

A G E N D A

Planning Committee

Date: **Friday, 15th July, 2005**

Time: **10.00 a.m.**

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

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

For any further information please contact:

*Pete Martens, Members Services,
Tel 01432 260248*

e-mail: pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Planning Committee

To: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice-Chairman)

Councillors B.F. Ashton, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis,
D.J. Fleet, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde,
Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews,
Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and
W.J. Walling

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 3rd June, 2005.	1 - 2
5. CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 15 June, 2005.	3 - 4
7. CENTRAL AREA PLANNING SUB-COMMITTEE To receive the attached report of the Central Area Planning Sub-Committee meetings held on 1 and 29 June 2005.	5 - 6

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| 8. | <p>SOUTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 8 June and 7 July 2005.</p> | 7 - 8 |
| 9. | <p>DCNW2005/1029/F - ERECTION OF DETACHED DWELLING AND GARAGE LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, HEREFORDSHIRE, SY7 0DY FOR:MR & MRS P BARNETT, BRYAN THOMAS ARCHITECTURAL DESIGN LTD AT THE MALT HOUSE SHOBDON LEOMINSTER HEREFORDSHIRE HR6 9NL</p> <p>To consider an application for the erection of a three bedroomed two storey detached dwelling and detached garage/store.</p> <p>Ward: Mortimer</p> | 9 - 14 |
| 10. | <p>DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ FOR: SHAW HEALTHCARE HEREFORDSHIRE LTD PER PENTAN PARTNERSHIP, BEAUFORT STUDIO, 1 ATLANTIC WHARF, CARDIFF, CF10 4AH</p> <p>The application is in respect of two residential wings, linked by a new day care facility.</p> <p>Ward: Ledbury</p> | 15 - 24 |
| 11. | <p>DCNC2005/0707/F & DCNC2005/0708/C - PROPOSED NEW CARE HOME AND DAY CARE CENTRE, DEMOLITION OF EXISTING AT WAVERLEY HOUSE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AQ</p> <p>For: Shaw Health Care Herefordshire Ltd per Pentan Partnership
Beaufort Studio 1 Atlantic Wharf Cardiff CF10 4AH</p> <p>Ward: Leominster South</p> | 25 - 30 |
| 12. | <p>DCSE2005/0879/F - REFURBISHMENT AND EXTENSION OF EXISTING HOME TO PROVIDE 15 PLACE DAY CARE CENTRE AND 2 CRISIS CARE FLATS AT WOODSIDE RESIDENTIAL HOME, REYNOLDS COURT, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NE</p> <p>For: Shaw Healthcare (Herefordshire) Ltd. per Pentan Partnership,
Beaufort Studio, 1 Atlantic Wharf, Cardiff CF10 4AH</p> <p>Ward: Ross-on-Wye East</p> | 31 - 38 |
| 13. | <p>NE2005/0791/F & NE2005/1471/C - DEMOLITION OF FORMER SCHOOL BUILDINGS AND ERECTION OF 15 DWELLINGS AT FORMER CRADLEY PRIMARY SCHOOL, CRADLEY</p> <p>For: Hereford Diocese Board Of Finance, James Spreckley MRICS
FAAV, Brinsop House, Brinsop, Herefordshire, HR4 7AS</p> <p>Ward: Hope End</p> | 39 - 48 |

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| 14. | <p>DCSE2005/0795/F - CONTINUATION OF USE AS EQUINE STUD FARM, SITE NEAR BODENHAM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE</p> <p>For: The Singing Stud Ltd per Mr C Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW</p> <p>Ward: Old Gore</p> | 49 - 58 |
| 15. | <p>DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE.</p> <p>For: Jennings Homes per K.C. Humpherson Ltd, The Corner House High Street, Wombourne, WV5 9DN</p> <p>Ward: Valletts</p> | 59 - 68 |
| 16. | <p>DCCE2005/0032/F - RETIREMENT VILLAGE/INDEPENDENT LIVING SCHEME WITH VILLAGE HALL AND RESTAURANT, WELFARE AND RECREATIONAL FACILITIES, ADMINISTRATIVE AND CARE FACILITIES, SELF-CONTAINED ACCOMODATION UNITS AND CAR PARKING. LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD</p> <p>For: Elgar Housing Association Ltd, Hulme Upright Manning, Highpoint Festival Park, Stoke On Trent, Staffs, ST1 5SH</p> <p>Ward: Aylestone</p> | 69 - 90 |
| 17. | <p>DCCE2005/0977/F - PROPOSED DEVELOPMENT TO PROVIDE 19 NO. RESIDENTIAL UNITS, WITH ASSOCIATED GARAGES AND ROAD/SEWER INFRASTRUCTURE. MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD. HR1 2SZ</p> <p>For: Mr A Williams, S J Salisbury Designs, 25 Cartwright Avenue, Harley Whitefort, Worcester, WR4 0NZ</p> <p>Ward: Tupsley</p> | 91 - 98 |
| 18. | <p>DCCE2004/3318/F - DEMOLISH EXISTING REAR PART OF BUILDING AND CONSTRUCT NEW KITCHEN, STORES AND FLAT. 17/18 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BB</p> <p>For: Mr A Williams, Broadheath Consulting Ltd, Broadheath, Moreton-on-Lugg, Hereford, HR4 8DQ</p> <p>Ward: Central</p> | 99 - 102 |

19. **DCCW2005/1934/T - PROPOSED TELECOMMUNICATIONS INSTALLATION. LAND ON THE WESTERN SIDE OF THE A49 (OPP 245 ROSS ROAD), HEREFORD HR2 7PR** | 103 - 106

For: 02 UK Limited, Stappard Howes, 8 Windsor Court, Clarence Drive, Harrogate, North Yorkshire, HG1 2PE

Ward: St. Martins & Hinton

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 3rd June, 2005 at 10.00 a.m.

Present: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice Chairman)

Councillors: M.R. Cunningham, P.J. Dauncey, D.J. Fleet, J.G.S. Guthrie, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, Mrs. S.J. Robertson, D.C. Taylor and W.J. Walling

In attendance: Councillors J.W. Edwards, J. Stone and R.M. Wilson

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs J Davis, R.I. Matthews and Mrs J.E. Pemberton.

2. NAMED SUBSTITUTES (IF ANY)

Councillor Ms. G.A. Powell was appointed named substitute for Councillor R.I. Matthews:

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 22nd April, 2005 be approved as a correct record and signed by the Chairman.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

Herefordshire Unitary Development Plan – Public Inquiry

The Public Inquiry into objections to the UDP had opened in Hereford on February 8th and was expected to close on June 24th. The Inspector had dealt with almost 4,000 objections with some 25% of these having been heard at the Inquiry through formal and informal hearings. The remaining 75% of objections were being addressed by written representations. The final day would be hearing objections into flooding at Ewyas Harold, at the end of which the Inspector would close the Inquiry. The Inspector's Report should be available towards the end of the year.

Staffing and Recruitment

Staffing levels were approaching full establishment with two new enforcement officers in post and a third one due to commence shortly. Two of the officers had been recruited internally.

There were some excellent applicants for the post of Development Control Manager and an appointment had been made with the new officer due to take up his post on

15th August, 2005.

6. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 20th April, 2005 and 18th May, 2005 be received and noted.

7. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 4th May, 2005 be received and noted.

8. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 11th May, 2005 be received and noted.

9. DCNW2005/1029/F - ERECTION OF DETACHED DWELLING AND GARAGE LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, HEREFORDSHIRE, SY7 0DY FOR: MR & MRS P BARNETT, BRYAN THOMAS ARCHITECTURAL DESIGN LTD AT THE MALT HOUSE SHOBDON LEOMINSTER HEREFORDSHIRE HR6 9NL

RESOLVED:

That consideration of the application be deferred pending a site inspection on the following grounds.

- (a) the character or appearance of the development itself is a fundamental planning consideration;**
- (b) a judgement is required on visual impact; and**
- (c) the setting and surroundings are fundamental to the determination or to the conditions being considered.**

10. MINERALS POLICY STATEMENT 2: CONTROLLING AND MITIGATING THE ENVIRONMENTAL EFFECTS OF MINERALS EXTRACTION IN ENGLAND (MARCH 2005) (MPS 2)

An information report was received by the Committee about Minerals Policy Statement 2 which had been issued by the Office of the Deputy Prime Minister as part of its programme of modernising the Planning system. It was noted that the Statement had been issued following a detailed consultation process and that it had superseded Mineral Planning Guidance Note II "The Control of Noise at Surface Mineral Workings" (1993). The officers appraisal about each aspect of the Statement and its implications for the extraction of minerals in Herefordshire was noted. Copies of the Statement and related annexes had been placed in the Members Room at Brockington.

RESOLVED THAT the report be received and noted.

The meeting ended at 10.09 a.m.

CHAIRMAN

PLANNING COMMITTEE

15TH JULY, 2005

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 15th June, 2005

Membership:

Councillors: Councillor J.W. Hope M.B.E (Chairman)
Councillor K.G. Grumbley (Vice-Chairman)
Councillors B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke,
P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt,
T.W. Hunt T.M. James, Brig. P. Jones C.B.E., R.M. Manning, R. Mills,
R.J. Phillips, D.W. Rule M.B.E., R. V. Stockton, J.P. Thomas and
J.B. Williams (Ex-officio).

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 11
 - (b) applications refused as recommended - 0
 - (c) applications refused contrary to recommendation - 0 (not referred to Planning Committee by the Head of Planning services)
 - (d) applications approved contrary to recommendation – 1 (referred to Planning Committee by Head of Planning Services).
 - (e) deferred - 0
 - (f) site inspections - 4
 - (g) number of public speakers - 7 (4 supporters, 3 objectors, 0 parish councils)

PLANNING APPEALS

2. The Sub-Committee received information reports about 3 appeals received and 4 determined (0 withdrawn, 2 upheld and 2 dismissed).

J.W. HOPE M.B.E
CHAIRMAN
NORTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS – Agenda for meetings held on 15th June 2005**

PLANNING COMMITTEE

15TH JULY, 2005

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 1st June and 29th June, 2005

Membership:

Councillors: Councillor D.J. Fleet (Chairman)

Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (Ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (Ex-officio) and R.M. Wilson.

PLANNING APPLICATIONS

1. The Sub-Committee has met on two occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 10
 - (b) applications refused as recommended – 1
 - (c) deferred - 2
 - (d) site inspections - 1
 - (e) number of public speakers - 6 (supporters - 3, objectors - 3)

PLANNING APPEALS

2. The Sub-Committee received an information report about 2 appeals that had been determined (1 dismissed, 1 allowed).

**D.J. FLEET
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agendas for the meetings held on 1st June and 29th June, 2005**

PLANNING COMMITTEE

15TH JULY, 2005

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 8th June, 2005 and 6th July, 2005

Membership:

Councillors: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)
Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis,
G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt (Ex-officio),
Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

PLANNING APPLICATIONS

1. The Sub-Committee has met on 2 occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 16
 - (b) applications refused contrary to recommendation – 4 (3 applications were referred to the Head of Planning services)
 - (c) site inspections – 0
 - (d) deferred applications – 2
 - (e) number of public speakers - 28 (supporters - 11, objectors - 13, parish councils - 4)

PLANNING APPEALS

2. The Sub-Committee received information reports about 8 appeals received and 4 determined (2 upheld, and 2 dismissed).

**MRS. R.F. LINCOLN
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings held on 8th June, 2005 and 6th July, 2005.**

9 DCNW2005/1029/F - ERECTION OF DETACHED DWELLING AND GARAGE LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, HEREFORDSHIRE, SY7 0DY

For: Mr & Mrs P Barnett, Bryan Thomas Architectural Design Ltd at The Malt House Shobdon Leominster Herefordshire HR6 9NL

Date Received:
30th March 2005

Ward:
Mortimer

Grid Ref:
36494, 67248

Expiry Date:
25th May 2005

Local Member: Councillor Mrs L.O. Barnett

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a three bedroomed two storey detached dwelling and detached garage/store.
- 1.2 The site is located within the defined settlement development boundary of Lingen and is adjacent to the applicants dwelling at 'The Forge'. This structure was formally one dwelling that has been divided into two separate dwelling units. Grade II Listed it is of sandstone rubble, timber-frame with plaster and brick infill construction under a tile roof.
- 1.3 The site for the proposed development is also designated as a Protected Area and adjacent to a Scheduled Ancient Monument it is also within the Lingen Conservation Area.
- 1.4 The location otherwise is semi-rural in nature and other than the applicants dwelling, the scheduled Ancient Monument (Castle Motte and Bailey and the Church, within close proximity to the eastern side of the proposed development site) is surrounded by agricultural land. This land forms part of an Area of Great Landscape Value as designated in the Leominster District Local Plan. The C.1007 public highway adjoins the southern boundary of the application site.
- 1.5 The proposed development is a 'cottage style' development of external facing brickwork laid in lime mortar under the natural blue/grey slate roof. The proposed plans indicate purpose made timber windows. The proposed dwelling internally to contain an entrance hall, sitting room, kitchen/dining room and utility on the ground floor and three bedrooms and bathroom on the first floor. It is proposed that the windows of these bedrooms are of 'dormer' construction. Alongside the north western elevation, it is proposed to erect a detached single bay garage and attached store using external construction materials to compliment the proposed dwelling.

2. Policies

2.1 Planning Policy Guidance Note 3 – Housing

2.2 Leominster District Local Plan

- A1 – Managing the District's Assets and Resources
- A2 – Settlement Hierarchy
- A9 – Safeguarding the Rural Landscape
- A10 – Trees and Woodland
- A18 – Listed Buildings and their Settings
- A21 – Development within Conservation Areas
- A22 – Ancient Monuments and Archaeological Sites
- A23 – Creating Identity and an Attractive Built Environment.
- A24 – Scale and Character of Development.
- A25 – Protection of Open Areas or Green Spaces
- A54 – Protection of Residential Amenity

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable Development
- S2 – Development Requirements
- S3 – Housing
- S7 – Natural and Historic Heritage
- DR1 – Design
- DR4 – Environment
- H6 – Housing in Smaller Settlements
- H13 – Sustainable Residential Design
- LA2 – Landscape Character and Areas Least Resilient to Change
- LA3 – Setting of Settlements
- LA5 – Protection of Trees, Woodlands and Hedgerows
- LA6 – Landscaping Schemes
- NC4 – Sites of Local Importance
- HBA4 – Setting of Listed Buildings
- HBA6 – New Development within Conservation Areas
- HBA8 – Locally Important Buildings
- HBA9 – Protection of Open Areas and Green Spaces
- ARCH3 – Schedule Ancient Monuments

3. Planning History

None relevant to this planning application.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - No objections in principle subject to the attachment of a condition to any approval notice issued with regards to a scheme of foul drainage works.
- 4.2 English Heritage – State in their response: 'The Castle and Church at Lingen form an important group and this development would adversely affect the setting of the castle. English Heritage therefore object to this application. The castle and Church at Lingen form a classic historic group of high value. Their setting will be significantly affected by the insertion of this new development. The construction appears to impinge upon the

remains immediately outside the castle. On the above grounds, we would object to this application.

We consider that the implications of this application are so significant that we would welcome the opportunity of advising further on the revised proposals. Please let me have the necessary additional information in time for us to comment again if necessary, before the application is determined.

Please send us a copy of the decision notice in due course. This will help us monitor actions related to changes to historic places.

Internal Council Advice

- 4.3 Highways Manager has no objection to the grant of permission.
- 4.4 Public Rights of Way Manager states 'The proposed development would not appear to affect public footpath LN28. However the following points should be noted:
The applicants should ensure that they hold lawful authority to drive over the public footpath LN28 which runs along the front of the proposed development site (as per the attached plan), as the land does not appear to be part of the highway verge. Records suggest that this land may be part of the church property, but the applicants would need to carry out their own investigations.
- 4.5 County Archaeologist states 'The application site is a particularly sensitive one archaeologically, and in relation to the historic form of Lingen. The site is directly adjacent and very close to the extent earthworks of Lingen Castle, a Scheduled Ancient Monument (site and monuments ref HSM 1669). The site is also within the layout of the medieval settlement of Lingen (ref HSM 8267) and close to the Church.

The general location of the site is part of a historically significant open space associated with castle and Church in this part of Lingen. The importance of this open space is acknowledged by the currently adopted Leominster District Local Plan 1999, which explicitly includes the site within the meaning of Policy A25 (protection of open space). Having regard in particular to parts (1) and (4) of this policy. I have major concerns.

It is further my view that development would have an unacceptable impact on the setting of the castle here. Given the proximity of the Church already noted, and the numerous Public Rights of Way around the open space of both the Church and castle, and infill development at proposed would be very damaging.

Accordingly on the basis of the clear guidance given in PPG16 Section 8, County Structure Plan Policy CTC.5, and in particular Policy A.22 (1) of the Leominster District Local Plan 1999, I would advise that this application be refused on archaeological grounds.'

- 4.6 Conservation Manager response states ' The construction of a dwelling in this location will not enhance the character or appearance of the Lingen Conservation Area. Its proposed location between a listed building (The Forge) and a Scheduled Ancient Monument is not appropriate and would not contribute positively to this historic significant setting. The conclusion is objections as outlined above.
- 4.7 Landscape Officer response states 'The application site consists of part of the garden of The Forge. It is bounded to the north-east by a historic site, a Motte and Bailey and

to the south-east by St. Michael's and all Angels' Church. The site falls within the settlement boundary for Lingen and within the village Conservation Area.

In terms of tree issues, I have no objections, as all of the significant trees on the site would be retained. However, this development would impinge on the setting of the historic site and the church. I recommend, therefore, that permission should be refused for the development because it would be contrary to Policy A.25: Protection of Open Areas or Green Spaces, of the Leominster District Local Plan (1999).

5. Representations

5.1 Lingen Parish Council states in their response to the application: 'The executive Planning Sub Committee met on site on 9th April and spent some time studying the site and its position in relation to the Church and The Forge. The Leominster District Plan and recent building do allow this application but the Committee felt that they would ask full Council to consider the plans especially in relation to cladding, as any construction needs to be sensitive to this particular site. Eventually the Council resolved to support the application in overall principle with some concerns only relating to the external cladding and its sympathy with The Forge.

