

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 22nd March, 2006**

Time: **2.00 p.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 Northern Area Planning Sub-Committee

To: Councillor J.W. Hope MBE (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 CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton, J. Stone and J.P. Thomas

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 22nd February, 2006.</p>	1 - 22
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.</p>	23 - 26
<p>5. APPLICATIONS RECEIVED</p> <p>To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.</p> <p>Agenda items 5 - 8 are applications deferred for site inspections at the last meeting and items 9 - 15 are new applications.</p>	

6. **DCNW2005/3951/F - RETROSPECTIVE APPLICATION FOR 2 NO. FEED SILOS AT DOWNWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NH** 27 - 32

The proposal is for the retention of 2no. feed silos used to store raw materials used in the manufacturing of finished products for Zintec Feed Supplements.

Ward: Pembridge & Lyonshall with Titley

7. **DCNW2005/4103/F - ERECTION OF 11 NO. APARTMENTS AND ASSOCIATED GARAGING AT FORMER GARAGE PREMISIES, LAND ADJACENT TO NO 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX** 33 - 42

The application site is the former petrol filling station site that occupies a 0.10 hectare corner plot fronting Victoria Road and Gravel Hill Drive For Beeches Two Limited.

Ward: Kington Town

8. **DCNW2005/4147/F & DCNW2005/4148/L - TWO STOREY EXTENSION TO REAR AT YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN** 43 - 50

The proposal is for the erection of a two storey extension to the rear of the dwelling which would be used as ancillary accommodation to the existing dwelling for Mrs P Ryder.

Ward: Bircher

9. **DCNW2006/0071/F - NEW/REPLACEMENT FARM HOUSE AT THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET** 51 - 56

The proposal is for the demolition of the farm house and replacement with a new dwelling on the same footprint for Mr & Mrs H Salwey.

Ward: Mortimer

10. **DCNC2006/0360/F - PROPOSED PORCH AND DETACHED DOUBLE GARAGE AT OAK VIEW, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ** 57 - 60

The proposal is to erect a small porch on the front of the house to replace the existing canopy, and to construct a double garage for Mr & Mrs P Sneyd.

Ward: Hampton Court

- | | | |
|-----|--|---------|
| 11. | DCNC2006/0380/F - DEMOLITION OF EXISTING VILLAGE HALL AND ERECTION OF BUNGALOW AT VILLAGE HALL, WILDEN BANK, ULLINGSWICK, HEREFORDSHIRE, HR1 3JG | 61 - 68 |
| | The proposal is to demolish the existing village hall and erect a bungalow directly in its place for Mr & Mrs A K Lewis. | |
| | Ward: Bromyard | |
| 12. | DCNW2006/0444/F - CHANGE OF USE FROM GARDEN CENTRE TO HOLIDAY CHALET DEVELOPMENT. ERECTION OF FIVE HOLIDAY CHALETS AT AYMESTREY HOUSE GARDEN CENTRE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9ST | 69 - 76 |
| | The application proposes change of use of the site to a holiday chalet development for the siting of five holiday chalets of various sizes ranging from a one bedroomed unit to two three bedroomed units for Mr & Mrs K Williams. | |
| | Ward: Mortimer | |
| 13. | DCNW2005/3808/F - NEW VEHICULAR ACCESS WITH PARKING AND TURNING AREA AT PORCH HOUSE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU | 77 - 82 |
| | Planning permission is sought for the creation of an access to the north of the dwelling from the A4110 for Mr & Mrs P Leedham-Smith. | |
| | Ward: Mortimer | |
| 14. | DCNW2006/0101/F - RETROSPECTIVE APPLICATION FOR TWO STOREY SIDE EXTENSION AND PROPOSED TWO STOREY EXTENSION AT WHITTON COTTAGE, WHITTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LS | 83 - 88 |
| | Planning permission is sought for the extension of the property in a linear form for Mr P G Hand. | |
| | Ward: Mortimer | |
| 15. | DCNW2006/0224/F - PROPOSED REAR CONSERVATORY AND NEW WINDOW TO STAIRWELL AT THUNDERBOX COTTAGE, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DY | 89 - 94 |
| | The proposal is for the erection of a single storey conservatory to the rear of the dwelling for Mr N Ball. | |
| | Ward: Pembridge & Lyonshall with Titley | |

16. **DCNW2006/0298/F - RESIDENTIAL DEVELOPMENT FOR 54 DWELLING, WITH CAR PARKING SPACES, NEW ACCESS ROAD, LANDSCAPING, AT MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA** | 95 - 114

This revised proposal is for the residential development of 54 dwellings for J R M Property Development Ltd.

Ward: Kington Town

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

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

Present: Councillor J.W. Hope MBE (Chairman)

Councillors: B.F. Ashton, Mrs. L.O. Barnett, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R.M. Manning, R. Mills, R.J. Phillips, D.W. Rule MBE, R.V. Stockton, J. Stone and J.P. Thomas.

In attendance: Councillors P.J. Edwards

194. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W.L.S. Bowen, K.G. Grumbley and P.E. Harling.

195. DECLARATIONS OF INTEREST

The following declarations of interests were made:

Councillor	Item	Interest
R.M. Manning and R. Mills	Agenda Item 6, Minute 199 DCNE2005/3887/F Furrows Farm, Bishops Frome, Herefordshire	Declared personal interests
J.P. Thomas	Agenda Item 13, Minute 206 DCNW2005/3811/F The Old Vicarage, Aymestry, Leominster, Herefordshire, HR6 9SU	Declared a prejudicial interest and left the meeting for the duration of the item.
R.B.A. Burke	Agenda Item 21, Minute 214 DCNC2006/0067/F 73 Etnam Street, Leominster, Herefordshire, HR6 8AE	Declared a prejudicial interest and left the meeting for the duration of the item.

196. MINUTES

Councillor R.J. Phillips noted that Minute 188, page 16, condition 2 f), should refer to 'Cycle *and* car parking provision at school'.

RESOLVED:

That, subject to the above amendment, the Minutes of the meeting held on 25th January, 2006 be approved as a correct record and signed by the Chairman.

197. ITEM FOR INFORMATION - APPEALS

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

198. DCNC2005/3751/F - FORMER BUS DEPOT SITE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE [AGENDA ITEM 5]

Proposed development for 8 dwellings.

Councillor J.P. Thomas, a Local Ward Member, questioned whether the conditions would address concerns regarding highway safety and loss of privacy. In response, the Northern Team Leader advised that conditions 12 to 15 would address the access issues and condition 11 would control boundary treatments.

Councillor R.B.A. Burke, the other Local Ward Member, noted that the value of the site inspection that had been undertaken.

In response to a question, the Northern Team Leader confirmed that the introduction of chimneys to the design would be for appearance only.

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

Reason: In order that the local planning authority can assess any future additions to the dwellings hereby approved.

7 - F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

- 8 - F41 (No burning of materials/substances during construction phase).

Reason: To safeguard residential amenity and prevent pollution.

- 9 - D01 (Site investigation - archaeology).

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

- 10 - F17 (Scheme of foul drainage disposal).

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

- 11 - G01 (Details of boundary treatments).

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

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

Reason: In the interests of highway safety.

- 13 - H04 (Visibility over frontage).

Reason: In the interests of highway safety.

- 14 - 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.

- 15 - 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.

- 16 - Notwithstanding the plans hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority to show the provision of chimneys. Development shall be carried out in accordance with the approved details.

Reason: In order to create a visual break in the ridge lines of each of the accommodation blocks.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC.
2 - HN01 - Mud on highway.
3 - HN04 - Private apparatus within highway.

- 4 - HN05 - Works within the highway.
- 5 - HN10 - No drainage to discharge to highway.
- 6 - HN13 - Protection of visibility splays on private land.
- 7 - HN23 - Vehicular use of public rights of way.

**199. DCNE2005/3887/F - FURROWS FARM, BISHOPS FROME, HEREFORDSHIRE
[AGENDA ITEM 6]**

Conversion of barn to dwelling, new detached garage with studio/workshop over and new vehicle access.

The Planning Officer reported the receipt of letters of objection from Mr. A.W. Panniers, the National Farmers' Union, the Country Land and Business Association, and Mrs. G. Davis. He advised that the recommended refusal reason should read 'consider' and not 'is concerned' and refer to the 'west' of the site and not the 'east', as detailed in the report.

Councillor R.M. Manning, the Local Ward Member, noted the value of the site inspection that had been held.

A number of Members concurred with the report and felt that the proximity of the proposal to a working farm would be problematic; examples were given of similar conflicting uses elsewhere in the County.

