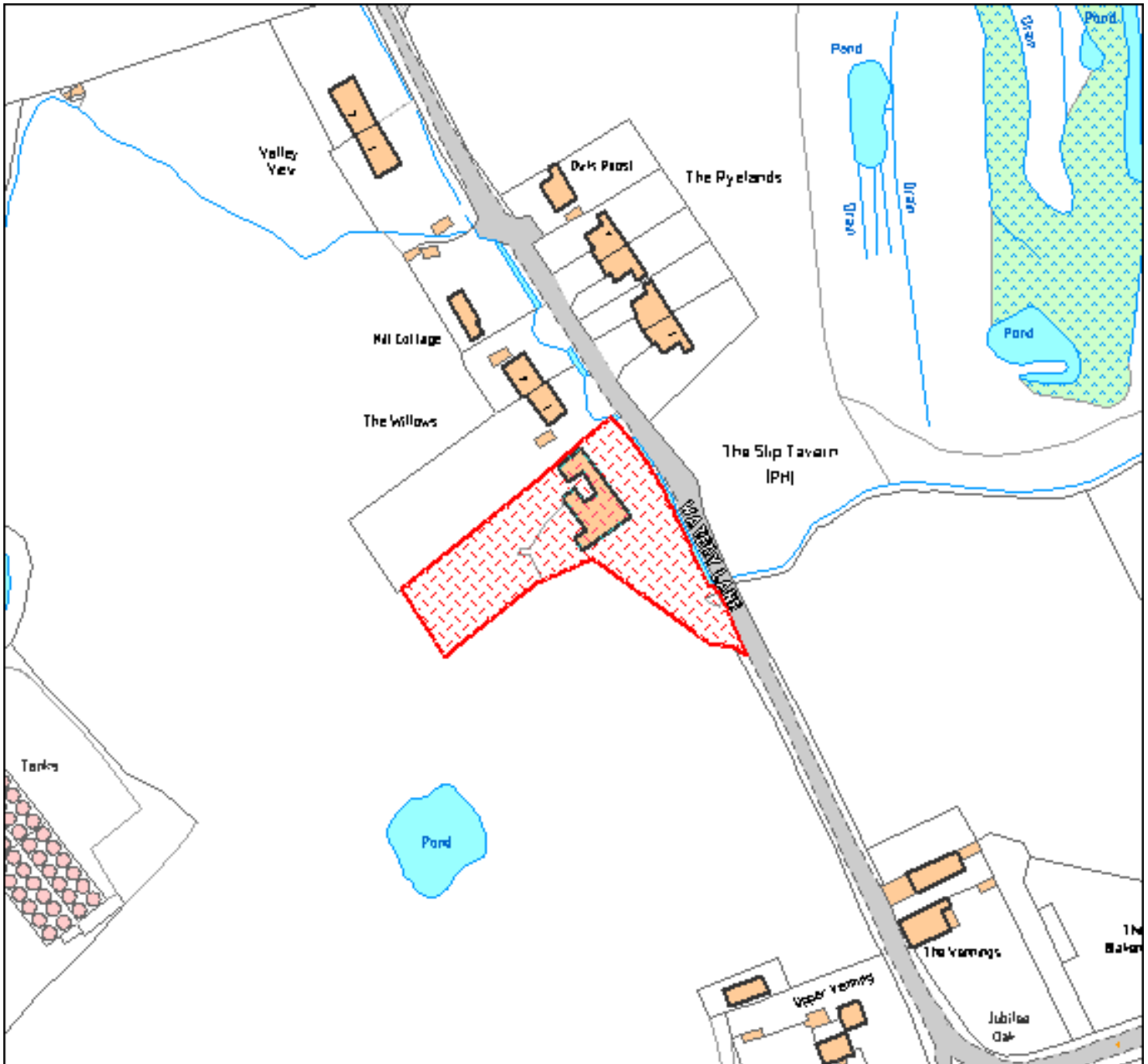
- the length of the marketing period has been inadequate;
- the marketing strategy has been somewhat lacking due to the failure to market through the national industry media / trade journals;
- the marketing price of £350,000 does not reflect the true market value of the premises taking account of its recent turnover. In this regard it is considered that the true market value is best ascertained by comparing the sold prices of similar public houses not the asking prices;
- there is no reason to suggest that the 'Slip Tavern' does not have the potential to be viable given its location and physical characteristics; and
- a reasonable offer for the 'Slip Tavern' has been rejected.

As such, the proposal is considered to be contrary to The Central Government advice contained within paragraphs 28 and 70 of the National Planning Policy Framework, policies S11, CF6 and TCR14 of the Herefordshire Unitary Development Plan 2007 and Policies SC1 and RA6 of the Core Strategy.

Decision:
 Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131732/F

SITE ADDRESS : THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NG

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MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	131981/F - CHANGE OF USE OF EXISTING BARN TO 5 DWELLINGS AT EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HR9 6LH For: Mr Green per JCPC-Ltd, Trecorras Farm, Llangarron, Ross-on-Wye, Herefordshire, HR9 6PG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=131981

Date Received: 22 July 2013

Ward: Llangarron

Grid Ref: 355248,225000

Expiry Date: 16 September 2013

Local Member: Councillor JA Hyde

1. Site Description and Proposal

- 1.1 The application site lies on the southern side of the A49 within the Parish of Peterstow. It lies to the east of Everstone Farm and a stone barn that has been converted to five houses.
- 1.2 The site lies approximately 1 km west of the village of Peterstow. Between the site and Peterstow is the intervening hamlet of 'Winters Cross'.
- 1.3 Upon the site is a redundant agricultural building that it is understood has historically been used to accommodate pigs. This former piggery building is a single storey pre-cast reinforced concrete portal frame structure with concrete walls and block infill panels below windows. The building has a non-traditional utilitarian appearance. It probably dates from the 1930's.
- 1.4 The proposal is to convert the building into five single storey two bed roomed dwellings. Each dwelling would have an internal width of 6 metres and an internal depth of 10.2 metres. It is envisaged that the building would have horizontal timber weather board cladding on the elevations and artificial slates to the roof.
- 1.5 The garden areas would be provided to the east with depths of 11 metres whilst 13 car parking spaces would be provided to the front.

2. Policies

National Planning Policy Framework including para. 55

2.1 Herefordshire Unitary Development Plan 2007

- | | | |
|-------|---|--|
| H7 | - | Housing in the countryside outside settlements |
| HBA12 | - | Re-use of rural buildings |

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

- HBA13 - Re-use of rural buildings for purposes
- LA2 - Landscape character and areas least resilient to change

2.2 Core Strategy

- RA3 - Housing in the countryside outside settlements
- RA5 - Re-use of rural buildings
- LD2 - Landscape and townscape

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 DCSE2005/4154/F – Conversion of building to 3 holiday units; access track, car park, turning area and treatment plant – Refused and Dismissed on Appeal – A copy of the appeal decision is attached as Annex 1.
- 3.2 DCSE2007/0852/F – Change of farm building to B1 use with treatment plant and ancillary works – Permitted.

4. Consultation Summary

External Consultees

4.1 None

Internal Consultees

- 4.2 Environmental Health Officer: - recommends an informative with regard to unforeseen contamination that may be present.
- 4.3 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>

5. Representations

- 5.1 The Parish Council has no objection.
- 5.2 Five (1, 3, 4, 5 & 6 Everstone Barns) expressions of objection have been received on the following summarised grounds:-
 - Building not a barn but a pig shed;
 - No provision for waste storage;
 - Proposed materials not in keeping;
 - Concerns re: foul sewerage;
 - Could be contamination;
 - The site is outside the natural bounds of Peterstow village;
 - There is no pedestrian access to the village;
 - It has not been demonstrated that the building is capable of conversion without complete or substantial rebuilding;
 - The proposal fails to comply with policies RA5 and RA2 of the Core Strategy

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

- 5.3 One expression of support ('Perry Field', 1 Langdon Villas, 'West Winds') has been received on the following summarised grounds:-
- Refreshing to see a development aimed at first time buyers;
 - The site is in a sustainable location
 - The proposal is of a high standard
- 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

6. Officer's Appraisal

- 6.1 The main issue in this case is whether the principle of the proposed development is acceptable. The Local Planning Authority has a statutory duty to determine applications in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the area remains the Herefordshire Unitary Development Plan 2007. The Core Strategy is at an early stage in the process towards adoption and in law minimal weight (if any) should be attached to it.
- 6.2 The site lies within the open countryside in planning policy terms. It lies outside of Hereford, the market towns and any of the main villages as defined in policy H4 of the Herefordshire Unitary Development Plan 2007. It also lies outside the smaller settlement of Peterstow as set out in policy H6. The site lies approximately 1km north-west of Peterstow.
- 6.3 Policy H7 of the Herefordshire Unitary Development Plan 2007 clearly establishes a presumption against new residential development within the open countryside. Exceptions are provided for. None are considered to apply in this particular case. In terms of policies HBA12 and HBA13 of the UDP the following observations are considered of particular relevance:-
- a) Criterion 1 of HBA12 – following consultation with the Building Control Section I am satisfied that the building is capable of conversion without affecting the structural integrity of the existing building.
 - b) Criterion 2 of HBA12 – interestingly in the appeal decision relating to planning application DCSE2005/4154/F the Inspector in para. 6 stated: - "I also consider that the development would be similar to houses in permanent occupation in terms of access, parking and turning arrangements; enclosed rear gardens, and likely domestic paraphernalia. The imposition of a condition removing certain permitted development rights would not, in my opinion, overcome the fundamental policy objection to a proposal which would erode the character and appearance of the open countryside". The dismissed appeal proposal was essentially of the same nature as currently proposed in that self-catering tourism units are effectively dwellinghouses, albeit with restrictive occupancy conditions. It is my view and that of the Senior Landscape Officer that the proposal would detract from the existing landscape character for the same reasons as set out by the Inspector in relation to the aforementioned dismissed appeal.
 - c) Criterion 1 of HBA13 – clearly and crucially the building in question is not of any architectural or historic merit and there are no amenity benefits in retaining the building.

- 6.4 Therefore it is my view that the proposal represents unjustified new residential development within the open countryside contrary to policies H7, HBA 12 and HBA13 of the Herefordshire Unitary Development Plan 2007.
- 6.5 In addition, it is my view that the proposed development by virtue of the introduction of residential garden areas and inevitable domestic paraphernalia would harm the character and appearance of the countryside contrary to policies HBA12(2) and LA2 of the Herefordshire Unitary Development Plan 2007 and policy LD2 of the Core Strategy.

Other Material Planning Considerations

- 6.6 The issue then arises as to whether there are any other material planning considerations to suggest that an alternative decision should be made departing from Development Plan policy.

Shortfall of 5 year housing land supply

- 6.7 The Council's most recent annual monitoring report suggests that 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 new houses anywhere and at any environmental cost. Such new dwellinghouses should be in appropriate 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 the main villages (i.e. those listed in policy H4 of the Herefordshire Unitary Development Plan 2007). In that regard and the reasonable approach adopted by the Council is illustrated by the recent granting of planning permission for a new dwellinghouse adjacent to the settlement boundary of Colwall, a main village. In contrast the proposal under consideration is not adjacent to Hereford nor any of the market towns or main villages as defined in the Herefordshire Unitary Development Plan 2007.

Emerging Core Strategy

- 6.8 As outlined earlier the Core Strategy is at such an early stage of preparation that minimal (if any) weight should be attached to it. It is recognised that emerging Policy RA2 envisages housing growth at Peterstow of some 14%. However, such growth is envisaged to be located within or adjoining the settlement / village, not physically divorced from it.

Affordable Housing

- 6.9 It needs to be stressed that the proposal is not for affordable housing (i.e. social rented, affordable rented, intermediate, shared ownership, low cost market intermediate rental). It must be stressed that low cost market housing involves selling at a price lower than the open market value (normally not exceeding £97,000 and all subsequent sales at a discounted figure of 39% below the open market value at that time). No Draft Heads of Terms securing affordable housing has been deposited. The agent for the applicant argues that the fact that the dwellings would be genuinely small make them affordable. It is considered that this is not the case and even if the first sale price was £97,000 no legal mechanism would be in place to ensure affordability in the long-term. Furthermore even if one were to accept that significant weight should be attached to the Core Strategy and that one of the exceptions in policy RA3 applies (which is not accepted) then policy H1 states that one would expect an element of affordable housing in schemes of 3 or more dwellings. No such affordable housing is advanced.

Other issues

- 6.10 The vehicular means of access is considered to be satisfactory with satisfactory visibility splays onto the A49.

6.11 The proposed non-mains drainage solution for foul sewage being a package treatment plant is considered to be satisfactory.