5.2 One letter in support of the application has been received from the applicants agent. This letter in summary states: That the objections from the consultees are noted. That the proposed dwelling is a modest 175 sq metres in floor area and has been designed to compliment rather than compete within the adjoining Listed Building and that the dwelling is to be sited 100 metres from the castle and 75 metres from the church. The letter further states that the site is within the Lingen settlement boundary and not designated as protected open space as far as he is aware.

The letter further states that the settlement has seen recent development and that Mr & Mrs Barnett wish to remain in the settlement and leave their present dwelling for personal reasons.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Committee Meeting.

6. Officers Appraisal

6.1 This application is clearly controversial on issues of location and setting historically in relationship to the adjacent site of the Ancient Monument, The Castle Motte and Bailey, the nearby Church, adjacent Grade II Listed dwelling known as 'The Forge' and policy designation of the surrounding area in which the application site is located.

6.2 The proposed dwelling is in principle relatively sympathetic to the setting of the listed building in architectural and design form, and the proposed external cladding of the dwelling can be addressed through a condition attached to any approval notice issued. Therefore, is it considered that the proposed development generally is in accordance with Policy A18 on Listed Buildings and their Settings in the Leominster District Local Plan.

6.3 The two policies in the Leominster District Local Plan that this proposal clearly does not conform with are Policies A22: Ancient Monuments and Archaeological Site and

A25: Protection of Open areas and Green Spaces. Also of relevance is Policy A1 on Managing the District's Assets and Resources.

- 6.4 Policy A1 states in criteria 2
'Open or undeveloped sites which contribute to the character appearance and amenity of a settlement will be protected from development even when they fall within a settlement boundary in accordance with Policy A25'.
- 6.5 Policy A25 on Protection of Open Areas or Green Spaces states amongst its criteria
'Proposals which would result in the loss of important open areas or green spaces which contribute to the character, form and pattern of a settlement, will not be permitted where such elements:
- 1) Provide relief within an otherwise built up frontage;
 - 2) Create a well defined edge to the settlement;
 - 3) Provide a buffer between incompatible uses;
 - 4) Provide important views of attractive buildings or their settings, or of attractive landscapes.
 - 5) Provide an important amenity of value to the local community.
 - 6) Contribute as an important element within an attractive street scene or
 - 7) Represent an historic element within the origins or development of the settlement or area.
- 6.6 Policy A22 on Ancient Monuments and Archaeological Sites states in Section 1 'There will be a presumption against development proposals which would fail to preserve the site or setting of a scheduled Ancient Monument or other nationally important monument.'
- 6.7 The applicants agent in a letter dated 22nd April 2005 and 10th May 2005 from Planning Services has been informed of objections received as earlier mentioned in this report and no response has been received other than the letter of response as summarised in Section 5.2 on Representations has been received.
- 6.8 Although Officer's do have sympathy with the applicants personal circumstances, these are not relevant to the planning issues and the proposed development clearly goes against policy criteria of Policies A1, A22 and A25 of the Leominster District Local Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

The site for the proposed development is designated as a protected area and is adjacent to a Scheduled Ancient Monument. It is considered that the proposed development will have a significant detrimental impact on the historic and visual setting of the location and is therefore contrary of Policies A1, A22 and A25 of the Leominster District Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ

For: Shaw Healthcare Herefordshire Ltd per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff, CF10 4AH

Date Received:
3rd March 2005

Ward:
Ledbury

Grid Ref:
70744, 38028

Expiry Date:
28th April 2005

Local Members: Councillors P Harling, B Ashton & D Rule MBE

Introduction

This application was deferred by the Northern Area Planning Sub-Committee pending the submission of, and re-consultation on amended plans. This process is now complete and the proposal is to be considered in its amended form.

The proposal has been designed as two residential wings, linked by a new day care facility. The first wing creates a road frontage along Orchard Lane and this is stepped to create visual breaks and to reduce its overall dominance in the street scene. It is 3 ½ storeys and has a maximum ridge height of 13.4 metres. The second wing lies behind and comprises a 2 ½ storey element, 10.3 metres in height. The two are linked by a single storey day care area which also serves as the main focal point and entrance to the building.

Representations

Ledbury Town Council comment as follows: 'Members still consider this to be over-development of the site and feel that the proposals are totally out of keeping for the area. There has been no significant change to the original application (refer to Section 70A of the Town and Country Planning Act). The Scale, mass, height (which is still 45ft) form and design would dominate the street-scene and have an adverse effect upon the whole local environment. The proximity of the proposed building to Orchard Lane would pose a considerable threat during construction particularly as this is a 'Safer Route to School.'

A further 66 letters of representation have been received following the re-consultation exercise.

The issues raised are principally the same as those expressed originally. These are rehearsed in the report to Committee of 20th April 2005, but to summarise the recurring themes are as follows:

1. Over-dominance in the street scene.

2. Lack of adequate parking.
3. Potential for building to be located elsewhere within the site.

The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

Officers Appraisal

The issues that have been raised as a result of the re-consultation exercise are effectively the same as those raised to the original scheme. Attention is particularly drawn to paragraphs 6.3 to 6.7 of the original report, which is attached here as an appendix.

In light of the fact that no new issues have been raised, your officers recommendation remains unchanged. The application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 - G01 (Details of boundary treatment)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

9 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

11 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

12 - Prior to the commencement of the development hereby approved, a 'Green Travel Plan' shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To promote sustainable forms of transport.

13 - Before the development hereby approved is first brought into use an ambulance parking bay shall be properly demarcated within the application site, in accordance with details to be submitted to and approved in writing by the local planning authority. The bay shall remain available for ambulance parking at all times.

Reason: To ensure adequate parking provision is made for emergency vehicles.

Informative:

1. N15 – (Reasons for planning permission)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

ORIGINAL REPORT**DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ****For: Shaw Healthcare Herefordshire Ltd per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff, CF10 4AH****Date Received:**
3rd March 2005**Ward:**
Ledbury**Grid Ref:**
70744, 38028**Expiry Date:**
28th April 2005

Local Members: Councillors P Harling, B Ashton & D Rule MBE

1. Site Description and Proposal

- 1.1 This application is for the erection of a new extra care home, a 20 place day centre and associated facilities on the site of the existing Leadon Bank Nursing Home on Orchard Lane, Ledbury.
- 1.2 The proposal comprises a mixed height development. The original submission ranged from single to five storeys, its maximum height being 16 metres. However, the plans have now been amended and no part of the scheme exceeds 3½ storeys.
- 1.3 The proposal has been designed as two residential wings linked by the new day care area. The first wing seeks to create a road frontage along Orchard Lane, and this is stepped to create visual breaks and a reduction in its dominance. It is 3½ storeys, utilising the roof space, and this brings the height down to 13.4 metres. The second wing lies behind and comprises a 2½ storey element, 10.3 metres in height. The two are linked by the single storey day care area. This forms the main entrance to the premises and creates a focal point when approaching via the main vehicular access, which is to be retained as existing.
- 1.4 The rationale of the scheme is such that it will be constructed on site prior to the demolition of the existing care home. This was made as a fundamental design requirement in order that existing residents can remain in occupancy whilst the new facilities are constructed and avoid a temporary move to other accommodation.
- 1.5 In light of this constraint, the proposal is located on an area of land between the existing building and the Orchard Lane road frontage.
- 1.6 The site slopes generally in a west/east direction with a further drop at the boundary with Orchard Lane. At its greatest, the difference between the two amounts to approximately 1.5 metres. The application includes a comparative height study that

shows the proposal in relation to Orchard Lane and other features in the immediate area including Belle Orchard House, a Grade II Listed Building, and residential dwellings to the rear (north) of the site.

- 1.7 The site is well vegetated with a range of mature trees and hedgerows providing that the existing care home is almost totally obscured from view from Orchard Lane. The application also includes a full tree survey, identifying those which are in need of attention and those that are healthy. An ecological report also accompanies the application.

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC9 – Development Requirements
CTC11 – Trees and Woodlands

2.2 Malvern Hills District Local Plan

Conservation Policy 11 – The Setting of Listed Buildings
Housing Policy 17 – Residential Standards

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
DR1 – Design
DR3 – Movement
LA5 – Protection of Trees, Woodland and Hedgerows
LA6 – Landscaping Scheme
HBA4 – Setting of Listed Building
CF5 – New Community Facilities
CF7 – Residential Nursing and Care Homes

3. Planning History

None relevant to this application.

4. Consultation Summary

Statutory Consultations

- 4.1 None received.

Internal Council Advice

- 4.2 Traffic Manager - no objection subject to conditions. These are to include the provision of secure cycle parking for employees, the completion of a 'Green Travel Plan' prior to the commencement of development and the provision of an ambulance parking bay.
- 4.3 Head of Environmental Health and Trading Standards - no objection subject to conditions to restrict construction times.
- 4.4 County Archaeologist - no objection.

- 4.5 Conservation Manager: 'This proposal would introduce a major vertical emphasis to the streetscape, which it currently lacks. The architect has attempted to break this up by varying the height stepping forwards and back and using a variety of materials. In principle this would appear to be a reasonable strategy and hopefully would lessen the impact. However given the current heights to the street of 2 storey Victorian housing and the somewhat large 3 storey adjacent listed building I believe that this scheme may still prove to be too dominant within the streetscape as a whole. It may therefore be useful to contemplate reducing this elevation by 1 storey in scale and introducing more height to the rear block. Other minor alterations that may improve the visual impact would be to break up the large render panel proposed for the main north elevation. Perhaps using either windows or another material possibly even some form of public art.'

5. Representations

- 5.1 Ledbury Town Council comment as follows: 'Members considered the proposals to be totally out of keeping for the area. A 5 storey building would be alien to Ledbury. The resulting height, combined with the use of the proposed balconies would create an unacceptable degree of overlooking of the neighbouring properties. Lack of sufficient car parking facilities would result in overspill into surrounding areas. The building is overbearing due to the close proximity to the footway in Orchard Lane. Members queried the effect this proposal would have upon the 'Safer Routes to Schools'. The scale, mass, height, form and design would dominate the streetscene and adversely affect the residential amenity of the neighbouring properties.'
- 5.2 25 letters of objection and a reproduced letter submitted by 122 individuals (effectively treated as a petition) also objecting to the application have been received. In summary the points raised are as follows:
- 1) There is no precedent for five storey buildings in Ledbury.
 - 2) The proposal will be overly dominant and will have a major impact on the surrounding area.
 - 3) The design and choice of materials is not inkeeping with the surrounding area.
 - 4) The introduction of balconies will reduce privacy for local residents.
 - 5) The proposal will cause highway safety issues, particularly due to the proximity of the primary school and recreation area opposite.
 - 6) The scheme provides insufficient car parking, both for residents and employees.
 - 7) The scheme requires the removal of many trees and the reduction of the roadside hedge. This will reduce the sense of open space.

Many of the letters highlight that there is not an objection in principle to the redevelopment of the care home site, simply to the manner in which this scheme proposes it.

5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 In broad terms, this is a very well considered planning application. It provides a high level of detail and covers all of the key issues that are of relevance.

6.2 Nevertheless, it has generated a significant degree of public interest and a large number of letters of representation. If this application is to be considered favourably the issues raised by the objectors should be given careful thought.

6.3 The general form and layout was discussed at some length with officers prior to the submission of the application, and the submitted scheme generally follows those discussions. It is your officer's opinion that the creation of a frontage development is most appropriate given the constraints of the site and the desire to retain the existing building until completion of any future development. The contours of the site allow for the frontage to be of a mixed height and set back to create visual breaks and shadow lines, adding interest to the appearance of the development. It is accepted that this approach will require the removal of a number of trees and the reduction of the roadside hedgerow. The applicant's agent has given careful consideration to this and the layout seeks to minimise the level of vegetation removal.

6.4 The positioning and layout of the scheme is therefore accepted. The scheme indicates that substantial re-landscaping will occur and this could be addressed through a suitably worded condition.

6.5 In accepting the proposed layout it is also acknowledged that the existing point of vehicular access is most appropriately re-used. The Traffic Manager does not object to this and by doing so further incursions into the Orchard Lane road frontage are avoided.

6.6 The applicant's agent advises that the car parking provision is based on data from fully operational extra care developments. They advise that this indicates a very low level of car ownership amongst residents, often due to mental or physical frailties, which prohibit driving.

6.7 The parking provision has not been queried by the Traffic Manager. The site is in close proximity to services and facilities in Ledbury and in this respect is considered to be a sustainable location. Such an approach is reflective of advice given by PPG13 – Transport which adopts a flexibility towards car parking standards in town centre locations. This aspect of the proposal is also considered to be acceptable, subject to the preparation of a Green Transport Plan.

6.8 It therefore falls to consider the design, scale and appearance of the proposed scheme. The comments of the Conservation Officer are most pertinent here. The employment of a variety of methods, breaking the height, varying material choice and introducing shadow lines, all go some way to reducing the overall bulk and dominance of the building along the road frontage. The application has been amended since its original submission. The height of the 5 storey element has been reduced to 3½ storeys and further breaks have been introduced into the roof. These amendments are considered to address the concerns of height and dominance and the application is therefore considered to be acceptable in this respect.

- 6.9 Further concerns have been raised regarding the introduction of balconies into the front elevation and the potential overlooking that this might cause. The building is orientated in a manner that looks out across the recreation area opposite and not directly onto other properties. It is therefore considered to be unreasonable to suggest that the application should be refused on the grounds of loss of residential amenity.
- 6.10 In conclusion, the dominance of the building in the streetscape has to be considered against the recognised need for this type of accommodation in Ledbury. On balance, it is your officer's opinion that the amended scheme satisfactorily addresses the concerns raised by the objectors. The amendments are currently the subject of a re-consultation exercise and, provided that no new material objections are raised, it is recommended that the application is delegated to named officers for approval.

RECOMMENDATION

Subject to no new material planning considerations being raised through further consultation procedures, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions:

1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 – F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 - G01 (Details of boundary treatment)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

9 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

11 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

12 - Prior to the commencement of the development hereby approved, a 'Green Travel Plan' shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To promote sustainable forms of transport.

13 - Before the development hereby approved is first brought into use an ambulance parking bay shall be properly demarcated within the application site, in accordance with details to be submitted to and approved in writing by the local planning authority. The bay shall remain available for ambulance parking at all times.

Reason: To ensure adequate parking provision is made for emergency vehicles.

Informative:

1. N15 – (Reasons for planning permission)

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCNC2005/0707/F - PROPOSED NEW CARE HOME AND DAY CARE CENTRE, DEMOLITION OF EXISTING AT WAVERLEY HOUSE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AQ

DCNC2005/0708/C – THE SAME

For: Shaw Health Care Herefordshire Ltd per Pentan Partnership Beaufort Studio 1 Atlantic Wharf Cardiff CF10 4AH

Date Received:
3rd March 2005

Ward:
Leominster South

Grid Ref:
49922, 58892

Expiry Date:
28th April 2005

Local Member: Councillors R Burke and J P Thomas

1. Site Description and Proposal

1.1 Waverley House, a care home, is located on the south side of Etnam Street, almost opposite the entrance to Etnam Street car park. Leominster Baptist Church, a Grade II Listed Building, adjoins the site on its west side. Caswell Terrace is to the rear. The site is located in a primarily residential area, as shown in the Leominster District Local Plan (Herefordshire) and in the Leominster Conservation Area.

1.2 This application proposes the demolition and replacement of Waverley House to provide a 37 bedroomed care home, also providing facilities for lounge areas, dining areas, activities rooms, kitchen, laundry, hairdressers, staff offices and store rooms.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

A1 – Managing the district's assets and resources
A2 – Settlement hierarchy
A18 – Listed Buildings and their settings
A21 – Development within Conservation Areas
A24 – Scale and character of development
A54 – Protection of residential amenity
A61 – Community, social and recreation facilities

2.2 Hereford and Worcester County Structure Plan

CTC7 – Development and features of historic and architectural importance
CTC9 – Development criteria

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- HBA4 – Setting of Listed Buildings
- HBA6 – New development within Conservation Areas
- HBA7 – Demolition of unlisted buildings within Conservation Areas
- CF5 – New community facilities

- 2.4 PPS1 – Delivering Sustainable Development
PPG15 – Planning and the Historic Environment

3. Planning History

NC1999/1736/F - Extension to replace existing external fire escape stair with new enclosed fire escape stair. Approved 2.9.99.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No in principle objection.

Internal Council Advice

- 4.2 Traffic Manager: No objection subject to conditions.
4.3 Conservation Manager: No in principle objection.

5. Representations

- 5.1 Leominster Town Council: 'Recommends approval, subject to any trees that are removed during the course of the proposed works being replaced, in consultation with the aboricultural officer.'
- 5.2 Leominster Civic Trust, Westbury House, Ryelands Road, Leominster: 'The proposed new building is to be welcomed and we are confident that it will be a considerable improvement.'
- 5.3 Letter from Mrs B Read, 56 Etnam Street, Leominster:
- a) Concerned about impact and overlooking;
 - b) Concerned over lack of information concerning boundary treatment; and
 - c) Concerned about possible construction noise.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This part of Leominster is characterised by a mix of properties of predominantly 18th and early 19th century buildings. The hierarchy of architectural style with classical, 3-storey Georgian frontages are towards the east of the site. Despite the vernacular interest afforded by some timber-frames on the opposite side of the road, this is a formal street with a strong vertical emphasis, which is characterised in the most part by

the harmonious rhythm of plot widths and regular window proportions. Most properties have a building line at back of pavement, which makes the adjacent Baptist Chapel, particularly notable. There is a predominant use of red brick, slate and tile roofs with colour washing and some timber framing towards the east.

