

AGENDA

Planning Committee

Date: **Wednesday 24 February 2016**

Time: **10.00 am**

Place: **Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman

Vice-Chairman

Councillor PGH Cutter

Councillor J Hardwick

Councillor BA Baker

Councillor CR Butler

Councillor PJ Edwards

Councillor DW Greenow

Councillor KS Guthrie

Councillor EL Holton

Councillor JA Hyde

Councillor TM James

Councillor JLV Kenyon

Councillor FM Norman

Councillor AJW Powers

Councillor A Seldon

Councillor WC Skelton

Councillor EJ Swinglehurst

Councillor LC Tawn

AGENDA

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 3 February 2016.</p>	7 - 20
5.	<p>CHAIRMAN'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairman.</p>	
6.	<p>APPEALS</p> <p>To be noted.</p>	21 - 26
7.	<p>150052 - LAND OFF GINHALL LANE, LEOMINSTER</p> <p>Proposed 10 no dwellings with garages.</p>	27 - 36
8.	<p>150053 - LAND AT AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE</p> <p>Proposed 25 dwellings with garages and car spaces.</p>	37 - 46
9.	<p>153764 - 16 CORNEWALL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HF</p> <p>Proposed extension, dormer loft conversion and replacement of conservatory/lean to with glazed extension.</p>	47 - 52
10.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 15 March 2016</p> <p>Date of next meeting – 16 March 2016</p>	

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 3 February 2016 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, JLV Kenyon, FM Norman, AJW Powers, WC Skelton, D Summers, EJ Swinglehurst and LC Tawn

In attendance: Councillors H Bramer, DG Harlow and J Stone

137. APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Seldon.

138. NAMED SUBSTITUTES

Councillor D Summers substituted for Councillor A Seldon.

139. DECLARATIONS OF INTEREST

There were no declarations of interest.

140. MINUTES

RESOLVED: That the Minutes of the meeting held on 13 January 2016 be approved as a correct record and signed by the Chairman.

141. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

142. APPEALS

The Planning Committee noted the report.

143. 153511 - LAND ADJACENT TO THE B4222, LEA, ROSS-ON -WYE, HEREFORDSHIRE,

(Proposed outline consent (including details of access) for the erection of up to 38 dwellings.)

The Principal Planning Officer gave a presentation on the application. He noted that the Committee had previously refused two applications for the same proposal. The applicant, having lodged an appeal against the original refusal of the application, had now made a further resubmission of the same proposal. Since the consideration of the original application the Council had adopted the Core Strategy and the resubmission of the application had to be considered in that new context.

In accordance with the criteria for public speaking, Mr P Fountain, of Lea Parish Council spoke on the application. He commented that the Parish Council did not support the application. However, on the basis of officer advice that an appeal could not be successfully defended and the Council would incur costs, the Parish Council would reluctantly recommend approval subject to a number of conditions as set out in its response at paragraph 5.1 of the report. Mr S Banner, Chairman of Lea Action Group, spoke in objection. Mr M Askew, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor H Bramer, spoke on the application.

He made the following principal comments:

- Officers had advised him that the grounds advanced by the Committee for refusing the previous applications could not be defended at appeal.
- The Parish Council reluctantly accepted the proposal, subject to conditions set out at paragraph 5.1 of the report.
- If the Parish Council's requests were met this would help to mitigate the impact of the proposal.

In the Committee's discussion of the application the following principal points were made:

- The officer advice that the grounds for refusing the previous applications could not be defended at appeal was acknowledged.
- There was support for the conditions advanced by the Parish Council.
- It was regrettable that the Committee appeared to be unable to respond to the Parish Council's clear reservations about the proposal and the concerns that it would represent overdevelopment.
- Concern was expressed that the issue of ensuring financial support was in place for the ongoing maintenance of public open space in the case of this and other applications remained unresolved.
- Tree planting as part of the landscaping proposals would be helpful in reducing flooding.
- It would also be helpful if works provided for in an S106 agreement were undertaken prior to the completion of a development and its occupation.
- This was another example of a situation where the wishes of the Parish Council were being overridden, in part because of the delay in advancing neighbourhood plans. One year into the life of the Core Strategy the minimum housing allocations for a number of areas were already being exceeded. The implication of this was that other areas would be able to accept less development than had been planned because the overall target for the Parish would have been met by overdevelopment elsewhere.

The local ward member was given the opportunity to close the debate. He reiterated the importance of the Parish Council's conditions being met. He also requested that consideration be given at the reserved matters stage to the provision of bungalows to meet local housing need.

The Development Manager commented that the S106 agreement would provide a number of benefits including highway improvements. Surveys to address the flooding issues were being progressed and approval of the application would assist in ensuring that the necessary finance to support measures to address the flooding was secured. The scheme would still provide six affordable dwellings. The request that single storey

dwellings be considered would be added to the grant of permission as an informative together with the Parish Council's requirement for community consultation prior to the submission of reserved matters.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

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. B01 Development in accordance with approved plans
5. C01 Samples of external materials
6. The development shall include no more than 38 dwellings and no dwelling shall be more than two storeys high.

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

7. H03 Visibility splays
8. H06 Vehicular access construction
9. H09 Driveway gradient
10. H11 Parking - estate development (more than one house)
11. H17 Junction improvement/off site works
12. H18 On site roads - submission of details
13. H19 On site roads - phasing
14. H20 Road completion in 2 years
15. H21 Wheel washing
16. H27 Parking for site operatives
17. H29 Secure covered cycle parking provision
18. H30 Travel plans
19. L01 Foul/surface water drainage
20. L02 No surface water to connect to public system
21. L04 Comprehensive & Integrated draining of site
22. G04 Protection of trees/hedgerows that are to be retained
23. G10 Landscaping scheme
24. G11 Landscaping scheme - implementation
25. K4 Nature Conservation - Implementation
26. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
 - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

27. The Remediation Scheme, as approved pursuant to condition no. (26) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

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. HN10 No drainage to discharge to highway
3. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN28 Highways Design Guide and Specification

7. **HN27 Annual travel Plan Reviews**
8. **HN25 Travel Plans**
9. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
10. **The assessment required by condition 26 of this permission is required to be undertaken in accordance with good practice guidance should be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012. All investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.**
- 11 **Some of the development should be single storey.**
- 12 **Community consultation should be undertaken prior to the submission of a reserved matters application.**

144. 153240 - LAND AT OLD HOLLOWAY, LITTLE BIRCH, HEREFORDSHIRE

(Proposed detached passivhaus design, self-build, single-storey dwelling.)

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.

In accordance with the criteria for public speaking, Mr M Leigh, a local resident, spoke in objection. Mr G Mikurkic, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor DG Harlow spoke on the application.

He made the following principal comments:

- A large proportion of the village had expressed strong opinions about the application. There were 9 letters in support with 15 letters of objection. He therefore thought that the application warranted consideration by the Committee.
- Whilst building was needed in rural areas, noting in particular the shortage of affordable housing, there was a question as to whether Aconbury was a suitable location for development given the lack of facilities.
- He acknowledged that the Core Strategy did list Aconbury as a settlement. Aconbury would have to accept some development even though there was a dislike of change. However, there was concern that approval of the application would set a precedent for further development.
- The access was difficult, some 50m down a Byway Open to All Traffic (BOAT) on a steep gradient with modest visibility to the east.

In the Committee's discussion of the application the following principal points were made:

- The proposed development was modest, not obtrusive and would fit in with the local area. It would provide accommodation for a family that lived and worked in the area. It was in accordance with policy RA2.
- Regarding the access, anyone could use the BOAT. It had also previously served as an access to a rifle club. It would, however, be important for the Council to be mindful of the need to ensure that the BOAT was maintained to cope with the increased use.

- The development was sustainable and as a Passivhaus development it had regard to environmental considerations including energy efficiency and low running costs.

The local ward member was given the opportunity to close the debate. He expressed the hope that the fact that the matter had been debated in public by the Committee would enable the various opinions within the community to be reconciled.

The Development Manager commented that whilst officers would not previously have supported development in this type of location, the Core Strategy identified a number of small settlements where applications of this type would now be supported. The development represented organic growth.