6.12 There are no ecological grounds of objection.

RECOMMENDATION

That planning permission be refused for the following reasons:

1. **The proposal involves new unjustified residential development within the open countryside contrary to Policies H7 and HBA13 of the Herefordshire Unitary Development Plan 2007 and Policy RA3 of the Core Strategy. The building is not considered to be of any architectural or historic merit and there are no amenity benefits in retaining the building.**

2. **The proposed development by virtue of the introduction of residential garden areas and inevitable domestic paraphernalia would harm the character and appearance of the countryside contrary to Policies HBA12(2) and LA2 of the Herefordshire Unitary Development Plan 2007 and Policy LD2 of the Core Strategy.**

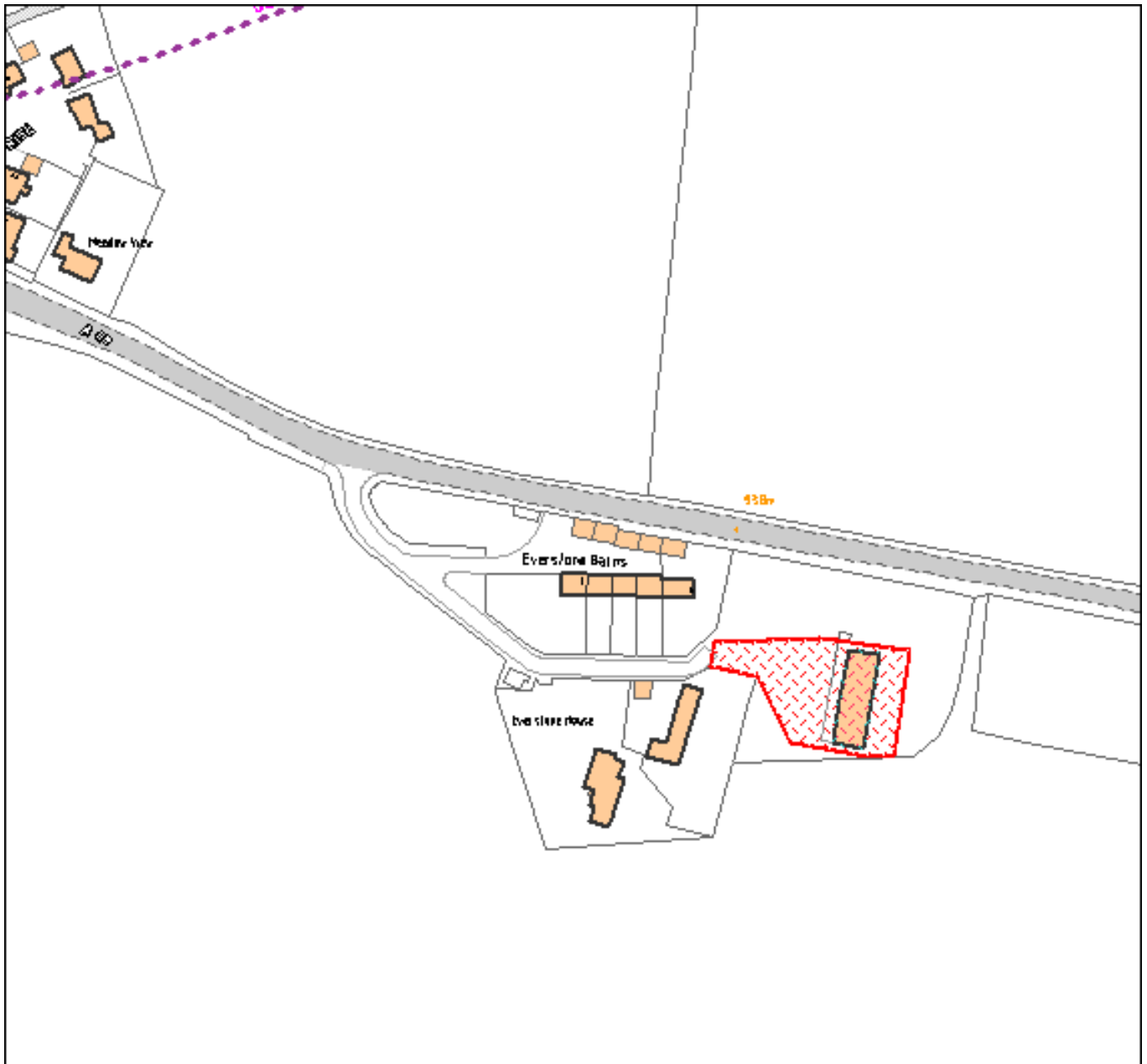
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 131981/F

SITE ADDRESS : BARN AT EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LH

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



Appeal Decision

Site visit made on 30 August 2006

by **Clive Kirkbride BA(Hons) DipTP MSc**

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date: 25 October 2006

Appeal Ref: APP/W1850/A/06/2016383

Everstone Farm, Peterstow, Ross-on-Wye, HR9 6LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by FM Green against the decision of Herefordshire Council.
- The application Ref DCSE2005/4154/F, dated 23 December 2005, was refused by notice dated 22 February 2006.
- The development proposed is the conversion of a building to 3 holiday units; access track, car park, turning area and treatment plant.

Decision

1. The appeal is dismissed for the reasons set out below.

Reasons

2. The appeal building consists of a disused agricultural building constructed in pre-fabricated concrete and is of little architectural merit. It is located some 50m east of a complex of mainly stone barns converted for residential purposes and the former farmhouse at Everstone Farm in an area of open countryside where policies of development restraint apply.
3. The Government's Planning Policy Statement 7 *Sustainable Development in Rural Areas* (PPS7) generally encourages the re-use of appropriately located and suitably constructed rural buildings for uses which benefit the local economy and farm diversification, subject to certain criteria being met.
4. I note that current and emerging development plan policies generally reflect the advice set out in PPS7. They require, amongst other matters, that existing buildings should be in keeping with their surroundings and capable of conversion without substantial alteration and that proposals should not have a detrimental impact upon the countryside.
5. The existing building has a non-traditional, utilitarian appearance which is not in keeping with its surroundings. The building would appear to be capable of conversion without the need for significant re-building, structural repair work or extensions. However, the suggested use of timber cladding and roof slates to improve its appearance would amount to major external alterations.
- * 16. I also consider that the development would be similar to houses in permanent occupation in terms of access, parking and turning arrangements; enclosed rear gardens, and likely

domestic paraphernalia. The imposition of a condition removing certain permitted development rights would not, in my opinion, overcome the fundamental policy objections to a proposal which would erode the character and appearance of the open countryside.

7. Therefore, and even though the proposed development would not be conspicuous from the adjoining highway, I conclude that it would harm the character and appearance of the open countryside and fail to comply with both national planning policy advice and guidance and the relevant provisions of policies CTC.14, TSM.1 and TSM.5 of the Hereford and Worcester County Structure Plan; policies C.36, TM.1 and TM.5 of the South Herefordshire District Local Plan, and emerging policies HBA12, RST1 and RST12 of the Herefordshire Unitary Development Plan: Revised Deposit Draft regarding the conversion and re-use of existing rural buildings, including for tourism purposes.
8. I have also had regard to all the other matters raised, including the potential economic benefits of the proposed development and the proximity of other residential properties. However, none of these matters outweighs the harm the proposal would cause for the reasons identified.

C.S. Kirkbride

INSPECTOR



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	132446/O - SITE FOR CONSTRUCTION OF 2 NO. DWELLINGS. AT LAND AT JUNCTION OF A44 AND, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QR For: Mr And Mrs Berry per Bodkin Hall, Edwyn Ralph, Bromyard, Herefordshire HR7 4LU
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132446

Date Received: 5 September 2013 Ward: Bromyard Grid Ref: 364548,254332

Expiry Date: 15 November 2013

Local Members: Councillors JG Lester A Seldon

1. Site Description and Proposal

- 1.1 The application site is located to the west of Bromyard outside of the settlement boundary as defined under UDP Policy H1 at the point where Panniers Lane meets the A44. The site is abutted by the settlement boundary to the north and south-east.
- 1.2 The triangular plot is bound by the A44 to the north, Panniers Lane to the south-east and the curtilage of Flaggoners Green House to the West. A public footpath runs along the short-eastern boundary. A wooden post and rail fence flanks the eastern edge of the site and a close boarded fence marks the western boundary. The south-east and north edge remain open. The site is currently composed of dense undergrowth, vegetation and trees.
- 1.3 Maps dating from 1843 – 1949 indicate that historically two buildings were located on the site, a toll house in the north-eastern corner and a dwelling in the south-west corner. These buildings have been removed in the intervening period and the site has returned to its afore-described greenfield appearance.
- 1.4 The site is prominently located atop a small rise at one of the major exits from and entrances to Bromyard. The west bound A44 provides access to and from Leominster and Panniers Lane provides secondary access to and from Hereford and Ledbury. Old road is located opposite the site to the north-east and provides access to and from Bromyard town centre and Tenbury.
- 1.5 Development of the site would predominantly relate to two distinct areas of residential development; that along the south-eastern flank of Panniers Lane and that along the northern flank of the A44.
- 1.6 Residential development along Panniers Lane is of a varied vernacular. Development appears organic with plot and dwelling sizes and building materials varying from one to the next. Bungalows, dormer bungalows and full height two-storey dwellings are all provided. Stone,

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

yellow brick and red brick are the predominant cladding materials. This residential area on the outskirts of the town is of a semi-rural character.

- 1.7 Development along the north of the A44 is of a more utilitarian, urban appearance. The dwellings are of a similar design to each other all being constructed of red brick with timber cladding and uPVC fittings under tiled roof. The dwellings front on to Broxash Close off Windsor Road with rear gardens of approximately 12 metres in length separate the dwellings from the A44. As such built form is set well back from the edge of the A44 and does not directly address it.

2. Policies

2.1 National Planning Policy Framework

Chapters 1, 6, 7, and 11 are referred to throughout this report with the following paragraphs of particular relevance:

Paragraph 47: To boost significantly the supply of housing, local planning authorities should ... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land ...

Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant 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.

Paragraph 61: ... Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

2.2 Herefordshire Unitary Development Plan

S1	- Sustainable development
S2	- Development requirements
S3	- Housing
DR1	- Design
DR2	- Land use and activity
DR3	- Movement
H1	- Hereford and the market towns: Settlement boundaries
H7	- Housing in the countryside and outside settlements
H13	- Sustainable residential design
LA2	- Landscape character and areas least resilient to change
LA3	- Setting of settlements

- 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>

2.4 Herefordshire Local Plan Core Strategy

SS1	Presumption in favour of sustainable development
SS6	Environmental quality and local distinctiveness
SD1	Sustainable design and energy efficiency

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

RA3	Herefordshire's countryside
BY1	Development in Bromyard
H3	Ensuring an appropriate range and mix of housing
MT1	Traffic management highway safety and promoting travel
LD1	Landscape and townscape
LD2	Biodiversity and geo-diversity

2.5 The Core Strategy has recently passed through Council and a number of objections have been lodged against the emerging housing policies. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

3. Planning History

3.1 **MH90/2247, MH92/1337, MH93/1146** – Permission sought for the erection of a single dwelling. All applications refused on grounds of being located outside of the adopted settlement boundary.

3.2 **DCN013081/O** – Permission sought for a single dwelling. Refused and subsequently dismissed at appeal on the grounds of being located outside of the adopted settlement boundary and having an undue impact on the landscape character of the countryside.

3.3 Members attention is also drawn the granting of outline permission (**N123569/O**) for the provision of a single dwelling within the grounds of Flaggoners Green House directly to the west of the application site.

4. Consultation Summary

4.1 The Council's Transportation Manager did not object to the proposal but recommended that a condition be attached to any permission given ensuring that:

- a) requisite visibility splays are retained in perpetuity

4.2 Welsh Water did not object to the proposal but recommended that conditions be attached to any permission given to ensure that:

- a) foul and surface water is discharged separately from the site;
- b) surface water does not connect with the public sewerage system; and
- c) land drainage run-off is not permitted to discharge to the public sewerage system.

5. Representations

5.1 Bromyard Town Council resolved to support the application.

5.2 No letters of representation were received from third parties.

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

6. Officer's Appraisal

- 6.1 The application is for residential development and as such falls to be considered against the housing policies of the UDP. The site falls outside of the identified settlement boundary of Bromyard and thus falls to be considered against UDP Policy H7 which makes provisions for dwellings in open countryside.
- 6.2 Policy H7 of the UDP indicates that, other than in exceptional circumstances, housing outside of settlements will not be permitted. The proposal does not meet any of the exempting criteria of policy H7 under which housing in the open countryside can be considered and therefore conflicts with it. It is therefore necessary to ascertain whether there are any other material planning considerations which indicate that the proposal is acceptable.
- 6.3 Previous applications for residential development on this site were refused and subsequently dismissed at appeal on the grounds of being outside of the adopted settlement boundary and encroaching in to the countryside. Within the appeal report relating to application DCN013081/O the inspector notes the landscape value of the prominent green site. However, circumstances have changed in the intervening period particularly in relation to the Council's published lack of a five-year housing land supply.
- 6.4 Paragraph 47 of the NPPF prescribes that all local authorities shall have a 5 year Housing Land Supply, plus a 5% buffer. Paragraph 49 of the NPPF goes on to state that 'relevant 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'. As the county has a published under provision of housing land, there is an obligation to consider applications irrespective of their location in respect to adopted settlement boundaries.
- 6.5 A cabinet report titled 'Local Development Framework and Local Transport Plan Update (12th July 2012)' was published addressing this issue. The report suggested an interim protocol to be applied to housing developments outside of adopted settlement boundaries, the content of which echoes that of the NPPF including a presumption in favour of sustainable development. The protocol advises that an application for residential development of less than 5 dwellings which conforms with other national and local policies may be permitted where it is located adjacent to an existing settlement boundary. The application site is abutted on two of its three sides by the settlement boundary of Bromyard and is subsequently in accordance with the interim approach.
- 6.6 The site is in close proximity to local amenities and facilities. A newsagents and hairdressers are 100 metres to the east of the site, the local secondary school is 120 metres to the south and Bromyard Cricket Club is 50 metres to the east. Bromyard Town Centre is approximately 800 metres from the site and easily and safely accessible on foot via lit public footpaths. A frequent bus service runs along the A44 providing sustainable methods of travel to many destinations including the extensive amenities and facilities located in the cities of Hereford and Worcester.
- 6.7 The proposal represents a natural extension to the built form of Bromyard providing opportunity to make use of existing facilities located within the Town. Suitable well-used pedestrian routes already exist between the application site and the town centre located less than ½ a mile away. In light of the above, it is considered that the proposed scheme would be within easy access of local amenities and facilities in line with the aims and objectives of the NPPF and policy S1 of the UDP. Furthermore the scheme relates well to the character and layout of the locality in accordance with paragraph 61 of the NPPF and UDP policies S1 and DR1.
- 6.8 Access to the dwellings would be off the Panniers Lane (B4214), preferable to any access off the A44 due to reduced speeds on Panniers Lane. The access would meet Panniers Lane at

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

90° with suitable visibility splays provided. Traffic is relatively slow moving at this point either slowing down for the junction or moving away from the junction. Drivers approaching the site would have ample time to slow for cars egressing from the proposed access and vice versa. The proposal would not impact on highways safety in accordance with UDP Policy DR3. There are no objections from the Transportation Manager.