- 6.2 Waverley house, built circa early 1970s, is a building of its time. Despite being slightly taller and roof pitch shallower than its neighbours, it relates fairly well, in bulk, to the street scene. The entrance into the site, to the west and next to the Baptist Church, a Grade II Listed building, allows a distance between the historic and new build so that the setting of the Listed building is not compromised. While, Waverley House cannot be considered an attractive building its success in the street scene is very limited, it does not cause undue offence to either the street or to the adjacent Listed buildings. Its demolition would not raise objection. However, any replacement building must be of an exceptional design quality so as to enhance the Conservation Area and the setting of the neighbouring Listed buildings.
- 6.3 This application has been subject of extensive negotiation with the Conservation Manager and has resulted in a scheme that in terms of its bulk, scale and appearance is considered appropriate to this part of the Leominster Conservation Area in which the site is located. It is considered that the redevelopment of the site will enhance the character and appearance of the Conservation Area, and its wider context.
- 6.4 It is intended phase the redevelopment of the site so as to cause minimal disruption to residents. This will allow Waverley House to remain substantially operational. Phase 1 (of 2 phases) will involve the partial demolition of the Etnam Street frontage and as soon as this phase is complete the residents will be allowed to re-occupy the care home and phase 2 will then follow.
- 6.5 While, it is acknowledged that first floor bedroom windows in the east elevation will look out towards the neighbour 56 Etnam Street, it is not considered they will cause significant harm to the neighbour through overlooking. The submitted plans show adequate distance between the neighbour and the care home building which, together with suitable boundary treatment and landscaping will safeguard the amenity of the neighbour from potential overlooking.

RECOMMENDATION

NC2005/0707/F

That planning permission be granted subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - A09 (Amended plans) (29 June 2005)**

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

4 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5 - H26 (Access location) (construction traffic) (Etnam Street)

Reason: In the interests of highway safety.

6 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

7 - H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

8 - F16 (Restriction of hours during construction) (8.00am-5.30pm Mon-Fri, 8.00am-1.00pm Sat)

Reason: To protect the amenity of local residents.

9 - No material or substances shall be incinerated within the application site during the demolition and construction phase of the development hereby approved.

Reason: To protect the amenity of local residents.

10 - D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

11 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

12 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

13 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - HN15 - Affected street lighting or illuminated signs

Decision:

Notes:

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NC2005/0708/C

That Conservation Area Consent be granted subject to the following conditions:

1 - C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informative:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCSE2005/0879/F - REFURBISHMENT AND EXTENSION OF EXISTING HOME TO PROVIDE 15 PLACE DAY CARE CENTRE AND 2 CRISIS CARE FLATS AT WOODSIDE RESIDENTIAL HOME, REYNOLDS COURT, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NE

For: Shaw Healthcare (Herefordshire) Ltd. per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff CF10 4AH

Date Received: 18th March 2005 Ward: Ross-on-Wye East Grid Ref: 61101, 24036

Expiry Date: 13th May 2005

Local Members: Councillor Mrs A E Gray and Councillor Mrs C J Davis

1. Site Description and Proposal

1.1 Woodside Residential Home is situated on the south side of the A40(T) just to the east of The Mead. It adjoins sheltered accommodation (Reynolds Court) to the west and south and a detached house (Long Close) to the east. Vehicular access is off The Mead and through the access drive and parking area of Reynolds Court. The residential home has a small parking and service area. Currently there are just 8 places at the home plus a small day centre. The building is single-storeyed and forms the third side of a courtyard, the other two sides being two of the buildings of Reynolds Court.

1.2 It is proposed to reduce the number of units to two crisis-care flats, which would occupy the same part of the site as the existing bedrooms and bathrooms. The day centre would be expanded by a single-storey extension to the west side of the building. This would be about 6.8 m x 5.5 m and would be constructed of facing brickwork and concrete tiles, both to match the existing building. It would be used as a lounge.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty

2.2 South Herefordshire District Local Plan

Policy C8 - Development Within Area of Great Landscape Value
 Policy CF5 - Provision of Community Buildings
 Policy GD1 - General Development Criteria

2.3 Herefordshire UDP (Revised Deposit Draft)

Policy CF5 - New Community Facilities
 Policy CF7 - Residential Nursing and Care Homes

3. Planning History

3.1 There have not been any recent applications relating to these premises.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water recommends that conditions be imposed regarding drainage.

Internal Council Advice

4.2 Traffic Manager has no objections to the grant of permission.

4.3 Head of Environmental Health has no adverse comments on the proposal.

5. Representations

5.1 The applicant's agent make the following comments:

- (1) the proposal maintains the existing day care areas whilst the extension provides an additional lounge area
- (2) the 2 crisis-care flats replace the residential accommodation
- (3) this proposal is to provide new facilities that are more appropriate for current and future care needs of residents and day centre users.

5.2 In addition a supporting statement has been submitted which is included as an appendix to this report.

5.3 Ross Rural Parish Council have no objections to this small building extension but objects to the change of residential to day care facilities.

In addition the Council requested that the following points be considered:

- following a meeting on Sunday 10th April between the 2 ward councillors and Mrs Johnstone, Manager Hanover Housing Association, we understand that access to the existing residential home is a right of way over land owned by Hanover Housing Association
- currently Woodside Residential Home has parking on their land for 3 cars (as per their application) but the current staff/residents require 5 spaces. The application is to increase daily use to a 15 place day care centre with additional staff, visiting professionals etc. This is likely to lead to an additional daily parking requirement.
- additionally, vehicles parked on land owned by Hanover Housing Association currently causes access problems for emergency vehicles. These problems will be increased by further development. The consequences of ambulances and fire engines not being able to access the site are something that this council would not want to be responsible for

- the site, which is occupied by both Hanover Housing Association and Woodside Residential Home, borders a residential road and the A40 Trunk road, neither of which is suitable for on-street parking
- this council now objects to the additional development of the site on the grounds of safety due to the lack of parking facilities within the area.

5.4 12 letters have been received objecting to the proposal from Hanover Housing Association (which manages Reynolds Court) and residents of the sheltered housing. In summary the following concerns are raised:

- Reynolds Court is a Sheltered Housing Scheme for the elderly and disabled, with 29 units. When it was constructed some 17 years ago the amount of through traffic was negligible
- there are now more residents with cars and for this reason part of the garden is now used for 4 more parking spaces
- a strict rule applies that only residents can use car parking facilities, their visitors, no matter what their state of mobility, MUST park out in The Mead. This alone causes a lot of problems
- also required to keep clear access AT ALL TIMES for emergency vehicles needing to get both to Reynolds Court and Woodside - a point everyone seems to have missed
- Estate Manager seems to spend half the day acting as 'Traffic Warden' which is not enjoyable let alone the aggravation it causes
- where is all the extra traffic going to park? A lot of service users will be dropped off and the vehicle leaves, but it is double jeopardy they have to be picked up again in the evening
- instead of 8 service users per day this will be increased to 15, extra facilities are to be offered therefore more traffic from outside agencies, and presumably more staff, who, despite requests, refuse to park in The Mead and use up what parking spaces Woodside currently have making it impossible for deliveries etc.
- For these reasons the situation regarding current traffic problems let alone those that would occur should planning permission be granted for the extension and change of use should be carefully considered . In my estimate it would involve at least three times the amount of traffic
- vehicles needing to access Woodside seem to think they have the right of way and have been rude, abusive and threatening to residents (taxi drivers in particular). I understand that one of our residents has an ongoing complaint with the licensing authorities over one particular incident
- it would not be possible to install 'sleeping policemen' to slow traffic, many of our residents have both sight and mobility problems and these would only cause more problems

- no more day care places are needed at this resource centre. The Community Hospital has a wing that has never been commissioned, if extra day care places are needed why not there!
- to increase the amount of traffic coming through estate would be paramount to suicide to residents.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The two main issues raised by this proposal are (i) whether there would be an increase in traffic and if so the effect on road safety and (ii) the effect of the extension on the amenities of neighbours.
- 6.2 It is clear from the representations that there are significant problems arising from limited off-street parking at both Reynolds Court and Woodside Residential Home and from the vehicular access to the latter being through the parking area for the sheltered housing. The concern of local residents is that an increase in traffic would significantly increase these problems. However according to figures submitted by the applicants for projected traffic generation there may well be less vehicular movements. This would be a consequence of the lower numbers of staff throughout the day, fewer visitors as less residents, fewer deliveries and fewer visits by GPs/nurses. This reduction would be offset if all 15 day centre users arrive individually by car or taxi. It is anticipated however that most, if not all users, would travel by mini-bus, which would not be parked at Woodside. This cannot be guaranteed but seems probable in view of the frailty of most users. The 7 people who currently attend the day care centre all travel by mini-bus, it is understood. It is concluded therefore that an increase in traffic would be unlikely and on this issue there would not be sufficient grounds to refuse permission.
- 6.3 The extension would project northwards towards one of the buildings forming Reynolds Court. The end units have living room windows facing towards the extension. The gap between the two buildings would be reduced to about 5 m. However the extension would not be directly in front of the units in Reynolds Court and there is a row of screen windows in the existing building. It is not considered therefore that the extension would be overbearing in relation to these neighbours nor result in a significant loss of privacy. The part of Reynolds Court directly facing the extension does not have living room windows.
- 6.4 One other concern has been raised by the Parish Council viz. change of use from residential to day care use. This is not in fact the case as the area occupied by the two new crisis-care flats is the same as that of the current 8 bedrooms; the existing day-care provision is being expanded but not at the expense of residential accommodation.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

3 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informative(s):

1 - N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

SE2005/0879/F

**PROPOSED REFURBISHMENT OF DAY-CARE AND NEW CRISIS-CARE
ACCOMMODATION, WOODSIDE RESOURCE UNIT, HILDERSLEY, ROSS-ON-
WYE: SUPPORTING STATEMENT**



1. SERVICE BACKGROUND:

Herefordshire county council has appointed Shaw healthcare as its partner in the re-provision of residential care and day-care services for older people at several locations across the county of Herefordshire. One of these locations is Woodside Resource Unit in Ross-On-Wye.

Shaw has, in consultation with residents, relatives of residents and staff of Woodside, agreed to refurbish and extend the existing premises to provide new facilities that are more appropriate for the current and future care needs of the day centre users and local community. It is anticipated that an alternative facility will be provided for day care whilst work is undertaken.

When complete the new Woodside will comprise:

DAY CARE:

An extended day care facility to accommodate up to 15 users, providing a large activity area within which physiotherapy, community and art and craft activities may take place, a communal dining area with residents' drinks-making facilities and a large lounge area.

Ancillary accommodation includes a quiet lounge, assisted bathroom and toilets, a manager's office/reception, staff meeting areas and changing facility and laundry and kitchen areas to serve the day centre.

All existing areas will be fully refurbished with upgraded mechanical and electrical services.

CRISIS CARE:

The existing bedrooms will be reorganised to provide two crisis-care flats, anticipated for intermittent use by elderly members of the community and a carer for short term periods of rehabilitation.

Each flat will comprise of a bedroom, lounge with carer's sleepover facility, bathroom and kitchen with dining area. These flats are designed for short-stay elderly residents, whilst carers help them get back on their feet – before they return home or perhaps to a designated extra-care facility within the Herefordshire area.

2: THE SITE:

Heights and building volumes:

All new-build areas of the extension will be constructed in facing materials to match the existing building with the roof pitch to match at 30 degrees. We propose a pitched roof extension as shown on drawing 2495/PA/07 with a low ridge so as not to impose on Woodside's neighbours.

Woodside PA statement 210305

Landscape:

Where possible, all existing plants, shrubs and borders will be preserved. An extended area of paving will be provided, to allow outdoor activity as shown on drawing 2495/PA/05, along with new level access pathways to the two crisis-care flats.

Vehicular access and parking:

Vehicular access to the building will continue to be via The Mead at the same point that currently allows access to the facilities.

Existing parking areas will be retained, which include 2 no. spaces to the front of the entrance area and parking and service access to the right of the entrance area – it is not anticipated that further parking will be viable, therefore retaining the frontage to Woodside as currently viewed by neighbours to the South.

3: ACCESS/FACILITIES FOR THE DISABLED:

Both the external and internal environment of the refurbished and extended facility are disabled-friendly, with level-access thresholds at all external doorways and 'level' pathways throughout the gardens. All internal circulation spaces will be fitted with handrails and a number of sanitary facilities to meet Building Regulations 'Part M' standards will be provided.

4: SAFETY MEASURES DURING CONSTRUCTION:

All the usual construction safety measures will be applied to this project, including safe access for those working in and visiting the site and safe manoeuvre around the site for those existing neighbours and visitors.

All measures will be taken to ensure that noise and dust levels are kept to a minimum to protect the neighbours' living environments.



Woodside PA statement 210305

Woodside – Staff/Resident no's**Current**

Residents - 8
 Staff am - 6 (1 manager, 3 care, 2 ancillary)
 Staff pm - 4 (1 manager, 3 care)
 Staff evening - 3 (3 care)
 Staff night - 2 (2 care)

Additional traffic/parking issues:

- Resident visiting pm and evening
- visiting GP, Nurse etc
- Care home deliveries
- Day care drop offs at weekend

New development

Day care - 15 places
 Staff from 9am - 4 (1 manager, 2 care, 1 ancillary)
 Staff up to 5pm - 3 (1 manager, 2 care)
 Staff evening - 1 (1 ancillary)
 Staff night - 0

Additional traffic/parking issues:

- Relative visitors unlikely
- Visiting GP, Nurse etc - occasional
- Fewer deliveries
- Day care drop offs am and pm
- Closed evenings and at night

13 DCNE2005/0791/F - DEMOLITION OF FORMER SCHOOL BUILDINGS. ERECTION OF 10 NO. OPEN MARKET HOUSES AND 5 NO. AFFORDABLE HOUSES AT FORMER CRADLEY PRIMARY SCHOOL, CRADLEY, MALVERN, HEREFORDSHIRE, WR13 5LL

DCNE2005/1471/C – DEMOLITION OF FORMER SCHOOL BUILDINGS

For: Hereford Diocese Board Of Finance, James Spreckley MRICS FAAV, Brinsop House, Brinsop, Herefordshire, HR4 7AS

Date Received:
11th March 2005

Ward: Hope End

Grid Ref:
73411, 47147

Expiry Date:
6th May 2005

Local Member: Councillors R Stockton and R Mills

1. Site Description and Proposal

- 1.1 Cradley lies approximately 8 miles to the north east of Ledbury and comprises two distinct areas, the old village built around the church and a newer part to the west which comprises areas of residential development.
- 1.2 The site lies in the older part of the village. It has a variety of architectural styles and characters with dwellings lining its narrow lane. The lane also serves a number of modern cul-de-sac developments. The old village is designated as a Conservation Area and part also falls within the Area of Outstanding Natural Beauty.
- 1.3 The site itself is the former Cradley Primary School building and playing field. It lies fairly centrally within the village and the building occupies an elevated position but set back from the lane. To its foreground are two mature Yew trees that are protected by a preservation order. The former school house is attached to the rear but is in completely separate ownership.
- 1.4 The original school building is stone built under a slate roof and has a simple rectangular form. Many additions have been made to it over time, the majority of these being to the rear but also to the front in the form of painted brick additions. Some have been made to match the original building whilst others do not. This includes a large flat roofed building. The result is a linear form of development extending from south to north.
- 1.5 The site is very narrow at its road frontage at just 26 metres. This narrows further to 12 metres progressing through the site, and widens again to an average width of approximately 48 metres through its 160 metre length. The former school buildings

occupy the first half of the site and extend almost entirely across the road frontage. The remainder comprises both hard play areas and playing field to the rear portion.

- 1.6 The site generally slopes from east to west, the change in levels being more significant to the front half. The playing field has clearly been levelled with a steep grassed embankment forming the eastern boundary in this area. Around the school buildings the eastern boundary is densely wooded, predominantly by semi-mature Silver Birch. The western boundary is formed by a public footpath, although this falls outside the application site.
- 1.7 The proposal is for the demolition of all of the school buildings and for the erection of 15 dwellings and the creation of a new vehicular access. The scheme has two distinct elements. First is a number of smaller dwellings occupying the first half of the site. These include a terrace of three two bed dwellings which have been designed to reflect the current school building being of stone construction and in a frontage location, and five modestly sized three bed detached dwellings. Of these, plots 1 to 5 are to provide affordable accommodation through a Registered Social Landlord. Vehicular access is gained at the south western corner on the frontage and runs along the western boundary past these dwellings.
- 1.8 The remaining 7 dwellings are located on the rear half of the site and are larger 4 bed detached dwellings positioned around a central vehicular access. Two different house types are shown, but both include details such as chimney stacks and headers above windows and doors. The plans indicate that they will be finished in brick and tile, but exact details are to be agreed.
- 1.9 The plans also indicate the retention of an existing play area, although it is likely that this will have to be upgraded to meet current standards. The submission also includes a detailed tree survey and gives an indication of these to be retained and elements of new planting.

2. Policies

2.1 Malvern Hills District Local Plan

Housing Policy 3 – Settlement Boundaries
Housing Policy 17 – Residential Standards
Conservation Policy 2 – New Development in Conservation Areas
Conservation Policy 4 – Demolition of Unlisted Buildings in Conservation Areas
Landscape Policy 8 – Landscape Standards
Transport Policy 3 – Provision for Pedestrians and Cyclists
Transport Policy 7 – Road Design in New Development
Recreational Policy 25 – Recreational Open Space Provision

2.2 Herefordshire Unitary Development Plan – Draft Deposit Replacement

H4 – Main Villages: Settlement Boundaries
H19 – Open Space Requirements
RST4 – Safeguarding Existing Recreational Open Space
HBA 6 – Conservation Areas

3. Planning History

- 3.1 A number of historic permissions have been identified which relate to the alterations and extensions made to the school. None of these are specifically relevant to these applications.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - No objection subject to condition.
4.2 Severn Trent Water - No objection subject to condition.
4.3 English Heritage - No objection.

Internal Council Consultations

- 4.4 Transportation Manager - No objection subject to conditions.
4.5 Conservation Manager - The stone core of this building is of a high quality and worthy of retention and conversion. It would be acceptable to demolish the existing extensions as they are of little merit. Ideally a new road could be inserted via the entrance of the school house therefore switching the development around and allowing the original school building to be retained and converted. If this were not possible the scheme should be reviewed as it does not maintain the character of the area. As existing this proposal is contrary to Malvern Hills District Local Plan Conservation Policy 2 and 4 and cannot be supported.
4.6 Public Rights of Way Manager - No objection. It is noted that some tree felling is proposed. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for.
4.7 Forward Plans - The site is located within the Settlement boundary as defined by both the adopted Local Plan and the emerging Unitary Development Plan, so the principal of development is established. There are issues regarding the loss of a football pitch and the development being located within a Conservation Area and adjacent to an Area of Outstanding Natural Beauty.
4.8 Landscape Officer - No objection in principle to this development. However, some concern raised about the proximity of units 1 to 3 to protected trees. If permission is granted for this development, full landscaping details should be required by condition.
4.9 Strategic Housing - This application equates to the Unitary Development Plan target for affordable housing of 35%. Good evidence of affordable housing need exists and therefore strategic housing supports this scheme in principle.