Councillor Mrs. J.P. French noted that a number of reasons for refusal [planning application NE2003/3462/F refers] had been addressed and suggested that the studio/workshop element of the conversion could be considered to be rural diversification. In response, the Northern Team Leader commented that the residential use was the key issue and the potential conflict of uses remained.

Councillor Manning commented on the efforts of the applicant to address the concerns about the previous application but felt that the proposal would still have adverse affects. In particular, he noted that the Head of Environmental Health and Trading Standards considered that '...the planting of trees does not have any significant effect on the reduction of noise'.

RESOLVED:

That planning permission be refused for the following reason:

The Local Planning Authority consider that the proposed residential use would be adversely affected by the proximity of the existing farm immediately to the west of the site. As such the proposal is contrary to Conservation Policy 12(F) of the Malvern Hills District Local Plan.

**200. DCNE2005/4163/F - 3 FALCON LANE, LEDBURY, HEREFORDSHIRE, HR8 2JP
[AGENDA ITEM 7]**

Extension to first floor over existing ground floor extension.

The Northern Team Leader advised that the statutory consultation period had expired and, therefore, the application could be refused by the Sub-Committee if so minded rather than be delegated to officers to refuse.

In accordance with the criteria for public speaking, Mr. Watts spoke on behalf of Ledbury Town Council and Mrs. McAlindin (the applicant) spoke in support of the application.

Councillor B.F. Ashton, a Local Ward Member, felt unable to support the officers' recommendation of refusal in this instance as he did not consider the property to be of exceptional architectural merit or particularly unique. He noted that there were other properties nearby that had extensions of similar scale and felt that this application should be approved.

Councillor D.W. Rule M.B.E., also a Local Ward Member, supported the comments of the speakers.

The Northern Team Leader advised that officers considered that the proposal would detract from the original dwelling which was an attractive inter-war building.

A number of Members spoke in support of the proposal.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- (ii) If the Head of Planning Services 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 not refer the decision to the Head of Planning Services.]

**201. DCNW2005/3472/F - MAYFIELD, RUSHOCK, NR KINGTON, HEREFORDSHIRE
[AGENDA ITEM 8]**

Proposed change of use to business use and storage outbuildings.

The Principal Planning Officer reported the receipt of amended plans which illustrated the existing and revised access arrangements.

In accordance with the criteria for public speaking, Mrs. Jones had registered to speak on behalf of Kington Rural and Lower Harpton Parish Council but was not present at the meeting and Mr. Morris (the applicant) spoke in support of the application.

Councillor T.M. James, the Local Ward Member, explained the history of the site and noted that, on the basis of the information provided, the proposal was considered acceptable.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 - E10 (Use restricted to that specified in application) (the storage of outside**

bar and catering equipment).

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to assess the impact on highway safety for alternative uses.

2 - E27 (Personal condition).

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

3 - G04 (Landscaping scheme (general)) (in relation to the revised access).

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

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

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

5 - H05 (Access gates) (10 m).

Reason: In the interests of highway safety.

6 - Prior to the first use of the site, a detailed plan showing the improved access and visibility splay shall be submitted to and approved in writing by the local planning authority. Works shall be carried out prior to the first use of the site in accordance with the approved plan.

Reason: In the interests of highway safety.

202. DCNW2006/0030/N - HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE [AGENDA ITEM 9]

Renewal of permission for household waste site, (previous permission NW00/1991/N).

The Senior Planning Officer (Minerals and Waste) reported that page 55, paragraph 6.13, of the report should refer to 23rd August and not 31st August. She reported the verbal response of the Head of Environmental Health and Trading Standards confirming that the proposal was still included in the latest waste strategy. She also reported the receipt of a letter of objection from Mr. Eddington and Miss Roddy.

Councillor T.M. James, the Local Ward Member, expressed his surprise at this application given that negotiations between the landowner and contractor were apparently at a standstill and there had been no exploration of other potential locations. He felt that the site was constrained and that the case for the material changes had not been made.

In response, the Senior Planning Officer (Minerals and Waste) commented that she did not know the motives of the applicant but Severn Waste had confirmed that they wanted the renewal of the permission. The Development Control Manager advised that the person who made the application was not a material planning consideration and that the key issue here was the potential impact of the proposal on the locality. He commented that the location of the site was considered acceptable given that it was at the end of an industrial estate and next to a sewage works. He

acknowledged that there were minor layout changes but did not feel that a refusal reason based on that ground could be sustained.

Councillor James maintained his view that the application should be refused as he felt that the proposal was contrary to Local Plan policies A27 and A28. He also drew attention to the fact that vehicles accessed the industrial estate via a residential road.

A number of Members felt that, on balance, there were no valid planning reasons to warrant refusal given the identified need for the facility and the previous permission granted.

A motion to refuse the application failed and the resolution below was then agreed.

RESOLVED:

That planning permission be approved 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 in accordance with Policy A1 of the Leominster District Local Plan.

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

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

- 4 - F32 (Details of floodlighting/external lighting).**

Reason: To safeguard local amenities to comply with Policy A13 of the Leominster District Local Plan.

- 5 - F34 (Restriction on level of illuminance of lighting).**

Reason: To minimise the impact of the lights and to protect the residential amenity of nearby dwellings to comply with Policy A13 of the Leominster District Local Plan.

- 6 - F35 (Details of shields to prevent light pollution).**

Reason: To minimise light overspill and to protect the amenity of neighbouring properties to comply with Policy A13 of the Leominster District Local Plan.

- 7 - F44 (Investigation of contaminated land).**

Reason: To ensure that potential contamination of the site is satisfactorily assessed to comply with Policy A17 of the Leominster District Local Plan.

- 8 - F45 (Contents of scheme to deal with contaminated land).**

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority to comply with Policy A17 of the Leominster District Local Plan.

- 9 - F46 (Implementation of measures to deal with contaminated land).**

Reason: To ensure contamination of the site is removed or contained.

- 10 - G02 (Landscaping scheme).**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy A12 of the Leominster District Local Plan.

- 11 - G03 (Landscaping scheme implementation).**

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment in accordance with Policy A12 of the Leominster District Local Plan.

- 12 - G13 (Landscape design proposals).**

Reason: In the interests of visual amenity.

- 13 - G14 (Soft landscaping works).**

Reason: In the interests of visual amenity.

- 14 - No materials whatever shall be sold to the public from this site other than bagged, composted green waste processed and produced by the operator.**

Reason: In order to define the permission and because retail sales of other materials would give rise to environmental concerns that would necessitate further consideration.

- 15 - Notwithstanding the submitted plans, none of the works hereby permitted shall be undertaken until a proposal for the construction and maintenance throughout the use of the site as a Household Waste Site, a 1.2 metre high close-boarded timber fence along the ramp adjoining the south-western and north-western corners of the site have been submitted to and approved in writing by the local planning authority. The fence shall be erected in accordance with the approved scheme and shall be additional to the proposed 2.1 metre high perimeter security fence detailed in the submission.**

Reason: In the interests of public safety and to protect the amenity of local residents and other users of the site.

- 16 - F02 (Scheme of measures for controlling noise).**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 17 - There shall be no storage or stockpiling whatever of waste or any other materials on or around the site other than in the designated containers,**

skips, bins and enclosures provided for the purpose.

Reason: To prevent pollution and nuisance in the interests of the amenity of local residents in accordance with Policy A13 of the Leominster District Local Plan.

18 - F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment in accordance with Policy A13 of the Leominster District Local Plan.

19 - F26 (Interception of surface water run off).

Reason: To prevent pollution of the water environment in accordance with Policy A13 of Leominster District Local Plan.

20 - F28 (No discharge of foul/contaminated drainage).

Reason: To prevent pollution of the water environment in accordance with Policy A13 of the Leominster District Local Plan.

21 - E02 (Restriction on hours of delivery).

Reason: To safeguard the amenities of the locality.

22 - E04 (Restriction on hours of opening).

Reason: To safeguard the amenities of the locality.

Informatives:

1 - Lighting installations should comply with BS5489 regarding light levels or the relevant CIBSE code. Flood lights should be asymmetric beam type so the front face can be mounted as close to the horizontal as possible to minimise light spill. Light trespass should be limited so that levels of illuminance do not exceed 1.0 lux (vertical) on any windows of any adjacent residential properties or 5 lux (horizontal) on any adjacent highways. Where possible a light curfew should be imposed, depending on operating hours and need.