RESOLVED: 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. **F08 - No conversion of garage to habitable accommodation**
4. **F14 - Removal of permitted development rights**
5. **C01 - Samples of external materials**
6. **G01 - Earthworks**
7. **G02 - Retention of trees and hedgerows**
8. **G11 - Landscaping scheme – implementation**
9. **C14 - Landscape management plan**
10. **Within six months of the first occupation of the dwellinghouse hereby permitted, evidence of Passivhaus certification received from the Passivhaus Institute in Darmstadt shall be submitted to the Local Planning authority by an accredited Passivhaus assessor.**

Reason: The sustainability credentials of the dwellinghouse were given considerable weight in the decision of the Local Planning Authority to grant planning permission for the development and to accord with Policy SD1 and SS6 of the Herefordshire Local Plan – Core Strategy.

11. **CE6 - Water use**
12. **I33 - External lighting**
13. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reasons:

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 Policy LD2 of Herefordshire Local Plan – Core Strategy and the NPPF.

To comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

14. **H03 - Visibility splays**
15. **H09 - Driveway gradient**
16. **H05 - Access gates**
17. **H13 - Access, turning area and parking**
18. **H29 - Covered and secure cycle parking provision**
19. **H27 - Parking for site operatives**
20. **I16 - Restriction of hours of 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. I11 - HN01 Mud on highway**
- 3. 109 - HN04 Private apparatus within highway**
- 4. I45 - HN05 Works within the highway**
- 5. I05 - HN10 No drainage to discharge to highway**
- 6. I47 - HN24 Drainage other than via highway system**
- 7. I35 - HN28 Highways Design Guide and Specification**

145. 152559 - LAND TO THE SOUTH EAST OF STANLEY BANK FARM, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE

(Proposed conversion of a dutch barn to provide a dwelling with annexed holiday accommodation.)

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. He reported that one additional letter of support had been received.

In accordance with the criteria for public speaking, Mr W Mears, of Kimbolton Parish Council spoke in support of the Scheme. Mr M Duggan, the applicant's son, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor J Stone, spoke on the application.

He made the following principal comments:

- The application was a modest and well designed proposal. It would contribute to the housing growth expected in the Parish in accordance with the Core Strategy and to tourism in accordance with policy E4.
- The Parish Council supported the proposal. There were 26 letters of support and no letters of objection.
- There were no objections from the internal consultees with the exception of the Conservation Manager (Historic Buildings). The local ward member cited a publication by the Leominster Historical Society which suggested, contrary to that officer's view, that there was historic merit in the barn in question. The proposed conversion of the barn was sympathetic.
- The proposal was sustainable in accordance with policy RA2, being less than 10 minutes walk from the centre of the village.
- The applicant's family had resided in Kimbolton for generations and was part of the local community. In addition to providing accommodation for the family, the proposal would increase the security of the current farming enterprise.

In the Committee's discussion of the application the following principal points were made:

- The Parish Council supported the proposal and there were also letters of support from local residents.
- The application met a local need and preserved the barn.

- The officer's recommendation that the application should be refused might be a strictly correct interpretation of the letter of the relevant policies but it was not pragmatic.
- Some Members considered the proposal complied with policies RA2 and RA4. Others questioned whether the proposal was in fact a conversion of a building and whether it was therefore in accordance with policy RA5, and also expressed doubt as to whether it was intended to provide key workers' accommodation and was therefore in accordance with policy RA4.

The local ward member was given the opportunity to close the debate. He reiterated his support for the application.

The legal representative confirmed the legal definition of a building and that the barn fell within that description.

The Development Manager commented that the proposal created structures outside the fabric of the building and was not a conversion. It was not adjacent to the main settlement of Kimbolton and therefore did not comply with policy RA2. Policies RA3 and RA5 were relevant. No case had been made in the application to there being an agricultural need for the proposed dwelling. The proposal had to be considered as an application for development in the open countryside of one holiday unit and one dwelling for family use only.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary.

146. 153174 - THE THREE HORSESHOES INN, LITTLE COWARNE, HEREFORD, HR7 4RQ

(Proposed new single storey dwelling and detached garage.)

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, Mrs J Whittall, the applicant, spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor BA Baker, spoke on the application.

He made the following principal comments:

- The purpose of the proposal was to allow the applicants' son to move into the public house and run the business with the applicants moving to the new dwelling but continuing to assist with the management of the premises supporting the existing service provision. The alternative was for the applicants to sell the business.
- The public house was a focal point for residents and local community groups. There was local support for the application and concern about any threat to the viability of the public house.
- He considered the proposal did comply with policy RA2 which listed Pencombe as a settlement. This could be considered to encompass Little Cowarne which was not specifically mentioned.
- The site was not in open countryside but was close to the church and formed the centre of the settlement.

In the Committee's discussion of the application the following principal points were made:

- Little Cowarne was not listed as a settlement under policy RA2 and the application was therefore not in accordance with that policy.
- The proposal benefitted the family and the local community.
- Whilst not in accordance with policy it could be argued that the business was fulfilling an essential need for the public.
- It was suggested that a condition should be imposed tying the proposed new dwelling to the public house.

The Development Manager commented that the applicants had made a case for the application. Policy RA2 did not apply. However, it could be argued that policies RA3 and RA4 could be considered relevant. However, there was already sufficient living accommodation at the premises for a live-in manager meaning policy RA3 was not applicable. Policy RA4 provided approval for such proposals might be considered acceptable where the proposal sustained an existing functional need. A condition could be imposed tying the proposed new dwelling to the public house.

The local ward member was given the opportunity to close the debate. He reiterated his view that there was justification for the development.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to a condition tying the proposed new dwelling to the public house and any other conditions considered necessary.

147. 153000 - UNIT 3, 109-111 BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7JR

(Variation of condition 7 of planning permission cw2002/3803/f and condition 1 of planning permission cw2003/3853/f)

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr M Jones, a local resident, spoke in objection to the application. Mr A Salariya, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor P Rone, spoke on the application.

He commented that the local residents already had to endure considerable late night noise emanating from the premises car park. The proposal would cause additional detriment to the residential amenity of the area. He did not believe that the conditions being proposed to mitigate the nuisance would be enforceable.

In the Committee's discussion of the application there was support for the views of the local ward member that the application should be refused on the grounds that it would be detrimental to the residential amenity of adjoining residential property.

The Development Manager commented that Environmental Health and Licensing Officers had assessed the noise level and did not consider that it was a statutory nuisance. It was therefore a planning matter. However, residential amenity was a slightly lesser test and a material consideration. He considered that the proposed conditions could be enforced provided the right mechanisms were put in place. A 12ft wall was already in place and it would be inappropriate and detrimental to the neighbouring properties to increase the height with a further attenuation fence.

The local ward member was given the opportunity to close the debate. He had no additional comments.

RESOLVED: That planning permission be refused and that officers named in the Scheme of Delegation to Officers be authorised to finalise the drafting of the reasons for refusal for publication, based on the Committee's view that the application should be refused because it was detrimental to the residential amenity of adjoining residential property.

148. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Updates

The meeting ended at 1.07 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 3 February 2016

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

153240 - PROPOSED DETACHED PASSIVHAUS DESIGN, SELF-BUILD, SINGLE-STOREY DWELLING ON LAND AT OLD HOLLOWAY, LITTLE BIRCH, HEREFORDSHIRE.

For: Mrs Freeman per Mr George Mikurcik, Upper Twyford, Twyford, Hereford, Herefordshire HR2 8AD

ADDITIONAL REPRESENTATIONS

Aconbury Parish Clerk has written to clarify that the comments are made for Aconbury Parish MEETING and not Aconbury Parish COUNCIL. Further, whilst the comments were submitted by the Clerk, they have not been agreed at a Parish meeting.

OFFICER COMMENTS

None

NO CHANGE TO RECOMMENDATION

152559 - PROPOSED CONVERSION OF A DUTCH BARN TO PROVIDE A DWELLING WITH ANNEXED HOLIDAY ACCOMMODATION AT LAND TO THE SOUTH EAST OF STANLEY BANK FARM, KIMBOLTON, LEOMINSTER, HEREFORDSHIRE

For: Mr & Mrs Duggan per RRA Architects, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

ADDITIONAL REPRESENTATIONS

The Transportation Manager Recommends conditions be attached, in the event that planning approval is granted.

