

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 22nd March, 2006 at 2.00 p.m.**

**Present:** Councillor J.W. Hope MBE (Chairman)  
Councillor K.G. Grumbley (Vice-Chairman)

**Councillors:** B.F. Ashton, Mrs. L.O. Barnett, W.L.S. Bowen,  
P.J. Dauncey, J.H.R. Goodwin, P.E. Harling, T.W. Hunt, T.M. James,  
R.J. Phillips, J. Stone and J.P. Thomas

**In attendance:** Councillors Mrs. J.E. Pemberton

**216. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J.P. French, B. Hunt, Brig. P. Jones CBE, D.W. Rule MBE and R.V. Stockton.

**217. DECLARATIONS OF INTEREST**

The following declarations of interests were made:-

Councillor	Item	Interest
J.P. Thomas	Agenda Item 13, Minute 227 DCNW2005/3808/F <b>Porch House, Aymestrey, Leominster, Herefordshire, HR6 9SU</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
R.J. Phillips	Agenda Item 16, Minute 230 DCNW2006/0298/F <b>Maesydari Site, Kington, Herefordshire, HR5 3FA</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**218. MINUTES**

**RESOLVED:**

**That the Minutes of the meeting held on 22nd February, 2006 be approved as a correct record and signed by the Chairman.**

**219. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee noted the Council's current position in respect of appeals for the northern area.

**220. DCNW2005/3951/F - DOWNWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NH [AGENDA ITEM 6]**

*Retrospective application for 2 no. feed silos.*

In accordance with the criteria for public speaking, Mr. Wells and Mr. Weymouth spoke in objection to the application.

Councillor R.J. Phillips commented that industrial structures could look harsh in the landscape, particularly when set against a soft background, but noted that this specific application was for two feed silos. He noted that any business in a rural area would be subject to environmental controls and that agencies may decide to prosecute if there were any breaches of such controls. He expressed sympathy for the concerns of local residents and noted the difficulties associated with residential and industrial uses being in close proximity. Given the sensitive location of the site, Councillor Phillips proposed an additional condition in respect of landscaping, within the land owned by the applicant, to mitigate the impact on visual amenity.

In response to questions, the Principal Planning Officer confirmed that the existing building had a B2 use category, General Industrial Use, and commented that officers were not aware of any retail use in planning terms. In response to a question about whether further development could be prevented, the Principal Planning Officer advised that any future applications would need to be considered on their own merits at that time.

It was noted that planning permission may not have been required if the development was lower than the height of the existing building.

**RESOLVED:**

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

- 1 - E02 (Restriction on hours of delivery).**

**Reason: To safeguard the amenities of the locality.**

- 2. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping along the boundary marked in yellow on the approved plan, 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.**

- 3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the seasons of 2006/2007, 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.**

**Informative:**

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

221. DCNW2005/4103/F - FORMER GARAGE PREMISES, LAND ADJACENT TO NO 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX [AGENDA ITEM 7]

*Erection of 11 no. apartments and associated garaging.*

Councillor T.M. James, the Local Ward Member, commented that this was a relatively small corner plot and that the development would appear cramped. He noted that the restricted width of the garages could cause some practical difficulties for users. He also noted the concerns of local residents regarding the density and scale of the proposal and felt unable to support the application and would abstain.

Councillor J.P. Thomas commented that he would prefer not to see such a high concentration of dwellings but noted that other applications had been approved in recent times with even higher densities. In response to a question about the financial contributions, the Development Control Manager explained that, whilst proposal would represent a decrease in traffic movements compared to the previous use of the site, a contribution had been negotiated with the developer in order to mitigate the impact of the additional persons using the transport infrastructure through bus shelter and cycle parking provision.

Some Members expressed concerns about the density of the development and the restricted size of the apartments but noted that the proposal conformed to the relevant local and national policies.

Councillor R.J. Phillips commented that national planning policy guidance was designed around the demands of metropolitan areas and did not always translate well in rural counties, particularly where transport was concerned. He noted the need for realistic supplementary planning guidance to take account of the specific circumstances of rural areas. A number of Members supported this view.