- 6.9 The layout of the site will be covered by the reserved matters application though indicative plans have been submitted. The application site accommodates a number of locally important trees and the indicative layout has been largely driven by the retention of these trees as informed by a tree survey undertaken in accordance with BS5837:2012. The plan shows the site is able to accommodate 2 dwellings with ample amenity space and parking whilst future occupiers of the dwellings would be afforded sufficient privacy. The Council's Landscape Officer concurred with the content of the tree survey at the pre-application stage.
- 6.10 There is scope to provide two new dwellings on the application site without compromising the privacy or amenity of the occupiers of neighbouring dwellings. Adequate screening exists in relation to Flaggoners Green House whilst other properties are a sufficient distance from the site so as to not be impacted upon. Indicative plans submitted suggest a 'L' shaped layout with one dwelling along the northern boundary of the site and one along the western boundary of the site. The orientation of the dwellings in conjunction with the distance between the two dwellings would ensure that neither dwelling compromises the privacy or amenity of the other.
- 6.11 The ecology report which accompanies this application states that there is little likelihood of the development impacting upon protected species. This is a view shared by the Council's Ecologists. However, it is noted that there is potential for ecological enhancement and the timing of works must not affect nesting birds. As such, conditions will be attached to any permission given ensuring the aforementioned.
- 6.12 As mains sewer connections are proposed there are no implications for the River Wye SAC or other SAC sites and an HRA report for submission to Natural England is not required.
- 6.13 The application site is very much a 'gateway' to the open countryside to the west of Bromyard and its dense vegetation is prominent when approaching from the east along the A44. Although appearance and design is reserved for later consideration, given the prominence of the site and its importance in relation to its context the detailed design of the dwellings should be truly outstanding and must respect the character of its immediate surroundings. The dwellings must also be designed as to maximise energy conservation as required by UDP Policy H13 and the NPPF (paragraph 96).
- 6.14 A comprehensive landscaping scheme will also be required at the reserved matters stage in accordance with UDP Policies LA2 and LA6 to mitigate for the residential development of this sensitive site. Boundary treatments should be composed of dense native hedgerow and as five trees are to be removed from the site their loss should be mitigated through the provision of new native trees appropriate for the setting.
- 6.15 To conclude, the application is contrary to housing policies within the Herefordshire Unitary Development Plan being located outside of a defined settlement boundary without meeting the criteria listed under UDP Policy H7 or paragraph 55 of the NPPF. However, the weight attached to the county's underprovision of land for housing is considered to outweigh the immediate policy concerns of the UDPs housing policies which are acknowledged as out of date. Furthermore, the moderate landscape impact of the scheme is outweighed by the under provision of housing land. The application is in line with the interim protocol prescribed in the "Local Development Framework and Local Transport Plan Update (12th July 2012)" being located directly adjacent to the settlement. The site is located sustainably in close proximity and with safe access to the amenities and facilities of Bromyard. The proposed access is not

considered to be of detriment to the safety of the local highways network. All other matters are reserved for later consideration.

- 6.16 In line with the presumption in favour of sustainable development as prescribed by the NPPF, the principle of development is established and the site considered suitable for the erection of two dwellings. On that basis, it is recommended that outline planning permission be granted.
- 6.17 On 4 March 2009, the local planning authority temporarily suspended the requirement for residential development of five dwellings or less to accord with the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) where development would commence within a year of the date of permission. In this instance, the submission states a preference for a one year permission and as such the requirement of Section 106 contribution is waived.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. L01 Foul/surface water drainage**
- 6. L02 No surface water to connect to public system**
- 7. L03 No drainage run-off to public system**

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. HN01 Mud on highway**
- 3. HN04 Private apparatus within highway**
- 4. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 5. N11C General**
- 6. HN05 Works within the highway**

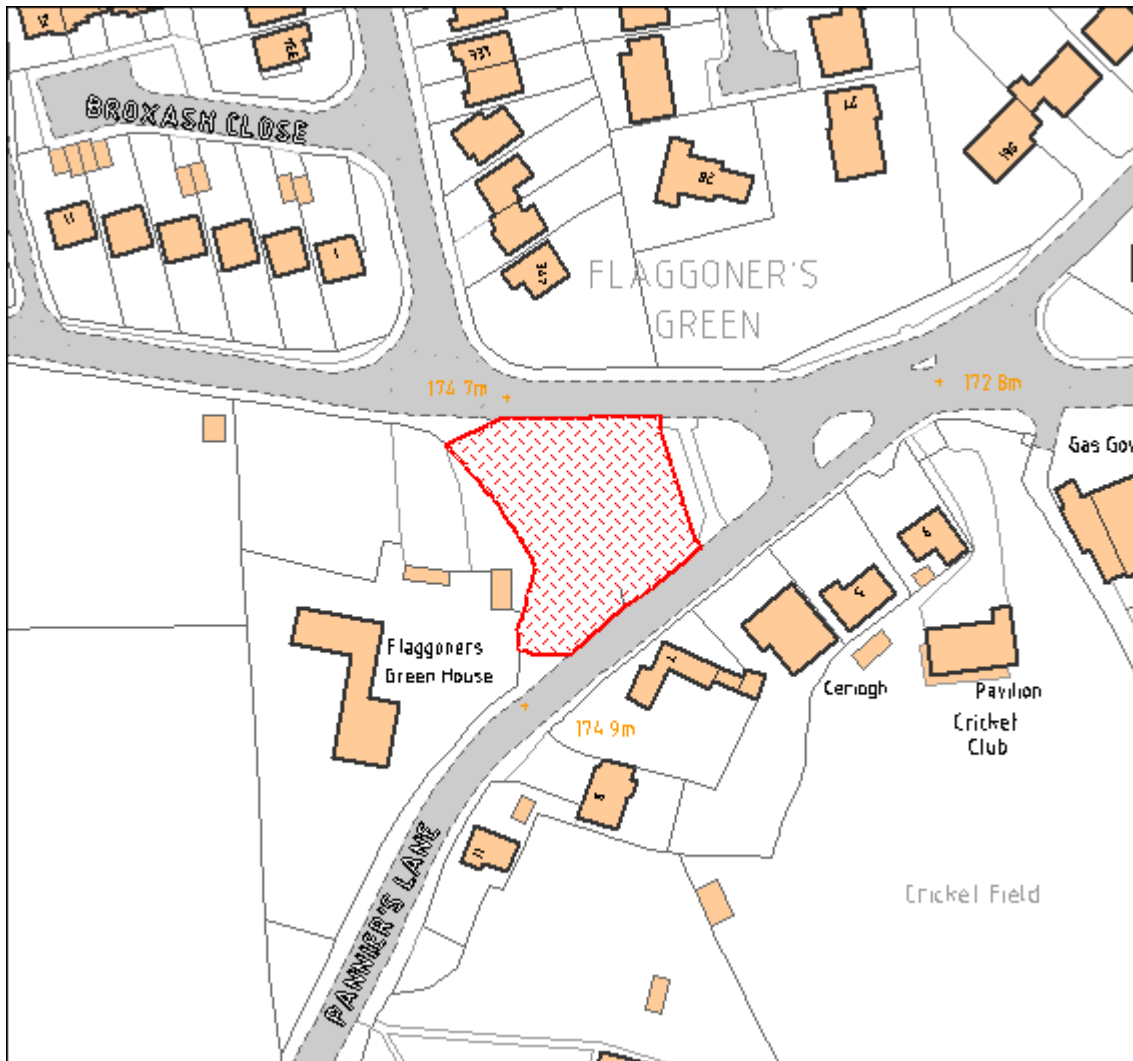
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132446/O

SITE ADDRESS : LAND AT JUNCTION A44 AND, PANNIERS LANE, BROMYARD, HEREFORDSHIRE, HR7 4QR

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



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	132448/O - NEW THREE BEDROOM DWELLING WITH ACCESS DRIVE, PARKING AND GARDEN. AT LAND ADJACENT TO LONGLANDS, LOWER HARDWICK LANE, BROMYARD, HEREFORD. For: Mr & Mrs Graham per Bodkin Hall, Edwyn Ralph, Bromyard, Herefordshire HR7 4LU
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132448

Date Received: 5 September 2013 Ward: Bromyard Grid Ref: 364954,255288
Expiry Date: 20 November 2013

Local Members: Councillors JG Lester and A Seldon

1. Site Description and Proposal

- 1.1 Longlands is a relatively isolated dwelling on Lower Hardwick Lane, approximately 200 metres outside the settlement boundary of Bromyard as defined under UDP Policy H1. The application site is an associated parcel of land directly to the north-west of Longlands. The parcel of land is currently utilised as additional garden space and is bound by Lower Hardwick Lane to the north, the existing driveway serving Longlands to the south-east and open fields to the south-west and west. A post and rail fence marks the boundary of the site with the driveway whilst all other boundaries are composed of dense hedgerow. An existing outbuilding is located at the southern tip of the application site. The land slopes up moderately from the roadside boundary to the south. The site is approximately rectangular in shape on an east-west axis being far wider than it is deep.
- 1.2 Lower Hardwick Lane is a narrow, winding and unlit country lane which rises away from the town of Bromyard before terminating at the start of a farm track after approximately 400 metres. No footpath flanks the lane. The slope of the Lower Hardwick Lane, the high hedgerows which flank it and the twisting nature of Tenbury Road (B4214) render visibility splays at the junction with Tenbury Road of a poor standard, particularly in a southerly direction towards Bromyard
- 1.3 Lower Hardwick Lane remains relatively undeveloped with only the sporadic provision of dwellings flanking it, although four relatively large dwellings are located on the opposite side of the lane towards the junction with Tenbury Road. The abiding characteristics of the lane are its high hedges and predominantly rural character.
- 1.4 The site is approximately:
 - 200 metres from the Porthouse Industrial Estate

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

- 450 metres from the shops and facilities on Tenbury Road
- 650 metres from the Central Shopping and Commercial Area as defined under UDP Policy TCR1

- 1.5 The application seeks outline planning permission for the erection of a single dwelling with parking area and garden. It is indicated that the dwelling would be just west of central within its plot though all matters save for access are reserved for future consideration. The closest dwellings to the site are Longlands, approximately 20 metres south of the proposed dwelling and West Gate approximately 60 metres east.
- 1.6 Access to the site would be from a new driveway which would fork off the existing driveway which serves Longlands. The driveway would skirt around the rear of the proposed dwelling providing access to a parking area for 2 vehicles at the western extent of the site. No new access to the public highway would be required.
- 1.7 A modest garden would be provided to the east of the dwelling. It would be flanked by the existing hedgerow to the north, the proposed dwelling to the west, the new driveway to the south and the existing driveway to the east.

2. Policies

2.1 National Planning Policy Framework

Chapters 1, 6, 7, and 11 are referred to throughout this report with the following paragraphs of particular relevance:

Paragraph 47: To boost significantly the supply of housing, local planning authorities should ... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land ...

Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant 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.

Paragraph 61: ... Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

2.2 Herefordshire Unitary Development Plan

- S1 Sustainable development
- S2 Development requirements
- S3 Housing
- DR1 Design
- DR2 Land use and activity
- DR3 Movement
- H1 Hereford and the market towns: Settlement boundaries
- H7 Housing in the countryside and outside settlements
- H13 Sustainable residential design
- LA2 Landscape character and areas least resilient to change
- LA3 Setting of settlements

- 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>

- 2.4 Herefordshire Local Plan Core Strategy

SS1 Presumption in favour of sustainable development
SS6 Environmental quality and local distinctiveness
SD1 Sustainable design and energy efficiency
RA3 Herefordshire's countryside
BY1 Development in Bromyard
H3 Ensuring an appropriate range and mix of housing
MT1 Traffic management, highway safety and promoting active travel
LD1 Landscape and townscape
LD2 Biodiversity and geo-diversity

- 2.5 The Core Strategy has only recently passed through council and a number of objections have been lodged against housing policies therein. As such only minimal weight can be attributed to policies of the emerging Core Strategy in accordance with paragraph 216 of the NPPF.

- 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:-

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

3. Planning History

- 3.1 None applicable to this application.

4. Consultation Summary

- 4.1 The Council's Transportation Manager did not object to the proposal but recommended that a condition be attached to any permission given ensuring that:

- a) Secured cycle parking provided in perpetuity
- b) Space is provided for the turning and parking of 2 vehicles

- 4.2 Welsh Water did not object to the proposal but recommended that conditions be attached to any permission given to ensure that:

- a) Foul and surface water is discharged separately from the site;
- b) Surface water does not connect with the public sewerage system; and
- c) Land drainage run-off is not permitted to discharge to the public sewerage system.

5. Representations

- 5.1 Bromyard Town Council resolved to support the application.
- 5.2 No letters of representation were received from third parties.