One further letter of support raises issues already set out in the Committee report.

The applicant's agent has submitted a rebuttal to the report the conclusions of which are as follows:-

The planning report is wrong to conclude that the proposal is 'unsustainable development in a prominent location in open countryside' as Kimbolton is a sustainable location, and is listed within table 4.20 of Core Strategy Policy RA2; and, whilst the Neighbourhood Plan is silent on the settlement boundary, the proposal represents an ideal opportunity to bring about

sustainable development to meet the Local Authority's 5-year housing annual delivery supply target.

Given 22 letters of support, which encourage the design merits of the proposal, and encourage conversion of the Dutch Barn, to provide a home for Mr & Mrs Duggan, and provide a local tourism facility; and, given the fact that no objections have been received and the Parish Council has offered support, the proposal complies with Core Strategy Policy SS1, SS6, SD1, RA2, RA3, RA4, and RA5.

OFFICER COMMENTS

The site lies outside the built up area of Kimbolton and therefore the report is correct that the location is in open countryside.

NO CHANGE TO RECOMMENDATION

153174 - PROPOSED NEW SINGLE STOREY DWELLING AND DETACHED GARAGE AT THE THREE HORSESHOES INN, LITTLE COWARNE, HEREFORD, HR7 4RQ

For: Mr Whittall per Lett & Sweetland Architects, 58 London Road, Worcester, Worcestershire, WR5 2DS

ADDITIONAL REPRESENTATIONS

The Transportation Manager recommends conditions if planning approval is granted.

One letter of support states that the public house is one of four remaining in the locality. The Public House is a centre of activity in area. The proposal will allow applicants to retire and employ a manager to look after the public house

OFFICER COMMENTS

The matters raised are covered in the report to Committee.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	24 FEBRUARY 2016
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 an executive decision

Recommendation

That the report be noted.

APPEALS RECEIVED

Application 152572

- The appeal was received on 29 January 2016
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal is brought by Mr Thomas & Mrs Sara Williams
- The site is located at Winter Barn, Wallow Farm, Pontshill, Ross-On-Wye, Herefordshire, HR9 5TQ
- The development proposed is Proposed single storey rear extension (Retrospective).
- The appeal is to be heard by Householder Procedure

Case Officer: Miss Emily Reed on 01432 383894

Application 150994

- The appeal was received on 4 February 2016
- 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 Hanson
- The site is located at Home Farm, Eardisland, Leominster, Herefordshire, HR6 9DN
- The development proposed is Proposed raising roof of existing portal framed agricultural building, including 2 no. additional bays.
- The appeal is to be heard by Written Representations

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

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

Application 143769

- The appeal was received on 5 February 2016
- 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 Upper House Farm Ltd
- The site is located at Upper House Farm, Moreton-On-Lugg, Hereford, HR4 8AH
- The development proposed is Proposed construction of six poultry houses and feed bins, ancillary works, erection of biomass boiler building and single storey ancillary building, amendments to existing vehicular access and associated landscaping. The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley on 01432 261815

Application 151160

- The appeal was received on 11 February 2016
- 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 N W & I Roper
- The site is located at Land adj. Home Farm, Pencraig, Ross-on-Wye, Herefordshire, HR9 6HR
- The development proposed is Proposed retention of existing hard surface and driveway for storage of sugar beet and straw
- The appeal is to be heard by Written Representations

Case Officer: Mr C Brace on 01432 261947

APPEALS DETERMINED

Application 143488

- The appeal was received on 14 August 2015
- 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 New Shelf Ltd
- The site is located at Land adjacent Hartleton Farm, Bromash, Ross-on-Wye, Herefordshire, HR9 7SB
- The development proposed was Proposed erection of four dwellings
- The main issues were:
 - whether the site represents a sustainable location for housing development, having regard to relevant national and local policies for development in the countryside;
 - the effect of the proposed development on the landscape character and appearance of the area;
 - whether the proposed dwellings would provide future occupiers with acceptable living conditions, having regard to motorway traffic noise; and
 - whether any material considerations, including particularly a fallback position, indicate that the proposed development should be permitted.

Decision:

- The application was Refused under Delegated Powers on 11 May 2015
- The appeal was Dismissed on 26 January 2016

Case Officer: Mr Roland Close on 01432 261803

Application 133173

- The appeal was received on 2 July 2014
- 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 Mr TJ Parry
- The site is located at Burnt Mill, Hampton Wafre, Docklow, Leominster, Herefordshire, HR6 0SN
- The development proposed was Erection of two Gaia 133 11kW turbines on 27m tubular towers - 33.5m height to blade tip.
- The main issue in this appeal is whether the two proposed turbines, when considered cumulatively with the turbines that have been permitted or proposed in the vicinity, would have a significantly adverse effect on the character of the landscape and, if they would, whether this is outweighed by any wider environmental, social and economic benefits of the scheme.

Decision:

- The application was Refused under Delegated Powers on 10 April 2014
- The appeal was Dismissed on 28 January 2016
- An Application for the award of Costs, made by the Appellant against the Council, was Dismissed

Case Officer: Mr A Prior on 01432 261932

Application 150008

- The appeal was received on 10 August 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal was brought by Mr And Mrs A Lively
- The site is located at Metal Barns at Lane Head Farm, Eaton Bishop, Herefordshire
- The development proposed was Proposed Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class C3), and for Associated Operational Development - change of use of an agricultural building to two dwellinghouses.
- The main issue is whether sufficient information has been provided to demonstrate that the proposal is permitted development under Class Q.1(i) of the GPDO in terms of the building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouse).

Decision:

- The application was Refused under Delegated Powers on 27 February 2015
- The appeal was Dismissed on 3 February 2016

Case Officer: Ms Kelly Gibbons on 01432 261781

Application 150594

- The appeal was received on 23 September 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Prior Approval
- The appeal was brought by Mr Henry May
- The site is located at Stable Block, Tidnor Wood Orchards, Tidnor Lane, Lugwardine, Herefordshire, HR1 4DF
- The development proposed was Proposed change of use farm building to dwelling house for agricultural worker.
- The main issue was whether or not the proposal would comply with the permitted development criteria set out in Class Q.1(a) of the GPDO 2015 and, if so, then whether or not it would require prior approval in respect of Class Q.2.

Decision:

- The application was Refused under Delegated Powers on 22 April 2015
- The appeal was Allowed on 3 February 2016

Case Officer: Mrs Charlotte Atkins on 01432 260536

Application 151797

- The appeal was received on 2 October 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Planning Permission (Householder)
- The appeal was brought by Mr Harris c/o agent
- The site is located at Chockbury Cottage, Chockbury Lane, Cradley, Malvern, Herefordshire, WR13 5NA
- The development proposed was Proposed two storey rear extension to provide garage, home office, bathroom and en-suite bedroom above.
- The main issue was whether the proposed works and development would preserve the listed building, or any features of special architectural or historic interest which it possesses.

Decision:

- The application was Refused under Delegated Powers on 6 August 2015
- The appeal was Dismissed on 3 February 2016

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 151798

- The appeal was received on 2 October 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Refusal of Listed Building Consent
- The appeal was brought by Mr Harris c/o agent
- The site is located at Chockbury Cottage, Chockbury Lane, Cradley, Malvern, Herefordshire, WR13 5NA
- The development proposed was Proposed two storey rear extension to provide garage, home office, bathroom and en-suite bedroom above.
- The main issue was whether the proposed works and development would preserve the listed building, or any features of special architectural or historic interest which it possesses.

Decision:

- The application was Refused under Delegated Powers on 6 August 2015
- The appeal was Dismissed on 3 February 2016

Case Officer: Mr Fernando Barber-Martinez on 01432 383674

Application 151287

- The appeal was received on 5 August 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mrs Deborah Mitchell
- The site is located at The Stables, Kinnersley, Hereford, Herefordshire, HR3 6NY
- The development proposed was Proposed removal of condition 1 of planning permission reference P/143727/F (Mobile home in association with an equine business (retrospective)) - to retain the existing structure as a dwelling with no EOC.
- The main issue was whether a permanent dwelling is acceptable in this location having regard to the aims of sustainability.