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

203. DCNW2006/0033/F - THE FOUNDRY, HATTON GARDENS INDUSTRIAL ESTATE, KINGTON, HEREFORDSHIRE, HR5 3DE [AGENDA ITEM 10]

Renewal of permission for industrial storage shed for continued B2 general industrial use (previous permission NW00/1992/F).

Councillor T.M. James, the Local Ward Member, felt that there were no valid material planning grounds to warrant refusal of this application 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 - 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 - B10 (Details of cladding (agricultural and industrial buildings)).

Reason: To minimise the visual impact of the development to comply with Policy A24 of the Leominster District Local Plan.

- 4 - F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.

- 5 - F28 (No discharge of foul/contaminated drainage).

Reason: To prevent pollution of the water environment to comply with Policy A13 of the Leominster District Local Plan.

- 6 - F40 (No burning of material/substances).

Reason: To safeguard residential amenity and prevent pollution to comply with Policy A13 of the Leominster District Local Plan.

- 7 - G09 (Retention of trees/hedgerows).

Reason: To safeguard the amenity of the area to comply with Policy A28 of the Leominster District Local Plan.

- 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 to comply with Policy A28 of the Leominster District Local Plan.

- 9 - G33 (Details of walls/fences).

Reason: In the interests of residential and visual amenity.

- 10 - F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

Informative:

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

204. DCNE2005/4153/F - 1 FROME BROOK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2FH [AGENDA ITEM 11]

Retrospective application for temporary structure, children's climbing frame in rear

garden.

The Planning Officer reported the receipt of a letter from the applicant and summarised its contents.

Councillor B.F. Ashton, a Local Ward Member, noted that this proposal had received substantial coverage in the media and felt it regrettable that officers had been portrayed in a bad light. He felt that the application was temporarily acceptable but felt that there was a need to screen the structure as much as possible.

The Development Control Manager noted that advice provided by officers was sometimes misunderstood or misinterpreted but felt that it would be a negative step if officers provided no pre-application advice. He commented that, if the application was not retrospective, planning permission could have been granted as long as measures were taken to prevent overlooking. He felt that a temporary permission was an acceptable compromise and sought Members' views about the length of time allowed.

Councillor D.W. Rule M.B.E., also a Local Ward Member, noted that the applicant had a young family and suggested that the permission should be for more than a year.

Councillor Mrs. J.P. French proposed that a temporary permission for five years would be acceptable, subject to the introduction of mature planting to effectively screen the structure before the summer. Councillor Ashton commented that leylandii should not be permitted.

RESOLVED:

That planning permission be granted subject to the following condition:

- 1 - This permission shall expire on 22nd February, 2011. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.

- 2 - Within one month of the date of this permission a detailed landscaping scheme showing the species, number and location of the proposed planting shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details during the current planting season.**

Reason: In the interests of securing additional privacy to adjoining properties and in order to mitigate the impact of the development in the wider street scene.

- 3 - 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.

Informative:

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

205. DCNE2006/0047/F - RIDGEWAY FARM COTTAGE, BROMYARD ROAD, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JW [AGENDA ITEM 12]

Proposed two storey rear extension and single storey side annex. Demolition of sun room and storage building.

In accordance with the criteria for public speaking, Mr. Ashton (applicant's agent) had registered to speak in support of the application but was not in attendance at the start of the item. However, the Chairman allowed Mr. Ashton to speak upon his arrival during the debate on the item.

Councillor R.M. Manning, the Local Ward Member, noted the personal circumstances of the applicant's family and the lack of suitable accommodation.

Councillor Mrs. L.O. Barnett commented that the Council encouraged the provision of care for elderly relatives and felt that the application should be supported.

Councillor B.F. Ashton acknowledged the personal circumstances but felt that the proposal was excessive and would be detrimental to the character of the existing cottage.

A number of Members felt that the scale and design was acceptable given the specific needs that had been identified and given the removal of the sun room and the demolition of a storage building.

The Planning Officer explained the recommended reasons for refusal and emphasised that the removal of the sun room did not mitigate the concerns about the size, scale, form and design of the proposal.

In response to Members' observations, the Northern Team Leader advised that the size and scale of the original cottage was a material planning consideration, commented on pre-application advice, and drew attention to the Council's planning policies.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application subject to any conditions felt to be necessary by the Head of Planning Services provided that the Head of Planning Services does not refer the application to the Planning Committee:**
- (ii) If the Head of Planning Services 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 not refer the decision to the Head of Planning Services.

Councillor Mrs. J.P. French commented on the need for consideration to be given to planning policies given the increasing percentage of elderly persons in the Herefordshire population.]

206. DCNW2005/3811/F - THE OLD VICARAGE, AYMESTRY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU [AGENDA ITEM 13]

Erection of single storey extensions and installation of LPG storage tank (retrospective).

In accordance with the criteria for public speaking, Mr. Purse spoke on behalf of Aymestry Parish Council.

Councillor Mrs. L.O. Barnett, the Local Ward Member, noted the concerns of the Parish Council and the considerations outlined in the Officers' Appraisal. She felt that the application was acceptable on balance but stressed the need for a meeting to be convened of all relevant parties to explore further the applicant's intentions for the site. The Development Control Manager said that such a meeting could be arranged.

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 - B02 (Matching external materials (extension)).

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

4 - G04 (Landscaping scheme (general)).

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

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

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

Informative:

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

207. DCNW2005/3951/F - DOWNWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NH [AGENDA ITEM 14]

Retrospective application for 2 no. feed silos.

RESOLVED:

That consideration of planning application DCNW2005/3951/F be deferred for a site inspection for the following reasons:

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

- 208. DCNW2005/4103/F - FORMER GARAGE PREMISES, LAND ADJACENT TO NO. 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX [AGENDA ITEM 15]**

Erection of 11 no. apartments and associated garaging.

RESOLVED:

That consideration of planning application DCNW2005/4103/F be deferred for a site inspection for the following reasons:

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

- 209. DCNW2005/4147/F AND DCNW2005/4148/L - YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN [AGENDA ITEM 16]**

Two storey extension to rear.

RESOLVED:

That consideration of planning applications DCNW2005/4147/F and DCNW2005/4148/L be deferred for a site inspection for the following reasons:

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

- 210. DCNW2005/4158/F - 7 MILLSTREAM GARDENS, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6NR [AGENDA ITEM 17]**

Retrospective planning application for conservatory to rear.

In accordance with the criteria for public speaking, Dr. Spencer spoke against the application and Mr. Walters (the applicant) spoke in support of the application.

The Northern Team Leader explained that the conservatory would have been considered permitted development if it had been 1.3m shorter in length.

The Chairman, in his capacity as Local Ward Member, drew attention to the comments of Eardisley Parish Council.

Some Members felt that the company that made the conservatory should have investigated the planning regulations prior to erection.

In response to a question, the Development Control Manager advised that the type of lighting within the conservatory could not be controlled through conditions as it was considered to be a normal habitable room.

RESOLVED:

That planning permission be approved.

Informative:

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

211. DCNW2006/0071/F - THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET [AGENDA ITEM 18]

New/replacement farm house.

RESOLVED:

That consideration of planning application DCNW2006/0071/F be deferred for a site inspection for the following reasons:

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

212. DCNC2005/4002/F AND DCNC2005/4003/L - MASONIC HALL, 40/42 SOUTH STREET, LEOMINSTER, HEREFORDSHIRE [AGENDA ITEM 19]

Change of use and conversion to 2 studio, 6 one bed and 1 two bed flats and 1 two bed maisonette.

The Northern Team Leader advised that the words 'and any other conditions considered appropriate' should be added to the second paragraph of the recommendation at page 120 and page 122 of the report and that the third paragraph of the recommendation on page 122 should be deleted.

In accordance with the criteria for public speaking, Dr. Channon spoke in support of the application.

Councillor J.P. Thomas, a Local Ward Member, felt that the lack on site parking could result in parking problems elsewhere and noted Leominster Town Council's

concerns about overdevelopment and design. However, the contributions that had been identified towards infrastructure improvements and lighting at the Sydonia Open Space were welcomed.

In response to questions, the Northern Team Leader advised that an archway shown in the plans was not part of the application site and that the mechanical ventilation of kitchens was acceptable.

Councillor R.B.A. Burke, the other Local Ward Member, felt that the lack of parking would result in unauthorised parking and congestion in the area. He also expressed concern that the Local Ward Members had not been consulted or informed about the contributions towards open space prior to the publication of the agenda.

The Development Control Manager advised that the Parks and Countryside department had been asked to identify an appropriate contribution in lieu of the provision of open space. He also advised that there was no parking provision because of the town centre position of the application site.