**RESOLVED:**

1. **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the appendix to the report and any additional matters and terms as he considers appropriate.**

2. **Upon completion of the aforementioned planning obligation that the Officers named in the Scheme of Delegation of 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 - 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.
- 5 - C05 (Details of external joinery finishes).  
Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 6 - E19 (Obscure glazing to windows).  
Reason: In order to protect the residential amenity of adjacent properties.
- 7 - F16 (Restriction of hours during construction).  
Reason: To protect the amenity of local residents.
- 8 - F32 (Details of floodlighting/external lighting).  
Reason: To safeguard local amenities.
- 9 - F39 (Scheme of refuse storage).  
Reason: In the interests of amenity.
- 10 - 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.
- 11 - G01 (Details of boundary treatments).  
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 12 - G04 (Landscaping scheme (general)).  
Reason: In order to protect the visual amenities of the area.
- 13 - G05 (Implementation of landscaping scheme (general)).  
Reason: In order to protect the visual amenities of the area.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC.
  - 2 - N14 - Party Wall Act 1996.
  - 3 - N03 - Adjoining property rights.
222. DCNW2005/4147/F & DCNW2005/4148/L - YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN [AGENDA ITEM 8]

*Two storey extension to rear.*

Councillor W.L.S. Bowen, the Local Ward Member, felt it regrettable that a previously negotiated and approved scheme was not considered workable and acknowledged the concerns of local residents. In response to a question, the Principal Planning Officer advised the objection raised by The Society for the Protection of Ancient Buildings regarding '...the intention to cut through a main rail on the gable end of the listed building' was not raised when the previous proposal was considered and was permitted under the approved scheme.

Councillor Bowen commented on the need for the conditions relating to parking and turning to be adhered to in order to prevent obstruction on the road and encroachment onto verges.

**RESOLVED:**

**NC2005/4147/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 - 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 - 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.**

- 5 - C05 (Details of external joinery finishes).**

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

- 6 - C11 (Specification of guttering and downpipes).**

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

- 7 - C17 (Samples of roofing material).**

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

- 8 - D03 (Site observation - archaeology).**

**Reason: To allow the potential archaeological interest of the site to be**

investigated and recorded.

- 9 - H01 (Single access - not footway).

Reason: In the interests of highway safety.

- 10 - H12 (Parking and turning - single house).

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

- 11 - E15 (Restriction on separate sale).

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

- 12 - E18 (No new windows in specified elevation).

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

- 13 - 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.

**Informative:**

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

NW2005/4148/L

That Listed Building 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 - 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 - 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.

- 5 - C05 (Details of external joinery finishes).

Reason: To safeguard the character and appearance of this building of

[special] architectural or historical interest.

6 - C11 (Specification of guttering and downpipes).

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

7 - C17 (Samples of roofing material).

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

223. DCNW2006/0071/F - THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET [AGENDA ITEM 9]

*New/replacement farm house.*

In accordance with the criteria for public speaking, Mr. Salwey spoke in support of the application.

Councillor Mrs. L.O. Barnett, the Local Ward Member, questioned the use of the term 'relatively grandiose replacement' in the officers' appraisal and sought the views of officers regarding the design. The Principal Planning Officer commented that design was subjective but the size of the proposed dwelling was significantly larger than the building to be replaced. Councillor Mrs. Barnett commented that four double bedrooms was not grandiose for many families, she felt that the design of the building was acceptable even given the prominent position of the site, and noted that the existing building was not listed. Therefore, she proposed that the application be approved subject to a condition to mitigate any ecological impact, particularly in relation to bats.

Councillor W.L.S. Bowen felt that the scale and design was acceptable and that any compromises would have a detrimental impact on the proportions of the building. He felt that it would be an improvement on the existing building and noted that it would not have a direct impact on any nearby dwellings.

Councillor J. Stone noted the comments of the Conservation Manager but felt it significant that no local residents, local parish councils or walkers' groups had submitted objections. He added that residential amenity would not be harmed and concurred with the view that the development would enhance the area.

Councillor B.F. Ashton drew attention to the significant increase in the footprint of the new/replacement dwelling; the comparison of floor area, when measured externally, was 191.78 square metres for the existing farmhouse and 480 square metres for the proposed dwelling. He felt that the policy objections outlined in the refusal reasons for planning application NW2005/3024/F remained and that the design was not sympathetic to the landscape.

Councillor T.W. Hunt expressed his dismay that the policy issues were not being given due consideration.