Decision

- The application was Refused under Delegated Powers on 1 July 2015
- The appeal was Dismissed on 4 February 2016

Case Officer: Mr M Tansley on 01432 261815

Application 143384

- The appeal was received on 5 August 2015
- 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 Ms C Kent
- The site is located at Cheshire Bungalow, B4348, Peterchurch, Herefordshire
- The development proposed was Site for proposed erection of bungalow in place of 'Cheshire Bungalow'.
- The main issue is the effect of the proposal on highway safety.

Decision:

- The application was Refused under Delegated Powers on 9 March 2015
- The appeal was Dismissed on 4 February 2016

Case Officer: Mr Matt Tompkins on 01432 261795

Application 151249

- The appeal was received on 21 August 2015
- 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 Carolyn Bradley
- The site is located at Land adjacent to Putley Court, Putley
- The development proposed was Proposed construction of a single dwelling.
- The main issues were
 - i) the sustainability of the location and the effect of the dwelling on the countryside;
 - ii) the effect on the setting and significance of adjacent heritage assets;
 - iii) the impact on wildlife;
 - iv) the impact on the cedar tree
 - v) and if any harm is caused whether that is outweighed by other material considerations or public benefits.

Decision:

- The application was Refused under Delegated on 6 July 2015
- The appeal was Dismissed on 4 February 2016

Case Officer: Mr A Prior on 01432 261932

Application 150013

- The appeal was received on 22 October 2015
- 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 M Cleves
- The site is located at Towns End Cottage, 10 Hereford Road, Leominster, Herefordshire, HR6 8JU
- The development proposed was Site for proposed residential development.

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

- The main issue was the effect of the proposed dwellings upon highway safety.

Decision:

- The application was Refused under Delegated Powers on 27 February 2015
- The appeal was Dismissed on 5 February 2016

Case Officer: Mr A Prior on 01432 261932

Application 151548

- The appeal was received on 3 September 2015
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against Planning Conditions
- The appeal was brought by Mrs Kimberley Manning
- The site is located at Land at Y Tylluan, Kinnersley, Hereford, HR3 6QA
- The development proposed was Proposed erection of a 14 unit cattery, 1 no. isolation unit and a reception/kitchen in the rear of the garden
- The background and main issues were:
Planning permission has been granted for a cattery within the rear garden of the existing dwelling. The appellant wishes to extend the opening hours from those originally imposed to include the period between 1600 and 1800 hours on Saturdays. The main issue is the effect that these additional opening hours would have on the living conditions of local residents.

Decision:

- The application was Allowed under Delegated on 29 July 2015
- The appeal was Allowed on 5 February 2016

Case Officer: Mr Andrew Stock on 01432 383093

Application 151122

- The appeal was received on 30 September 2015
- 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 Mr Michael Williams
- The site is located at Land at Lower Meadow Farm, Snodhill, Peterchurch, Dorstone, Herefordshire
- The development proposed was proposed change of use of agricultural land for the siting of a mobile home for residential use for a period of up to three years.
- The main issues were):a) whether there is an essential functional need for an agricultural worker to be resident on the site and, if so, whether this need is likely to endure as part of a financially sustainable business; and b) the effect of the proposal on the character and appearance of the area.

Decision:

- The application was Refused under Delegated Powers on 29 July 2015
- The appeal was Dismissed on 11 February 2016

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:	24 FEBRUARY 2016
TITLE OF REPORT:	150052 - PROPOSED 10 NO DWELLINGS WITH GARAGES AT LAND OFF GINHALL LANE, LEOMINSTER, For: Mr Owens & Parry per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150052&search=150052
Reason Application submitted to Committee – Re-direction	

Date Received: 9 January 2015

**Ward: Leominster
West**

Grid Ref: 347541,258931

Expiry Date: 10 April 2015

Local Members: Councillor FM Norman

Introduction

This application together with the adjoining planning application (150053) was presented to Planning Committee on 9 December 2015, following a committee site inspection. The Committee resolved that the two applications be deferred in order that consideration could be given to the two sites being served by one access point off Cholstrey Road. The report has been updated to reflect the additional consultations following submission of the amended layout comprising the single access.

1. Site Description and Proposal

- 1.1 This is an outline application with all matters except access reserved for subsequent consideration. The application site forms part of a field bounded by the u/c 93607/ Ginhall Lane to the northwest and the B4529 Cholstrey Road on the southwest. The site area is approximately 0.74 hectares.
- 1.2 Access, which is to be considered as part of this application is onto Cholstrey Road and will require removal of a length of hedgerow to achieve the necessary visibility splays.
- 1.3 A unilateral undertaking to cover affordable housing and developer contributions has been submitted and is currently under consideration.
- 1.4 The following application on the agenda relates to the remaining part of this field, and the field adjoining to the south.

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

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

L01	-	Development in Leominster
H1	-	Affordable Housing - Thresholds and Targets
MT1	-	Traffic Management
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Development
SS2		Delivering New Homes

2.2 National Planning Policy Framework (NPPF).

The following chapters are of particular relevance to this proposal:
Introduction - Achieving sustainable development

Section 4 - Promoting sustainable communities
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 Neighbourhood Planning

The Neighbourhood Plan Area was designated on 27 July 2012. The plan has reached Regulation 16 stage and is a material consideration. However it is still within the consultation period and therefore is not sufficiently advanced to attract weight for the purposes of determining planning applications.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 06/1199/F - Closing off of existing field access and creation of a new one. Approved 6/12/06

3.2 98/108/O - Erection of a 40 bed holiday hotel. Refused 17/6/98

3.3 96/987/O - Erection of a 40 bed holiday hotel. Withdrawn 14/3/87

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water: No Objection

SEWERAGE Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Welsh Water has no objection to the proposed development.

4.2 West Mercia Police:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have reasonable access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community well being within Leominster, particularly given that its proximity to the existing housing areas of Barons Cross and Buckfield are of relevance within this context.

Internal Council Consultees

4.3 Transportation Manager

No objection subject to a series of conditions as set out in the recommendation below.

S106 Highway Contributions based on the following:

Medium Accessibility; 2 bedrooms = £1967; 3 bedrooms = £2592; 4 bedrooms = £3933

4.4 Drainage Consultant:

We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

Prior to construction we would also require the following information to be provided:

- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

4.5 Conservation Manager (Ecology)

I have read the ecological report now submitted for this application and should say that it is very brief. However, knowing the site and reading the report I would agree that this development is likely to have a low impact given the biodiversity status of the site. There was no search commissioned from Herefordshire Biological Records Centre. This would have revealed badgers active within the vicinity. Although the report states no evidence of badgers on the site, the potential presence will need accommodating in any plan to develop the site to avoid issues during construction. Any work clearing scrub will need to take place outside the nesting season for birds with inclusion of some enhancements for birds in the development. If this application is to be approved I would therefore advise that the following non-standard condition is attached as follows:

Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

4.6 Environmental Health Manager (contamination):

I refer to the above application and would make the following comments in relation to contaminated land issues only.

Our records suggest the proposed development site is close to a former brick works, this may be considered a potentially contaminative use. This doesn't appear to encroach the site and our

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

records do not suggest the associated clay pit has been filled but I would recommend the following be added as an informative in any case.

Recommended note

"The proposed development is near to a former brick works and clay pit These may be considered potentially contaminative uses, our records do not suggest that this encroaches on to the site or that the clay pit has been filled but the applicant may wish to satisfy themselves this is the case through suitable assessment should there be any concern."

4.7 Parks and Countryside Manager:

Although developments of 35 houses could provide a good sized POS and play on site (using recommended standards of provision from both the Play Facilities Study and the Fields in Trust Guidance of 0.8ha of play to include 25ha formal play per 1000 population) given its location near to an existing play area at Ginhall Green, investment to provide additional play equipment here would help to improve this facility and its play value. In accordance with the Play Facilities Study and Investment Plan, the existing provision although in reasonable condition, is only for juniors, is small and offers little in play value. This area could be expanded and developed into a more exciting play area for both existing residents and those from the proposed development. The Leominster Neighbourhood Plan also supports this view and within its green and open space policies acknowledges the need to both protect and enhance this area.