Some Members felt that car free developments were unrealistic in rural market towns.

Councillor Mrs. J.P. French noted that the Leominster Ward Members' met regularly and suggested that this would be a useful forum for officers to discuss local needs and the level of contributions required. Councillor Thomas proposed that the recommendation be altered to include consultation with the Leominster Ward Members. The Development Control Manager acknowledged this suggestion but reminded the Sub-Committee of the limited timescales involved.

RESOLVED:

DCNC2005/4002/F:

- 1) **That the Leominster Ward Members be consulted regarding the Section 106 Agreement;**
- 2) **Once done, the Legal Practice Manager, be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990;**
- 2) **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 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 - **A09 (Amended plans).**
Reason: To ensure the development is carried out in accordance with the amended plans.
 - 3 - **H29 (Secure cycle parking provision) (12 cycles).**

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.

- 4 - C04 (Details of window sections, eaves, verges and barge boards) (door and window details and sections including heads and sills).**

Reason: To safeguard the character and appearance of this building of special historical interest.

- 5 - C07 (Painted finish to windows/doors) (colour to be agreed).**

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

- 6 - C08 (Repairs to external brickwork).**

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

- 7 - C09 (External repointing).**

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

- 8 - C10 (Details of rooflights) (investigation).**

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical interest.

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

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

- 10 - C13 (Repairs in situ).**

Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.

- 11 - C15 (Salvage recording).**

Reason: To enable a record to be made of this building of historical and/or architectural interest.

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

Reason: To enable the local planning authority to regulate any future proposals in this building of historic interest.

- 13 - F17 (Scheme of foul drainage disposal).**

Reason: In order to ensure that satisfactory drainage arrangements are

provided.

Informatives:

- 1 - NC01 - Alterations to submitted/approved plans.
- 2 - HN01 - Mud on highway.
- 3 - HN04 - Private apparatus within highway.
- 4 - HN05 - Works within the highway.
- 5 - HN10 - No drainage to discharge to highway.
- 6 - HN22 - Works adjoining highway.
- 7 - This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC.

DCNC2005/4003/L:

Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue listed building consent subject to the following conditions and any other conditions considered appropriate:

- 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 - A09 (Amended plans).
Reason: To ensure the development is carried out in accordance with the amended plans.
- 3 - C04 (Details of window sections, eaves, verges and barge boards) (door and window details and sections including heads and sills).
Reason: To safeguard the character and appearance of this building of historical interest.
- 4 - C07 (Painted finish to windows/doors) (colour to be agreed).
Reason: To safeguard the character and appearance of this building of historical interest.
- 5 - C08 (Repairs to external brickwork).
Reason: To safeguard the character and appearance of this building of historical interest.
- 6 - C09 (External repointing)

Reason: To safeguard the character and appearance of this building of historical interest.

7 - C10 (Details of rooflights) (investigation).

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of historical interest.

8 - C11 (Specification of guttering and downpipes).

Reason: To safeguard the character and appearance of this building of historical interest.

9 - C13 (Repairs in situ).

Reason: In order to preserve the integrity of the structure of the buildings, the conservation of which constitutes the reason for allowing the development where a new building would be contrary to policy.

10 - C15 (Salvage recording).

Reason: To enable a record to be made of this building of historical and/or architectural interest.

Informatives:

1 - NC01 - Alterations to submitted/approved plans.

2 - This permission is granted pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

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

213. DCNC2005/3861/F - CAWLEY VILLAGE HALL, EYE LANE, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DS [AGENDA ITEM 20]

Alterations & extension to village hall.

In accordance with the criteria for public speaking, Mrs. Adams spoke in support of the application.

Councillor J. Stone, the Local Ward Member, concurred with the speaker that the proposal would improve this facility for the benefit of the local community. He acknowledged the concerns of the occupier of the adjacent property but noted that the Village Hall would be double glazed and insulated. He also noted that the potential for disturbance outside the building existed already. He commented that the licensing conditions and the recommended planning conditions would ensure that the facility was managed properly.

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 - **B02 (Matching external materials (extension)).**

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

Informative:

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

214. DCNC2006/0067/F - 73 ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AE [AGENDA ITEM 21]

Change of use to A3 (restaurants and cafés) between hours of 8.00am - 21.00pm Monday to Saturday.

The Northern Team Leader reported two letters of objection from 75 and 81 Etnam Street, Leominster. He confirmed that sale of hot food would be restricted by the use class.

Councillor J.P. Thomas, a Local Ward Member, noted the concerns of local residents that the premises should not become a fast food outlet and felt that recommended condition 2 should be closely monitored. He commented that the extension of hours to 21.00 hours was acceptable but noted that there could be problems if it was open any later.

The Northern Team Leader proposed an additional informative note to clarify the restrictions regarding the use class.

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 - **The sale of hot food shall be restricted to snack food only by shallow frying. There shall be no sale of deep fat fried food.**

Reason: In the interests of residential amenity.

- 3 - **The use hereby permitted shall only be open to customers between the hours of 8.00am and 9.00pm Monday to Saturday only, and not at any time on Sundays, Bank or public holidays.**

Reason: In the interests of the amenities of existing residential property in the locality.

Informative:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 2 - The applicant is reminded that this permission does not authorise the use of the premises as a hot food takeaway.

215. DCNC2006/0079/F - LAXTON BARN, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HS [AGENDA ITEM 22]

Change of use from agriculture to domestic garden.

Councillor Brig. P. Jones CBE, on behalf of the Local Ward Member, commended the report and noted the importance of recommended condition 2.

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 - E16 (Removal of permitted development rights) (delete 'dormer windows') (Incl. Part 2).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interests of local amenity.

Informative:

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

The meeting ended at 4.12 p.m.

CHAIRMAN

4 ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2005/3082/F**

- The appeal was received on 16th February 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by J R M Developments Ltd
- The site is located at Maesydari Site, Kington, Herefordshire, HR5 3FA
- The development proposed is Residential development for 58 dwellings, 88 car parking spaces, new access road and landscaping
- The appeal is to be heard by Inquiry

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNC2005/1307/F

- The appeal was received on 8th February 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr P Perry
- The site is located at Sheepcott Court, Ullingswick, Herefordshire
- The development proposed is Proposed summer room.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2005/3491/F

- The appeal was received on 23rd February 2006
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by E L Payne & Son
- The site is located at Radlow, Canon Frome, Herefordshire
- The development proposed is Conversion of barn to dwelling.
- The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803

Enforcement Notice No. EN2005/0097/ZZ

- The appeal was received on 28th February 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr P Williams
- The site is located at Land at Ledwyche Springs, Bleathwood, Ludlow, SY8 4LF
- The breach of planning control alleged in this notice is "Without planning permission change of use of the land from the use of agriculture to the mixed use of agriculture and the siting of two mobile homes linked with a covered walkway, together with associated works

Further information on the subject of this report is available from the relevant Case Officer

comprising the construction of a concrete hardstanding, pathway, amenity points and related works"

- The requirements of the notice are: "Permanently remove the said mobile homes together with the covered walkway area between them. Remove all associated site works including the concrete hardstanding and amenity points and restore the land to its condition before the breach took place by reseeding it with grass and such other work as is necessary to return its agricultural land quality to at least that which it formerly had.
- The appeal is to be heard by Hearing

Case Officer: Astrid Jahn on 01432 261560

APPEALS DETERMINED

Application No. DCNW2005/1301/F

- The appeal was received on 4th October 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs J Hargreaves
- The site is located at White House, Bircher, Leominster, Herefordshire, HR6 0BU
- The application, dated 19TH April 2005, was refused on 14th June 2005
- The development proposed was Raise pitched roof of original cottage and extension to convert attic to domestic accommodation.
- The main issue is the effect of the proposal on the Area of Great Landscape Value.

Decision: The appeal was DISMISSED on 7TH February 2006

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2005/2333/F

- The appeal was received on 4th October 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Ms W. Watkins & Mr. M. Dentten
- The site is located at Avenue Gate Cottage, -, Titley, Kington, Herefordshire, HR5 3RX
- The application, dated 14th July 2005, was refused on 6th September 2005
- The development proposed was Ground and first floor extensions to side/rear of dwelling.
- The main issue is the effect of the proposed extension on the character and appearance of Avenue Gate Cottage and its surroundings.