5. Representations

- 5.1 Cradley Parish Council - Raise a number of objections. In summary the points raised are as follows:-

Require a feasibility study of alternative uses for the school building to be completed.

If the retention of the building is not feasible, wish to see stone used as a facing material.

Road should be to an adoptable standard. Concerns over parking provision and increases in traffic levels.

Insist that trees identified to be retained are so.

No clear indication on plans of levels or of drainage arrangements.

Access to the three frontage dwellings needs reworking to retain the wall at the road frontage.

All buildings are two storey. Would wish to see some bungalows to introduce variety and echo adjacent developments.

Hours during which deliveries should be made to be restricted during construction.

- 5.2 In total, 22 letters of objection have been received in response to the application. In summary the points raised are as follows:-

The school building is of historic importance and should be retained.

Alternative uses for the building should be explored.

Concerns over highway safety and additional traffic on narrow lanes.

Concerns over drainage.

Potential for overlooking and loss of privacy to be caused to properties adjacent to the site.

Development is not in keeping with the surrounding area, particularly those on the road frontage.

The proposal represents over development of the site.

Suggestion that the site is contaminated by Japanese Knotweed.

- 5.3 Three letters in support of the application have also been received. In summary the points raised are as follows:-

The school building is unattractive and does not contribute to the Conservation Area.

The site should be re-developed.

There is a need for affordable housing in the village.

- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The former primary school has become vacant as a new school has been built on the outskirts of the village. It has been operational for approximately four months and all teaching facilities have been switched to it.

- 6.2 The proposal raises a number of conflicting issues. Should the existing school building be maintained and converted or demolished? If it is converted, how is vehicular access achieved? If it is demolished, should a similarly proportioned building replace it, and if so what impact will this have on the Yew Trees protected by a preservation order?

Demolition of the School Building

- 6.3 The scheme proposes demolition in order that access can be gained to the site, and realistically this is the only option. A partial demolition of the school building would not

be a satisfactory solution in terms of its context in the Conservation Area. Whilst it is a building of some local history, it is your officers opinion that the alterations that have occurred have considerably affected its character and contribution to the Conservation Area in terms of its appearance. It is not worthy of listing and its retention cannot be justified on these grounds.

- 6.4 On balance, the demolition of the school building is considered to be the only viable option to secure the re-development of the site. Its conversion to a single dwelling is similarly unviable given the overall size of the site and therefore, on balance, it is recommended that the demolition of the school building in its entirety is approved.

Vehicular Access/Highway Issues

- 6.5 Some initial concerns regarding on site pedestrian refuge and highway standards have been addressed by some modifications to the layout and can be suitably addressed by conditions.
- 6.6 In considering the impacts of this development on the wider highway network, regard must also be had for the former use of the site as a school. It did result in increased number of traffic movements at peak periods and will undoubtedly have causes localised congestion. A proposed residential development will not cause the same congestion as vehicles will move freely onto and off of the site. Whilst the immediate lanes are narrow, no objection has been raised by the Transportation Manager on the grounds of detrimental impact on the road network.

Alternative Uses

- 6.7 The application before the Local Planning Authority is one for residential development. The site falls within the Settlement Boundary under both adopted and emerging policies where the principle of residential development is accepted. Whilst there may be a demand for other uses for the vacant school premises, it is not appropriate to use this as a reason to refuse these applications, nor to request that feasibility studies are undertaken prior to the determination of them.

Drainage Issues

- 6.8 The proposal seeks to connect to the mains sewer running through the village and Severn Trent have raised no objection to this in their consultation response. The Environment Agency similarly raise no objection, but recommend that a condition is imposed relating to run off from impervious surfaces. By the imposition of such a condition it is considered that concerns in this respect can be satisfactorily addressed.

Amenity Issues

- 6.9 There are two plots whose boundaries are with existing dwellings and these may be considered to be an issue of detriment to amenity.
- 6.10 Plot 8 bounds a property known as Pilgrims. The proposed dwelling has a blank gable end elevation fencing east towards Pilgrims, which is itself approximately 25 metres from the boundary. The finished floor level for the dwelling is shown to be over 1.5 metres lower than the existing ground level and this continues to rise to Pilgrims. There will be no issue of overlooking or overbearance as a result, although a condition could be imposed to restrict the creation of further openings in its eastern elevation.

- 6.11 Plot 13 bounds Dragon House to the north. It is set 15 metres back from the boundary whilst the proposed dwelling; in a slightly amended position, is a further 7.5 metres away. This gives a separation distance of 22.5 metres. A single storey garage building located close to the boundary will provide privacy at ground floor, but will not be overly dominant in itself. A single bedroom window will look across the garden of Dragon House, but not directly onto the dwelling itself. The separation between the two is considered to be sufficient to ensure that satisfactory privacy is maintained between the two.
- 6.12 The proposal does not detrimental affect amenity in terms of overlooking or overbearance and is therefore considered to be acceptable in this respect.

Design/Impact on the Conservation Area/Density

- 6.13 The design on the road frontage building is an attempt to replicate that of the original school building. The plans show it to be faced in stone, and conditions can be imposed to secure the reclamation and re-use of that from the demolished school building if the application is approved. Its position too will reflect the historical context and layout of the school, but will also allow some separation between the new development and the Old School House. A compromise arises from this desired separation and the impact on the frontage Yew Trees. However, existing extensions are closer than the proposed development. Conditions to ensure their protection during construction works should be imposed.
- 6.14 In accordance with Conservation Policy 4 of the Malvern Hills Local Plan, the scheme ensures that a gap does not occur in the road frontage. A view must be taken on the contribution that the replacement building will make to the Conservation Area. With a seeming alternative of a vacant building at its heart, the proposal is not unattractive and, subject to detail is considered to be acceptable.
- 6.15 The remaining dwellings are all of similar designs and details and are well spaced within the site. This reflects the low density of both old and new development in the locality. On plot size of 0.7 hectares, the development is of a low density; much lower than the minimum threshold of 30 per hectare as stated in Planning Policy Guidance 3. However the Conservation Area status is considered to legitimise this.
- 6.16 Whilst bungalows are present in the locality, they have a more suburban, rather than village feel. Their use elsewhere does not render them appropriate in this context, nor would such development contribute to the character or appearance of the Conservation Area.

Boundary Treatments

- 6.17 The current proposal does not include any detail of boundary treatments within the site, but this is readily addressed by condition and is not a reason in itself to withhold permission.
- 6.18 The road frontage is defined by a stone retaining wall, and the plans show three separate incursions into this to provide pedestrian access to the terraced dwellings. Cradley and Storridge Village Design Statement makes reference to boundaries and suggests that they should be preserved as far as is practicable. The creation of three separate points of access does seem excessive and access could be given via the main vehicular access with a shared path to serve these dwellings. Again it is considered that this can be appropriately conditioned.

Affordable Housing

- 6.19 In accordance with the requirements of the Unitary Development Plan, five of the dwellings are to be affordable through a Registered Social Landlord (RSL). Plots 1 to 5 are identified for such use and the applicants agent has confirmed that he is in negotiation with two RSL's, both of whom are preferred partners of the Council.
- 6.20 Strategic Housing comment that they have no objection to the scheme. The mix of accommodation is as required by the Housing Needs survey. However, they do comment that it is concentrated in one area and that this does not help to promote a mixed community.
- 6.21 In light of the constraints of the site, it is considered that the smaller accommodation would appear in the front part of the site, and it is this that meets local need. Furthermore, the relatively small scale of the development limits the opportunities for a more mixed development and the proposal is considered acceptable in this respect. If the application is approved, a Section 106 Agreement will be necessary to secure this aspect of the scheme.

Play Area

- 6.22 The scheme includes the provision of a play area in excess of the minimum requirements made by Recreation Policy 25 of the Malvern Hills District Local Plan, that being 100m² for 15 dwellings. It is sited in the same location as the former play area associated with the school. It is centrally positioned and forms an integral part of the site as a whole. This aspect of the scheme will also need to be the subject of a Section 106 Agreement to secure the precise nature of the equipment to be provided and to make provision for its future maintenance.

Japanese Knotweed

- 6.23 This is recognised by the Environment agency as a contaminant due to its invasive nature. One objector has suggested that it is present on site. It has not been identified by the Tree Survey and arboriculture assessment prepared as part of the application, nor by the Environment Agency in their comments. Further investigation has been requested, but at this stage no further information is available.

Conclusion

- 6.24 In determining this application a decision must be made as to the weight to be attached to each of the issues. It is unlikely that the site can be developed without the demolition of the existing building and therefore, on balance, the scheme is accordingly recommended for approval.

RECOMMENDATION**DCNE2005/0791/F**

- 1 - The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing and the provision and future**

maintenance of a play area, and any additional matters and terms as she considers appropriate.

- 2 - Upon the completion of the aforementioned planning obligation that the Officers be authorised to issue planning permission subject to the following conditions:

- 1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 - A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

- 3 - Prior to the commencement of demolition a method statement for the demolition, salvage and storage of the stone shall be submitted to and approved in writing by the Local Planning Authority. The stone to be salvaged shall then be used in the construction of plots 1 to 3 inclusive.

Reason: In the interest of the character and appearance of the Conservation Area.

- 4 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

- 5 - B07 (Stonework laid on natural bed)

Reason: In the interests of conserving the character of the building.

- 6 - C04 (Details of window sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 7 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 8 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

- 9 - E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

- 10 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

11 - F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

12 - F27 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

13 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

14 - G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

15 - G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

16 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

17 - G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

18 - G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped.

19 - H03 (Visibility splays)

Reason: In the interests of highway safety.

20 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

21 - H11 (Parking - estate development (more than one house))

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

22 - H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

23 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

24 - Notwithstanding the submitted plans, the means of pedestrian access to plots 1 to 3 inclusive shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To maintain the existing stone boundary wall at the road frontage to protect the character and appearance of the Conservation Area.

NE2005/1471/C

1 - A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

25 - C14 (Signing of contract before demolition)

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

2 - HN08 - Section 38 Agreement details

3 - N02 - Section 106 Obligation

4 - N14 - Party Wall Act 1996

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

14 DCSE2005/0795/F - CONTINUATION OF USE AS EQUINE STUD FARM AT SITE NEAR BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE

For: The Singing Stud Ltd per Mr C Goldsworthy, 85 St Owen Street, Hereford, HR1 2JW

Date Received: 11th March 2005 Ward: Old Gore

Grid Ref: 65089, 31923

Expiry Date: 6th May 2005

Local Member: Councillor J W Edwards

Introduction

This application was reported to the Southern Area Planning Sub-Committee on 11th May 2005, when determination was deferred in order to hold a site visit. The application was again considered by the Sub-Committee at their meeting on 8th June 2005.

Following their debate the Sub-Committee were minded to refuse the application contrary to the Officer recommendation. Members resolved that the reasons for refusal should be:

1. Over-intensification of buildings in the open countryside.
2. Obstructing a public right of way.
3. Traffic Issues
4. Too many horses on the site.

The Head of Planning Services has considered the proposal and refers the application on the grounds that the reasons for refusal proposed by the Sub-Committee do not provide a substantive basis for a robust defence of the decision on appeal.

Following the Sub-Committee meeting a letter has been received from the applicant's agent, and this is attached as an appendix.

The report which follows has been updated to include matters reported verbally by Officers on 8th June 2005.

1. Site Description and Proposal

- 1.1 The application site comprises two irregular shaped areas of land to the north-east and south-west of Bodenham Farm, which are on the north-west side of the A449 Ross on Wye - Ledbury Road, and opposite the entrance to Homme House. The two land parcels are bisected by the private drive to Bodenham Farm off the unclassified road (Lyne Down – Old Pike) which is also provides access to the application site. The north-east site is bounded by the A449 to the east; the south-western site is bounded by the A449 to the south west and unclassified road to west. The total area of the land is about 8.3 ha.
- 1.2 There are two small building complexes, one on each land parcel, which provide stabling and storage for the stud farm which according to the applicant's agent has been in operation for about 7 years. No permission has been granted for change of use from agriculture and the permission in 1997 for 6 loose boxes and one field shelter

was subject to a condition (no. 7) restricting use to private purposes and not used for any trade, business or equestrian enterprise whatsoever. The reason given was to preserve the amenities of the locality.

- 1.3 The current application is for planning permission to continue the use of these land and existing buildings as a stud farm. It does not include any building works. Other applications have been submitted for a stud farm worker's dwelling, a fenced training ring and a barn (nos SE2004/4039/F, SE2004/4086/O and SE2005/0325/F respectively). Further information and clarification is being sought regarding these applications. It is understood that horses are also grazed at Hillington Barn, about 4km to the south. A separate application has been submitted (SE2005/1015/F) for continuation of use as equine stud farm and erection of training area, hay barn, winter barn, stable (inc groom's flat) at Hillington.
- 1.4 The agent advises that the total number of horses is currently 116, of which there are 2 stallions, 40 mares, 16 colts and 58 foals, and that in excess of 40 ha (100 acres) is used elsewhere in addition to this site of 8 ha (20 acres).

2. Policies

2.1 Planning Policy Guidance

PPS7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC6 - Development and Significant Landscape Features
 Policy CTC9 - Development Criteria
 CTC13 - Buildings of Special Architectural or Historic Interest

2.3 Malvern Hills District Local Plan

Employment Policy 6 - Re-use of Rural Buildings
 Landscape Policy 1 - Development Outside Settlement Boundaries
 Landscape Policy 3 - Areas of Great Landscape Value
 Landscape Policy 4 - Agricultural Land
 Recreation Policy 14 - Commercial Equestrian Developments

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy E11 - Employment in Open Countryside

3. Planning History

- | | | | | |
|-----|-----------------|--|---|----------------|
| 3.1 | MH97/1112 | 6 loose boxes and field shelter | - | Approved |
| | DCSE2004/4039/F | Fenced training ring at equine centre (60 x 20m) | - | Not determined |
| | DCSE2004/4086/O | Dwelling for stud farm worker at equine centre | - | Not determined |
| | DCSE2005/0325/F | Erection of barn | - | Not determined |

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has no objections but advises on protection of watercourse, surface water run-off issues and prevention of pollution.
- 4.2 Open Spaces Society writes that the proposals do not appear to have a physical effect on 'open spaces'.
- 4.3 Garden History Society does not wish to comment on the proposals.

Internal Council Advice

- 4.4 The Conservation Manager has no observations from an architectural point of view.
- 4.5 Traffic Manager has no objection to the continuation of the use at its current level of operation but would not be prepared to support any expansion/intensification of use which would increase vehicle movements.

With regard to public rights of way the following advice has been received:

"The path is:

- a) a cul-de-sac path as it does not end on a highway but a 'private' track, (although there appears historical evidence for it being a PROW)
- b) it's obstructed – there is a building on it already therefore we class it as a long term obstruction and has been accorded the appropriate priority for action.

However, it has been pointed out that stud horses are 'feisty' and there are a number of paths around that farm – we would like a note on any planning permission pointing out that dangerous horses should not be placed in any fields with a PROW in it and that if they are, and a member of the public is injured, then the landowner will be liable."

5. Representations

- 5.1 The applicant's agent points out that:

- (1) The land is accessed by the common private track that also serves Bodenham Farm.
- (2) Requests that the other development be determined as soon as possible after this application.

- 5.2 Much Marcle Parish Council would like to express their concerns regarding the number of applications received for the site near Bodehham Farm over the last six months. The site seems to be developing into a large commercial enterprise. Also, with regard to the application for continuation of use as an equine stud, the parish council question whether permission was ever obtained originally.

A number of parishioners attended the meeting. Mr Nicholas Pope spoke on their behalf. He informed the council that his research has shown that only one planning permission had ever been granted for the area concerned. This was in 1997 for a

stable block and had restrictions, that it could not be used for any commercial purpose. It also had a caveat that the erection of the stables could not at any future time be a reason for the erection of a dwelling on the site. Mr Pope asked the council to note that a business has been running on the site, in direct contravention of the 1997 planning permission. He then listed the development that had taken place, including barns, stables, foaling sheds and fencing, all apparently with disregard to the planning authority.

A regular visitor to the area who walks many footpaths in the parish who was at the meeting had occasion to ask why the designated footpath that runs through the main stable area was fenced at one end with no apparent way through. It was noted that the forms showed that no rights of way were affected by the application.

5.3 8 letters have been received objecting to the proposal. In summary the following concerns are raised:

- (1) It is questioned whether the right to use this land as an equine stud farm exists - it is not a continuation of use but a retrospective application as planning permission has never been granted.
- (2) The 1997 permission was subject to a condition stating that it was for private use and should "not be used for any trade, business or equine enterprise whatsoever". The reason given was to protect the amenities of the locality.
- (3) This reason is noted as the main grounds for objecting to the proposal.
- (4). A note on the 1997 permission states: "This planning permission in no way implies that the local planning authority consider favourably any future application for residential development on this area to accompany the stabling" and a hand written note questions whether another existing field shelter in the same field had planning permission.
- (5) About 8 years ago only a few old lambing sheds plus two field shelters - it has grown very significantly without permission and it is clear that a major business expansion programme is proposed - where will it end?
- (6) The breaches of planning control include:
 - condition referred to above
 - change of use from agriculture to equine use
 - large stable complex and yard established
 - foaling sheds recently established
 - no application for temporary accommodation as PPS7 Annex A, Paragraph 13
 - recent erection of 3 m high fence, 118 m long.
- (7) The issue of lawful use should be resolved before the applications for operational development are determined - 3 m fence should be removed.
- (8) This all shows no regard for planning systems, which is undermined. It is questioned whether this was a matter of ignorance as a professional agent was employed.
- (9) A second substantive ground for refusal is that the local roads are too small for horse boxes and any increase in traffic from these vehicles, trailers and lorries is unacceptable, given residential properties nearby.