Councillor Mrs. Barnett noted that Members had the responsibility to represent people within their Wards and that this sometimes meant disagreeing with, or interpreting differently, certain policies and guidelines.

**RESOLVED:**

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to the conditions below (and any further conditions felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee.
1. On receipt of a satisfactory ecological survey including full mitigation measures in relation to bats and nesting birds.
  2. Then Planning Permission be granted subject to conditions seen necessary by officers.
- (ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application subject to such conditions referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Planning Committee.]

**224. DCNC2006/0360/F - OAK VIEW, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ [AGENDA ITEM 10]**

*Proposed porch and detached double garage.*

Councillor K.G. Grumbley, the Local Ward Member, supported the application.

**RESOLVED:**

**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 - A06 (Development in accordance with approved plans).

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

**Informatives:**

- 1 - N03 - Adjoining property rights.

- 2 - N14 - Party Wall Act 1996.

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

**225. DCNC2006/0380/F - VILLAGE HALL, WILDEN BANK, ULLINGSWICK, HEREFORDSHIRE, HR1 3JG [AGENDA ITEM 11]**

*Demolition of existing village hall and erection of bungalow.*

In accordance with the criteria for public speaking, Mr. Skidmore spoke in support of the application.



Councillor P.J. Dauncey, a Local Ward Member, commented on the planning history of the site. In particular, he noted that a previous application for a house on this site was refused due to excessive scale but this new application for a bungalow was some two metres lower than the roofline of the previously proposed house. He also noted that the ownership of the land was a civil matter and that issues relating to badgers had been adequately addressed through the provision of an alternative sett. He thanked the officers for their efforts with this application.

In response to a question from Councillor R.J. Phillips, the Development Control Manager explained that reference in the report to 'Brownfield land' would have been better described as 'previously developed land'.

Members felt that the proposal would enhance the area given the poor condition of the existing village hall building.

**RESOLVED:**

**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 - E16 (Removal of permitted development rights).**

**Reason: In order to prevent overdevelopment of the site.**

- 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 - G16 (Protection of trees covered by a Tree Preservation Order).**

**Reason: To ensure the proper care and maintenance of the trees.**

- 8 - 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.**

- 9 - F18 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are**

provided.

- 10 - H09 (Driveway gradient).

Reason: In the interests of highway safety.

- 11 - H10 (Parking - single house) (2 cars).

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

- 12 - The whole of the splayed entrance shall have a sealed surface and it shall remain unobstructed at all times.

Reason: In the interests of highway safety.

- 13 - The whole of the works relating to means of access, including drainage, shall be completed before the development is brought into use.

Reason: In the interests of highway safety.

- 14 - No work shall commence until the badger sett relocation has been completed in accordance with the necessary DEFRA licence.

Reason: In order to ensure proper consideration is given to the protected species.

#### Informatives

- 1 - N03 - Adjoining property rights.

- 2 - The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. If in doubt the applicants are advised to seek legal advice on the matter prior to undertaking any further work.

- 3 - N14 - Party Wall Act 1996.

- 4 - N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.

- 5 - The applicant's must ensure that they comply with the provisions of The Protection of Badgers Act 1992 with respect to this development.

- 6 - HN01 - Mud on highway.

- 7 - HN05 - Works within the highway.

- 8 - HN10 - No drainage to discharge to highway.

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

226. DCNW2006/0444/F - AYMESTREY HOUSE GARDEN CENTRE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9ST [AGENDA ITEM 12]

*Change of use from garden centre to holiday chalet development. Erection of five*

*holiday chalets.*

The Senior Planning Officer reported the receipt of amended plans showing the inclusion of package treatment works to replace septic tank provision. The Sub-Committee was advised that the drainage works would be moved further into the site and away from the adjacent dwelling and water well. Four additional letters of objection and one letter of support were reported and it was noted that no responses had been received to the amended plans.

In accordance with the criteria for public speaking, Mr. Holland had registered to speak against the application but commented that the revised drainage arrangements had addressed his concerns. Mr. Reed had registered to speak in support of the application but had nothing further to add.

Councillor Mrs. L.O. Barnett, the Local Ward Member, welcomed the amended plans and urged the applicants and their agent to discuss with local residents the genuine concerns that had been raised.