- 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

6. Officer's Appraisal

- 6.1 The site is located 200 metres to the west of the adopted settlement boundary for Bromyard as defined under Policy H1 of the UDP. As the application is for the residential development of this site it falls, in the first instance, to be considered in terms of policies relating to development within the open countryside, particularly UDP Policy H7. The intent of UDP Policy H7 is in line with the provisions of paragraph 55 of the NPPF (para. 55) with regards to development outside of settlements.
- 6.2 Policy H7 & para. 55 state that, other than for certain exceptions, housing outside of settlements will not be permitted. The current proposal does not satisfy any of the exceptional criteria listed therein and is therefore fundamentally contrary to both local and national policy. It is therefore necessary to ascertain whether there are any other material planning considerations that warrant setting Policy H7 and para. 55 aside.
- 6.3 The local authority is currently failing to provide a 5 year Housing Land Supply, plus a 5% buffer, which must be met by all local authorities in accordance with paragraph 47 of the NPPF. Paragraph 49 of the NPPF goes on to state that 'relevant 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 In recognition of the current shortage of housing land supply the Council produced the report, "Local Development Framework and Local Transport Plan Update (12th July 2012)". Amongst the report's provisions is an interim protocol to be apportioned to housing developments outside of adopted settlement boundaries, the content of which is consistent with the NPPF's presumption in favour of sustainable development. It advises that an application for residential development of less than 5 dwellings which conforms to other national and local policies be permitted where it is located adjacent to an existing settlement boundary.
- 6.5 In this case the application site lies 200 metres from the settlement of Bromyard and is not, in my opinion, adjacent to the settlement as required by the interim approach. This does not necessarily preclude the site from being considered suitable for residential development particularly if there are sustainable means of accessing goods and services and the proposal meets all other relevant local and national policies.
- 6.6 Bromyard provides a range of local services and facilities which one would expect to find within a market town of its size including shops, a secondary school, primary school, leisure facilities, open spaces, sports clubs and social meeting places. It is therefore necessary to consider the means by which prospective residents would be able to access goods and services by means other than the private car.
- 6.7 A pavement is located along the B4214 providing a pedestrian route from the junction with Lower Winslow Road to the local shops and to the town centre. However, Lower Winslow Road itself is a narrow, unlit, winding lane which does not benefit from the provision of a footpath. Furthermore, the junction of Lower Winslow Road with the B4214 is particularly difficult to navigate given the tall dense boundaries which flank the road. To reach the local facilities within Bromyard from the application site, a pedestrian would

have to walk 200 metres along this road. I am of the opinion that it would be unsafe to encourage pedestrian movement along this road and unsustainable to promote the use of private motor vehicles for such journeys. The application site is considered to be unsustainably located, contrary to the presumption in favour of sustainable development as prescribed by the NPPF.

- 6.8 On this basis, the initial consideration of the application (paragraphs 6.1 and 6.2 of this report) against UDP Policy H7 and paragraph 55 of the NPPF remains the relevant test of whether or not the proposed development is acceptable. As the proposal fails to meet the exceptional criteria listed under these policies and with no other material considerations indicating that these principles should be set aside, the application is considered to be contrary to both local and national policy. Notwithstanding this, the finer detail of the proposal is considered below.
- 6.9 UDP policies S1 and DR1 require development to promote or reinforce the distinctive character and appearance of the locality specifically referring to a localities layout. This is a requirement reinforced by paragraph 61 of the National Planning Policy Framework. The application site is physically remote from the settlement of Bromyard. It does not relate to the built form of Bromyard nor does it provide connections to the facilities and services provided therein.
- 6.10 The application is for outline permission only and as such all other matters save for access are reserved for later consideration. The junction of Lower Hardwick Lane with Tenbury Road is substandard in terms of available visibility splays and there appears to be no opportunity to overcome this issue through the use of conditions attached to any permission given. However, Lower Hardwick Lane is already used by 7 dwellings and having consulted the Transportation Manager, the provision of one more dwelling along the lane is not considered to exacerbate the current highways safety concern to an extent which would warrant a refusal.
- 6.11 An indicative plan of the site layout has been submitted and it appears as if there is scope to provide ample parking. The indicated garden space is relatively small, particularly given the large plots which dwellings on lower Hardwick Lane occupy. However the garden would not be of a size which would preclude one's enjoyment of the space.
- 6.12 There are no apparent amenity or privacy issues in relation to the occupiers of neighbouring dwellings given the distance between dwellings and the application site, having particular consideration for Longlands approximately 20 metres south of the proposed dwelling.
- 6.13 To conclude, the proposed application site is relatively close to the town of Bromyard however it does not directly abut the settlement as required by the interim protocol issued by Cabinet in July 2012. Furthermore, Lower Hardwick Lane is not considered to provide safe pedestrian access to the facilities provided along Tenbury Road or elsewhere within Bromyard. On balance, the site is not considered to be sustainably located as required by the NPPF and UDP Policy S1. It is recommended that the application be refused.

That planning permission be refused for the following reasons:

- 1. The application site is remote from the settlement of Bromyard failing to physically relate to it. As such, the proposal does not respect the defined pattern of local development as required by policies S1 and DR1 of the Herefordshire Unitary Development Plan and the objectives of the National Planning Policy Framework, where paragraph 61 is of particular relevance.**

2. **Lower Hardwick Lane is a narrow, unlit lane with no recognised footpath. It would be unsafe to encourage further pedestrian use of this lane and as such the site is unsustainably located contrary to Policy S1 of the Herefordshire Unitary Development Plan and the objectives of the National Planning Policy Framework.**

3. **None of the exemption criteria listed under paragraph 55 of the National Planning Policy Framework and Policy H7 of the Herefordshire Unitary Development Plan which state circumstances where residential development in the open countryside may be acceptable have been met.**

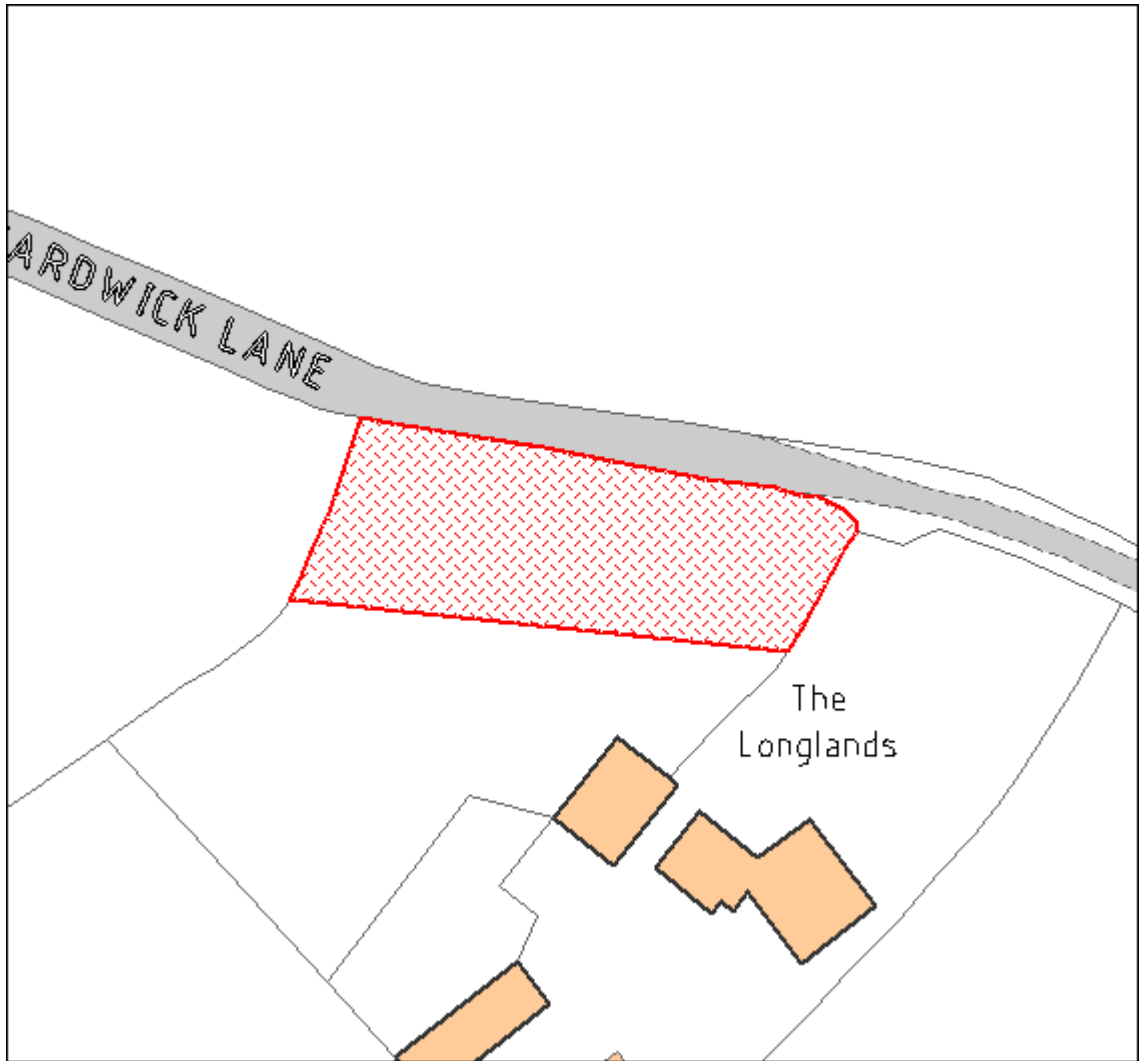
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132448/O

SITE ADDRESS : LAND ADJACENT TO LONGLANDS, LOWER HARDWICK LANE, BROMYARD, HEREFORD

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MEETING:	PLANNING COMMITTEE
DATE:	11 December 2013
TITLE OF REPORT:	132014/CD - REPLACEMENT OF EXTANT PLANNING PERMISSION S120972/CD AT MERRY GO ROUND DAY NURSERY, BOYCOTT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RN For: Mrs Ovel 10 Hazel Grove, Hereford, Herefordshire, HR2 7JX
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132014

Date Received: 23 July 2013

Ward: St Martins and Hinton

Grid Ref: 350553,238833

Expiry Date: 10 December 2013

Local Members: Councillors ACR Chappell, R Preece and Cllr Paul Rone

1. Site Description and Proposal

- 1.1 Our Lady's Primary School is situated between Walnut Tree Avenue and Boycott Road, to the south of Hereford City. Vehicular access to the school is via Boycott Road (Off Ross Road) with pedestrian access via gates on Walnut Tree Avenue and through the car park serving Our Lady's Church on Belmont Road.
- 1.2 The application site relates specifically to a mobile classroom, sited to the east of part of the school site, adjacent to the access from Boycott Road. There is a small area of outdoor playing space associated with the use. Access to the nursery site is via pedestrian gates from within the school grounds and directly from Boycott Road. The mobile building is used as a nursery building, run by Merry-Go-Round and is not part of the school operation.
- 1.3 The application is for the retention of this building for a five year period for continued use as an independent pre-school / nursery. Planning Approval was granted by the Planning Committee on a temporary basis on the 17th October 2012. The reason for this temporary approval was to allow for implementation of the traffic management plan and a period of time to assess its impact on the parking problems in the area.
- 1.4 The application submission includes an updated traffic management plan that outlines the steps and measures taken by the nursery to address the concerns raised about the parking and subsequent manoeuvring in Boycott Road. A summary of these measures are:
 - Parking provision at both Our Lady's Church (Vehicular access from Belmont Road) and St Martins Church, Ross Road (access to nursery from Boycott Rd)
 - Letters to new and existing parents advising of strict parking policies and consequences

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

- Signs appropriately displayed
- Ongoing communication and liaison with school about monitoring of parking;
- Access to school car park in certain circumstances and for staff parking.
- Provision of covered area for storage of bikes / pushchairs
- Encouragement of walking and cycling

2.

Policies

2.1 National Planning Policy Framework

Paragraphs 7, 8, 14, 32 are relevant.

Herefordshire Unitary Development Plan:

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

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

The applications relevant to this site are as follows:

- | | | |
|-----|-----------------|---|
| 3.1 | CW2000/2353/F | The erection of a mobile classroom unit to provide pre-school provision for a period up to 3 years. Approved with Conditions 8.11.2000. (Temporary permission expired 8 November 2003). |
| 3.2 | DCCW2003/3422/F | Continued use of mobile classroom providing pre and after school provision. Approved with Conditions 5.1.2003. (Temporary permission expired 5 January 2006). |
| 3.3 | DMCW/092683/CD | Increase height of existing fence line from 240mm to 3000mm between Church and school. Approved with Conditions 10 December 2009. |
| 3.4 | S11093CD | External alterations including new boundary fencing and gate arrangements. Approved with Conditions 24.3.2011. |
| 3.5 | S120972/CD | Continued use of mobile building to house pre-school - New 5 year lease to be agreed, so permission required to 2017 – Temporary Permission (1 year) 17 th October 2012. |

4. Consultation Summary

4.1 No statutory consultations

Internal Council Advice

4.2 The Transportation Manager raises no objection as the management plan and current working is acceptable for a further renewal of the temporary permission.

5. Representations

5.1 Hereford City Council makes the following comments: We support this application providing that the traffic management plan is adhered to and parents are complying with requirement to park in the Church car park

5.2 The application submission included letters of support from Herefordshire Council Early Years Lead Consultant identifying their support for the ongoing use of the portacabin as the nursery provides outstanding care and education. A second letter from the Head Teacher at Our Lady's Catholic Primary School also confirms that they have no objection to the application subject to the condition in respect of the traffic management plan.

5.3 Two letters of representation have also been received from residents of Boycott Road, Mr and Mrs McKwan and Mrs Nunnery who both acknowledge that the situation has improved but are concerned that this will not continue into the future and raise the following concerns:

- Vehicles block residents' driveways.
- Vehicles block the pavements obstructing pedestrians who then have to walk on the road.
- Property damaged where cars hit walls trying to turn in roads using driveways
- Potential danger to pedestrians and children that walk along the pathways, as cars turning and revering over the pavement.

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

6. Officer's Appraisal

6.1 Policy CF5 of the Herefordshire Unitary Development Plan relates to proposals that would result in the provision of new or improved community facilities or the enhanced use of existing facilities such as pre-schools / nurseries. These should be permitted where:

1. They are appropriate in scale to the needs of the local community and reflect the character of the area that they serve;
2. are located within or around the settlement of area they serve;
3. would not significantly impact upon the amenity of neighbouring residents;
4. and incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.