- (10) Any further buildings would create further 'blots' on lovely, picturesque landscape, which would be far too close to listed Bodenham Farm.
- (11) Welfare of horses is a concern as too many on a small area of bank.
- (12) Footpath through site is blocked by confusing and obscured signage, no stile or achievable access, intimidation and perceived danger of using a way used by large stud horses – footpath is shown on OS map.
- (13) It is not small scale.
- (14) It does not re-use existing buildings.
- (15) It does not maintain the environmental quality and countryside character

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This application is for retrospective permission to continue to use land and buildings as a stud farm. This is necessary as permission has not been sought or granted for change of use from agriculture and the unauthorised use has not been operating for the full 10 years required for such a use to have become lawful. The application is for continuation of use and not for retention of new buildings and structures. Consequently if permission is granted it would not authorise the 3 m fence or foaling boxes referred to in representations. The two main complexes either have planning permission (6 loose boxes and field shelter) or were erected, according to the evidence available, more than 4 years ago and therefore would appear to be lawful.
- 6.2 The Note attached to the 1997 planning permission referred to in paragraph 5.3(4) leaves open the question of whether use for an equestrian enterprise would be acceptable. This must be decided in relation to current policies including Government advice and on the merits of the case. Advice on equine-related activities is included in PPS7 in particular paragraphs 32. This states that "horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role. Local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification." Recreation Policy 14 of Malvern Hills District Local Plan sets out a list of criteria that have to be met before permission should be granted. Those relating to effects on surrounding countryside, re-use of existing buildings, effect on amenities of neighbours, highway safety, loss on high grade agricultural land and disposal of waste materials and effluent are most relevant to this application.
- 6.3 The enterprise includes, or is planned to include, a full range of activities: breeding, grazing, training/schooling, sale of horses. It is understood that there are about 116

horses connected with the business (see paragraph 1.4). The enterprise has been developing over a number of years and is clearly hampered by the lack of facilities at the Bodenham site. Hillington Barn has a much greater area of grazing land but no facilities. The current application is about the continued use of land and existing buildings. These may be inadequate for the scale of the business currently undertaken or projected. However if permission is granted it would not imply that the Council finds the additional facilities (barn, training ring, dwelling and any buildings planned) acceptable. Each proposal would be considered on its merits. Clearly, if permission is granted it does mean that these proposed buildings would have to be given careful consideration and could not be refused on the grounds of unnecessary development in open countryside (i.e. no stud farm no need for a worker's dwelling etc.).

- 6.4 The main issue is the effect on the amenities of the locality. The two groups of buildings are located some distance from the nearest houses (about 100m from the main house at Bodenham Farm and 250m from Orchard Cottage) and properly managed there should not be significant problems of noise and odours arising from the stud farm. Most of the land is used for grazing and should not prejudice local amenities. The limited size of the enterprise at this location may result in greater vehicular movements than would otherwise be necessary and the local road network is very narrow with limited passing places and a scattering of houses. Nevertheless, on the evidence available, it is not considered that the volume and nature of vehicular traffic would cause unacceptable noise and disturbance to local residents.
- 6.5 A second issue is highway safety. The limitations of local roads has been noted in the previous paragraph. However no objections are raised by the Traffic Manager and there is no cogent evidence that the roads would be overloaded and prejudice, to a significant degree, highway safety.
- 6.6 The land is classified as Grade 3. Policy 14 states that equestrian development should not take Grade 1, 2, and 3a agricultural land. It is not clear from the published maps whether this site is Grade 3a or 3b. Nevertheless in view of the recent advise in PPS7 it is not considered that this is sufficient grounds for refusing permission.
- 6.7 It is concluded therefore that there are insufficient grounds to refuse permission. The concerns expressed regarding flouting of planning control are appreciated but these are not legitimate reasons for not granting planning permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 2 G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 3 F32 (Details of floodlighting/external lighting)**
Reason: To safeguard local amenities.
- 4 F40 (No burning of material/substances)**

Reason: To safeguard residential amenity and prevent pollution.

- 5 Within 2 months of the date of this permission details of the means of disposing of waste materials and effluents with a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the agreed timetable.**

Reason: To protect the amenities of neighbours and to prevent pollution.

Informative:

1 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies

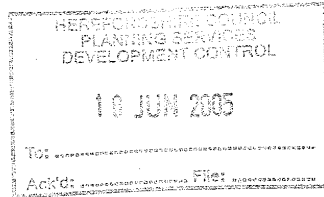
COLIN GOLDSWORTHY MBIAT MaPS

SE2005/0795/F

04/410/CG

9th June 2005

Herefordshire Council
PO Box 230
Blueschool House
Hereford
HR1 2ZB



For the attention of Mr Jonathan Barrett

Dear Mr Barrett

BRITISH INSTITUTE OF
ARCHITECTURAL TECHNOLOGISTS

**CONTINUATION OF USE AS EQUINE STUD FARM
DCSE2005/0795/F**

At yesterday's meeting of the Southern Area Planning Sub-Committee a decision was reached by the committee against officer's advice to refuse the application.

The committee's original reasons for refusal were dismissed by your officers as being inappropriate and they then struggled to manufacture suitable response. Mr Wilmont cautioned the committee that even those suggested latterly might not be suitable and possibly difficult to defend on appeal.

The committee suggested concern over the level of potential activity of the enterprise. There was also comment relating to over intensification of the buildings and blocking of a public right of way.

My clients are not aware that any right of way is blocked and it appears that none runs through their land. If it were to be the case it would of course be unblocked.

All the buildings with the exception of the foaling boxes have been there for more than four years. Most were there when the property was purchased nearly ten years ago. The foaling boxes were built out of desperation and are demountable.

At first the committee had thought that 116 horses were being used for breeding at just the Bodenham site (some 20 acres) and if this were the case then they could rightly have had justifiable concerns and it was on this supposition that they were formulating opinions. Mr Holder rectified this by pointing out that there was an additional 100 plus acres also forming part of the enterprise 4 miles away at Hillington. This is mentioned in the report in 6.3 but makes no mention of areas or distance etc. Following this information one would have expected some movement in the responses of the committee to the application and it appears that a decision was made ignoring reason and clarification. This in my opinion makes for bad decisions.

The concern over numbers could have been allayed by virtue of the fact that the business has reached a maximum and the numbers will now decline. Many of the foals, which are included within the number, will be sold off. Also the number of breeding mares will reduce probably to less than twenty, greater numbers having proved difficult to manage. It was hoped that a training area could have been constructed which allows

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for better exercising and display and that the barn currently being considered under a separate application could be erected allowing for the animals to be kept in cleaner and more secure conditions. These facilities are essential to the success of the venture and sales so far are not reaching the levels expected because of the conditions under which the animals are being viewed.

Emotive points were promoted at the meeting not least of which were comments relating to the well being of the animals. This I believe went some way in influencing the committee's judgement. The parish council's speaker, Mr Weston, made these comments. Some time ago a complaint was made to the RSPCA regarding the animals welfare. After investigation the inspector apologised for his visit and confirmed that the animals were in excellent condition, if somewhat muddy and indicated that if required he was happy to issue a written statement, for view by others, that they were well looked after.

Finally it must be pointed out that there is a lot of very personal vitriol being expressed by parties within the parish against my clients and this more than anything was instrumental in promoting the decision from your committee. It has nothing to do with planning. In the interests of reason and fair play I trust that you will refer this application to your Planning Committee. It would of course allow us to inform your council of the inaccuracies, allow a greater degree of information to be provided and avoid a planning appeal.

I am willing to meet you to discuss any queries you may have.

Yours sincerely



Colin Goldsworthy.

c.c. Mr & Mrs Fewtrell.

15 DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE.

**For: Jennings Homes per K.C. Humpherson Ltd,
The Corner House High Street, Wombourne, WV5 9DN**

Date Received: 4th March 2005 Ward: Valletts

Grid Ref: 42524, 35924

Expiry Date: 29th April 2005

Local Member: Councillor P. G. Turpin

Introduction

This application was reported to the Southern Area Planning Sub-Committee on 8th June, 2005.

Following their debate the Sub-Committee were minded to refuse the application contrary to the Officer recommendation. Members resolved that the reasons for refusal should be:

1. Over-intensification of the site
2. To protect the setting of the Grade II listed farmhouse
3. Insufficient number of small houses on the site

The Head of Planning Services has considered the proposal and refers the application on the grounds that the reasons for refusal proposed by the Sub-Committee do not provide a substantive basis for defence on appeal.

1. Site Description and Proposal

- 1.1 The proposal site is a 0.7 hectare one on the western side of the Class III road (C1221) also known as Church Road, that links the B4349 road to the north and the B4348 road to the south. A factory unit borders the north-eastern boundary, the playing field on the north-western boundary and properties in Whitehouse Drive on the south-western boundary. Whitehouse Farm, a Grade II Listed farmhouse, now in two properties known as Lilac Cottage and The White House on the south-western boundary and divorced from the farmstead by a fair faced blockwork wall. The two semi-detached timber framed dwellings have an elevated position in relationship to the site.
- 1.2 There are a range of wooden and other barns and natural stone farm buildings towards the south-western corner of the site, and in the north-western corner is a pond.
- 1.3 It is proposed to erect 21 three-bedroom and 2 two-bedroom houses across the site, some in pairs and others in groupings. One house is a detached one having five bedrooms and is sited in the north-western corner of the site. It is sited with views across the infilled pond.

- 1.4 The application proposes to provide, as required by the provisions of Government advice in PPG.3 - Housing, a proportion of affordable housing, the form of housing will be shared equity housing. The applicants have informally stated that a particular RSL (Registered Social Landlord) has been identified.

2. Policies

2.1 Planning Policy Guidance

- PPS.1 - Delivering Sustainable Development
 PPG.3 - Housing

2.2 Hereford and Worcester County Structure Plan

- Policy CTC.9 - Development Criteria
 Policy H.16A - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
 Policy C.43 - Foul Sewerage
 Policy R.3A - Development and Open Space Targets
 For 10 Dwellings and More
 Policy R.3D - Commuted Payments
 Policy SH.8 - New Housing Development Criteria in Larger Villages
 Policy SH.14 - Siting and Design of Buildings
 Policy SH.15 - Criteria for New Housing Schemes
 Policy C.29 - Setting of a Listed Building

2.4 Unitary Development Plan

- Policy S.2 - Development Requirements
 Policy S.3 - Housing
 Policy S.11 - Community Facilities and Services
 Policy DR.1 - Design
 Policy DR.4 - Environment
 Policy DR.5 - Planning Obligations
 Policy DR.10 - Contaminated Land
 Policy H.4 - Main Villages: Settlement Boundaries
 Policy H.15 - Density
 Policy HBA.4 - Setting of Listed Buildings

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections in principle, this is with the proviso the 'works' site to the north is not included in the development and that conditions relating to possible contamination discovered during development, control of soakaways and the use of an oil interceptor from hardstandings and parking areas.

- 4.2 Welsh Water has no objections subject to the separation of foul water and surface water discharges from the site, and no surface water being allowed to connect (either directly or indirectly) to the public sewerage system.

Internal Council Advice

- 4.3 Traffic Manager recommends that conditions are attached that provide for parking provisions and a road layout/footpaths, forward visibility and turning head provisions, all to adoptable standards. The Traffic Manager is also seeking a financial contribution towards identified works on footpaths in the village. Details of the proposed connection for surface water will need to be submitted for approval.
- 4.4 The Conservation Manager has concerns about the frontage development and brick wall, particularly in relationship to the adjacent listed building. Brick wall should be retained instead of proposed railings. Chimneys would assist in the design. Cannot support scheme as submitted. As regards Archaeology, the Conservation Manager states that sites are not indicated, but that further advice will follow. An Ecological Study should also be undertaken on the basis that bats, barn owls and nesting birds may be present on the site.
- 4.5 Head of Strategic Housing supports in principle the development of the site. Greater variety is sought over types and sizes of dwelling and seeks to ensure that a Registered Social Landlord is involved.
- 4.6 The Director of Education is seeking a contribution towards education, given the inadequate facilities at both schools in Kingstone.
- 4.7 The Director of Policy and Community requests a contribution to enable changing room facilities and referee rooms to be provided that are compliant with Sport England/Football Foundation, this is given that the site does not provide a small childrens/infants play area. One large open space is preferable on the site than several unusable smaller areas.
- 4.8 The Head of Environmental Health and Trading Standards refers to the Site Investigation Report that accompanied the application. A contaminated land condition is recommended in relation to possible contaminants from chemicals used with the agricultural use and from engineering works. A condition is also required relating to how the pond will be infilled.

5. Representations

- 5.1 A Design Statement accompanied the application together with a Site Investigation Report. The Design Statement contains photographs and states that a mix of housing types, in a mews type of development is proposed. Security to the rear of each property is one element, together with a variety in design with brick and rendered walling to complement the local area. The higher urban density is consistent with PPG.3. Areas of enclosure are also an element in the design.
- 5.2 Kingstone Parish Council's observations are as follows:

"The Parish Council objects to this application on the following grounds:

1. The development would be close to a listed building and would detract from its rural setting.
2. The sewage from this development will be pumped to a main sewer. Two years ago the sewage farm at Kingstone was working at full capacity and residents have been told that the old sewer is collapsing.
3. There has been a previous application to make a car park where the pond is situated and this application was refused. The pond is believed to be spring fed and a valuable wildlife site would be destroyed.
4. There are traffic problems on Church Lane now that vehicles try to avoid the traffic calming zone. Residents will add to commuter problems when travelling to Hereford.
5. There will have to be screening from the recreation ground to prevent nuisance from ball games.
6. We understood there were no more plans for houses with more than 3 bedrooms for Kingstone.
7. The ownership information certificate has been signed to say that the land is not an agricultural holding. Is this correct as the land is certainly a farmyard at the moment?"

5.3 123 letters of objection have been received (106 letters were pro-forma ones, some of which were only appended by signatures, i.e. addresses were not supplied) in which the following main points are raised:

- Environment Agency stated in 1998 only minor levels of development be allowed in future, due to capacity and state of mains system
- collapse of mains close to Bull Ring Inn
- many need updating, inadequate, appalling smells
- septic tank drainage should be installed
- contrary to Section 5, H134
- site described as non-agricultural, not the case
- need ecological survey
- House Martins and rare swifts use pond mud for nest building. Great Crested Newts found
- if pond kept, condition worsens if capped, flooding elsewhere, as site and part of playing field floods now
- higher water table
- many residents have bought properties for view across site
- doctors surgery and schools over-subscribed, waiting list for schools
- unknown number of extra children in area
- assume water going into brook between Hanley Court and Primary School, brook already floods closing the two roads
- understand refusal for car park extension for Central Park 10 or so years ago due to presence of Great Crested Newts
- three-storey houses out of keeping
- tall houses take away light
- above housing quota for Kingstone
- too high a density, half number of houses compared to Cottons Meadow on quarter of site area
- need sturdy fence between site and Whitehouse Drive
- no lighting sufficient length of pavements on Class III road
- 50 extra cars at least
- Class III road, a rat-run, 30mph exceeded, near misses/accidents as traffic avoids speed humps on B road outside schools
- insufficient parking on site, will park on highway

- Class III road too narrow, difficult for vehicles to pass
- proximity to Whitehouse Farm, a Grade II Listed farmhouse in two separate dwellings
- need more space for early seventeenth century timber framed farmhouse
- should be preservation area around listed farmhouse
- poor transport system

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues are considered to be the principle of development, including the number of dwellings proposed, form of development in particular, loss of the pond, the setting of the Grade II Listed Whitehouse Farm, highways implications, means of foul drainage and funding of off-site community facilities.
- 6.2 This site is wholly within the settlement boundary which is a fact that none of the objectors contends. There is not a quota for Kingstone that would prohibit development of this site. The issue of it being related to an agricultural holding relates to the tenure of the site not the use of this area of land.
- 6.3 Local planning authorities have to have regard to planning material considerations such as Government advice contained in Planning Policy Guidance and in circulars. The most apposite planning guidance in relation to this site is contained in PPG.3: Housing. It requires, among others, that local planning authorities produce sites with densities of between 30-50 dwellings per hectare. The proposal for 24 houses on a 0.7 hectare area site falls within the lower scale of anticipated development. Therefore, on the issue of housing density alone there is not considered to be a material reason for refusal.
- 6.4 The development is predominantly comprising 3-bedroom housing, only three houses are not 3-bedroom ones, one is 5-bedroom and is on the north-western boundary of the site and two are 2-bedroom dwellings. It should also be stated that 8 dwellings have been identified as affordable dwellings in this instance for shared equity. The applicant has already identified a Registered Social Landlord (RSL), the preferred option of the Council in the management of affordable dwellings, a further requirement of PPG.3: Housing, as endorsed in the Council's Supplementary Planning Guidance relating to Affordable Housing. There are a variety of types and forms of dwelling proposed, varying in height from 6.8 metres to 7.3 metres, onto 7.9 metres and up to 9.3 metres. The dwellings will be faced in brick or rendered. The variation in ridge heights breaks up what would otherwise a degree of uniformity of ridge heights across the site. It is considered that the distance between the rear walls of Plots 9 and 10 and those of the nearest properties in Kingstone Drive of 23 metres is sufficient. Overlooking and loss of privacy would not arise. The other proposed dwellings on the southern boundary of the site, namely plots 11 and 15 are roughly at right angles to north-west facing properties in Whitehouse Drive. It is not considered that, as has been raised in representations, a loss of daylighting would occur to residents in Whitehouse Drive from dwellings on the southern boundary of the site.
- 6.5 The pond and the immediate land around it was the subject of an earlier planning application for an extension to the engineering works. The Environment Agency did not object at the time. The application was not refused as Great Crested Newts were

found or believed to be living in and around the pond. It was refused for reasons of the change of use proposed and that the informal pond area and other land would be used for the storage of agricultural machinery. An ecological survey has been provided by the applicants at the request of the former Ecologist for the Council and this is still being assessed.