Decision: The appeal was DISMISSED on 15th February 2006

Case Officer: Kelly Gibbons on 01432 261781

Application No. DCNE2005/1313/F

- The appeal was received on 28th November 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission

Further information on the subject of this report is available from the relevant Case Officer

- The appeal was brought by Mr & Mrs A South
- The site is located at The Rickyard, The Farm, Ashperton Road, Ashperton, Ledbury, Herefordshire, HR8 2RY
- The application, dated 18th April 2005, was refused on 27th May 2005
- The development proposed was Proposed three bedroom dwelling with garage.
- The main issues are: The effect of the proposal on the setting of the nearby listed building and whether the living conditions of the occupiers of neighbouring properties would be adversely affected.

Decision: The appeal was UPHeld on 24th February 2006

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2005/2498/F

- The appeal was received on 18th October 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Kelsall
- The site is located at Land adjacent to former Hop Pole Inn, Risbury, Leominster
- The application, dated 29th July 2005, was refused on 5th October 2005
- The development proposed was Removal of occupancy condition (no 7) ref: 13164 inspectors decision 09 03 1994

Decision: The appeal was WITHDRAWN on 1st March 2006

Case Officer: Astrid Jahn on 01432 261560

Application No. DCNC2005/1143/F

- The appeal was received on 6th December 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr T Littleton Garness
- The site is located at Tiblands Farm, Linley Green Road, Whitbourne, Worcester, Herefordshire, WR6 5RE
- The application, dated 16th February 2005, was refused on 8th June 2005
- The development proposed was Removal of condition number 11 of planning permission dated 10-2-97 (ref MH 95/1325)
- The main issue is whether the condition is necessary having regard to the living conditions of persons occupying Littleton Grange

Decision: The appeal was UPHeld on 6th March 2006

Case Officer: Astrid Jahn on 01432 261560

Application No. DCNW2004/3247/F

- The appeal was received on 2nd February 2005

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs AM & J Pugh
- The site is located at Land to the rear of Stoneleigh, Kingsland, Leominster, Herefordshire, HR6 9QS
- The application, dated 2nd August 2004, was refused on 5th January 2005
- The development proposed was Substitution of house types on approved application NW2003/2583/F
- The main issues are the impact of the proposal on the living conditions on neighbouring residents, with reference to privacy, outlook, sunlight and daylight, and whether the proposal would fail to preserve or enhance the character or appearance of the Kingsland Conservation Area.

Decision: The appeal was UPHELD on 7th March 2006

Case Officer: Andrew Banks on 01432 383085

Application No. DCNW2005/0306/F

- The appeal was received on 25th April 2005
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Pugh
- The site is located at Land to the rear of Stoneleigh, Kingsland, Herefordshire
- The application, dated 31st January 2005, was refused on 23rd March 2005
- The development proposed was Substitution of house types on approved residential development of four dwellings
- The main issues are the impact of the proposal on the living conditions on neighbouring residents, with reference to privacy, outlook, sunlight and daylight, and whether the proposal would fail to preserve or enhance the character or appearance of the Kingsland Conservation Area.

Decision: The appeal was UPHELD on 7th March 2006

Case Officer: Andrew Banks on 01432 383085

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

6 DCNW2005/3951/F - RETROSPECTIVE APPLICATION FOR 2 NO. FEED SILOS AT DOWNWOOD, SHOBDON, LEOMINSTER, HEREFORDSHIRE, HR6 9NH

For: Zintec Feed Supplements at above address.

Date Received:

9th December 2005

Expiry Date:

3rd February 2006

Local Member: Councillor R Phillips

Ward: Pembridge & Grid Ref:
Lyonshall with Titley

38989, 62555

A Members site visit took place on 7th March 2006.

1. Site Description and Proposal

- 1.1 The application site lies to the west of the existing industrial building at Zintec, off the B4362 road just to the west of Shobdon. It lies adjacent to the registered historic parkland of Shobdon Court, which is also a special wildlife site and within an Area of Great Landscape Value.
- 1.2 In addition to the industrial buildings of Zintec there are a cluster of dwellings and other buildings in the vicinity and the site is overlooked by the properties at Downwood Farm.
- 1.3 The proposal is for the retention of 2no. feed silos used to store raw materials used in the manufacturing of finished products. The silos are sited to the east elevation of the original building that lies to the south of the site. Each Silo is 9.548 metres in height with a radius of 2.870 metres. They extend some 3.5m from the existing building and are visible above the roofline of the existing building by approximately 2 metres.

2. Policies

Leominster District Local Plan (Herefordshire)

Policy A9 – Safeguarding the Rural Landscape

Policy A11 – Parks, Gardens and other Historical Landscape Features

Herefordshire Unitary Development Plan (Deposit Draft)

Policy LA4 – Protection of Historic Parks and Gardens

Policy LA2 – Landscape Character and Areas Least Resilient to Change

DR13 – Noise

E6 – expansion of existing businesses.

E8 - Design Standards for employment sites

3. Planning History

NW2005/1028/F – free standing light industrial storage building – approved with conditions 3rd June 2005

NW2003/2856/F – Steel framed building to house cattle – approved 31st March 2004

91/0500 – use of land and workshop for B2 industrial Use – Approved with Condition 7th October 1991

90/0501 – amendment of condition 2 on planning permission 82/530 (occupation of dwelling by owners of site) – approved 8th October 1991

85/33 – continuance of use without complying with condition 3 (personal permission) of planning permission granted under 82/530 for new workshop - approved 25th Feb 1985

85/33 – continuance of use without complying with condition 2 (tied to person employed or last employed on site) and 4 ((dwelling and building not sold separately) of planning permission granted under 82/530 for new workshop - refused 25th Feb 1985

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 The Conservation Manager (Landscape) raises no objection.

4.3 The Environmental Health Manager comments as follows:

“Further to the earlier consultation response to the above application I can confirm that I have visited the application site and discusses it with the applicant. Whilst there are concerns about the proximity of residential property to the industrial unit I am of the opinion that the addition of the 2 bulk storage silos does not have an unacceptably adverse effect, and may reduce the amount of some noisy activity such as the use of forklift trucks to move materials. The imposition of time constraints to ensure that all deliveries to them are during the daytime will further reduce the likelihood of noise nuisance.

4.4 The Transportation Manager has no objection to the granting of planning permission.

5. Representations

5.1 Shobdon Parish Council make the following comments: We do not consider this application should be refused., it is our belief that this is an industrial building and these bulk bins are a requirement of the process and necessary to maintain employment in the area.

5.2 4 Letters of objection have been received from:

- Mrs B Wells and Mr S A Howells, Downwood Cottage, Shobdon, Herefordshire
- Mrs Sheila H Rowe, The Homestead, Downwood Farm, Shobdon, Herefordshire

- Pam and Tom Morton, Little London, Downwood, Shobdon, Herefordshire
- Campaign to Protect Rural England, (NW Herefordshire Planning Group).

These letters raise the following issues:

- Detrimental visual impact of Silos for residents and neighbours
- Impact of Heavy goods vehicles and traffic through the site impacting on quality of life
- Increase in traffic to site leading to damage to road and amenities
- Highway safety issues due to increase in traffic, this is a single width track with inadequate access onto the B4362
- Noise and disturbance caused when being filled. (long lasting droning noise)
- Forklift activity
- Hours of operation of business
- Site better suited on an industrial estate
- Layout of existing site causes conflict across access to dwellings
- Concern about retrospective nature of development
- Concern about previous activities on site without gaining necessary permissions
- Concern over the size that the site has become and impact that this has on the area
- Impact on known wildlife in the area
- Extent of hard surfacing used and required by Zintec

5.3 A response to these objections has been received from Mr Williams, Zintec who makes the following points:

- Major impact is on my house, and need for extra height for silos was to fulfil Health and Safety regulations.
- Silos reduce the number of vehicles coming as to the site, due to the fact that we are having raw material in larger bulk loads.
- Silos will reduce traffic to site.
- Reduce traffic through village and keeping local business and employment.
- Silos reduced use of forklifts.
- Various environmentalists have congratulated us on the pool and wild life using it. We have 5 different types of newt and have planted over 450 trees.
- Happy to accept a restriction on delivery hours for the silos of 8 am – 6 pm Monday – Friday and 9 am – 12 pm on Saturday.

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 main issues for consideration in this application are:

- (a) Visual impact on the landscape and surrounding area
- (b) impact on the neighbouring properties

6.2 The introduction of the two silos immediately adjacent to the existing industrial building are not particularly incongruous nor out of character with the building and its surrounds. It is acknowledged that there are residential properties immediately to the north the immediate surrounds of the Silos reads as industrial against the backdrop of

mature trees and landscape. It would be difficult to sustain a reason for refusal on the grounds that the silos have a significant visual impact on the existing industrial building or on the surrounding landscape.