In response to a question, the Senior Planning Officer advised that the comments of the Tourism Development Manager, with regard to oversupply of this type of holiday development, was not a material planning consideration having regard to the relevant Local Plan policies.

Councillor R.J. Phillips noted the concern about the potential for the chalets to be sold off separately and questioned whether any additional conditions were required to ensure that the development remained as holiday accommodation. In response, the Development Control Manager clarified the policy issues and drew attention to condition E31 (Use as holiday accommodation) which would control the use of the development. He noted that similar developments sometimes had a condition imposed which limited occupation to a maximum of ninety days, thereby ensuring that short term letting was maintained. The Sub-Committee discussed this option but it was felt that a condition specifying the length of occupation condition could be too restrictive in this instance.

**RESOLVED:**

**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 -      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 -      E31 (Use as holiday accommodation).**

**Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation, due to the relationship and close proximity of the proposed development to the**

property known as Aymestrey House and the fact that the site is outside of a recognised development boundary in accordance with the Leominster District Local Plan.

- 5 - 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 - 6.00 pm, 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.

- 6 - No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 7 - All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'noise control of construction and open sites'.

Reason:

- 8 - G01 (Details of boundary treatments).

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

- 9 - G04 (Landscaping scheme (general)).

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

- 10 - G05 (Implementation of landscaping scheme (general)).

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

- 11 - The existing structures on site to be demolished shall be demolished and removed from site prior to any other development on site.

Reason: In the interest of the amenity of the surrounding area.

- 12 - Notwithstanding the approved plans details will be submitted and approved in writing with regards to the method of foul water disposal and location of the proposed septic tank, which must be located 50 metres from any residential dwelling outside the control of the applicant.

Reason: In the interests of the amenity of surrounding residential dwellings.

**Informative:**

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

*New vehicular access with parking and turning area.*

Councillor Mrs. L.O. Barnett, the Local Ward Member, sought clarification as to whether this building now had 'listed' status. The Principal Planning Officer confirmed that this was the case and, in response to another question, clarified the consultation arrangements with English Heritage.

Councillor Mrs. Barnett commented that the local community was concerned about this proposal but noted that officers did not feel that there were material planning grounds that would warrant refusal.

In response to concerns expressed by Councillor W.L.S. Bowen, the Principal Planning Officer advised that the site was not within the Conservation Area and that the Transportation Manager had not raised objections to the proposal. It was noted that the proposal included alterations to the existing stone wall to accommodate access and visibility splay requirements but the recommended conditions would ensure that the wall was retained and rebuilt in a sympathetic manner.

**RESOLVED:**

**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 - 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.**

**Informatives:**

- 1 - HN01 - Mud on highway.**

- 2 - HN05 - Works within the highway.**

- 3 - HN10 - No drainage to discharge to highway.**

- 4 - HN22 - Works adjoining highway.**

- 5 - N15 - Reason(s) for the Grant of PP/LBC/CAC.**

**228. DCNW2006/0101/F - WHITTON COTTAGE, WHITTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LS [AGENDA ITEM 14]**

*Retrospective application for two storey side extension and proposed two storey extension.*

Councillor Mrs. L.O. Barnett, the Local Ward Member, supported the application.

**RESOLVED:**

That planning permission be granted with 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 - 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 - E18 (No new windows in specified elevation – south and west).

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

- 5 - E19 (Obscure glazing to windows).

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

**Informative:**

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

**229. DCNW2006/0224/F - THUNDERBOX COTTAGE, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DY [AGENDA ITEM 15]**

*Proposed rear conservatory and new window to stairwell.*

The Principal Planning Officer reported the receipt of amended plans which sought to address concerns regarding the impact on neighbouring dwellings. The immediate neighbours had been notified about the amended plans but no formal response had been received to date. The Principal Planning Officer recommended an additional informative note to draw the applicant's attention to the drains which crossed the site.

Councillor R.J. Phillips, the Local Ward Member, supported the application.

**RESOLVED:**

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 - 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 - BO1 (Samples of external materials).

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

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 2 - N03 - Adjoining property rights.
- 3 - N14 - Party Wall Act 1996.
4. It is drawn to the attention of the applicant that the drains for the neighbouring property run under the application site.