- 6.6 The siting of dwellings in proximity to the Grade II Listed Whitehouse Farm, which was formerly one dwelling and is currently in two separate residences, Lilac Cottage and The Whitehouse, is a material consideration. The proposal is being revised in accordance with the concerns of your officers. The roadside dwelling (Plot 1) a 'L' shaped dwelling returns in a similar fashion to the more elevated listed farmhouse. The distance between the listed farmhouse and south facing, side wall of the house on Plot 1 is 9 metres. A footpath leading into the site skirts the southern boundary of the site following the line of an existing access point onto the farmstead. There is a breeze-block wall on the southern side of the proposed footpath/existing access way into the site. This wall will need to be treated in some fashion. The applicants are revising the house type and siting for the nearest plot to Whitehouse Farm. They are also looking at the issue of boundary treatments, not only the aforementioned blockwork wall on the boundary with Whitehouse Farm, but also the redbrick wall fronting onto Church Lane which is considered preferable to the proposed use of metal railings. The wall may need to be rebuilt for insurance purposes or possibly supported. The nearest dwelling to the north-west is considered to be sufficient distance at 17 metres away, at the nearest point. These issues would need to be resolved before planning permission could be issued, however it is considered that this can be achieved.
- 6.7 The Traffic Manager has no objections on the basis that adequate visibility can be achieved. A shortfall in parking provision was identified, this has been rectified with the submission of a layout plan identifying parking allocations for each dwelling. It is not within the remit of this application for the developer to address the issue of motorists seeking to circumvent the speed bumps on the B4349 road adjacent to the two schools. It is considered that there is sufficient on-site parking provision.
- 6.8 The issue of disposal of foul and surface water drainage has been raised by the majority of objectors and the Parish Council. The Environment Agency and Welsh Water whom have both responded without objection to the proposal as submitted, and in particular Welsh Water state there is capacity for foul drainage. The Council's Drainage Officer states that details for the surface water connection will need to be the subject of prior approval, but does not object in principle. The development can therefore be supported on the basis that the site can be served subject to the conditions requested by the Environment Agency and Welsh Water. Reasons for refusal on the basis that mains drainage is not adequate are not sustainable given the stance of Welsh Water and the Environment Agency at this time.
- 6.9 The developer will need to provide funding for off-site costs of the Education Service, Leisure Service, Highways Service and also satisfy the requirements of the Council's Supplementary Planning Guidance relating to Affordable Housing. The capacity for the school has been referred to in representations received, this can be partly addressed by the addition of funding for improved facilities including WCs at the Primary School and better IT facilities at the Senior School. Funding has also been requested for the benefit of football teams utilising the adjoining playing fields which will compliment the commuted sum previously paid by the developer of Cottons Meadow. The Traffic Manager had also identified works around the village that require funding. The scheme will also provide an element of affordable housing that will provide more

affordable housing for the benefit of the village. There may be increased pressures on facilities on service providers, including the Doctor's Surgery and schools, however given that the principle of developing the site can be substantiated with reference to Policies GD.1, SH.8 and SH.15 in the South Herefordshire District Local Plan, together with the provisions of Government advice in PPG.3: Housing, refusing planning permission on the basis that more capacity is required cannot be sustained by planning policies.

- 6.10 It is considered that the application can be supported in principle subject to conservation issues relating to Plot 1, the nearest dwelling to Whitehouse Farm being resolved, and a Section 106/Planning Obligation is drawn up relating to the affordable housing provision on the site and the funding of contributions to facilities across the village relating to footpaths, education facilities and sports and leisure facilities.

RECOMMENDATION

That: i) the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools, affordable housing and any additional matters and terms as considered appropriate

ii) upon completion of the aforementioned planning obligation and the resolution of details, including the setting of Whitehouse Farm, and any mitigation measures necessary for the presence of wildlife, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4. G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

5. G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6. G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7. W01 (Foul/surface water drainage)

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

8. W02 (No surface water to connect to public system)

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.

9. W03 (No drainage run-off to public system)

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

10. F47 (Measures to deal with soil contamination)

Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.

11. F17 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

12. F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

13. Soakaways shall only be used where they would not present a risk to groundwater. If permitted their location must be approved in writing by the local planning authority.

Reason: To prevent pollution of controlled waters.

14. Details of the means of infilling the pond, i.e. material, shall be the subject of the prior written approval of the local planning authority.

Reason: In the interests of the environment.

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

16 DCCE2005/0032/F - RETIREMENT VILLAGE/INDEPENDENT LIVING SCHEME WITH VILLAGE HALL AND RESTAURANT, WELFARE AND RECREATIONAL FACILITIES, ADMINISTRATIVE AND CARE FACILITIES, SELF-CONTAINED ACCOMODATION UNITS AND CAR PARKING. LEDBURY ROAD NURSERIES, LEDBURY ROAD, HEREFORD

For: Elgar Housing Association Ltd, Hulme Upright Manning, Highpoint Festival Park, Stoke On Trent, Staffs, ST1 5SH

Date Received: 7th January, 2005 Ward: Aylestone Grid Ref: 51997, 39932

Expiry Date: 4th March, 2005

Local Members: Councillors A. Williams, D.B. Wilcox

1. Site Description and Proposal

- 1.1 The application site comprises a substantial roughly rectangular plot located in a set back position to the north of Ledbury Road. The site known as Unity Gardens was formerly occupied on a temporary basis as a community garden but is now disused, being characterised by a range of vacant buildings previously used in connection with its historic use as a nursery. A large area of land to the west of the complex of the buildings is laid to grass and whilst the site is predominantly undeveloped the buildings are visible from public vantage points around the site. It is however relatively well screened from the surrounding area by mature trees and coniferous hedgerows.
- 1.2 The site lies within the settlement boundary of Hereford and is designated as an Established Residential Area, Its residential context is principally defined by the properties forming Highgrove Bank and Bladon Crescent which occupy an elevated position to the east and north of the site respectively and provide a backdrop in views across the site from the south and west. In views from Ledbury Road, a landscaped context is provided by Unity Garden, which is designated as Public Open Space. The western boundary is defined by the Eign Brook and as such a proportion of the site lies within an area at risk of flooding. The Eign Brook is also designated as a Site of Importance for Nature Conservation (SINC).
- 1.3 Detailed planning permission is sought for the redevelopment of the nursery site in order to create an 'extra care village'. The scheme as proposed incorporates a total of 96 units (predominantly 2 bed apartments) to provide accommodation for elderly residents. The proposal takes the form of a roughly H-shaped block comprising a range of single, two, three and four storey elements utilising brick render and glazed elevations under a concrete tiled roof. Revisions to the originally submitted scheme have resulted in the inclusion of a detached block of 3 single storey units which would be located in the north east corner of the application site.

- 1.4 In addition to the residential element, the accommodation will incorporate a restaurant/bar and lounge, a communal hall space, a shop, health and fitness facilities, a craft/hobby room, greenhouse, beauty salon, jacuzzi and sauna, IT suite, an assisted bathroom, library and reading room, woodwork room and an on site laundry.
- 1.5 The village facilities would be made available to non-residents living in the local community through a membership scheme and the supporting information provided with the application identifies that the accommodation within this scheme would be made available through a range of tenure options including long lease and affordable rent arrangements.
- 1.6 Access would be derived via the existing service road, which would be widened and provide an enhanced entrance to the proposed parking area. The scheme would retain public access routes through the site serving Bladon Crescent. A service road would be constructed along the north boundary of the site providing access for refuse and possibly emergency vehicles. The parking area which offers provision for a total of 45 cars would be located on the eastern side of the 4 storey accommodation block.
- 1.7 The application is accompanied by a Flood Risk Assessment, an Ecological Appraisal and a Contamination Survey, the submission of which has resulted in a significant delay in the consideration of the application. A Design Statement and an Independent Living Care Philosophy Statement also form part of the submission.

2. Policies

2.1 Government Guidance:

- PPG1 - Delivering Sustainable Development
- PPG3 - Housing
- PPG9 - Nature Conservation
- PPG13 - Transport
- PPG25 - Development and Flood Risk

2.2 Hereford & Worcester County Structure Plan:

- CTC9 - Development Requirements
- CTC11 - Trees and Woodlands
- CTC18 - Development in Urban Areas

2.3 Hereford Local Plan:

- ENV1 - Land Liable to Flood
- ENV2 - Flood Storage Areas
- ENV3 - Access for Watercourses
- ENV8 - Contaminated Land
- ENV14 - Design
- ENV15 - Access for All
- ENV16 - Landscaping
- ENV18 - External Lighting
- H3 - Design for Non Residential Development
- H5 - Public Open Space Provision in Larger Schemes
- H7 - Communal Open Space
- H8 - Affordable Housing
- H9 - Mobility Housing

H10	-	Housing for the Elderly
H12	-	Established Residential Areas – character and amenity
H13	-	Established Residential Areas – loss of features
H14	-	Established Residential Areas – site factors
CON21	-	Protection of Trees
NC3	-	Site of Local Importance
NC6	-	Criteria of Development Proposals
T1A	-	Commercial Road/Ledbury Road Link
T5	-	Car Parking – designated areas
T6	-	Car Parking – restrictions
T11	-	Pedestrian Provision
R1	-	Public Open Space
R13	-	Public Rights of Way
IMP3	-	Planning Obligations

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR10	-	Contaminated Land
DR14	-	Lighting
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H9	-	Affordable Housing
H13	-	Sustainable Residential Development
H14	-	Re-Using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
T6	-	Walking
T11	-	Parking Provision
T16	-	Access for All
NC4	-	Sites of Local Importance
CF7	-	Residential Nursing and Care Homes

3. Planning History

- 3.1 CE2002/2773/F - Change of use of former Council nursery to allow public access for community garden, daytime café and shop. Temporary permission approved. Permission expired.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: I refer to the additional plans (Flood Risk Assessment, reference R40001Y001-A) as submitted, which were received on 23rd March, 2005.

The Agency maintains its objection to the proposed development, at this time, because the Flood Risk Assessment (FRA) has not addressed the issues in sufficient detail.

The FRA needs to consider the consequences of flooding, to ensure that they are capable of being managed in an acceptable way. In particular the following points require further attention and additional information as requested, from a flood risk perspective.

1. The FRA has estimated the 1% annual probability event (ape) plus 20% to be 0.928m³/s. It should be noted that the Environment Agency has received FRA's for sites upstream of the proposed development on the Widemarsh Brook which have estimated 1% ape to be in the order of 6.6m³/s. The Widemarsh Brook joins the Eign Brook at Commercial Road.
2. The details of the roughness values, as used for channel flow, should be stated in the report, together with analysis of the sensitivity of the site to a high roughness values where channel maintenance is not carried out.
3. The FRA has shown that there is a downstream structure (Ledbury Road Bridge) that has very little watercourse headroom clearance. There are also services within the structure that would cause serious blockage. The FRA should establish what affect blockage of the structure would have on the development site, in terms of flood risk implications.
4. The hydraulic model and ground levels should be related to Ordnance Survey Datum. There has been no indication of whether the mode has been calibrated.
5. It should be noted that the Environment Agency has historical records of the site flooding. An officer within the Agency's Flood Defence Team can recall floodwater on the Ledbury Road approximately 33 years ago at this location. The report should consider whether the River Wye extreme flood outline will influence flood levels from the Eign Brook.
6. Surface water details should be confirmed, showing the principle use of SUDS in the first instance, bearing in mind that all or parts of this site may be contaminated.

Note – There is a Greenfield Run-Off Restriction of 10 litres/sec/ha for any proposed development or impermeable surface within the River Wye catchment.

At this time the Agency's objection still stands as it has not been demonstrated that the site can be developed and occupied safely, with respect to flood risk.

Internal Council Advice

- 4.2 Traffic Manager: Comments that the parking provision is satisfactory based on the comparative information submitted with the application and recommends the consideration of contributions towards a pelican crossing, a bus shelter and bus boarders. The Travel Plan framework submitted in the supporting information should form the basis of a condition attached to any approval. No objection is raised to the proposed access arrangements although a dedicated ambulance space should be identified on the plan.

- 4.3 Conservation Manager: Raises no objection in principle but advises the need to reduce the visual impact of the proposal. It is suggested that the scale of the east and west elevations should be reduced together with articulation of the ridgeline. A standard archaeological watching brief condition is recommended in relation to potential prehistoric deposits and remains of historic brickworks in the locality. Comment in respect of the revised layout in relation to landscape implications are awaited at the time of writing and will be reported verbally to Committee Members. In response to the Ecological Assessment it is noted that detailed survey work in respect of Great Crested Newts, Slow Worms, Water Voles, White-Clawed Crayfish and Bats remains outstanding and that this work should be carried out prior to the determination of any application.
- 4.4 Forward Planning Manager: In summary it is advised that the site is located within the established residential area and as such residential development is deemed acceptable in these areas. The site is considered to be predominantly brownfield, the redevelopment of which is supported by plan policy. There is concern regarding the provision of on-site open space in the proposal. However, there is provided open space adjacent to the site which might be enhanced. Issues regarding flooding would need to be resolved.
- 4.5 Head of Strategic Housing Services: Fully supports this planning application, and has worked in partnership with Elgar Housing Association, ExtraCare Charitable Trust, colleagues in Social Care and the Primary Care Trust to bring this planning application forward to the current stage of a full application.

The scheme has received capital grant funding of £4.6M from the Department of Health after the Council made a successful bid for funding from a national funding pot. In addition, Herefordshire Council has committed £3.1M of its own LSVT capital resources to help fund the scheme with the ExtraCare Charitable Trust providing a further £1M from its charitable sources and private finance from Elgar Housing Association.

The Supporting People Commissioning Body have endorsed Supporting People funding for the housing related provision within the scheme

The scheme is supported by the Hereford Allotment and Leisure Gardens Society and it benefits from a land 'swap', whereby land currently used by the Society, and leased from Hereford City Council, will be transferred to Elgar Housing Association via Herefordshire Council, and adjacent land currently lying fallow will be transferred to the City Council having been improved to make it suitable for allotments use.

The scheme conforms to and supports the Health and Social Care Business Plan for Older People, the Council's Housing Strategy, and the Herefordshire Partnership by helping to meet the accommodation needs of the County.

The benefits of the scheme to Herefordshire, and more particularly the environs of Hereford, are immense and not easily quantified. 70 much needed affordable flats, for rent and shared-ownership, will be provided for the age group 55+, and 30 flats for outright sale, together with a range of facilities to encourage an active lifestyle for residents. The scheme will promote a mixed community, a social inclusion generally, with good potential for the involvement of the local community in various activities and for the community to have access to some of the facilities.

With regards to contributing towards other services in the area due to the scale of the development, these include the following:

- Around 70% Affordable housing for rent and shared ownership, is being provided on the scheme, double the target amount in the evolving UDP.
- The community facilities/activities will also be available to the surrounding community, including organised trips away from the scheme, which will contribute to the wider aims of the scheme, including enabling people to live more independently for longer.
- The existing public open space will be enhanced to provide a more attractive area for the neighbourhood and also by providing a focal point for Ledbury Road.
- Continued partnership working with the allotment society to promote recycling materials from the scheme for the better use of the land and produce production.

In addition to the immediate community benefits, through the Local Authority's contribution towards the total scheme costs to Elgar Housing Association, the Council will receive from the transfer of LSVT reserves to corporate non-housing reserves a % of this receipt. Subject to the Treasurer's advice this would likely be available under the Council's scheme selection process to fund other community initiatives within Herefordshire.

Should additional planning gain contributions be sought, it will be inevitable that the affordable housing element will suffer accordingly and possibly fewer local people would be likely to benefit from this much needed accommodation to meet the needs of the growing older population in Herefordshire.

Any homes built will meet Housing Corporation Scheme Development Standards, including an EcoHomes 'GOOD' rating as a minimum, and meet Lifetime Homes standards.

All the homes, including the affordable units, would be allocated via an allocations panel made of representatives of the Partnership, which includes representatives from the Council's Social Care Directorate, and would be advertised through Home Point, Herefordshire.

- 4.6 Head of Environmental Health and Trading Standards: Raises no objection subject to a condition requiring condition in respect of contaminated land surveys.
- 4.7 Parks, Countryside and Leisure Development Manager: Accepts the scheme does not warrant play facilities for young children and notes that the emphasis is on providing a small landscaped courtyard as well as the adjacent Public Open Space (POS). It is agreed that improvements to the existing POS would be beneficial. A request for a financial contribution in lieu of the non-provision of open space is made and it is suggested that a contribution towards the provision of a pavilion serving the proposed bowling green at Aylestone Park should be considered.

5. Representations

5.1 The initial application has been the subject of a number of revisions which has resulted in a total of 23 responses raising the following specific concerns:

- proximity and height of building in relation to neighbouring property is unacceptable
- additional parking and service road use will effect residential amenity

- loss of privacy
- scale of development out of keeping with surrounding properties
- over intensive form of development detrimental to character and appearance of the area
- overdevelopment of the site
- occupation needs to be restricted effectively
- principle of the proposal unacceptable (not brownfield land)
- site specifically not allocated for housing development due to site constraints (access, flood risk, residential amenity)
- land should be retained as public open space and protected for its own sake
- site does not have sufficient capacity to cope with development of this scale
- nature conservation interests must be safeguarded
- development will have adverse impact on flood risk
- access is not acceptable, detrimental to highway safety
- additional traffic will result in pollution of the environment.

5.2 At the time of writing a further 13 letters of objection had been received in response to the consultation on the finally revised scheme. It is possible that further responses will be submitted and these will be reported verbally to Members. No new concerns are raised but reference is made to the additional four storey element and its impact on residents of Highgrove. The summary of response set out above therefore remains relevant.

5.3 Hereford City Council comment that the elevations are considered to be uninspiring and constitute too dense a mass; industrial in appearance and lacking warmth, and environmentally incompatible with adjacent development. Principle of site use and concept fully supported. A further response following an additional consultation indicates that the City Council, as landowner, makes no comment on the proposals.

6. Officers Appraisal

6.1 The scale of this proposal, if not its fundamental principle, has resulted in a significant adverse response from local residents and other interested parties and following the site visit carried out by Members of the Central Area Planning Sub-Committee on 18th April, 2005 further revisions have been made. In addition to the design revisions additional submissions in respect of ecological value, flood risk and contamination have been provided, which has resulted in some delay in bringing forward a report. It should be noted that the recommendation and associated conditions reflect the matters outstanding at the time this report was written.