Therefore, in accordance with the SPD on Planning Obligations we would ask for this contribution based on market housing only as follows:

2 bed: £ 965

3 bed: £1,640

4+ bed: £2,219

(This comment was made on the basis that the two application may have been combined to simplify the s106 procedure, hence reference to 35 houses. Nevertheless the requirements apply equally to both sites)

4.8 Parks and Countryside Manager, on re-consultation reiterates recommendation above

4.9 Education and Commissioning Manager:

Spare capacity at both schools therefore no contribution can be requested.

4.10 Waste Management Manager states refuse collection service will only operate on adopted Highway. Collection points should be a maximum of 25 metres from adopted highway.

5. Representations

5.1 Leominster Town Council:

Committee RESOLVED to object to this planning application on the following grounds:

- The application is premature to the adoption of the Herefordshire Core Strategy and the Leominster Area Neighbourhood Plan which specifically designate land suitable for development;
- The application is sited in the Strategic Green Corridor as identified within the Green Infrastructure Plan adopted by Herefordshire Council and is therefore contrary to local planning policy;

- There are major concerns regarding highway safety and the proposed access and egress routes.

5.2. Leominster Town Council, on re-consultation

Recommend Refusal for the following reasons:

- The proposal goes against Policy LD3 of the adopted Herefordshire Core Strategy which requires the retention of existing Green Infrastructure corridors and linkages;
- The proposal is sited directly in the Green Corridor as designated by both the Adopted Core Strategy and the emerging Leominster Area Neighbourhood Plan;
- The background papers continue to refer to the Urban District Plan which has now been superseded by the recently adopted Herefordshire Core Strategy;
- The proposal goes against Policy LANP 10 of the emerging Leominster Area Neighbourhood Plan, currently at Regulation 16 Stage;

The Leominster Area Neighbourhood Plan supports the adopted Herefordshire Core Strategy especially with regard to the protection of the Green Infrastructure Corridor.

Council also wished its previous outstanding objections to be taken into consideration:

The application is sited in the Strategic Green Corridor as identified within the Green Infrastructure Plan adopted by Herefordshire Council and is therefore contrary to local planning policy;

There are major concerns regarding highway safety and the proposed access and egress Routes.

5.3 Leominster Civic Trust object as piecemeal development on a green field site, when brown field sites remain undeveloped, and highway safety.

5.4 Herefordshire CPRE object on basis of development of green corridor.

5.5 Eight letters of objection have been received making the following points:

1. Outside of the UDP boundary
2. Greenfield site, brownfield land available
3. The NP identifies this land as part of the green corridor
4. Highway safety, poor junction –site of many accidents.
5. Ginhall Lane is used as a rat run and by pedestrians
6. The road floods near the junction.

5.6 One letter of objection has been received, following re-advertisement

Priority should be given to site opposite for 425 houses, with a percentage of affordable homes

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150052&search=150052>

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

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

6. Officer's Appraisal

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require local planning authorities to determine applications in line with provisions of the local development plan unless material considerations dictate otherwise.

6.2 In this instance the Development Plan is the recently adopted Herefordshire Local Plan-Core Strategy. HCS Policy SS1 enforces what is at the heart of the Government's National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) specific elements of national policy indicate that development should be restricted.*

6.3 Policy SS2 (Delivering new homes) of the Core Strategy sets out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Local Plan the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the HCS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).

6.4 The protection once afforded to this site from residential development ended with the adoption of the Core Strategy. Policy L01 of this new plan advises that a minimum of 2300 new dwellings are required for Leominster during the plan period to 2031. A minimum of 1500 of these are to be provided via the strategic site on the south side of the town, leaving a further 800 to reach the minimum target, 425 of which have been approved on Barons Cross Camp. This still leaves a minimum of 300 to be found in or on the edge of Leominster.

6.5 There is a requirement to provide 25% affordable housing on applicable sites in the Leominster housing market area. The proposal here is to provide, by way of a unilateral undertaking, that proportion on the adjoining site, ref 150053 amongst the 25 houses proposed. The intention is to provide a low density development on the current site which then softens the transition from open countryside to town, on this edge of town location.

6.6 The revised access will take traffic from the site together with traffic from the adjoining site onto Cholstrey Road Therefore, the objections raised in representations received previously have been addressed in respect of use of Ginhall Lane and the junction with Cholstrey Road and through traffic using the unclassified road .

6.7 There are no significant landscape features and no objection on landscape grounds. HCPRE and the Town Council have objected to the development of an area identified as part of

a green corridor. Policy LD1 of Core Strategy requires the protection and enhancement of the setting of settlements. This can be achieved with the retention of the hedgerow boundary onto Ginhall Lane, notwithstanding the need for removal of hedgerow on Cholstrey Lane. The planting of trees and hedgerow across both sites on an area, presently without any trees will assist in integrating the well treed Ginhall Lane corridor to the east with Cholstrey Lane

- 6.8 The Town Council state that the proposal is contrary to the provisions of the Neighbourhood Development Plan. Whilst the Plan is at the Regulation 16 stage, it is still at the consultation period, and has not been the subject of Examination by an appointed Inspector and therefore limited weight can be given to it. The site is however in a sustainable location for residential development.
- 6.9 It is considered that this is an appropriate site for residential development subject to a satisfactory resolution of the S106 agreement / unilateral undertaking and the compliance with the matters raised by consultees at the reserved matters stage.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms referred to in the report and to be circulated as part of the committee update, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

- 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 Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

- 5 L01 Foul/surface water drainage**
- 6 L02 No surface water to connect to public system**
- 7. L03 No drainage run-off to public system**
- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.**

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system

- 9. I20 Scheme of surface water drainage**

- 10. I21 Scheme of surface water regulation
- 11. H03 Visibility splays
- 12. H06 Vehicular access construction
- 13. H13 Access, turning area and parking
- 14. H27 Parking for site operatives

INFORMATIVES:

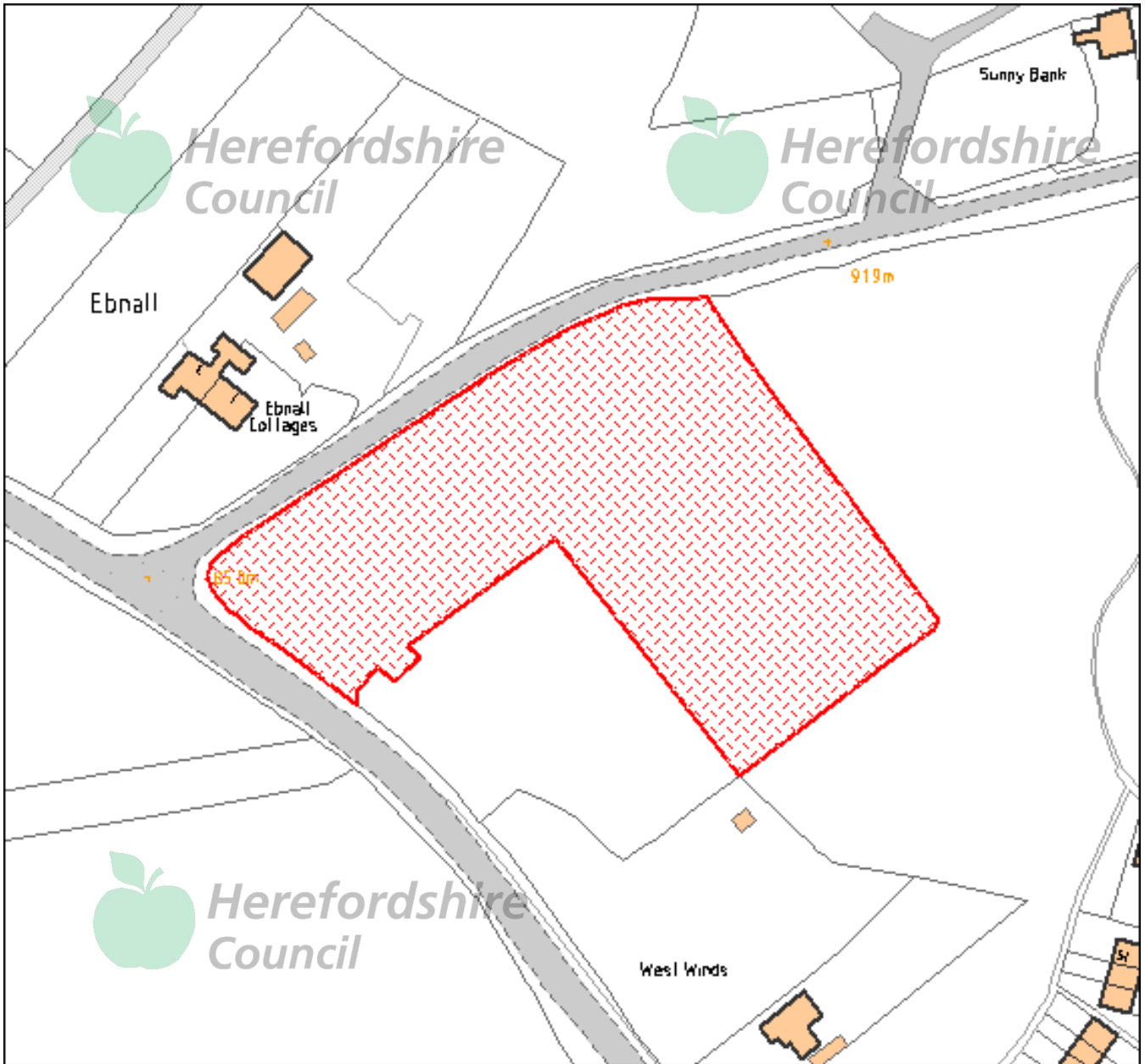
- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
- 2. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement and Drainage details
- 4. HN04 Private apparatus within highway
- 5. HN01 Mud on highway
- 6. HN28 Highways Design Guide and Specification
- 7. HN05 Works within the highway
- 8. The proposed development is near to a former brick works and clay pit. These may be considered potentially contaminative uses, our records do not suggest that this encroaches on to the site or that the clay pit has been filled but the applicant may wish to satisfy themselves this is the case through suitable assessment should there be any concern.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150052

SITE ADDRESS : LAND OFF GINHALL LANE, LEOMINSTER

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



MEETING:	PLANNING COMMITTEE
DATE:	24 FEBRUARY 2016
TITLE OF REPORT:	150053 - PROPOSED 25 DWELLINGS WITH GARAGES AND CAR SPACES AT LAND AT AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE, For: Mr And Mrs Preece per Mr John Needham, 22 Broad Street, Ludlow, Shropshire, SY8 1NG
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150053&search=150053
Reason Application submitted to Committee – Re-direction	

Date Received: 9 January 2015

**Ward: Leominster
West**

Grid Ref: 347567,258864

Expiry Date: 14 April 2015

Local Member: Councillor FM Norman

Introduction

This application together with the adjoining planning application (150052) was presented to Planning Committee on 9 December 2015, following a committee site inspection. The Committee resolved that the two applications be deferred in order that consideration could be given to the two sites being served by one access point off Cholstrey Road, Leominster. The report has been updated to reflect the additional consultations following submission of the amended layout comprising the single access.

1. Site Description and Proposal

- 1.1 This application site lies adjacent to that previously considered on this agenda. It comprises of the remainder of the field, not included in the previous application, a smaller field currently used for grazing sheep, with a small barn thereon, together with the garden associated with the existing bungalow, West Winds. The site amounts to approximately 0.73 hectares.
- 1.2 This is an outline application with all matters other than access reserved for subsequent approval. Access to the site is proposed via a new access to be created onto the B4529/ Cholstrey Road. An indicative layout has been submitted showing the existing bungalow demolished and the area redeveloped.
- 1.3 A unilateral undertaking to cover affordable housing and developer contributions has been submitted and is currently under consideration.

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

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

L01	-	Development in Leominster
H1	-	Affordable Housing - Thresholds and Targets
MT1	-	Traffic Management
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Development
SS2	-	Delivering New Homes

2.2 National Planning Policy Framework (NPPF).

The following chapters are of particular relevance to this proposal:

Introduction - Achieving sustainable development
Section 4 - Promoting sustainable communities
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 Neighbourhood Planning

The Neighbourhood Plan Area was designated on 27 July 2012. The plan has reached Regulation 16 stage and is still within the consultation period and therefore is not sufficiently advanced to attract weight for the purposes of determining planning applications.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 06/1199/F - Closing off of existing field access and creation of a new one. Approved 6/12/06

3.2 98/108/O - Erection of a 40 bed holiday hotel. Refused 17/6/98

3.3 96/987/O - Erection of a 40 bed holiday hotel. Withdrawn 14/3/87

4. Consultation Summary

Statutory Consultations

4.1. Welsh Water: No objections

SEWERAGE

Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

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

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

4.2 West Mercia Police:

I do not wish to formally object to the proposals at this time. However there are opportunities to design out crime and/or the fear of crime and to promote community safety.

I note that this application does not make reference to crime reduction measures within the Design Access Statement. There is a clear opportunity within the development to achieve the Secured by Design award scheme. The development appears to have reasonable access control and natural surveillance already built into the design. The principles and standards of the award give excellent guidance on crime prevention through the environmental design and also on the physical measures. The scheme has a proven track record in crime prevention and reduction which would enhance the community well being within Leominster, particularly given that its proximity to the existing housing areas of Barons Cross and Buckfield are of relevance within this context.

Internal Council Consultations

4.3 Transportation Manager

No objection subject to a series of conditions as set out in the recommendation.

S106 Highway Contributions based on the following:

Medium Accessibility; 2 bedrooms = £1967; 3 bedrooms = £2592; 4 bedrooms = £3933

4.4 Drainage Consultant: Conditional support

Overall Comment

We have no objections in principle to the proposed development on the grounds of flood risk and drainage. However we recommend that the following information is provided as part of any subsequent reserved matters application:

- A detailed surface water drainage strategy that includes drawings and calculations that demonstrate consideration of SUDS techniques, no surface water flooding up to the 1 in 30 year event and no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- A detailed foul water management strategy;
- Proposals for the adoption and maintenance of the surface and foul water drainage systems.

Prior to construction we would also require the following information to be provided:

- Results of infiltration testing undertaken in accordance with BRE365 and results of recorded groundwater levels, noting that the base of any infiltration structure should be a minimum of 1m above the highest recorded groundwater level.

4.5 Conservation Manager (Ecology): No objection

This application is associated with P/150052/F and relates to the same ecological report. I have read the ecological report submitted which bears the same comments. I have said that it is very brief but, knowing the site and reading the report, I would agree that this development is likely to have a low impact given the biodiversity status of the site. There was no search commissioned from Herefordshire Biological Records Centre. This would have revealed badgers active within the vicinity. Although the report states no evidence of badgers on the site, the potential presence will need accommodating in any plan to develop the site to avoid issues during construction. Any work clearing scrub will need to take place outside the nesting season for birds with inclusion of some enhancements for birds in the development. If this application is to be approved I would therefore advise that the following non-standard condition is attached as follows:

Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

4.6 Environmental Health (Contamination) – No objection

I refer to the above application and would make the following comments in relation to contaminated land issues only.

Our records suggest the proposed development site is close to a former brick works, this may be considered a potentially contaminative use. This doesn't appear to encroach the site and our records do not suggest the associated clay pit has been filled but I would recommend the following be added as an informative in any case.

Recommended note

"The proposed development is near to a former brick works and clay pit. These may be considered potentially contaminative uses, our records do not suggest that this encroaches on to the site or that the clay pit has been filled but the applicant may wish to satisfy themselves this is the case through suitable assessment should there be any concern."