**230. DCNW2006/0298/F - MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA [AGENDA ITEM 16]**

*Residential development for 54 dwellings, with car parking spaces, new access road, landscaping.*

The Principal Planning Officer noted that a further letter of objection had been circulated to Sub-Committee Members individually.

In accordance with the criteria for public speaking, Mrs. Bradbury spoke on behalf of Kington Town Council, Mr. Lewis had registered to speak against the application but was unable to attend the meeting, and Mr. Smith spoke in support of the application.

Councillor T.M. James, the Local Ward Member, commented that this application was virtually the same as that previously refused (DCNW2005/3082/F), albeit with four less dwellings resulting in a density of 50 dwellings per hectare. He noted that this density was at the top end of that suggested in PPG3 – Housing and that the suitability or otherwise of the particular site was critical issue. He commented that there was ‘universal opposition’ in the local community. It was noted that Kington was a small market town, a low income area, had a high percentage of rentable accommodation and had problems with traffic congestion and lack of public transport infrastructure. He added that the proposed contribution towards education facilities at Kington Primary School would not deal with the problem of capacity on this small site and, given that it already had less than the statutory level of play and recreation space available, there was no room for further expansion. In terms of the proposed contribution of £25,000 towards the public open space, Crooked Well Meadow, Councillor James noted that this would not even be enough to re-route power cables which hindered the further development of that area. He felt that the application was out of all scale with the local community and should be refused in line with the grounds given in the refusal of the previous application.

A number of Members felt that the density model was out of keeping with the character of the historic towns and was unsustainable. Comments were also made about the level of contributions proposed and the need for adequate play space near to the site.

The Development Control Manager responded to the concerns and questions raised by Members. He advised that Policy H15 of the UDP included a guideline density of at least 50 dwellings per hectare for town centre and adjacent sites. He commented that, in terms of density and housing land supply, the planning authority was not

meeting housing needs; it was noted that the alternative was build on Greenfield sites which could be even more challenging. Given these policy considerations, he felt that refusal on the grounds of density could be difficult to defend. He acknowledged Members' comments about contributions to educational facilities but emphasised that the level and type of contributions proposed had been guided by the advice of Children's Services. On the issue of play space, he noted that the Parks and Countryside department was working with the playground committee to identify funding in order to realise the development of the public open space for the benefit of the whole community. On highway safety, he advised that the production of the Traffic Assessment meant that this element could also be difficult to defend. Regarding the character of the area, he advised that the general design approach, whilst it could be improved, was not considered inappropriate for this location. He also emphasised the difficulty in meeting affordable housing demand in the County.

Councillor Mrs. L.O. Barnett noted the difficulties of providing adequate housing but felt that this should not excuse poor development. She felt that this proposal would lead to overcrowding which would be out of character with the area.

Councillor K.G. Grumbley noted the direction of transportation policy towards modal shift but questioned whether this could be achieved in this area. He felt that the road infrastructure was not adequate for the level of development being proposed.

In response to a question from Councillor W.L.S. Bowen, the Development Control Manager advised that the potential for introducing energy saving measures into the scheme had been explored but it was difficult to deliver on tight margins. He added that it would be difficult to insist on such initiatives unless they were included in Building Regulations.

Councillor James commented that Kington had a similar population level to Colwall and it was unlikely that a development of this density would be promoted there. He also commented on the specific highway problems in the town.

**RESOLVED:**

**That (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Development Control Manager) provided that the Development Control Manager does not refer the application to the Planning Committee.**

- 1. The density of the proposed development is considered to represent an overdevelopment of the site that would be out of character with the general density of the surrounding area. As such the proposal conflicts with policies A1, A23 and A24 of the Leominster District Local Plan and Policy H13 of the Herefordshire Unitary Plan (deposit draft).**
- 2. The proposed development, by virtue of the density of development would put unnecessary strain on the existing highway network to the detriment of highway safety for highway users and pedestrians in conflict with Policy A70 of the Leominster District Local Plan.**
- 3. The proposed development does not include public open space to the standard required by Policy H19 of the Unitary**



**Development Plan (Revised deposit Draft) and Policies A64 and A65 of the Leominster District Local Plan. The proposed off site provision is not considered satisfactory to meet this need.**

- (ii) If the Development Control Manager does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Planning Committee.]

The meeting ended at 3.57 p.m.

**CHAIRMAN**