6.3 The impact on the neighbouring properties is also of particular concern. Visually the silos have no immediate impact on the dwellings. The dwelling most affected, visually would be Downwood House, the dwelling which is tied by condition to remain in the ownership and occupation of the industrial unit.

6.4 The main area for concern is the noise and disturbance caused to the neighbours by the filling of the silos. This is described as lasting for in excess of one hour and being a droning noise. The existing building has a B2 use category, which is designated as being for General Industrial Use. There are no hours of operation conditions attributed to this building. Notwithstanding this, it would seem appropriate to protect the residential amenities of these neighbours through the imposition of a condition restricting the hours that these silos can be filled to within the hours of 8am and 6pm Monday to Friday and 9am and 12 pm on Saturdays and not on Sundays or Bank Holidays. This should mitigate against any adverse impact that these silos may have on the living conditions currently enjoyed by these residents.

RECOMMENDATION

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.

Informative:

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

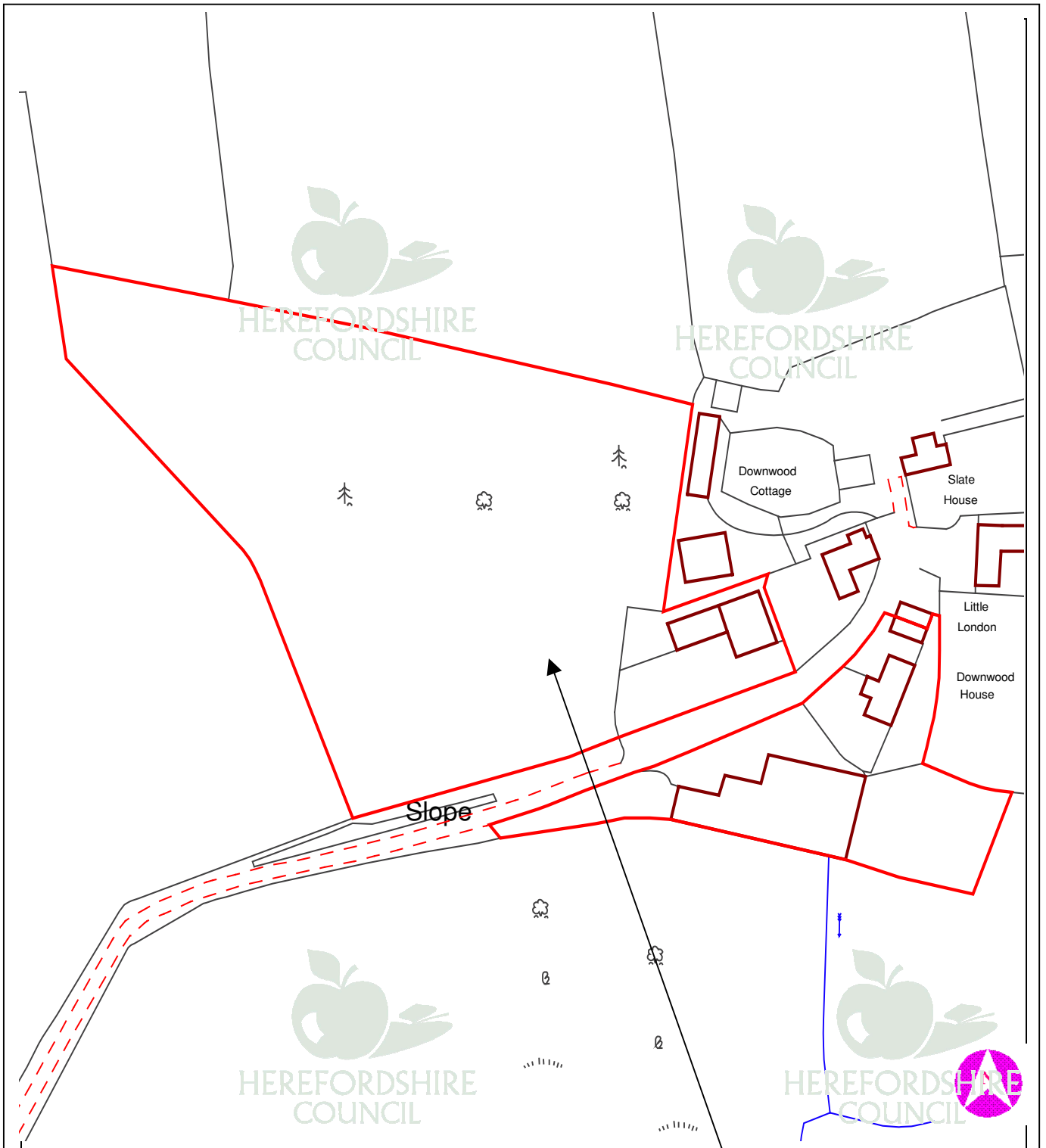
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/3951/F **SCALE :** 1 : 1250

SITE ADDRESS : Downwood, Shobdon, Leominster, Herefordshire, HR6 9NH

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

7 DCNW2005/4103/F - ERECTION OF 11 NO. APARTMENTS AND ASSOCIATED GARAGING AT FORMER GARAGE PREMISIES, LAND ADJACENT TO NO 2 VICTORIA ROAD, KINGTON, HEREFORDSHIRE, HR5 3BX

For: Beeches Two Limited per N & JC Design Partnership, 9 Lancaster Close, Desford, Leicestershire, LE9 9HW

Date Received:

21st December 2005

Ward: Kington Town

Grid Ref:

29981, 56793

BVPI Target Date:

(Major Application) 22 March 2006

Expiry Date:

15th February 2006

Local Member: Councillor T James

A Members site visit took place on the 7th March 2006.

1. Site Description and Proposal

- 1.1 The application site is the former petrol filling station site that occupies a 0.10 hectare corner plot fronting Victoria Road and Gravel Hill Drive. The site has recently been cleared and is relatively level except for a steep slope to the rear rising towards the public footpath adjacent Gravel Hill Drive. The site is set at a level comparable with the highway, which is slightly lower than the adjacent property, number 4 Victoria Road. The site lies outside of but adjacent to the Conservation Area and is a prominent site on the approach to the Town Centre from the East.
- 1.2 The proposal is for the erection of a building that accommodates 11 no. 2 bed (1 double, 1 single) residential flats. The footprint of the main building is 3 storey and L-shaped, running along the frontage of Victoria Road and Gravel Hill Drive. The building is set back from the edge of the pavement by approximately 6m, just in front of the building of the adjacent dwelling. The highest of the proposed building is 11.6m to the highest ridge point, with eaves level to 7.5m.
- 1.3 A vehicular entrance is proposed through the inclusion of an archway through to a courtyard. The proposed building also incorporates 8 garages and a shared courtyard parking to the rear. The garages are located on the ground floor of the main block and within a detached single storey block adjacent to east adjacent to the boundary with no. 4 Victoria Road. The submitted plan shows landscaping around the periphery of the site

2. Policies

2.1 Leominster District Local Plan

Policy A1 – Managing the District’s Assets and Resources
Policy A16 Foul Drainage
Policy A17 Contaminated Land
Policy A18 Listed Buildings and their settings
Policy A21 – Development within Conservation Areas
Policy A22 Ancient Monuments and Archaeological sites
Policy A23 Creating Identity and an Attractive Built Environment
Policy A24 Scale and Character of Development

Policy A49 Affordable Housing
Policy A54 Protection of residential amenity
Policy A55 Design and Layout of Housing Development
Policy A61 Community, Social and Recreational Facilities
Policy A64 Open Space standards for new residential development
Policy A70 Accommodating traffic from development
Policy A77 Traffic Management

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 Development Requirements
Policy S3 Housing
Policy DR1 Design
Policy DR4 Environment
Policy DR5 Planning Obligations
Policy DR10 Contaminated land
Policy H2 Hereford and the market towns: housing land allocations
Policy H9 Affordable housing
Policy H13 Sustainable residential design
Policy H15 Density
Policy H16 Car parking
Policy H19 Open space requirements
Policy T7 Cycling
Policy ARCH1 Archaeological assessment and field evaluations
Policy ARCH6 Recording of archaeological remains
Policy RST3 Standards for outdoor playing and public open space
CF2 Foul Drainage
CF5 New community facilities

- 2.3 Planning Policy Guidance Note 3: Housing
Planning Policy Guidance Note 13: Transportation
Planning Policy Guidance Note 16: Archaeology and Planning.
Planning Policy Guidance Note 23: Planning and Pollution Control.
Planning Policy Guidance Note 24: Planning and Noise.