6.2 The main considerations in the determination of this application are as follows:

- (a) The concept of extra care accommodation and the principle of development;
- (b) Design, scale and character;
- (c) Impact on residential amenity;
- (d) Provision of affordable housing/nature of occupation;
- (e) Implications for public and private open space/recreation provision;
- (f) Highway safety, access and highway improvements;
- (g) Flood risk/contamination issues; and
- (h) Nature conservation.

Concept of Extra Care/Principle

- 6.3 The submission of this scheme follows a consultation exercise carried out in the early part of 2005 and it represents a joint venture between Herefordshire Council, The Elgar Housing Association and the Extracare Charitable Trust seeking to provide high quality accommodation for older people in need of varying levels of care typically above the age of 55. The proposals involve the provision of a total of 96 units of accommodation including one and two bed apartments. In addition to the living accommodation an extensive range of communal facilities would be provided including a restaurant, a hall space, shop, a fitness studio, hairdressers, a library and reading room and an IT suite which would be for the benefit of residents, but through a membership scheme these facilities would be made available for non-residents over the age of 55 from the wider community.
- 6.4 The intention would be to provide a mix of tenure options including long leases and rental agreements and the referral process would be managed in a joint agreement between Herefordshire Council and the Housing Association. It is suggested in supporting information that if approved the scheme could support in the region of 50-60 new jobs.
- 6.5 The application site is not specifically allocated for any purpose either in the Hereford Local Plan or the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) but it clearly lies within the settlement boundary of Hereford where the principle of a wide range of uses, including residential development, would be considered broadly acceptable. Within this context whilst the facility as a whole is self sustaining in terms of the facilities it provides, the site occupies a sustainable location benefitting from access to existing public transport and reasonable pedestrian links to city centre services. In this respect, and notwithstanding views expressed in relation to the importance of the openness of the site and reference to its previous use as a community garden, it is considered that the principle of this proposal is an acceptable one having regard to adopted and emerging plan policies.

Design, Scale and Character

- 6.6 The overall scale this proposal has been acknowledged and having accepted the principle of residential development on this site, the approach to the design in terms of integrating the significant number of apartments and associated facilities into the established residential character of the surrounding area represents a key consideration.
- 6.7 Revisions to the scheme have reduced the number of apartments to a total of 96 although the design continues to incorporate 3 and 4 storey elements along the north, south and east facing elevations. The approach adopted in this instance is a predominantly traditional one incorporating contemporary elements such as the glazed 'winter garden' and the asymmetric design of the roof. The intention is to seek to reduce the perceived scale of the proposed building through the use of contrasting materials (in this case red brick and render) which serve to break up the overall mass and introduce a vertical emphasis. The articulation of the massing is also achieved through the 'stepped' arrangement of the design which includes single storey elements next to the public gardens, a 2 storey section in the sensitive north east corner of the site and a combination of 3 and 4 storey blocks within the heart of the scheme. Other devices include the use of bay windows, conservatories, balconies and the breaking of the roof ridge aimed at reducing the overall scale of the

development and creating the appearance of individual blocks of a less significant and more appropriate residential scale.

- 6.8 It is noted that the overall size of the development and its design are the main causes for concern and these views are acknowledged. However having regard to the context of this site which occupies a relatively low lying position set against a backdrop of the County Hospital, elevated residential development on land which rises in a north easterly direction away from the site and the well established landscape context provided by the public open space and existing boundary treatments it is considered that it can be successfully integrated into the site without detriment to the character and appearance of the surrounding residential area.
- 6.9 The proposal would inevitably result in the loss of open character of the largely undeveloped site, although it should be noted that it is not specifically protected for its contribution to the amenities of the area. It remains the case that in its developed form, the site would sit within a largely open setting defined by the public open space to the south and the allotments to the north.
- 6.10 Overall it is suggested that the relatively understated and traditional design approach rather than the alternative contemporary landmark building represents the most appropriate one in the locality and whilst subjective views on the design are divided, the scheme in its revised form satisfies the requirements of Policies ENV14, H12, H13 and H14 of the Hereford Local Plan and equivalent policies in the emerging Herefordshire UDP (Revised Deposit Draft).

Impact on Residential Amenity

- 6.11 The site shares common boundaries with existing properties along the eastern boundary and part of the northern boundary which is otherwise shared with allotment gardens and it is clear from a number of objections received that there are significant concerns in relation to the potential overbearing impact of the proposal, the implications for privacy as well as noise and disturbance associated with construction work and the use of the proposed service road.
- 6.12 It is acknowledged that with a maximum four storey height of approximately 15 metres, the impact on neighbouring properties requires very careful attention. It is considered that the main area of concern is the north east corner of the site where the proposed development relates to 13 Bladon Crescent. The revisions made to the design and layout of the main block have enabled this area to be revisited and the result is that the storey heights have been reduced to a combination of 2 (7.3 metres) and 3 (13.2 metres) storeys positioned some 14 metres and 21 metres respectively away from the property. It is considered that the combination of the relative distance, the elevated position of 13 Bladon Crescent and its garden, the reduction in height and the sloping nature of the nearest roofs results in an acceptable relationship which would not adversely effect amenity such that the refusal of planning permission would be warranted.
- 6.13 The properties along the northern boundary would be between approximately 28 metres and 48 metres of the proposed 2 and 4 storey elements of the accommodation and as such would not be adversely affected in terms of overbearing effects or loss of outlook.
- 6.14 With regard to privacy, again the relationship to 13 Bladon Crescent is of critical importance. In this respect the revised 2 and 3 storey accommodation blocks have

been designed so that windows facing the garden would serve bathrooms and could be obscure glazed. A condition is recommended to ensure that this is restricted in an appropriate manner. Bedroom accommodation would look out towards the properties along the eastern boundary but due to the positioning of the main block the distance between the new and existing properties would vary between 28 metres and 48 metres such that it would not be reasonable to object to the proposal in terms of the loss of privacy. It is further advised that the elevated position of the existing properties coupled with additional planting proposed within the car parking area would ensure any effect would be minimal.

- 6.15 The use of the parking area and the service road running around the rear of the proposed development is a further cause for concern. The development in terms of the nature of occupation will not attract the same level of vehicular activity as a private and unrestricted residential development and as such the extent of parking is significantly less than would otherwise be the case. It is not considered that the comings and goings of vehicles from the site would be so out of character with this Established Residential Area that planning permission could be reasonably withheld but it is acknowledged that lights from cars during the evening could result in a degree of disturbance and as such the provision of a suitable boundary treatment coupled with the soft landscaping proposals is recommended.

Affordable Housing/Nature of Occupation

- 6.16 The revised scheme proposes a total of 96 units of accommodation and it is submitted that a substantial 85% of these units would be affordable and made available for rent and shared ownership to local people qualifying through selection criteria operated by the joint agreement between Herefordshire Council and the Housing Association. The total number of affordable units, albeit restricted in terms of the age of occupants, would far exceed the proportion that would be delivered through a speculative housing development and will serve to meet a specifically identified local need within Hereford. The support offered by the Head of Strategic Housing is noted and the comments provided in the consultation summary offer an endorsement to the potential benefits of this proposal in affordable housing terms.
- 6.17 The proposals as inferred above do not offer accommodation for young people in housing need but it is suggested that the take up of units within this scheme could release a wide range of smaller dwellings within the city that would offer a greater choice of more affordable homes.
- 6.18 The long term availability of the non-market residential units would be protected by means of a suitably worded condition as would the age restriction on occupation which is important in terms of the justification for the reduced number of parking spaces being proposed.
- 6.19 Careful consideration has been given to the advice set out in PPG3 – Housing, existing adopted policies and those emerging through the UDP together with relevant circular advice and whilst it could be argued that the development as proposed does not offer a wide range of housing types and sizes or result in what might be described as a mixed community development in terms of the age groups represented, it offers a relatively unique opportunity to meet a very specific need within the wider context, the demand for which is projected to grow in future years. The site is well located in terms of access to services and the substantial number of affordable units proposed is considered to outweigh the issues of diversity identified

above and as such, subject to appropriate restrictions the proposal is supported on these grounds.

Public/Private Open Space

- 6.20 Policy requirements in relation to developments of this scale would normally attract the need for on-site provision of recreational play space although in this particular instance, having regard to the age profile of potential occupants it is acknowledged that this would not be necessary. The proposal incorporates a landscaped courtyard and is well related to the existing public open space (Unity Garden). In this context, the applicant has agreed to carry out enhancement works primarily through additional soft landscaping to the public open space and the intention would be to secure further improvements to boundary treatments to improve the appearance.
- 6.21 Reference is made in the Representations section to a request for a financial contribution to assist in the delivery of a bowling green at Aylestone Park. This has been resisted by the applicant on financial grounds since the extent of affordable units proposed is such that significant additional costs could adversely affect its implementation. It should also be borne in mind that this site is not geographically well related to Aylestone Park and as such the reasonableness of such a contribution is brought into question. A further factor is that the extra care philosophy is such that a membership scheme would operate for those qualifying in the local community enabling access to health and fitness equipment and other facilities aimed at promoting an active lifestyle.
- 6.22 It is considered that the material considerations relating to this scheme are such that the normal development led requirements should be suspended in this case in order to enable the significant benefits of the affordable element of the proposal to carry forward.

Highways/Access

- 6.23 Vehicular access to the proposed development would be obtained via the existing driveway, which would be widened to 6 metres with the splayed entrance also being enhanced to meet highway standards. The new access road would incorporate a pedestrian footway enabling safe access through the site via the existing footpaths through the public open space and beyond through into Bladon Crescent. A raised pedestrian crossing point would be provided close to the Ledbury Road junction to facilitate a safe pedestrian route across the enhanced vehicular access.
- 6.24 The improved access and visibility splay are considered acceptable by the Traffic Manager, as is the proposed parking provision. A total of 45 car parking spaces (including 10 disabled person spaces) is proposed within a landscaped forecourt to the east of the main accommodation block. The reduced level of parking is considered appropriate having regard to the limited car use associated with a facility catering for more elderly residents and to the relatively sustainable location of the development in relation to existing public transport routes and pedestrian links to the city centre (although it is acknowledged that pedestrian access to the city centre is unlikely to be a realistic option for older residents).
- 6.25 A comparison of other sites developed by the applicant indicates that the parking provision in this case is somewhat greater than has been the case in other locations such as Berryhill, Warrington, St Helens and Broxstone. Furthermore the basis of a Travel Plan promoting sustainable alternatives to the use of private car has been

discussed and would form part of a further detailed submission by way of a condition should permission be granted.

- 6.26 Consideration has been given to financial contributions to provide a pelican crossing, a bus shelter and boarders (raised kerbs and platforms) to assist with access to buses and it is recommended that these improvements are justifiable in the context of the development as proposed which is partly promoted through a commitment to sustainability. These contributions which combined would amount to a total of £34,000 would be sought through a Section 106 Agreement, or potentially a suitably worded Grampian condition, and would be used specifically for the facilities identified above.
- 6.27 Subject to other appropriate conditions it is considered that the highway related matters raised by this applicant have been satisfactorily addressed, although it is advised that such a contribution may have implications for the proportion of affordable units provided through this scheme. It should be noted that Commercial Road/Ledbury Road link identified in the Hereford Local Plan which affects part of the site does not form part of the emerging UDP policies and as such is of limited weight and would not represent a basis for objecting to this proposal.

Flood Risk/Contamination

- 6.28 At the time of writing the Environment Agency continues to object to the proposed development on the basis of the sites location within the flood plain of Eign Brook and Flood Zone 2. Issues remain outstanding in relation to the Flood Risk Assessment that was subsequently submitted and these are being pursued by the applicant with a view to overcoming additional technical requirements. The recommendation reflects this outstanding matter but it should be stressed that the flood risk issue is a highly sensitive one and could prejudice the development of a significant proportion of the site. It is possible that the remodelling of the existing Public Open Space involving slight reduction in ground levels could provide sufficient flood storage capacity to overcome the holding objection. The details of this however have not been finalised.
- 6.29 A desk top contaminated land survey has been undertaken and it is considered that this provides an acceptable basis for the conditioning of contamination and remediation measures

Nature Conservation

- 6.30 The site lies adjacent to the Eign Brook, a Site of Importance to Nature Conservation (SINC) and as such has the potential to support protected species. An ecological assessment has been carried out and certain conclusions have been drawn and agreed with the Conservation Manager. Specifically compensation for the loss of vegetation and preventive measures for the spread of invasive plant species have been supported. However the assessment does not incorporate detailed survey work in respect of Great Crested Newts, Slow Worms, Water Voles and Otters, White Clawed Crayfish or bats, the absence of which does not allow the determination of the application at this stage.
- 6.31 The additional survey work could take until October 2005 to complete and as such the recommendation reflects this situation. The findings will enable an appropriate condition relating to compensation and mitigation to be formed and may necessitate the redesign of the proposal.

RECOMMENDATION

Subject to there being no objection from Environment Agency, Conservation Manager and English Nature (if appropriate); and should a Grampian condition in respect of highway improvements be deemed unacceptable:

- (i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £34,000 in lieu of highway improvements including provision of a pelican crossing, bus shelter and bus boarders and any additional matters and terms as she considers appropriate.
- (ii) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. AL(0)02 Rev 6, 04 Rev H, 05 Rev H, 06 Rev G, 07 Rev G, 08 Rev F, 09 Rev F, 10 Rev F, 11 Rev F and 14 Rev D), except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings.

4. The chimney flue[s] shall have a dark matt finish of a colour which shall first be approved in writing by the local planning authority.

Reason: To protect the general character and amenities of the area

5. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of

any works forming part of the development shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in perpetuity and in full accordance with the approved scheme. The scheme shall include:

- (i) The numbers, type and location of the site of the affordable housing provision to be made;
- (ii) The timing (the construction of the affordable housing);
- (iii) The arrangements to ensure that provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (iv) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: To ensure that an appropriate type and level of affordable housing is provided and maintained within the scheme and in recognition of the specific nature of this approved scheme.

7. The occupation of the residential units hereby approved shall be restricted to a person or persons aged 55 or above unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the specific nature of this approved scheme, the reduced level of parking provided and in the interests of the character and amenities of the area.

8. Prior to the use or occupation of the residential development hereby permitted, and at all times thereafter, the windows marked "X" on the approved plans shall be glazed with obscure glass only [and shall be non-opening].

Reason: In order to protect the residential amenity of adjacent properties.

9. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents.

10. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the building[s] hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided.

11. Details of any [floodlighting] [external lighting proposed to illuminate the development] shall be submitted to and approved in writing by the local planning authority before [the use hereby permitted commences] [and] [the building(s) is/are occupied]. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities.

12. No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.

Reason: In the interests of the amenity of the area.

13. Prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse, crates, packing cases and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

14. No development approved by this permission shall be commenced until:

(i) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing with the local planning authority;

(ii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Reclamation Method Statement) have been submitted to and approved in writing by the local planning authority;

(iii) The works specified in the Reclamation Method Statement have been completed in accordance with the approved scheme.

If during reclamation works any contamination is identified that has not been considered in the Reclamation Method Statement, then remediation proposals for this material shall be agreed in writing with the local planning authority.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

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

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 16. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] [before the building(s) is/are occupied] [in accordance with a timetable to be agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 17. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

Reason: In order to protect the visual amenities of the area.

- 18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.**

Reason: In order to protect the visual amenities of the area.

- 19. The landscaping scheme required by condition No. 17 above shall include the following:**

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

20. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for improvements to the public open space to the south of the application site. The occupation of the development shall not begin until these works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or on behalf of the local planning authority.

Reason: To secure appropriate mitigation and enhancement of the public open space in the interests of the character and amenities of the locality.

21. No development shall be commenced on the site or machinery or materials brought onto the site for the purpose of development until adequate measures have been taken to prevent damage to those trees which are to be retained. Measures to protect those trees shown must include:

(a) Fencing, of a type and form agreed in writing with the local planning authority, must be erected around each tree or group of trees. This fencing must be at least 1.25 metres high and at a radius from the trunk defined by the canopy spread.

(b) No excavations, site works, trenches, channels, pipes, services, temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the crown spread of any tree without the prior written consent of the local planning authority.

(c) No burning of any materials shall take place within 6 metres of the furthest extent of the canopy of any tree or tree groups to be retained.

(d) There shall be no alteration of soil levels under the crown spread of any tree or group of trees to be retained.

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

22. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

23. Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

24. Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety.

25. Before the development is commenced a scheme for the provision of secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

26. Prior to the first occupation of the development authorised by this permission a Travel Plan promoting alternative sustainable forms of transport shall be submitted to and approved in writing. The measures identified in the Travel Plan shall be implemented in accordance with the approved details and access shall be provided to the associated records upon reasonable request in order to monitor and revise the requirements of the Plan.

Reason: To ensure a range of sustainable alternative modes of transportation are provided/promoted as part of the ongoing occupation of the development.