4.7 Environmental Health (Contamination) on re-consultation reiterates previous recommendation set out above

4.8 Parks and Countryside Manager – No objections

Although developments of 35 houses could provide a good sized POS and play on site (using recommended standards of provision from both the Play Facilities Study and the Fields in Trust Guidance of 0.8ha of play to include 25ha formal play per 1000 population) given its location near to an existing play area at Ginhall Green, investment to provide additional play equipment here would help to improve this facility and its play value. In accordance with the Play Facilities Study and Investment Plan, the existing provision although in reasonable condition, is only for juniors, is small and offers little in play value. This area could be expanded and developed into a more exciting play area for both existing residents and those from the proposed development. The Leominster Neighbourhood Plan also supports this view and within its green and open space policies acknowledges the need to both protect and enhance this area.

Therefore, in accordance with the SPD on planning Obligations we would ask for this contribution based on market housing only as follows:

2 bed: £ 965

3 bed: £1,640

4+ bed: £2,219

(This comment was made on the basis that the two applications may have been combined to simplify the s106 procedure, hence reference to 35 houses. Nevertheless the requirements apply equally to both sites)

4.9 Parks and Countryside Manager on re-consultation reiterates previous recommendation above

4.10 Education and Commissioning Manager - No objection there is spare capacity at both Primary and senior schools so no contribution can be requested.

4.11 Waste Management Manager states access needs to be improved for some plots, collection points needs to be identifiable in accordance with the 'Guidance notes for storage and collection of domestic refuse and recycling'.

5. Representations

5.1 Leominster Town Council-Committee RESOLVED to object to this planning application on the following grounds:

- The application is premature to the adoption of the Herefordshire Core Strategy and the Leominster Area Neighbourhood Plan which specifically designate land suitable for development;
- The application is sited in the Strategic Green Corridor as identified within the Green Infrastructure Plan adopted by Herefordshire Council and is therefore contrary to local planning policy;
- There are major concerns regarding highway safety and the proposed access and egress routes.

5.2 Leominster Town Council, on re-consultation objects:

Recommend Refusal for the following reasons:

- The proposal goes against Policy LD3 of the adopted Herefordshire Core Strategy which requires the retention of existing Green Infrastructure corridors and linkages;
- The proposal is sited directly in the Green Corridor as designated by both the Adopted Core Strategy and the emerging Leominster Area Neighbourhood Plan;
- The background papers continue to refer to the Urban District Plan which has now been superseded by the recently adopted Herefordshire Core Strategy;
- The proposal goes against Policy LANP 10 of the emerging Leominster Area Neighbourhood Plan, currently at Regulation 16 Stage;

The Leominster Area Neighbourhood Plan supports the adopted Herefordshire Core Strategy especially with regard to the protection of the Green Infrastructure Corridor.

Council also wished its previous outstanding objections to be taken into consideration:

The application is sited in the Strategic Green Corridor as identified within the Green Infrastructure Plan adopted by Herefordshire Council and is therefore contrary to local planning policy;

There are major concerns regarding highway safety and the proposed access and egress Routes.

5.3 Leominster Civic Trust object as piecemeal development on a green field site, when brown field sites remain undeveloped, and highway safety.

5.4 Herefordshire CPRE object on grounds of development within green corridor.

5.5 Eight letters of objection have been received making the following points

- Outside of the UDP boundary
- Greenfield site, brownfield land available
- NP identifies this land as part of the green corridor
- Highway safety, poor junction –site of many accidents.
- Ginhall Lane is used as a rat run and by pedestrians
- The road floods near the junction.

5.6 One further letter received, on re-consultation raising the following additional issue

Priority should be given to site opposite for 425 houses, with a percentage of affordable homes

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150052&search=150052>

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

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

6. Officer's Appraisal

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with provisions of the local development plan unless material considerations dictate otherwise.

6.2 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. HCS Policy SS1 enforces what is at the heart of the Governments National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) specific elements of national policy indicate that development should be restricted.*

6.3 Policy SS2 (Delivering new homes) of the Core Strategy sets out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Local Plan the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the HCS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).

6.4 The protection once afforded to this site from residential development ended with the adoption of the Core Strategy. Policy L01 of this new plan advises that a minimum of 2300 new dwellings are required in Leominster during the plan period to 2031. A minimum of 1500 of these are to be provided via the strategic site on the south side of the town, leaving a minimum of 800, 425 of which have been approved on Barons Cross Camp. This still leaves over a minimum of 300 to be found in or on the edge of town.

6.5 There is a requirement to provide 25% affordable housing on applicable sites in the Leominster housing market area or HMA. The proposal here is to provide, by way of a unilateral undertaking, this provision on this site alone

6.6 The only matter to be determined at this stage relates to the means of access, the remaining matters will be subject to reserved matters or detailed approval in the event that planning approval is granted. The proposed new access from Cholstrey Road will involve the removal of hedgerow. The objections received from local residents on highway safety grounds are noted, however, this proposal can provide the required visibility splays with good visibility to both east and west. It should also be noted that the visibility splays that can be provided as detailed on the submitted plans relate to a speed survey undertaken when the speed limit was higher earlier this year, than it is presently. It should be noted that the

Transportation Manager raises no objection. The increased use of this access point i.e with the addition of 10 dwellings from that previously envisaged is satisfactory.

- 6.7 There are no significant landscape features and no objection on landscape grounds. HCPRE and Town Council have objected to the development of an area identified as part of a green corridor. Policy LD1 of Core Strategy requires the protection and enhancement of the setting of settlements. This can be achieved with the retention of the hedgerow boundary onto Ginhall Lane, notwithstanding the need for removal of hedgerow on Cholstrey Lane. The planting of trees and hedgerow across both sites on an area, presently without any trees will assist in integrating the well treed Ginhall Lane corridor to the east with Cholstrey Lane
- 6.8 The Town Council state that the proposal is contrary to the provisions of the Neighbourhood Development Plan. Whilst the Plan is at the Regulation 16 stage it is still at the consultation period stage; it has not been the subject of Examination by an Inspector and therefore limited weight can be given to it. However the site is within a sustainable location for residential development.
- 6.9 It is considered that this is an appropriate sustainable site for residential development subject to a satisfactory resolution of the S106 agreement/unilateral undertaking and compliance with the matters raised by consultees at the reserved matters stage.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms referred to in the report and to be circulated as part of the committee update, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

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. **Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

5. **L01 Foul/surface water drainage**
6. **L02 No surface water to connect to public system**
7. **L03 No drainage run-off to public system**
8. **No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.**

Reason: To ensure that effective drainage facilities are provided for the

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

proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system

- 9. I20 Scheme of surface water drainage
- 10. H03 Visibility splays
- 11. H06 Vehicular access construction
- 12. H13 Access, turning area and parking
- 13. H27 Parking for site operatives

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. 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. HN10 No drainage to discharge to highway
- 3. HN08 Section 38 Agreement and Drainage details
- 4. HN04 Private apparatus within highway
- 5. HN01 Mud on highway
- 6. HN28 Highways Design Guide and Specification
- 7. HN05 Works within the highway
- 8. The proposed development is near to a former brick works and clay pit. These may be considered potentially contaminative uses, our records do not suggest that this encroaches on to the site or that the clay pit has been filled but the applicant may wish to satisfy themselves this is the case through suitable assessment should there be any concern.