3. Planning History

NW2005/0073/O - To demolish existing garage/petrol station and site for 4 no. town houses - Approved with conditions 3 March 2005

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection and recommends conditions relating to foul and surface water drainage.

Internal Consultees

- 4.2 Transportation Manager - recommends that a Section 106 Agreement is sought for 1,500 dwelling for (but not limited to) schemes such as:

- a) improved public transport (shelters, kerbs, services)
- b) cycle parking at schools and shops

- 4.3 The Environmental Health Officer makes no comment on the application.

- 4.4 The PROW Manager notes that the development would not appear to affect the public footpath.

- 4.5 The Conservation Manager makes the following points:

- Although the footprint of this proposed residential development is large compared to adjacent buildings, the impact has been lessened somewhat by partial setting back of the structure.
- The design has incorporated features of the Conservation Area and adjacent dwellings.
- Parking to rear and garaging complimentary to Conservation Area.
- The scale/height is similar to that of no's 4 and 6 Victoria Road.
- No objections subject to the following conditions:

C02: Approval of details of materials.

5. Representations

- 5.1 Kington Town Council makes the following comments: It is felt that the small size of the rooms is an issue. Bedroom 2 is not even large enough for a bed and the garages are bigger than the rooms.

There are no gardens to the properties or grounds for children and no lift to enable disabled access to the building.

The parking has been moved to the rear making the entrance is opposite and also the entrance to Kington Court Health Centre. Other proposes development in the town would increase the volume of traffic on this junction and the location on the site of this building would make the junction very hazardous.

It has been noted that no planning notice is currently posted at the site and therefore the application is in breach of planning regulations.

Letters of objection have been received from:

Ian R Waugh, Gravel Hill House, Kington
Mrs Helen Waugh, Gravel Hill House, Kington

Mr Iain R Waugh, 9 Rock Close, Gravel Hill, Kington
Mr & Mrs A Jardine, Owners of 4 Victoria Road, Kington
Harold Dennis and Mrs C L Dennis, 10 Gravel Hill Drive, Kington
D J A Exton, 12 Gravel Hill Drive, Kington
Bob Widdowson (e-mail response)

These letters raise the following issues:

- The scale and nature of the development is uncharacteristic of Kington
- It represents an overdevelopment of the site
- The development is too high, out of place and incongruous
- Number of units is excessive
- Cramped form of development - too many people into too small a space
- Overlooking to neighbouring properties
- Loss of light to Number 4 Victoria Road
- The development is oppressive and would dominate the streetscape especially as it is in front of the building line of older houses
- Lack of amenity space
- The bedroom sizes are minimal/too small
- Lack of lift to upper floors
- Smaller scale development may be more acceptable
- Increase in traffic and parked cars of Victoria Road - nuisance to traffic flow
- Garage sizes too small for modern day cars

5.2 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 Main Issues for consideration are:

- a) Design and impact on surrounding area and street scene
- b) Impact on amenities of neighbouring properties
- c) Highway Safety and car parking
- d) Play Space / Amenity Space

Design and impact on surrounding area and street scene

6.2 The application site lies within the defined area of Kington Town and has previously received outline consent for residential development and as such there are no objections in principle to the residential development of the site. The site is also within walking distance of the facilities and amenities of the Town Centre and in a sustainable location. A block of flats on such a site will inevitably be a high-density development. In this central area this is considered acceptable with emphasis being placed on the acceptability of design and impact on the surrounding area. This is in accordance with the government's aim to make the most efficient use of land through more intensive housing schemes. Policy H15 of the Unitary Development Plan requires a density of 50 or more dwellings per hectare in market towns. The site does lie within an existing market town with public transport and easy access to Kington town centre so a higher intensity of development is acceptable subject to design and uncompromised amenity.

- 6.3 The design of the building has taken into account the features, heights and characteristics of the existing three storey semi-detached dwellings, which lie to the east. The building line of the new development has also been set back to respect the existing building line along Victoria Road. The roof planes of the proposed building have also been broken, using different heights to reduce the bulk and add interest to the development. Chimneys have also been introduced picking up the traditional features. The height of the building is of particular importance and to ensure that the dwellings are built at a level to compliment the height of the adjacent dwellings, a condition is suggested which will allow the Local Planning Authority to approve the slab levels of the development, therefore ensuring the height does not unreasonably increase and reflects that shown on the plans.
- 6.4 The site lies adjacent to but outside of the Conservation Area and this development would be prevalent on the approach to the town. The height and siting of the building would preserve the character of the Conservation Area and the Conservation manager raises no objection to this proposal subject to the approval of materials which I concur would be paramount in the success of this development.
- 6.5 A number of objection letters make reference to the small size of the single bedroom (bed 2) in some of the apartments. After discussion with the applicant revised plans have been submitted, altering the internal layout marginally to provide an increased room size for bed 2.

Impact on amenities of neighbouring properties

- 6.6 The dwelling which would be most affected by the development of this site is No. 4 Gravel Hill Drive (Shown on the plans as No. 2). This dwelling has 7 windows facing into the site and is set at a level that is slightly higher than that of the adjoining site. The proposed development has taken into account the proximity of this dwelling and has proposed only a single storey garage block to the boundary adjacent to the rear garden. The side elevation of the three storey block has been set 2m from the shared boundary, with a further 2.5 metres (minimum) between the boundary and no. 4. This side elevation closest to this property has only three small bathroom windows that can be obscure glazed. The other side elevation, which forms the L shape and faces the side elevation of the dwelling, does have 2 kitchen windows which will overlook this dwelling. The remaining windows are bathrooms or stair/hall windows which can be obscured. Having regard to the distance across the courtyard being 18m, and the fact that the single storey garage will also provide a buffer between the two the impact on the dwelling is considered to be acceptable. As such this conforms to policy A54 of the Leominster District Local Plan.

Highway Safety and car parking

- 6.7 The previous use of the site was as a petrol filling station, which would have had many more vehicular movements per day than the proposed residential development. The Transportation Manager raises no objection to the proposal, which includes off road car parking for the occupants. The Transportation Manager has however requested that a financial contribution be made of £1,500 per unit. On the basis that that development would have a detrimental impact on the road network and would represent a decrease in traffic movements from the original use, the only justification for this would be the impact of the additional persons. As such a reduced figure of a total of £7000 has been negotiated with the developer which would be used for upgrading or providing bus shelters or cycle parking provision within the town centre or locality which would help encourage sustainable forms of transport.

Play Space/Amenity Space

- 6.8 The threshold for the provision of a small children's/infants play space in the Leominster District Local Plan and Unitary Development Plan is 10 – 30 units. Some of the objections also raise the lack of amenity space as a particular issues. The site is not particularly conducive to the provision of open space or a children's play space. As such it is felt appropriate to require a £500 per unit contribution for off site provision. It is understood that the project at Crooked Well Meadow, which is in relatively close proximity to the site would benefit from such a contribution.

Conclusion

- 6.9 To conclude, the proposed development of 11 no. 2 bed units in this central location is an acceptable form of development, which preserves, the street scene and adjacent Conservation Area. The layout of the proposed development has been carefully considered to ensure the amenities of the neighbouring properties have been respected and conditions are recommended including obscure glazing, landscaping and boundary treatments. In addition to this appropriate financial contributions have been negotiated in relation to highways and play space provision. A draft heads of terms is attached.

RECOMMENDATION

The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as she considers 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

Decision:

Notes:

.....