INFORMATIVES:

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), County Offices, Bath Street, Hereford, HR1 2HQ Tel: 01432-260786, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
4. This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
5. This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
6. All protected birds, their nests and eggs are protected by law and it is thus an offence to:
intentionally kill, injure or take any wild bird
intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
intentionally take or destroy the egg of any wild bird
intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

7. It is an offence for any person to:
Intentionally kill, injure or take protected bats.
Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.
The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.
8. The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Hereford Local Plan:

- ENV1 - Land liable to flood**
- ENV2 - Flood storage areas**
- ENV3 - Access for watercolours**
- ENV8 - Contaminated land**
- ENV14 - Design**
- ENV15 - Access for all**
- ENV16 - Landscaping**
- ENV18 - External lighting**
- H3 - Design for non-residential development**
- H5 - Public open space provision in larger schemes**
- H7 - Communal open space**
- H8 - Affordable housing**
- H9 - Mobility housing**
- H10 - Housing for the elderly**
- H12 - Established residential areas - character and amenity**
- H13 - Established residential areas - loss of features**
- H14 - Established residential area - site factors**
- CON21 - Protection of trees**
- NC3 - Site of local importance**
- NC6 - Criteria of development proposals**
- T1A - Commercial Road/Ledbury Road Link**
- T5 - Car parking - designated areas**
- T6 - Car parking - restrictions**
- T11 - Pedestrian provision**
- R1 - Public open space**
- R13 - Public rights of way**

IMP3 - Planning obligations

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

17 DCCE2005/0977/F - PROPOSED DEVELOPMENT TO PROVIDE 19 NO. RESIDENTIAL UNITS, WITH ASSOCIATED GARAGES AND ROAD/SEWER INFRASTRUCTURE. MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD. HR1 2SZ

For: Mr A Williams, S J Salisbury Designs, 25 Cartwright Avenue, Harley Whitefort, Worcester, WR4 0NZ

Date Received: 23rd March, 2005 Ward: Tupsley Grid Ref: 51886, 39895

Expiry Date: 18th May, 2005

Local Members: Councillors G.V. Hyde, Mrs M. Lloyd-Hayes, W.J. Walling

1. Site Description and Proposal

- 1.1 This application seeks planning permission for the erection of 19 residential units on land off Ledbury Road, Hereford. The 0.4 hectare backland site is located on the north side of Ledbury Road and adjoining Eign Brook, the railway line, Mill Court, the rear boundaries of 23-31 Ledbury Road and 31a Ledbury Road (an existing backland plot). Access to the site is via an existing driveway from Ledbury Road serving 31a Mill Court and parking courts. The majority of the site is presently overgrown/unused. The site is also adjacent to an area utilised as allotment gardens.
- 1.2 The proposal involves the erection of 8 two-and-a-half storey three bedroom dwellings, 2 two storey two bedroom dwellings, and a single three storey block of flats consisting of 6 two bedroom units and 3 one bedroom units. Nineteen units in total are proposed and are intended to be served by a new estate road and a minimum of one parking space per unit. The access to the site will be via the existing access point to Ledbury Road, which will be upgraded in accordance with details to be agreed.
- 1.3 The proposal represents a re-submission of a previous application (DCCE2004/0026/F) which sought permission for 6 two/three storey three bed terrace houses, two pairs of two storey two bed semi-detached houses and a single three storey block of 9 two bedroom flats (19 units altogether). The layout of this new proposal is generally similar to the approved scheme with the principal differences being the deletion of the semi-detached pair to the south of the access and the development of a revised terraced row. Parking and building designs are also revised.

2. Policies

2.1 Planning Policy Guidance:

- PPS1 - General policy and principles
 PPG3 - Housing
 PPG13 - Transport

2.2 Hereford & Worcester County Structure Plan:

- H2B - Location of housing
- H14 - Hereford Sub Area
- CTC9 - Development requirements

2.3 Hereford Local Plan:

- ENV2 - Flood storage areas
- ENV3 - Access to water course
- ENV14 - Design
- H3 - Design of new residential development
- H6 - Open space
- H4 - Residential roads
- H8 - Affordable housing
- H12 - Established residential areas - character and amenity
- H13 - Established residential areas - loss of features
- H14 - Established residential areas - site factors
- NC3 - Sites of local importance
- T11 - Pedestrian provision
- T12 - Cyclist provision

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- S1 - Sustainable development
- S3 - Housing
- DR1 - Design
- DR7 - Flood risk
- H1 - Hereford and the market towns: settlement boundaries and established residential areas
- H9 - Affordable housing
- T11 - Parking provision
- T7 - Cycling
- H15 - Density
- H16 - Car parking

3. Planning History

- 3.1 HC870250POE - Erection of 3 bungalows with garages and one additional garage. Refused 30th July, 1987. Appeal dismissed 24th March, 1988.
- 3.2 HC880232PO - Erection of two dwellings with garages and one additional garage. Permitted 4th August, 1988.
- 3.3 HC910256PO - Erection of two dwellings with garages and one additional garage (amendment to HC880232PO). Permitted 13th August, 1991.
- 3.4 HC970346PO - Site for erection of two dwellings with garages and one additional garage. Deemed invalid 23rd September, 1997.
- 3.5 CE2000/0744/O - Scheme for residential development. Permitted 3rd November, 2000.

- 3.6 CE2002/0444/F - Proposed development to provide 23 mixed residential units consisting of 2 bed flats, 3 bed town houses and 2 bed mews cottages. Refused 10th January, 2003.
- 3.7 DCCE2004/0026/F - Proposed development to provide 19 residential units. Approved 23rd April, 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Required Flood Risk Assessment. This was submitted and received and no objection raised.
- 4.2 Railtrack: No objection in principle but outlined issues for consideration in relation to boundary treatments and safety matters.
- 4.3 Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.4 Traffic Manager: Recommends conditions.
- 4.5 Conservation Manager: Recommends archaeological evaluation and conditions for protection of trees.
- 4.6 Environmental Health Manager: Required an acoustic assessment due to proximity to railway, however, as this was not a requirement in the previous application this is not considered reasonable in this instance.

5. Representations

- 5.1 Hereford City Council: Objection on the grounds that 'it represents an over-intensive development which if implemented would cause highway access problems vis-a-vis Ledbury Road. It would also result in a significant reduction in local environmental amenity to adjoining premises'.

6. Officers Appraisal

- 6.1 The main issues associated with this application are considered to be:

- The principle of residential development
- Design and scale
- Residential and visual amenities
- Highway issues

Principle

- 6.2 The application site lies within an Established Residential Area as defined in the Hereford Local Plan. Policies H13 and H14 permit new residential development within the Established Residential Areas and, as such, the proposal is considered appropriate as a matter of principle by this plan. This position is echoed by virtue of Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy S3 and H1. The density of the development equates to 47.5 dwellings per hectare which is in accordance with the

provisions of PPG3 which encourages densities between 30 and 50 per hectare. In view of the location of this application site a figure closer to the higher end of the spectrum is considered appropriate. Of further note is the extant permission on this site (DCCE2004/0977/F). It is considered that this permission clearly established the principle of development on this site.

Design and Scale

- 6.3 The original proposal was notable for the design of the main flats building which incorporated a 'gull wing' roof design. This contemporary design approach was considered of merit and supported. The dwelling houses themselves were traditional in appearance with modest character. This revised proposal seeks a more conservative design approach with the 'gull wing' roof abandoned for a traditional design. The design as submitted was, however, considered a little too conservative, lacking in any real character or inspiration. Revisions have been secured which are considered to address this and the resulting development is now considered acceptable. The scale of the revised proposal is similar to that already approved and remains acceptable in this location.

Residential and Visual Amenities

- 6.4 The arrangement of the houses still pays regard to the siting of adjacent properties and ensures adequate levels of privacy are maintained. Adequate margins are also retained between the proposed houses and the railway line; an issue in previous development proposals on this site. It is further considered that the scheme is appropriate in design and will sit comfortably in this location. It is considered that the visual amenities of the site and wider area will be preserved through this development.

Highway Issues

- 6.5 This application required some revisions to ensure acceptability from a highway perspective. The scheme, as amended, however, is considered acceptable, subject to conditions, from a highway safety perspective with adequate parking provided (minimum of one space per unit) and access improvements required by condition.

Other Issues

- 6.6 The levels on site have been an issue previously and no level details are submitted in this instance. Level details will therefore be conditioned to ensure that development is carried out on an appropriate level as with the extant permission. This approach was deemed acceptable so far as the extant planning permission is concerned.
- 6.7 The Environment Agency advised of the requirement of a Flood Risk Assessment (FRA). This was requested and provided. The FRA confirms that the site is not within the 1% risk area and the submitted plans confirm that no development will take place within the identified 5 metre 'no build zone' from Eign Brook, a further matter resolved in the previous permission on this site.
- 6.8 In relation to the comments made by the Parish Council and the Environmental Health Manager it is considered that the extant permission overrides these issues.

Conclusion

- 6.9 This application represents an evolution of the extant permission on this site. The application respects the issues noted in the previous development proposals for this site and remains acceptable in relation to design, scale, residential and visual amenity, and highway issues. For these reasons, approval is recommended subject to the conditions set out below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

5 E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

6 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

8 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

9 G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

10 G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

11 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

12 No development shall commence on the site or machinery or materials be brought on to the site for the purpose of development until adequate measures have been taken to prevent damage to Eign Brook and to those trees which are to be retained. Protective measures must include:

a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5 metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.

b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.

Reason: In order to preserve the character and amenity of the area.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no buildings or other structures (including gates, wall or fences), shall be erected and/or no changes to ground levels shall be carried out within 5 metres of the top of any bank of water courses and/or within 5 metres of any site of an existing culverted watercourse inside or alongside the site unless otherwise agreed in writing by the local planning authority.

Reason: To maintain access to the water course for maintenance or improvements and allow for overland flood flows.

14 H09 (Driveway gradient)

Reason: In the interests of highway safety.

15 H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

16 H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

17 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

18 H29 (Secure cycle parking provision)

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

INFORMATIVES:

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 HN07 - Section 278 Agreement**
- 5 HN08 - Section 38 Agreement details**
- 6 HN09 - Drainage details for Section 38**
- 7 HN10 - No drainage to discharge to highway**
- 8 HN19 - Disabled needs**
- 9 N03 - Adjoining property rights**
- 10 N04 - Rights of way**
- 11 N15 - Reason(s) for the Grant of PP/LBC/CAC**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

18 DCCE2004/3318/F - DEMOLISH EXISTING REAR PART OF BUILDING AND CONSTRUCT NEW KITCHEN, STORES AND FLAT. 17/18 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BB

**For: Mr A Williams, Broadheath Consulting Ltd,
Broadheath, Moreton-on-Lugg, Hereford, HR4 8DQ**

Date Received: 6th September, 2004 Ward: Central Grid Ref: 51323, 40230

Expiry Date: 1st November, 2004

Local Member: Councillor D. Fleet

1. Site Description and Proposal

- 1.1 The application site is a restricted plot of land located at the rear of the commercial property fronting Commercial Street known as 'Mr Chips', The site itself fronts Harrison Street. The remainder of the land is currently vacant except for a single garage that is in a poor state of repair and is sometimes used informally for the parking of vehicles.
- 1.2 The site lies within the Central Conservation Area.
- 1.3 The building proposed would form a single storey link from the existing commercial premises to a two storey building. The accommodation would comprise a storage area for use with the commercial premises and an independent residential unit comprising a hall, wc, kitchen and parking area (integral garage) at ground floor with living room, bathroom and bedroom at first floor level.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPG3	-	Housing
PPG13	-	Transport
PPG15	-	Planning and the Historic Environment

2.2 Hereford & Worcester County Structure Plan:

H2B	-	Location of housing
H14	-	Hereford Sub Area
CTC9	-	Development criteria

2.3 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
T5	-	Car parking - designated areas
T6	-	Car parking - restrictions
CON12	-	Conservation areas

- CON13 - Conservation areas - development proposals
- CON19 - Planning applications - conservation areas
- CON35 - Archaeological evaluation

3. Planning History

- 3.1 CE2004/1655/F - Demolish existing rear part of building and build 2 no. new flats at 17/18 Commercial Road. Withdrawn.
- 3.2 HC960080PF - New residential flat at first floor level to rear 17 & 18 Commercial Road and change of use of 18 Commercial Road to A3 Usee (food & drink). Extension and alterations including new shopfront and clock to front elevation. Approved with conditions 20th August, 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: Raises no objections subject to the imposition of conditions.

Internal Council Advice

- 4.2 Traffic Manager: Raises no objection subject to retention of 1 space for parking being provided.
- 4.3 Conservation Manager: Responded as follows:
 - After a number of revisions the proposal is tolerable. Bricks, mortar mix, roof materials and joinery details subject to approval;
 - The site lies in an Area of Archaeological Importance - Note ND2 is needed.

5. Representations

- 5.1 Hereford City Council has considered this planning application and still considered it to be an over intensive development of the site with no indication as to adequate servicing of the same.
- 5.2 One letter of representation has been submitted from a neighbouring occupier Clarke Roxburgh which makes the following points:
 - No limitation of access to and from the rear of our property as a result of the building work both during and after construction. Our rear access is used daily and forms part of our fire evacuation procedures;
 - Extraction from the kitchen is suitable and sufficient not to impact the local environment - specifically our concern is that extraction might lead to odour coming through our windows.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 As referred to in the planning history section of this report, this application site was subject of a planning application in 1996. This application was of a similar size, scale and design to that now submitted. The site lies within the city centre and has no particular designation that would restrict residential development of this nature. As such there is no objection in principle to the development of this site for residential purposes.
- 6.2 Having regard to the design of the building proposed, this has been amended a number of times in order to try and find a balance between the traditional buildings fronting Commercial Road and creating an acceptable street frontage to Harrison Street. It is now considered that its general scale and massing and design would complement and preserve the character and appearance of the Conservation Area. As such the proposal conforms with Policies CON12 and CON13 of the Hereford Local Plan.
- 6.3 Parking has been provided on site for one car, which is considered acceptable in terms of the site's central location and the small scale of the residential unit proposed.. As such the proposed development conforms to the policies of the Hereford Local Plan and accordingly the recommendation is one of approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

4 C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

INFORMATIVES:

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

3 ND02 - Area of Archaeological Importance

4 N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

19 DCCW2005/1934/T - PROPOSED TELECOMMUNICATIONS INSTALLATION. LAND ON THE WESTERN SIDE OF THE A49 (OPP 245 ROSS ROAD), HEREFORD HR2 7PR

For: 02 UK Limited, Stappard Howes, 8 Windsor Court, Clarence Drive, Harrogate, North Yorkshire, HG1 2PE

Date Received: 2nd June, 2005 Ward: St. Martins & Hinton Grid Ref: 50612, 38092

Expiry Date: 27th July, 2005

Local Members: Councillors C. Chappell, R. Preece, Mrs U. Attfield

1. Site Description and Proposal

- 1.1 This application is submitted under the Prior Notification procedure for the erection of a 12.5 metre telecommunications installation on the western side of Ross Road, Hereford. The application site comprises an area of highway verge adjacent to the main A49. The development involves the installation of a 12.5 metre mast with a working street light feature, together with three equipment cabinets. The site is located within an area characterised by semi-mature trees and a variety of street lighting, signage, and telegraph poles ranging up to a maximum of 11 metres in height.
- 1.2 This application represents the third application in recent times for a telecommunications installation in this vicinity by O2. Two previous applications involved development on the verge to the east of Ross Road (DCCE2005/0553/T and DCCE2004/3679/T), these applications being refused due to their impact upon the visual amenities of the locality. This application represents the result of extensive negotiations with O2 to locate an acceptable site to meet the required coverage area.

2. Policies

2.1 Planning Policy Guidance:

PPG8 - Telecommunications

2.2 Hereford Local Plan:

ENV13 - Telecommunications

ENV14 - Design

H12 - Established residential areas – character and amenity

H21 - Compatibility of non-residential uses

2.3 Herefordshire Unitary Development Plan:

S1 - Sustainable development

S2 - Development requirements

DR1 - Design

CF3 - Telecommunications

3. Planning History

- 3.1 DCCE2005/0553/T - Land on eastern side of A49, 15 metre telecommunications installation incorporating lamp-post and ancillary cabinets. Refused 7th April, 2005.
- 3.2 DCCE2004/3679/T - Land on eastern side of A49, 15 metre telecommunications installation incorporating artificial telegraph pole and ancillary cabinets. Refused 3rd December, 2004.
- 3.3 DCCE2002/3677/T - Land on eastern side of A49. 11 metre telecommunications installation and ancillary cabinets. Refused 6th February, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency: No response received to date.

Internal Council Advice

- 4.2 Traffic Manager: No response received to date.
- 4.3 Environmental Health and Trading Standards Manager: No response received to date.

5. Representations

- 5.1 Hereford City Council: No response received to date.
- 5.2 Local Residents: No response received to date.

6. Officers Appraisal

- 6.1 The proposed equipment benefits from being permitted development in terms of its height and specification. The matters available for consideration in this application type are therefore:
 - Confirmation of conformity with ICNIRP public exposure guidelines;
 - Demonstration of technical justification (need);
 - Demonstration of site selection process;
 - Siting and design.
- 6.2 The required ICNIRP Certificate has been submitted thereby confirming the compliance of this installation in relation to emissions and conformity with public exposure guidelines. Evidence has also been submitted demonstrating a clear technical justification for this proposal with a clearly defined gap in coverage identified in the signal coverage mapping provided. On the basis of this it is considered that the proposed installation is compliant with the required health and safety requirements for telecommunications development and the need for the requested coverage is accepted.
- 6.3 Turning to the site itself, a weakness in the previous applications on the nearby site to the east of the A49 (DCCE2005/0553/T and DCCE2004/3679/T) was the incongruous nature of the proposals. Both these schemes involved the introduction of installations

(lamp-post and telegraph pole designs respectively) in a central location on a wide grass verge area. The result was considered to be a development out of scale and alien in appearance due to the lack of any relationship with the urban development pattern and form of the vicinity. It was also of note that the schemes both sought approval for 15 metre installations. A scheme for a different operator was also proposed near the top of the hill heading out of Hereford on the A49 (DCCE2002/3677/T). This application was refused due to the impact upon the visual amenities of the locality with the telecommunications monopole assessed as being visible from a considerable distance away due to its siting in such a prominent location. The scheme now submitted is the result of extensive negotiations and discussions with the local planning authority and the application reflects the advice given. The installation is now proposed in a roadside location in a position between the two existing lamp-posts. The site is at the bottom of the hill and involves a street lamp feature to enhance the integration of the mast into the street scene. The height has been reduced to 12.5 metres to minimise the extent to which this mast exceeds the height of other roadside installations. A wide site search was undertaken in the vicinity in order to locate the lowest impact location while still meeting the required coverage and it is considered that this location represents the most effective siting solution for this development. It is considered that this proposal will integrate effectively into the street scene without detriment to the visual amenities of the locality. It is therefore considered that the siting and design of this development is acceptable.

- 6.4 It is considered that this application has demonstrated the need for this installation and has provided evidence of its compliance with ICNIRP public exposure guidelines. The site selection process has been undertaken correctly and it is considered that the proposed location represents the most appropriate location in relation to the visual impact of the development with the siting and design ensuring that this development does not represent an incongruous feature within the street scene.

RECOMMENDATION

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice that PRIOR APPROVAL is NOT REQUIRED for the siting and appearance of the development described above subject to the following conditions imposed by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) subject to the following conditions:

- 1. The development shall be begun no later than 5 years from the date the Council received the application.
- 2. The development shall, except to the extent that the Local Planning Authority otherwise agree in writing, be carried out in accordance with the details submitted with the application.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.