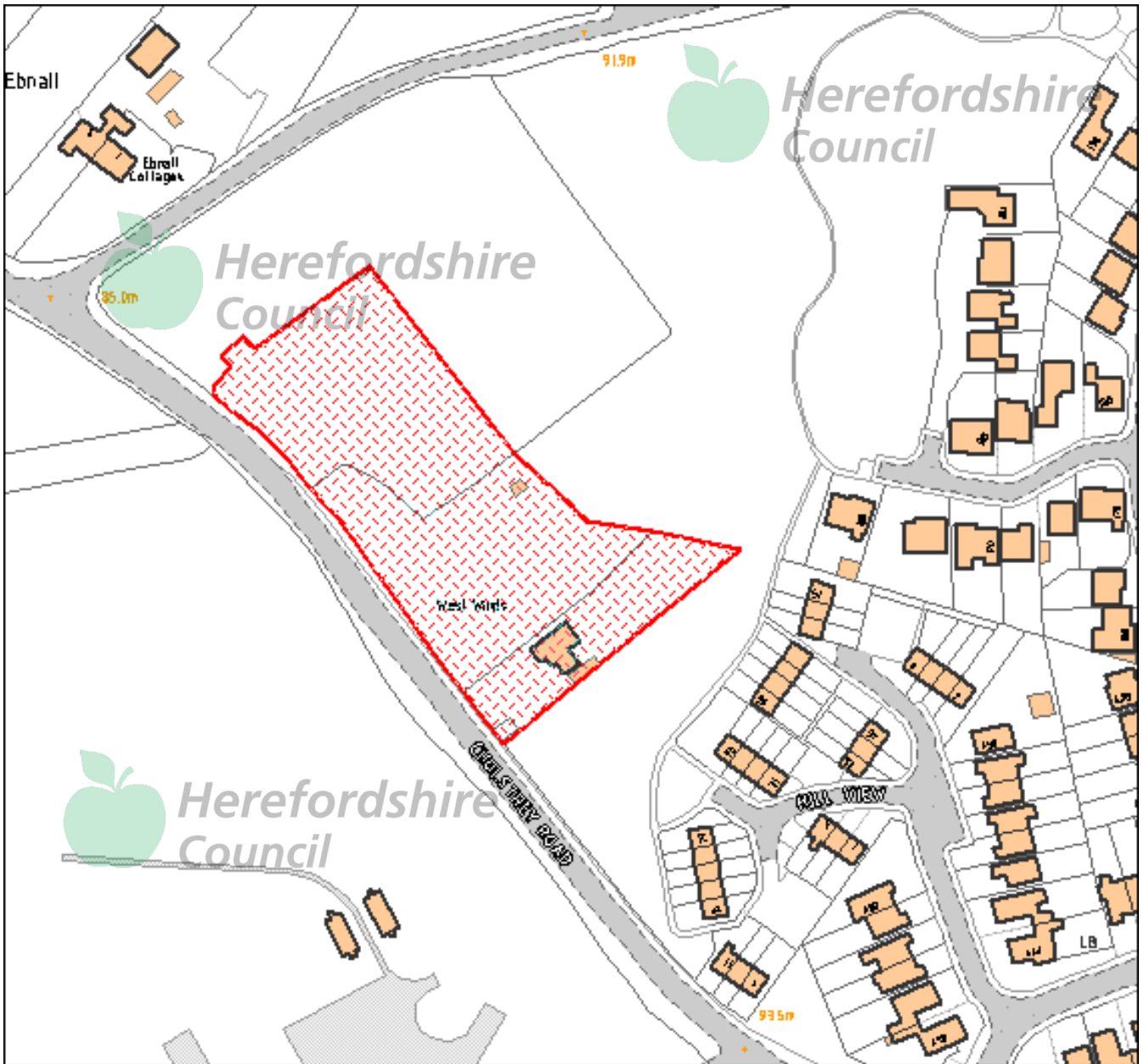
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 150053

SITE ADDRESS : LAND AT, AND WEST OF WEST WINDS, CHOLSTREY ROAD, LEOMINSTER, HEREFORDSHIRE

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



MEETING:	PLANNING COMMITTEE
DATE:	24 FEBRUARY 2016
TITLE OF REPORT:	<p>153764 - PROPOSED EXTENSION, DORMER LOFT CONVERSION AND REPLACEMENT OF CONSERVATORY/LEAN TO WITH GLAZED EXTENSION AT 16 CORNEWALL STREET, HEREFORD, HEREFORDSHIRE, HR4 0HF</p> <p>For: Mrs Thomas-Alvarez, 16 Cornewall Street, Hereford, Herefordshire, HR4 0HF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=153764&search=153764
Reason Application submitted to Committee – Member of Staff Application	

Date Received: 16 December 2015 **Ward: Greyfriars** **Grid Ref: 349920,240205**
Expiry Date: 10 February 2016
Local Member: Councillor AJW Powers

1. Site Description and Proposal

- 1.1 The application site comprises a late Victorian red brick terraced property located on the north side of Cornewall Street in the established residential area of Whitecross. The property has two bedrooms on the first floor with access to a small attic storeroom. It has a mono-pitched two storey addition at the rear in common with many of the houses in this terrace and later single storey lean-to extensions. There is a long narrow garden that adjoins the rear boundaries of properties facing Cottrell Street to the north.
- 1.2 Planning permission is sought for the introduction of a white rendered first floor flat roofed extension over the existing utility/conservatory that would accommodate a bedroom and a zinc clad flat roofed dormer window in the rear roof slope that would enable the provision of a third bedroom. In addition to the extensions it is proposed to clad the existing single and two storey elements in oak shingles.

2. Policies

- 2.1 The Herefordshire Local Plan Core Strategy (CS) policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

Policy SS1	-	Presumption in Favour of Sustainable Development
Policy LD1	-	Landscape and Townscape
Policy SD1	-	Sustainable Design and Energy Efficiency
Policy MT1	-	Traffic Management, Highway Safety and Promoting Active Travel

Further information on the subject of this report is available from Mr Simon Withers on 01432 260612

2.2 National Planning Policy Framework

Chapter 7 – Requiring good design.

2.3 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council’s website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 None identified.

4. Consultation Summary

4.1 Statutory Consultations

Not applicable.

4.2 Internal Council Consultations

Not applicable.

5. Representations

5.1 Hereford City Council raises no objection.

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

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=150052&search=150052>

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

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

6. Officer’s Appraisal

6.1 The key considerations in the determination of this application are the implications of the extensions and alterations on residential amenity having particular regard for privacy and the effect on character and appearance of the property and its wider context.

Residential Amenity

6.2 Policy SD1 of the CS requires development proposals to safeguard residential amenity for existing and proposed residents.

6.3 The main consideration in this case is the effect of the first floor bedroom extension and the dormer window upon the privacy of residents either side of the property. The dormer extension itself would constitute permitted development were it not for the applicants preference to use zinc cladding and as such there is a “fall back” position in relation to the windows at this level that I have accorded due consideration. As such the main focus of attention is upon the windows serving the first floor bedroom extension. Presently the existing bedroom window is recessed such that views are essentially only possible straight down the garden. The other rear facing window is an obscure glazed bathroom window which will be retained.

- 6.4 The new bedroom window would enable a greater degree of overlooking into the rear gardens of the immediate neighbours but the more private areas immediately to the rear of these properties will still retain privacy. Whilst the level of privacy will be affected, the window serves a bedroom and since there is already a degree of overlooking from the applicants property and other neighbours, I do not consider that the loss of privacy will be unduly harmful or out of character with this relatively densely populated residential area.
- 6.5 In relation to other amenity considerations, the first floor extension would be sandwiched between two existing first floor additions so the additional volume will have no impact upon its neighbours. The increased bulk of the dormer window in the rear roof slope will be viewed in the context of the existing roof structure and would not impinge unacceptably on residential amenity.
- 6.6 In the context of my assessment of existing and proposed amenity levels, I consider the proposal to be acceptable and in accordance with Policy SD1 of the CS and the relevant section of the NPPF.

Character and Appearance

- 6.7 Aside from the demolition of an existing porch, the proposed extensions cannot be viewed from Cornwall Street by reason of the continuous built up nature of the street frontage. Longer distance glimpses can be achieved from between properties in Cotterell Street but the extensions would be seen against the existing property and would not appear out of keeping within this established residential context.
- 6.8 The use of contemporary materials (zinc cladding), subject to conditional control over them, is considered to be appropriate and in accordance with Policies LD1 and SD1 of the CS.

Other Matters

- 6.9 The property relies on on-street parking and clearly there is significant demand for this locally. The increase of one bedroom will theoretically potentially increase parking provision but not in a manner that would result in any severe residual highway safety implications. Accordingly it is considered that Policy MT1 of the CS is satisfied.
- 6.10 In conclusion, the proposal would enable the provision of a third bedroom and other internal rearrangements that would satisfactorily preserve the residential amenity of neighbouring properties without compromising the residential character of the area or local highway safety.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 - Time limit for commencement (full permission)**
- 2. B01 - Development in accordance with the approved plans (drawing nos. 004/1/15, 005/1/15 (Ground and first floor layouts) and 005/1/15 (Proposed Elevations)**
- 3. C01 - Samples of external materials**
- 4. I16 - Restriction of hours during construction**

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, 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: 153764

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