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

- 6.2 The pre-school / nursery has been operating since 2000 and is of a scale that is considered appropriate to serve the surrounding community. Its 'outstanding' report from Ofsted is acknowledged. The key concerns and issues in determining this application relates to the resulting parking issues and subsequent impact upon residents on Boycott Road and as such criteria 4 of the above policy needs further consideration.
- 6.3 Boycott Road is a narrow residential street, that is accessed from Ross Road. There are no formal parking restrictions along this road, but each dwelling has its own drive, with dropped kerbed access. As such there is restricted kerbside / on road parking available. As a result of this cars using Boycott Road to park obstruct the driveways of existing residents. The road is also relatively narrow, with no turning head and as a result of this cars needing to turn around will use driveways and / or drive on the pavement to turn.
- 6.4 The only vehicular access to the school site and to Merry Go Round is via Boycott Road. The car park is accessible for staff and pupils before and after school and via a buzzer system for deliveries during the day. However, gates were erected at this entrance in 2011 that restricted access during the school day (part of safeguarding requirements). The pedestrian gates from Walnut Tree Avenue and Our Lady's Church are also locked during school hours. As such all pedestrian and vehicular traffic is via Boycott Road.
- 6.5 As such the only way to access the nursery, until recently, when access was introduced from Our Lady's Church car park, was via the pedestrian access off Boycott Road. The nursery has a wider range of hours than normal school hours with drop off and pick up times staggered through the day from 8am to 5pm. Whilst staff park within the school grounds, there is no access to parking within the school site for parents. Historically, the result of this is that parents picking up by car tend to park in Boycott Road and it is this that has caused the objections and concerns to be raised.
- 6.6 The key concerns relate to the impact upon the amenities of the local residents from vehicles blocking driveways, turning in driveways, waiting in the street, and also highway and pedestrian safety. As a result of this the amenities of the local residents are prejudiced as they have difficulty accessing their properties, contrary to the requirements of policies DR2 and CF5 of the UDP.
- 6.7 Following the approval of the application in October 2012 for a 12 month period, the applicants have implemented their traffic management plan with parking provided in two car parks and access to the school directly from Our Lady's Church Car Park at key times for drop off and pick up for the nursery. Other measures in respect of advice and encouragement have also been provided and implemented. It is encouraging that both letters of representation acknowledge that there has been an improvement to this situation, but note the fears about this continuing.
- 6.8 It is accepted that, as a result of living close to a school, a certain amount of 'school related' traffic will be a consequence but both the school and nursery are acting in a proactive way to resolve these issues in the interests of amenities of local residents and highway safety.
- 6.9 Whilst there are concerns from residents about the continued use of the pre-school / nursery in this location, in relation to highway and pedestrian safety, and impact upon the amenities of neighbouring properties, the continued traffic and parking management plan for the duration of the permission is considered to be sufficient overcome concerns to a level that would ensure accordance with Policies DR2, DR3 and CF5 of the Herefordshire Unitary Development Plan. The benefits of the nursery are also worthy of consideration in the context of the NPPF and as such, the proposal is recommended for approval. As this is a temporary structure, a five year permission is considered appropriate.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **F20 Temporary permission and reinstatement of land**
- 2. **The operation of the nursery shall be undertaken in accordance with the traffic management plan received on 23 July 2013. A detailed written record shall be kept of the measures undertaken to prevent parking in Boycott Road/promote parking within the church car park. Documentation shall be made available for inspection upon reasonable request by the local planning authority.**

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

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.**

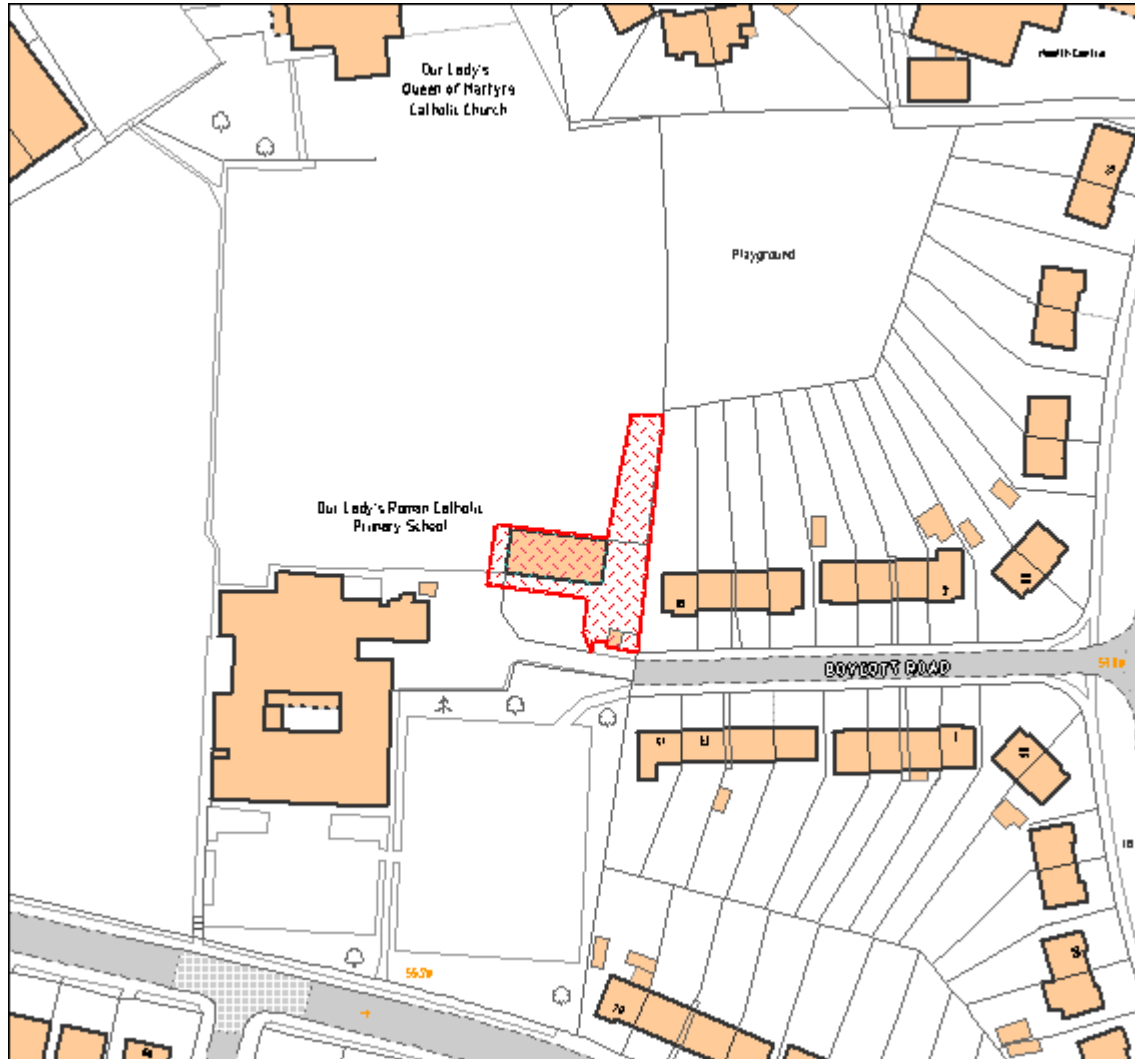
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132014/CD

SITE ADDRESS : MERRY GO ROUND DAY NURSERY, BOYCOTT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7RN

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



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	132674/O - RESIDENTIAL DEVELOPMENT AT LAND EAST OF WEOBLEY PRIMARY SCHOOL, WEOBLEY, HEREFORDSHIRE For: Mr Verdin per Mr James Spreckley MRIC FAAV, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132674

Date Received: 30 September 2013 **Ward: Golden Cross with Weobley** **Grid Ref: 340844,251242**

Expiry Date: 9 January 2014

Local Members: Councillor MJ K Cooper

1. Site Description and Proposal

- 1.1 The site which covers an area of approx. 0.5 of a hectare, is located outside, but adjacent to the recognised settlement boundary for Weobley, a main village in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The site is located alongside the Weobley Conservation Area and is not subject to any landscape designations.
- 1.2 The site is situated on an approach road to Weobley, within close proximity to the village's Primary and Secondary schools (situated alongside the site's western boundary, and separated from by a native hedgerow and ditch), and on the northern side, is adjoined by the C1094 public highway, from which it is separated by a native species hedgerow. The site forms part of a field laid down to a crop of autumn sown corn, on the eastern side, the site is adjoined by other fields. Alongside the southern boundary is a school playing field.
- 1.3 The application proposes the construction of 15 dwellings, and associated access road. The breakdown of the dwellings in relationship to amount of bedrooms is 8 – four bed units, 2 – three bed units and 5 affordable units, which consist of 3 – two bed units and 2 – three bed units.
- 1.4 The application is made in 'outline' with appearance, landscaping, layout and scale reserved for future consideration.
- 1.5 The application is accompanied by a Landscape and Visual Impact Assessment, ecological survey and indicative layout plans for illustration purposes. Also accompanying the application is a Draft Heads of Terms drawn up in accordance with Section 106 of the Town and Country Planning Act 1990 in-line with the Council's Supplementary Planning Document on Planning Obligations. This is attached as an appendix to the report.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- 1.6 The application site was subject to assessment in accordance with the Strategic Housing Land Availability Assessment and considered as suitable for housing development. However at the time of the assessment considered to have significant constraints, due to the land on opposite side of the adjacent C1094 public highway not being developed. On 5th June 2013 planning permission was granted for 8 affordable housing units, alongside the road frontage of this land subject to planning approval ref: N123065/F.

2. Policies

2.1 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

2.2 Herefordshire Unitary Development Plan

S1	–	Sustainable development
S2	–	Development requirements
S3	–	Housing
S10	-	Waste
DR1	–	Design
DR3	–	Movement
DR4	-	Environment
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
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora.
HBA6	-	New development in Conservation Areas.

2.3 Supplementary Planning Guidance

- Weobley Parish Plan
- Provision of affordable housing, (updated November 2004) and subsequent technical updates
- Planning Obligations

2.4 Herefordshire Local Plan Core Strategy

SS1	–	Presumption in favour of sustainable development
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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- SS2 – Delivering new homes
- SS3 – Releasing land for residential development
- SS4 – Movement and transportation
- SS6 – Addressing climate change
- RA1 – Rural housing strategy
- RA2 – Herefordshire's villages
- H1 – Affordable housing – thresholds and targets
- H3 – Ensuring an appropriate range and mix of housing
- OS1 – Requirement for open space, sports and recreation facilities
- OS2 – Meeting open space, sports and recreation needs
- MT1 – Traffic management, highway safety and promoting active travel
- LD1 – Local distinctiveness
- LD2 – Landscape and townscape
- LD3 – Biodiversity and geodiversity
- SD1 – Sustainable design and energy efficiency
- SD3 – Sustainable water management and water resources
- ID1 – Infrastructure delivery

2.5 Neighbourhood Planning

Weobley Parish Council has successfully applied to designate the Parish as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish Council will have the responsibility of preparing a Neighbourhood Development Plan for the area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

- 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:-

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

3. **Planning History**

- 3.1 96/0648 – New 6 classroom primary school, nursery and playing field. – Approved 31st October 1996. (Part of the playing field formed part of the site subject to this application).

4. **Consultation Summary**

Statutory consultees.

- 4.1 Welsh Water raises no objections subject to conditions with regards to foul and surfaces water discharges being attached to any approval notice issued.

Internal Council advice.

- 4.2 The Housing Manager raises no objections with consideration to the detail on 'affordable housing', as set out in the Draft Heads of Terms as attached to this report.
- 4.3 The Transportation Manager raises no objections recommending a condition is attached to any approval notice issued with regards to on site secure cycle storage for each dwelling and the attachment of informative notes with regard to necessary works within the adjacent public highway.
- 4.4 The Public Rights of Way Manager raises no objections.

- 4.5 The Parks and Countryside Manager raises no objections.
- 4.6 The Planning Ecologist raises no objections recommending a condition to be attached to any approval notice issued with regards to following the recommendations as set out in Section 5 of the ecologist's report dated August 2013 in relation to the identified protected species and habitat enhancement.
- 4.7 The Waste Manager comments about the internal layout of the site and the requirement for adequate consideration to bin collection points within the site.

5. Representations

- 5.1 Weobley Parish Council has responded indicating:

'The Parish Council was pleased to have the opportunity to hold an open meeting with residents to discuss this application and I am now submitting the Parish Council's comments as follows:

Weobley Parish Council does not have any objections to the development, but would like to see the provision of bike and bin storage within the site. Concerns are raised about traffic and road safety issues outside the schools and the Parish Council requests that there should be a 20mph along the Burton Wood Road to its junction with Hereford Road, together with traffic calming measures and a traffic light pedestrian crossing. With regard to the Section 106 agreement for the affordable housing units the Parish Council requests that the time period for taking up the affordable homes should be increased from 84 working days to 120 working days, following which the offer should be extended to people living in surrounding parishes'.

- 5.2 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

6. Officer's Appraisal

- 6.1 The site for the proposed development is located outside but adjacent to the recognised development boundary for Weobley and the application is brought to Committee due to the shortfall in the Council's five year housing land supply.
- 6.2 The application seeks outline planning permission for the erection of 15 dwellings on land outside but immediately adjacent a main village's settlement boundary (Policy H4 of the UDP). The application, in common with many considered by Planning Committee recently, is submitted against the backdrop of a published absence of a 5-year housing land supply as required by the National Planning Policy Framework (2012).
- 6.3 In response to the acknowledged deficit the Council introduced an interim protocol in July 2012. This recognised that in order to boost the supply of housing in the manner required it would be necessary to consider the development of sites outside existing settlement boundaries. The protocol introduced a sequential test, with priority given to the release of sites immediately adjoining settlements with town or main village status within the UDP. For proposals of 5 or more, the sites in the first rank in terms of suitability would be those identified as having low or minor constraints in the Strategic Housing Land Availability Assessment (SHLAA).
- 6.4 The position as regards the scale of the housing land supply deficit is evolving. Whilst the latest published position confirms a deficit, the magnitude of deficit reduces if all sites that are identified

as suitable, achievable and available are taken into account. This presupposes, however, that these sites will come forward within 5 years and that they will be given planning permission. As such, it remains the case that for the purposes of housing delivery the relevant policies of the UDP can be considered out of date. As such, and in accordance with paragraph 14 of the NPPF the Council should grant permission for *sustainable* housing development unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

- 6.5 The Government's position on this locally has also been confirmed by a recent appeal decision for 35 dwellings at Kingstone. The appointed Inspector made it clear that in the context of a housing land supply deficit there can be no legitimate objection to the principle of development outside the UDP defined development boundary; UDP Policy H4 being out of date.
- 6.6 There remains a requirement for the development to accord with other relevant UDP policies and NPPF guidance; paragraph 14 makes it clear that the balance between adverse impacts and benefits should be assessed against the policies in the NPPF as a whole. However, in terms of principle, if the development is acceptable in all other respects, officers consider that the conflict with UDP policy H7 is not a reason for refusal that could be sustained on appeal.
- 6.7 As well as consideration of the principle of developing a green-field site the application raises a number of material considerations requiring assessment against saved UDP policies and guidance laid down in the NPPF. Firstly, there is the assessment as to whether the development would represent sustainable development. The NPPF refers to the social, environmental and economic dimensions of 'sustainable development', but does not define the term. In this case the site is considered to represent a sustainable location for development, the village of Weobley providing a range of services considered necessary to sustain a typical household.
- 6.8 With consideration to the services provided in Weobley and the fact that the application site is located immediately adjacent to the existing settlement boundary, the site is considered sustainable in terms of its location.

Other matters

- 6.9 The application is made in outline, with all matters other than access reserved for future consideration. It is noted that the Transportation Manager raises no objections to the proposed development. The indicative layout plans submitted in support of the application for illustrative purposes, indicate that the development of 15 dwellings can be accommodated within the site in a satisfactory manner, in relationship to scale and design with consideration to the surrounding landscape and built environment.
- 6.10 The applicant has agreed to a Heads of Terms to form the basis for a Section 106 agreement under the Town and Country Planning Act 1990 for provision of 35% of the housing on site, as affordable housing in accordance with advice as set out by the Housing Manager and contributions towards local education infrastructure, transport infrastructure, off-site contributions towards improvements of existing play areas and sports facility, waste and library services, as indicated in the Heads of Terms as attached to this report.
- 6.11 The Planning Ecologist raises no objections with consideration to the ecology report submitted in support of the application with the attachment of a condition to any approval notice with regards to following the recommendations as set out in Section 5 of the ecologist's report dated August 2013.

- 6.12 It is considered that landscaping issues can be addressed satisfactorily with the attachment of conditions to any approval notice, in order to ensure the rural character of the site is retained. The Landscape and Visual Impact Assessment submitted in support of the application addresses issues of this nature in an acceptable manner.
- 6.13 Drainage issues have also been considered and it is recommended that conditions with regards to foul and surface water discharges are attached to any approval notice issued as recommended by Welsh Water in response to the application.
- 6.14 It is noted that whilst not objecting to the proposed development Weobley Parish Council have raised concerns about the requirement for traffic calming measures on the public highway that leads past the site, the need for bin and cycle storage on site, and also comment about the time period for advertising affordable housing to local persons. The Draft Heads of Terms as attached to this report indicates financial contributions towards local transportation infrastructure, and detail with regards to affordable housing provision and affordable housing allocation which is standard procedure for all development of this nature in Herefordshire. The issue with regards to cycle and bin storage is addressed via recommended conditions as attached to the report.

Conclusion

- 6.15 The site is immediately adjacent the settlement boundary (Policy H4, of the HUDP) and Weobley is identified as a main village in Policy RA1 of the emerging Core Strategy. The site is considered sustainable in terms of its location and although not previously developed, the principle of development can be accepted in the context of the housing land supply deficit. There are no site specific constraints to suggest conflict with the over-arching thrust of the NPPF so far as housing land supply is concerned and as such the application is recommended for approval.

RECOMMENDATION

That subject to the completion of a S106 agreement, officers named in the scheme of delegation to officers be authorised to grant planning permission subject to the following conditions and any other conditions considered necessary by officers.

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. B07 Section 106 Agreement**
- 6. C01 Samples of external materials**
- 7. H29 Secure covered cycle parking provision**
- 8. G10 Landscaping scheme**
- 9. G11 Landscaping scheme - implementation**
- 10. L01 Foul/surface water drainage**
- 11. L02 No surface water to connect to public system**
- 12. L03 No drainage run-off to public system**

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

13. No timber panel fencing will be installed alongside the rear or front elevations of the dwellings hereby permitted.

Reason: In consideration of the visual impact on the surrounding area and to comply with Policies HBA6 and LA2 of the Herefordshire Unitary Development Plan.

14. Provision will be made within the curtilage of each dwelling for adequate means of refuse storage in accordance with detail to be submitted in support of the future 'Reserved matters' application in connection to the development hereby approved.

Reason: With consideration to adequate means of refuse collection and to comply with Policy S10 of the Herefordshire Unitary Development Plan.

15. The recommendations set out in Section 5 the ecologist's report dated August 2013 must be followed in relation to the identified protected species and habitat enhancement. Prior to commencement of the development, a full working method statement together with a habitat enhancement plan must be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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 NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006

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. HN04 Private apparatus within highway

3. HN05 Works within the highway

4. N11C General

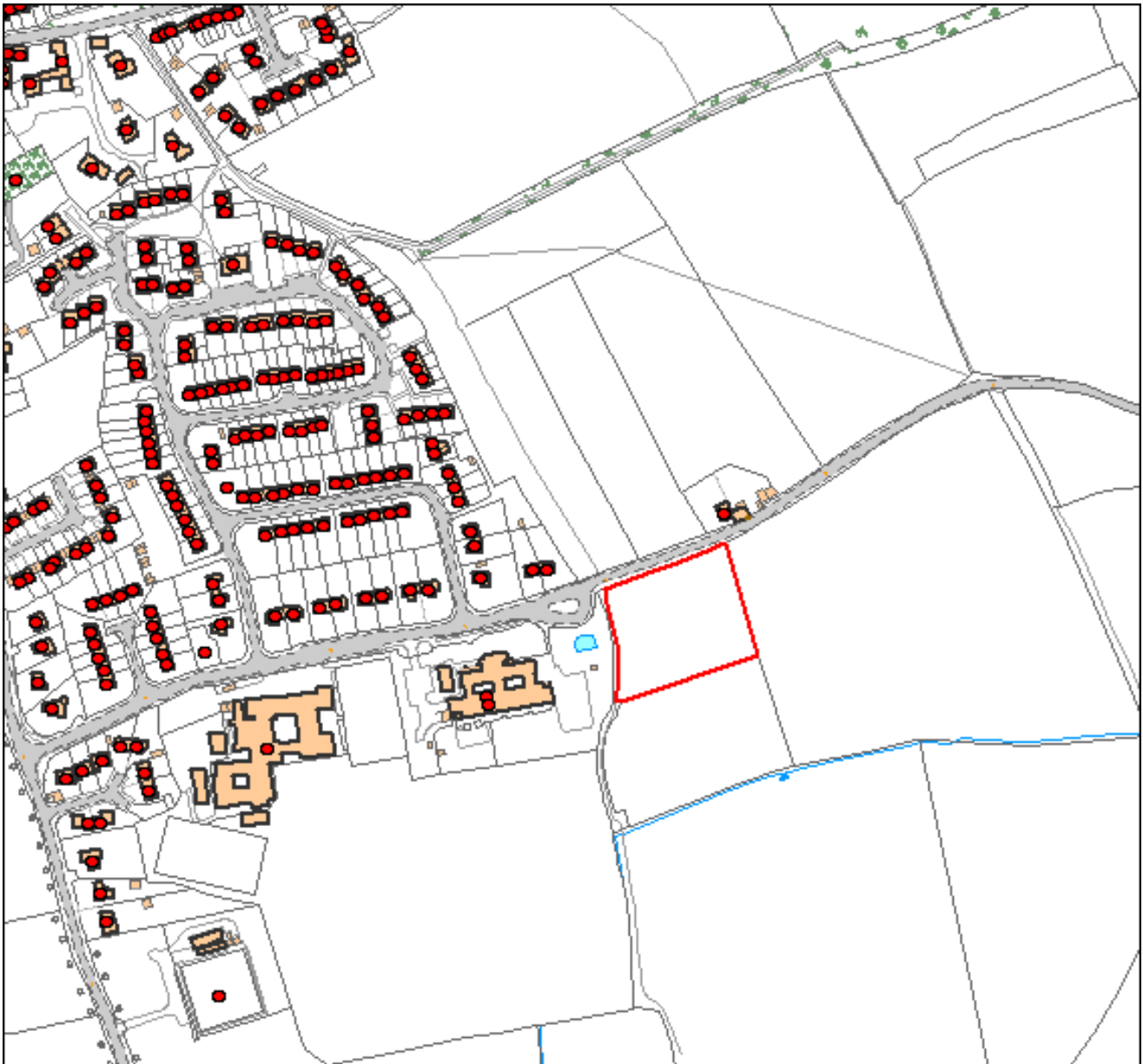
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132674/O

SITE ADDRESS : LAND EAST OF WEOBLEY PRIMARY SCHOOL, WEOBLEY, HEREFORDSHIRE

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DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Pre- Planning Application

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

Residential Development (erection of 15 dwellings) incorporating 35% affordable on land east of Weobley Primary School, Weobley, Herefordshire.

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£1,761	(index linked) for a 2 bedroom apartment open market unit
£3,001	(index linked) for a 2/3 bedroom open market unit
£5,844	(index linked) for a 4+ bedroom open market unit

to provide enhanced educational infrastructure at Weobley High School, Post 16, Youth Services and Special Education Needs. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sums of (per open market unit):

£2,458	(index linked) for a 2 bedroom open market unit
£3,690	(index linked) for a 3 bedroom open market unit
£4,917	(index linked) for a 4+ bedroom open market unit

to provide a sustainable transport infrastructure to serve the development, which sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.

The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:

- a) Traffic calming and traffic management measures in the locality
- b) New pedestrian and cyclist crossing facilities
- c) Creation of new and enhancement in the usability of existing footpaths and cycleways connecting to the site
- d) Provision of and enhancement of existing localised bus infrastructure
- e) Public initiatives to promote sustainable modes of transport
- f) Safer routes to school

3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of (per open market unit):

£965	(index linked) for a 2 bedroom open market unit
£1,640	(index linked) for a 3 bedroom open market unit

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

£2,219 (index linked) for a 4+ bedroom open market unit

To provide an off-site contribution towards the improvement of the existing play areas at Hopelands and Park View, Weobley The sum shall be paid on or before the commencement of development, and may be pooled with other contributions if appropriate.

4. The developer covenants with Herefordshire Council to pay the sum of:

£496 (index linked) for a 2 bedroom open market unit
£672 (index linked) for a 3 bedroom open market unit
£818 (index linked) for a 4+ bedroom open market unit

for sports (contribution based around the requirements of policy H19 and RST4 of the UDP and Sport England Sports Facilities Calculator). The monies shall be used by Herefordshire Council to improve indoor and outdoor sports facilities in the locality in accordance with the draft Playing Pitch Assessment. The sum shall be paid on or before the commencement of development, and may be pooled with other contributions if appropriate.

5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of:

£146.00 (index linked) for a 2 bedroom open market unit
£198.00 (index linked) for a 3 bedroom open market unit
£241.00 (index linked) for a 4+ bedroom open market unit

The contributions will provide for enhanced Library facilities. The sum shall be paid on or before the occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate.

6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £120 (index linked) per open market dwelling. The contribution will provide for waste reduction and recycling in Hereford. The sum shall be paid on or before occupation of the 1st open market dwelling, and may be pooled with other contributions if appropriate..
7. The developer covenants with Herefordshire Council that 35% (5 units – on basis of development of 15) 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.
8. Of those Affordable Housing units, at least 2 shall be made available for social rent with the remaining 3 being available for intermediate tenure occupation.
9. 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.
10. 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:-:
- 10.1 registered with Home Point at the time the Affordable Housing Unit becomes available for residential occupation; and

- 10.2 satisfy the requirements of paragraphs 11 & 12 of this schedule
- 11 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:-
- 11.1 a local connection with the parish of Weobley
- 11.2 in the event of there being no person having a local connection to the parish of Weobley a person with a local connection to one of the following parishes: Pembridge, Sarnesfield, Norton Canon, Yazor, Kings Pyon and Dilwyn' and Brinsop and Wormsley
- 11.2 in the event of there being no person with a local connection to a relevant parish referred to in sub clauses 11.1 and 11.2 above any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 12.1 above.
- 12 For the purposes of sub-paragraph 13.1 of this schedule 'local connection' means having a connection to one of the parishes specified above because that person:
- 12.1 is or in the past was normally resident there; or
- 12.2 is employed there; or
- 12.3 has a family association there; or
- 12.4 a proven need to give support to or receive support from family members; or
- 12.5 because of special circumstances;
- 13 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.
- 14 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.
- 15 In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1, 2, 3, 4, 5 and 6 above, for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
- 16 The sums referred to in paragraphs 1, 2, 3, 4, 5 and 6 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.

- 17 The developer covenants with Herefordshire Council to pay a surcharge of 2% of the total sum detailed in this Heads of Terms, as a contribution towards the cost of monitoring and enforcing the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
- 18 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.

Philip Mullineux
Planning Officer
20th August 2013.



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	132304/F - PROPOSED DEMOLITION OF EXISTING METAL CLAD STORAGE BUILDING AND ERECTION OF TWO NEW DWELLINGS WITH ASSOCIATED GARAGING, CYCLE STORAGE AND LANDSCAPING. AT LAND TO THE REAR OF WHITE HOUSE, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7LR For: Mrs Jenkins per Mr Jim Hicks, Second Floor Offices, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132304

Date Received: 20 August 2013

Ward: Castle

Grid Ref: 336558,245215

Expiry Date: 31 October 2013

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The application is located outside of but adjacent to the defined settlement boundary of Staunton on Wye, a designated main village in the local plan. The site is a backland plot that adjoins the existing dwellings of The White House and Rose Cottage to the South and The Cottage to the West and is slightly elevated above these properties. Agricultural land and open countryside adjoins and extends to the North. The site is accessed from a C Class road that runs through the core of this village and a Public Right of Way traverses the site.
- 1.2 The main centre of Staunton on Wye lies within walking distance to the south east and is identified as a main settlement by Policy H4 of the Herefordshire Unitary Development Plan. The village contains a number of services including a doctor's surgery, public house and recently completed replacement primary school. A number of rural businesses are also located within and around the immediate environs of the village.
- 1.3 The proposal is the demolition of the existing metal clad storage building and erection of two new dwellings with associated garaging, cycle storage and landscaping.

2. Policies

- 2.1 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

Further information on the subject of this report is available from Mr C Brace on 01432 261947

Section 7 – Requiring Good Design
Section 8 - Promoting healthy communities
Section 11 - Conserving and enhancing the natural environment

- 2.2
- S1 – Sustainable development
 - S2 – Development requirements
 - DR1 – Design
 - DR2 – Land use and activity
 - DR3 – Movement
 - H4 – Main villages: settlement boundaries
 - H13 – Sustainable residential design
 - T8 – Road hierarchy
 - LA2 – Landscape character and areas least resilient to change
- 2.3 Herefordshire Local Plan – Draft Core Strategy
- SS1 - Presumption in Favour of Sustainable Development
 - SS2 - Delivering New Homes
 - SS3 - Releasing Land for Residential Development
 - SS4 - Movement and Transportation
 - RA1 - Rural Housing Strategy
 - RA2 - Herefordshire's Villages
 - MT1 - Traffic Management, Highway Safety and Promoting Active Travel
 - LD1 - Local Distinctiveness
 - LD2 - Landscape and Townscape
 - LD3 - Biodiversity and Geodiversity
 - SD1 - Sustainable Design and Energy Efficiency
- 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 None relevant

4. Consultation Summary

- 4.1 The Council's Transportation Manager has no objection.
- 4.2 The Council's PROW Officer notes the proposed parking area is very close to public footpath SY6. The footpath has been marked on plans, but a condition requiring a PROW officer to visit site with GPS to clearly mark the path before any work commence is requested. If works were perceived to be a threat to path users, then a temporary closure would need to be applied for.

5. Representations

- 5.1 Staunton on Wye Parish Council objects to the application, noting it is outside the settlement boundary and a previous application was refused on that basis with further issues included highways and impact on adjoining properties.
- 5.2 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

6. Officer's Appraisal

- 6.1 The site falls outside of the settlement boundary for Staunton on Wye as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. The proposal does not satisfy any of the exception criteria outlined by Policy H7 of the UDP and therefore is contrary to it. However, it is necessary to consider whether there are any other planning policy or material planning considerations to support the principle of development. In this case there are two material matters that will influence the determination of this application. They are as follows:
- The Council's Annual Monitoring Report into housing land availability and the lack of a five year housing land supply
 - The emergence of the National Planning Policy Framework
- 6.2 Herefordshire Council's published position is that it does not have an up to date 5 year supply of housing land and as such, as set out in paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development and in situations where there is no up to date housing land supply, local plan policies on housing delivery are not considered to be up to date.
- 6.3 A 'golden thread' running through the NPPF is a presumption in favour of sustainable development. Having regard to the aims and objectives of the NPPF and its clear policy steer, the application site is considered in principle to be acceptable for appropriate levels of residential development. This is due to the characteristics of the site itself, being low level constraint wise and in a sustainable location, given it adjoins the defined settlement boundary Staunton on Wye, a main village listed under policy H4 featuring numerous services and facilities.
- 6.4 Paragraph 187 of the NPPF encourages Local Authorities to 'look for solutions and not problems' and to 'approve applications for sustainable development wherever possible'. This application has benefited from detailed pre application discussions and the proposal hereby assessed is a result of that dialogue and work.
- 6.5 The dwellings are identical and have a symmetrical T shape plan form and feature a render and timber clad external finish elevations and slate roof. Providing accommodation over 1 ½ stories, the dwelling has a maximum height to ridge of 7.6 metres, width of 4.9 metres and depth of 11.2 metres. The design is a contemporary twist derived from examples of local vernacular, with a facing gable in the principal elevation the main design feature. The dwellings are orientated so the principal elevations face onto the parking area and that the side elevation and roof eaves address The White House. This ensures there is no unacceptable conflict between the existing and proposed dwellings amenity and privacy or any undue massing impact.
- 6.6 The dwellings are served by a pair of semi detached double garages measuring 12.2 x 6.4 metres in plan and a height to ridge of 5.2 metres located opposite to and West of the dwellings. The garages enclose the new courtyard turning area. New parking is also provided for Rose Cottage opposite the White House.
- 6.7 The overall proposal, having regard to its design, scale, mass and layout is considered appropriate to the context and a comprehensive landscaping scheme further mitigates and integrates the proposal. The design aims and objectives of UDP Policies S1, DR1, H13 and LA6 and the NPPF are satisfied.

- 6.8 The PROW that traverses the site has been considered. The legal route is considered to be unaffected, running to the West of the proposed garage block. However as a precaution and as requested by the PROW Officer an informative note is recommended to ensure it is protected. The Transportation Manager has no objection regarding highways and vehicle movements into and out of the site. The intensification of the existing access is considered acceptable and maintenance of the existing hedgerow will ensure satisfactory visibility onto the C Class road given the relatively slow speeds hereabouts.
- 6.9 On the basis of the above, approval is recommended having regard to relevant local and national planning policies, and applicable material considerations. These are considered to be addressed and satisfied. The proposal will deliver small scale housing to the village of a design and form appropriate to the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. Solar panels or other external renewable energy installations**
- 4. F08 No conversion of garage to habitable accommodation**
- 5. F14 Removal of permitted development rights**
- 6. F16 No new windows in specified elevation**
- 7. G11 Landscaping scheme - implementation**
- 8. H09 Driveway gradient**
- 9. H13 Access, turning area and parking**
- 10. I24 Standard of septic tank/soakaway system**
- 11. I16 Restriction of hours during construction**

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. Prior to the commencement of development, the applicant is advised to contact the PROW Officer to arrange a site visit to confirm the exact position of Public Footpath SY6. Any threat to the safe use of the footpath may require an application for its temporary closure.**

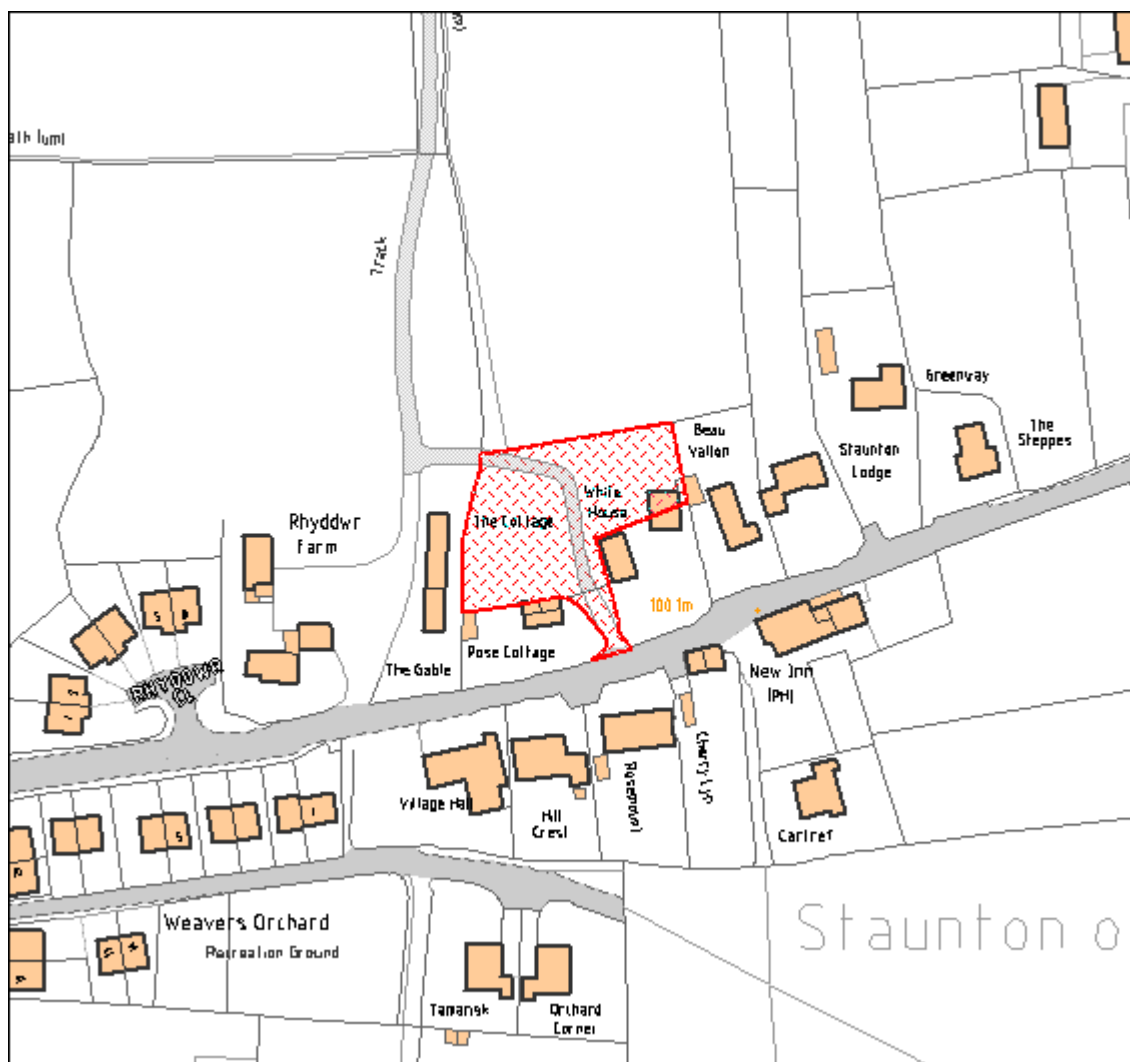
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132304/F

SITE ADDRESS : LAND TO THE REAR OF WHITE HOUSE, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7LR

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	132629/F - PROPOSED NEW DWELLING WITH ATTACHED GARAGE AT LAND AT REAR OF STANDALE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7LT For: Mr Chant per Mr Jim Hicks, 2nd Floor Offices, 46 Bridge Street, Hereford, HR4 0ET
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132629

Date Received: 23 September 2013 **Ward: Castle** **Grid Ref: 336366,245230**
Expiry Date: 18 November 2013
 Local Members: Cllr JW Hope MBE

1. Site Description and Proposal

- 1.1 The application is located outside of but adjacent to the defined settlement boundary of Staunton on Wye, a designated main village in the local plan. The site is a backland plot that adjoins the existing dwellings of Drover's Cottage and 'Birtley' to the West and to the South an existing garage business under the applicant's ownership. Land immediately to the East is also under the applicant's ownership and control. To the North is currently agricultural land that has an extant outline planning permission for residential development. The site is accessed from a C Class road that runs through the core of this village.
- 1.2 The main centre of Staunton on Wye lies in walking distance to the South and is identified as a main settlement by Policy H4 of the Herefordshire Unitary Development Plan. The village contains a number of services including a doctor's surgery, public house and recently completed replacement primary school. A number of rural businesses are also located within and around the immediate environs of the village.
- 1.3 The proposal is the erection of a dwelling and detached garage.

2. Policies

2.1 Herefordshire Unitary Development Plan:

S1	–	Sustainable development
S2	–	Development requirements
DR1	–	Design
DR2	–	Land use and activity
DR3	–	Movement
H4	–	Main villages: settlement boundaries
H13	–	Sustainable residential design

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- T8 – Road hierarchy
- LA2 – Landscape character and areas least resilient to change

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 Herefordshire Local Plan – Draft Core Strategy

- SS1 – Presumption in Favour of Sustainable Development
- SS2 – Delivering New Homes
- SS3 – Releasing Land for Residential Development
- SS4 – Movement and Transportation
- RA1 – Rural Housing Strategy
- RA2 – Herefordshire's Villages
- MT1 – Traffic Management, Highway Safety and Promoting Active Travel
- LD1 – Local Distinctiveness
- LD2 – Landscape and Townscape
- LD3 – Biodiversity and Geodiversity
- SD1 – Sustainable Design and Energy Efficiency

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 None relevant

4. Consultation Summary

4.1 The Council's Transportation Manager has no objection.

5. Representations

5.1 Staunton on Wye Parish Council objects to the application as the site lies outside the UDP Settlement Boundary which is assumed to still apply.

5.2 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

Further information on the subject of this report is available from Mr C Brace on 01432 261947

6. Officer's Appraisal

- 6.1 The site falls outside of the settlement boundary for Staunton on Wye as defined by the Herefordshire Unitary Development Plan (UDP) and therefore falls within open countryside. The proposal does not satisfy any of the exception criteria outlined by Policy H7 of the UDP and therefore is contrary to it. However, it is necessary to consider whether there are any other planning policy or material planning considerations to support the principle of development. In this case there are two material matters that will influence the determination of this application. They are as follows:
- The Council's Annual Monitoring Report into housing land availability and the lack of a five year housing land supply
 - The emergence of the National Planning Policy Framework
- 6.2 Herefordshire Council's published position does not have an up to date 5 year supply of housing land and as such, as set out in paragraph 49 of the NPPF, housing applications should be considered in the context of the presumption in favour of sustainable development and in situations where there is no up to date housing land supply, local plan policies on housing delivery are not considered to be up to date.
- 6.3 A 'golden thread' running through the NPPF is a presumption in favour of sustainable development. Having regard to the aims and objectives of the NPPF and its clear policy steer, the application site is considered in principle to be acceptable for appropriate levels of residential development. This is due to the characteristics of the site itself and in a sustainable location, given it adjoins the defined settlement boundary Staunton on Wye, a main village listed under policy H4 featuring numerous services and facilities.
- 6.4 Paragraph 187 of the NPPF encourages Local Authorities to 'look for solutions and not problems' and to 'approve applications for sustainable development wherever possible'. This application has benefited from detailed pre application discussions and the proposal hereby assessed is a result of that dialogue and work.
- 6.5 The dwelling is located in the North East corner of the site approximately in line with the development approved under planning permission N121940/O, so orientated that the principal elevation faces South. The associated curtilage provided runs from the site's North boundary, South, to almost in line with the rear elevation of the adjoining Drover's Cottage. A new East boundary is introduced, separating the dwelling from land retained with the garage enterprise. This delineation is to be marked by a new native species hedgerow.
- 6.6 Access is via an extension of the existing arrangement, running up the West side of the curtilage, with a small green landscape buffer between the access and the boundary with the adjoining Drover's Cottage. Access is improved in the existing drive through the removal of a chimney and stack on the East elevation of Standale, an unlisted dwelling South of the application site. Vehicle movements to and from the proposal are considered to be inconsequential regarding their impact on adjoining amenity given the existing garage use and levels of vehicle movements that generates.
- 6.7 The dwelling has a rectangular form providing accommodation at ground and first floor levels with an attached single storey garage on the West elevation, stepped back from the principle elevation to reduce massing and to demark subservience to the main house. The dwelling measures 18 x 7.9 metres in plan, excluding the porch on the principle elevation. The garage measures 6.4 x 6.2 metres in plan with a height to ridge of 5.2 metres. A palette of materials appropriate to this rural village are utilised, including brickwork plinth, rubble stone chimney stack, rendered elevation, natural slate roof covering and timber weatherboarding.

- 6.8 No windows are incorporated in the West elevation save for a ground floor window in the garage. The rear elevation of Drover's Cottage is 32 metres away, Birtley House is 40 metres away at an oblique angle. No Reserved Matters application has been approved on the adjoining land with an outline permission and as such, that application if and when it is designed will have to take account of this development if it is approved. Given all of the above it is considered there is no privacy or amenity issues between the proposal and existing dwellings.
- 6.9 The overall proposal, having regard to its design, scale, mass and layout is considered appropriate to the context and a comprehensive landscaping scheme further mitigates and integrates the proposal. The design aims and objectives of UDP Policies S1, DR1, H13 and LA6 and the NPPF are satisfied.
- 6.10 Having regard to the unsatisfactory conflict between the existing garage business vis-à-vis vehicular movements, and in the interests of amenity and safety, the dwelling has been agreed by the applicants to be tied by a condition for occupancy only by someone working as their principle means of employment in the adjoining garage enterprise. A further condition preventing separate sale from the enterprise is also recommended. For the avoidance of doubt this dwelling is not advanced under a functional needs basis regarding the existing enterprise.
- 6.11 On the basis of the above, approval is recommended having regard to relevant local and national planning policies, and applicable material considerations. These are considered to be addressed and satisfied. The proposal will deliver small scale housing to the village of a design and form appropriate to the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. C64 Restriction on separate sale**
- 4. Occupancy restriction**
- 5. G11 Landscaping scheme - implementation**
- 6. H09 Driveway gradient**
- 7. H13 Access, turning area and parking**
- 8. I24 Standard of septic tank/soakaway system**

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.**

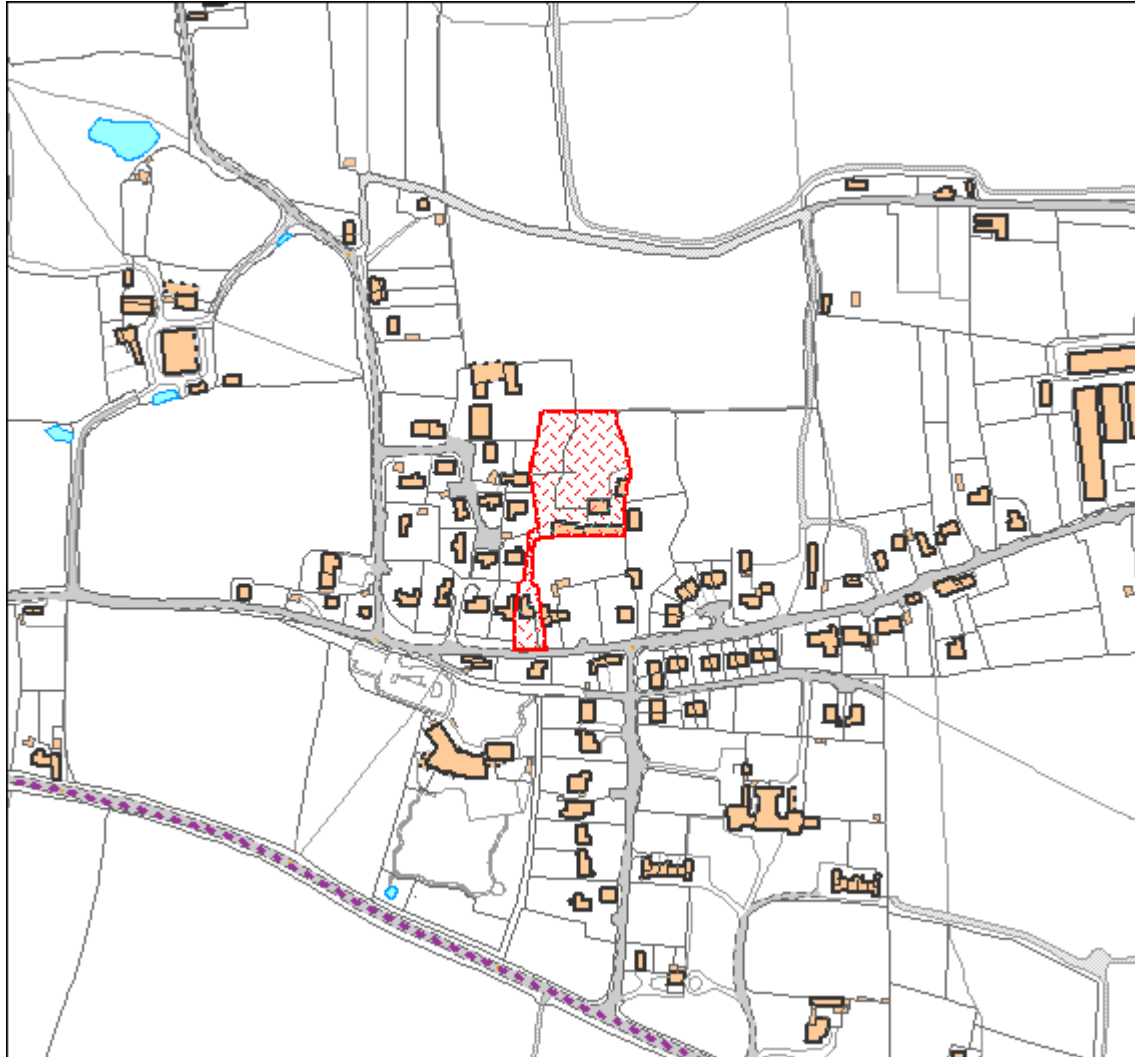
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132629/F

SITE ADDRESS : LAND AT REAR OF STANDALE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7LT

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Further information on the subject of this report is available from Mr C Brace on 01432 261947



MEETING:	PLANNING COMMITTEE
DATE:	11 DECEMBER 2013
TITLE OF REPORT:	<p>132566/CD - VARIATION OF CONDITION 2 OF PLANNING PERMISSION DCNC0009/1820/CD - TO ALLOW THE USE OF THE MULTI-USE ROOM FOR THE PURPOSE OTHER THAN ANCILLARY TO THE HOPE CENTRE, UP TO 4 NO COUNCIL STAFF AS PART OF THE COUNCIL'S BETTER WAYS OF WORKING POLICY. AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU</p> <p>For: Property Services, Plough Lane Offices, P O Box 4, Hereford, HR4 0XH</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132566

Date Received: 17 September 2013 **Ward: Bromyard**

Grid Ref: 364443,253846

Expiry Date: 15 January 2014

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).

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

1.4 Application 123428/CD granted permission for a variation to the hours of opening of the second/main building. The building now has permission to be open 7am to 6pm on Sundays and Bank Holidays and 7am to 10.30pm on any other day.

1.5 This application proposes to vary condition 2 of planning permission DCNC0009/1820/CD to allow the first floor of part of the building, which is currently an open multi use area, to be used by four council staff as part of the Councils 'Better Ways of Working' strategy. The four allocated desks provide access to internet and email. The facility is aimed at Council employees living locally and will enable them to carry out their job without having to travel into Hereford. Council staff will also have access to the meetings rooms should they wish to use them. 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. The Design and Access Statement accompanying the application indicate that since 2012 there is between three to four Council Staff using the centre daily.

1.6 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.

1.7 The proposal is to vary this condition to allow the Multi Use area, which was approved under application DCNC0009/1820/CD, to be used by four Herefordshire Council Employees as a Multi Agency Office.

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.aspx>

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.
- 3.9 N123414/CD – Variation of condition 15 of DCNC0009/1820/CD – Withdrawn
- 3.10 N123415/CD – Variation of condition 2 of DCNC0009/1820/CD – Withdrawn
- 3.11 N123428/CD – Variation of condition 14 of DCNC0009/1820/CD - Approved

4. Consultation Summary

4.1 Statutory Consultations

4.1 None.

Internal Council Advice

- 4.2 Traffic Manager – No objection to the proposal subject to a condition being attached to an approval in relation to a travel plan which should promote alternative sustainable means of transport by staff.
- 4.3 Environmental Health Officer – No objection

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

5. Representations

5.1 Bromyard Town Council – No comment made at the time of writing the report.

5.2 A representation against the proposal has been received Mr and Mrs Morris the occupiers of Touchwood, the residential property which adjoins the site to the north. The objection to the proposal is summarised below:

1. Proposal will change the nature of the site and will lead to the gradual breakdown of the site into unrelated units;
2. The proposal will significantly alter the intended use of the site and represent over development;
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. There are many unoccupied units within town centre which haven't been considered;
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 an impact assessment of the surrounding area;
9. The proposal will increase the existing parking problems at the site; and
10. The application does not identify who else will use the multi use area.

5.3 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.
4. The other work spaces within the multi use area are reserved for other professional working in conjunction with the HOPE Family Centre, with the same pre-booking system as the four for the Council Staff.

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

6. Officer's Appraisal

6.1 This application follows the withdrawal of a similar application in May, where officers raised concerns in relation to policies TCR10 and E7 of the Herefordshire Unitary Plan as the site is detached from the central shopping and commercial areas of Bromyard.

- 6.2 Policy E7 within the UDP sets the provision for 'other employment proposals within and around Hereford and the market towns'. The use being proposed is considered to be of a small scale, however 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.
- 6.3 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 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.
- 6.4 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 accessible 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. The application site is considered to be accessible given it is one of the main routes into the town centre.
- 6.5 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 who surround it. Whilst its 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.
- 6.6 Within the Design and Access Statement it is identified that two other locations were looked at, those being The Queen Elizabeth Humanities College and The Bromyard Centre. Both were discounted due to lack of suitable space.
- 6.7 It is noted that the facility is one of seven Multi Agency Offices the Council have within the county. The others are located in the market towns with two within Hereford. The overall aim of the facility is to encourage Council Staff to use offices nearer their home to reduce the need to travel into Hereford. All the offices are located within buildings which have other uses such as schools or other offices. This is mainly due to the scale, nature and flexibility of the multi-agency offices, with the number of staff using them changing on a daily basis.
- 6.8 The application site is in an out-of-centre location and therefore given the policy context outlined above the main issue that needs to be considered with the proposal is the potential impact on the vitality and viability of Bromyard Town Centre. The issue is finely balanced, however by virtue of its scale and its nature, the proposal to allow a maximum of four council employees to use the multi-use area at any one time is considered to have a minimal impact on the vitality and viability of Bromyard Town Centre.
- 6.9 Given the neighbours' concerns consideration has also been given to the parking at the site. It is possible for all 4 Council Employees to arrive at the site by car and therefore policy T11 of the UDP requires all proposals to incorporate suitable provision for car parking. The Design and Access Statement states that there are four dedicated car parking spaces already allocated for staff utilising the MAO. It is also stated that staff are encouraged to use other methods to travel to the centre.
- 6.10 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. To vary the condition to allow four council employees to use part of the building to work in is not considered to detrimental to the overall use of the site which is as a community centre

- 6.11 Full consideration has been given to policies E7 and TCR10 of the UDP, however on balance and by virtue of its scale and nature the proposal is considered to represent a sustainable form of development, which in essence will be ancillary to the main overall use of the building as a community centre. Furthermore the scale of the proposal will not put additional pressure of the parking within the site. A condition requiring a travel plan to address and promote alternative sustainable means of transport will also assist in ensuring the scheme promotes sustainable transport initiatives.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. 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), other than the Multi Use Area identified on drawing number PSD/H/13/MAO submitted under this application, which can be used by a maximum of four Herefordshire Council Employees as a multi agency office.**

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. 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 DR1 of the Herefordshire Unitary Development Plan.

- 3. Within 3 months of the date of this permission a detailed plan identifying the 4 allocated parking spaces for the Council Employees shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than for the parking of Council Employees.**

Reason: In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

- 4. To ensure the development remains ancillary to the main use of the site a log book shall be kept of all Council Employees using the facility, identifying the date and times of use as well as their position held within the Local Planning Authority. The log book shall be made available at all times to the Local Planning Authority to inspect.**

Reason: To ensure that the development is ancillary with the main use of the site and the use as a community centre continues to comply with the requirements of

Policy CF5 of the Herefordshire Unitary Development Plan.

5. H30 Travel plans

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 132566/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