Background Papers

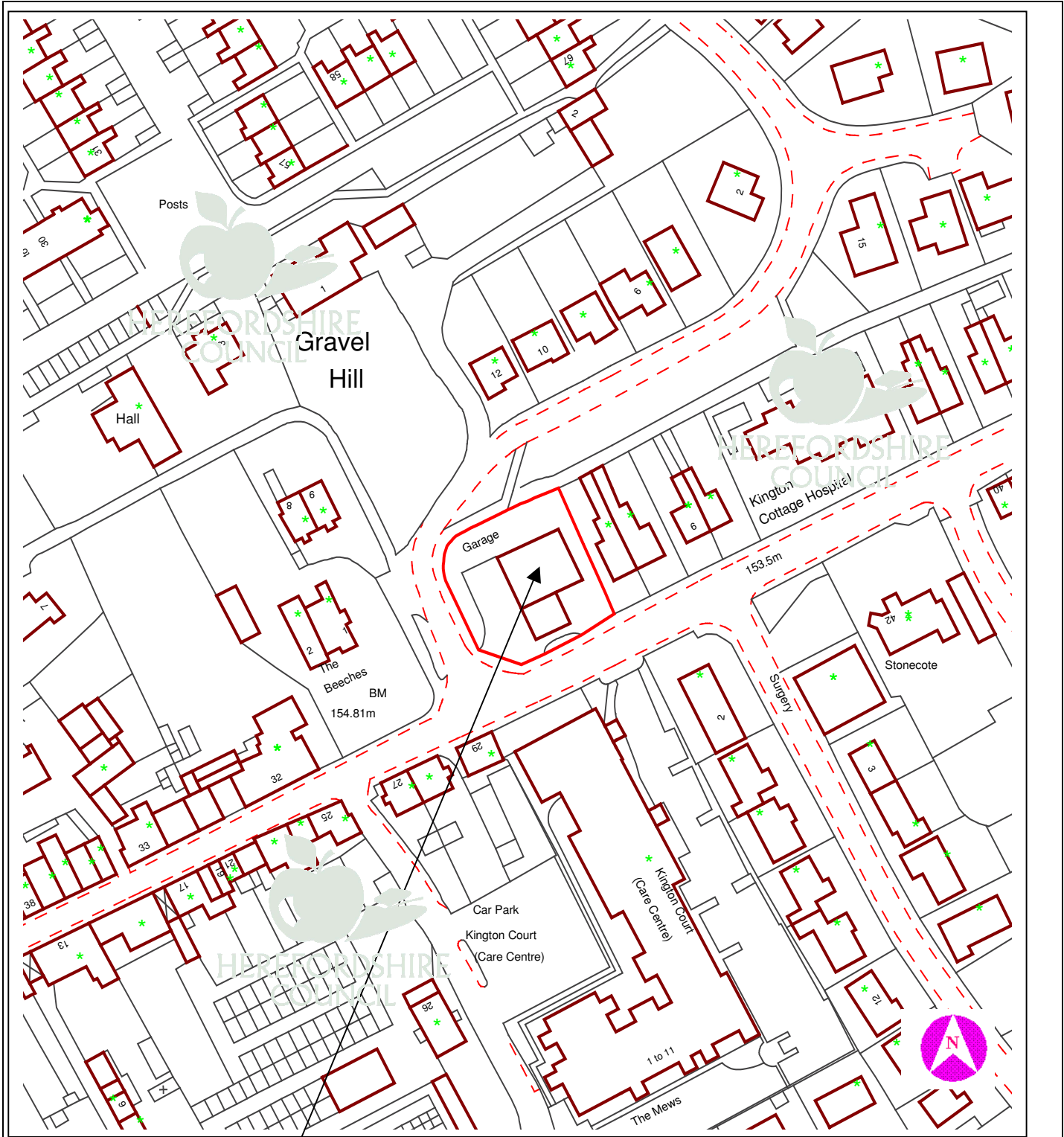
Internal departmental consultation replies.

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW2005/4103/F
Erection of 11 No. Apartments and associated garaging at land adjacent no.2 Victoria Road,
Kington, Herefordshire.

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £5,500 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Provision of play area at Crooked well Meadow
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 within 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £7000 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
5. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Bus Shelter provision or upgrading
 - b) Cycle parking provision
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 5 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
7. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

K.Gibbons, February 2006



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

APPLICATION NO: DCNW2005/4103/F

SCALE : 1 : 1250

SITE ADDRESS : Former garage premises, land adjacent to No 2 Victoria Road, Kington, Herefordshire, HR5 3BX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

8A DCNW2005/4147/F - TWO STOREY EXTENSION TO REAR AT YE OLD HOUSE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4HN

8B DCNW2005/4148/L – AS ABOVE

For: Mrs P Ryder per Mr D R Davies, 23 Charlton Rise, Ludlow, Shropshire, SY8 1ND

7B

Date Received:
28th December 2005

Ward: Bircher

Grid Ref:
49199, 67112

Expiry Date:
22nd February 2006

Local Member: Councillor S Bowen

A Members site visit took place on 7th March 2006.

1. Site Description and Proposal

- 1.1 The dwelling that is the subject of this application is a Grade II listed timber framed building that lies within the Settlement boundary and Conservation Area of the village of Orelton. The dwelling is semi detached and has a fairly substantial garden to the side and rear. A single storey timber boarded store that was attached to the rear elevation of the dwelling has been removed.
- 1.2 The proposal is for the erection of a two storey extension to the rear of the dwelling which would be used as ancillary accommodation to the existing dwelling. A two storey extension of a similar footprint has previously been approved on this site but problems with the construction of the approved extension have led to this revised proposal.

2. Policies

2.1 Leominster District Local Plan

A2 – Settlement Hierarchy
 A16 – Foul Drainage
 A18 – Listed Buildings and their Settings
 A21 –Development within Conservation Areas
 A24 – Scale and Character of Development
 A54 – Protection of Residential Amenity
 A56 – Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire Unitary Development Plan

Policy S2 – Development Requirements
 Policy S7 – Natural and Historic Heritage
 HBA1 – Alterations and Extension to Listed Buildings
 HBA6 – New Development within Conservation Areas

Policy DR1 - Design

3. Planning History

NW2005/0251/F - Two storey extension to rear of property - Approved 13 April 2005

NW2005/0252/L - Two storey extension to rear of property - Approved 13 April 2005

4. Consultation Summary

Statutory Consultations

- 4.1 The Society for the Protection of Ancient Buildings comment: The proposed two-storey extension would be a substantial structure, in relation to the size of the listed building. Some reduction in size would be preferable. Possibly, omission of the east and west facing gables, so that the extension was in line with the historic range and had a low ridge through, would offer an improvement. However, we do support the use of materials, which are traditional but would distinguish the new elements from the historic timber framed part.

Perhaps our principal concern, though, is the apparent intention to cut through a main rail on the gable end of the listed building, in order to achieve access. This seems very unfortunate. We wonder whether there might be scope for forming access at first floor level, rather than ground floor level, within the height of the large central panel, leaving the rail intact? Internal access to ground floor rooms could still be achieved, but from above via the new stair. Alternatively, could the existing lean-to on the west elevation be extended slightly so it formed a link between the listed building and extension, avoiding the need for any gable end doorway?

Internal Consultations

- 4.2 The Traffic Manager raises no objection to the grant of planning permission.
- 4.3 The Conservation Manager comments: Ye Old House dates to C16 was partly rebuilt C17 with early C20 alterations. It is a timber framed building with painted brick and rendered infill on a coursed rubble plinth under a tile roof. Although the footprint of this extension is large, the impact is reduced with a low and varied roofline. The design is complimentary to the listed building and the only change that I would like to see is the use of a rendered or boarded surface instead of introducing brick.

No objections subject to the following Conditions:

C02: Approval of details of materials to be used externally

C05: Details of external joinery finishes.

C10: Details of rooflights

C11: Specification of guttering and downpipes

C17: Sample of roofing material

5. Representations

5.1 Orleton Parish Council makes the following comments: The parish council has no objection to the application but feels that the following should be conditions of planning consent:

- i) that the property, once completed, can only be sold as a whole
- ii) that all parking is off road.

5.2 3 letters of objection / concern have been received from the following:

Mr Colin Beever, Deakins Cottage, Orleton
Katherine Snape, Orleton House, Orleton
J A Slater, Upper House, Orleton

Which raise the following issues:

- Need for on-site car parking provision for the dwelling
- Cars parked on the road frequently cause obstruction
- The apex on the roof has been moved nearer to Deakin Cottage and although slightly lower it gives the impression of the building actually being nearer
- The tall gable end is too tall and over powering
- The whole structure blocks off the sunlight to Deakin Cottage patio and garden area

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 The main issues for consideration in this application are:

- The impact of the extension on the character and appearance of the Listed Building.
- The impact of the proposed extension on the amenities of the neighbouring properties
- Highway safety and car parking

6.2 The previous approval has set a precedent for the extension to the property and was the subject of extensive negotiations and discussions due to the sensitivity of such a large extension to a listed building. Unfortunately the approved scheme is not physically workable in construction terms and this revised scheme has been devised which continues to reflect elements of the character of the listed building without overwhelming the original structure. As such, subject to the agreement of materials and joinery details, the proposed extension is considered to preserve the character and appearance of the listed building and represent an acceptable addition to the building.

6.3 The main issue for concern is the impact that the proposed extension would have on the adjoining neighbour. The property known as Deakins Cottage is attached to Ye Olde House but its rear access from the kitchen onto the adjoining patio is at a significantly lower level, more than 1.5m lower than the ground level of Ye Olde House and the site of the extension. Steps from this lower level rise into the garden area which is at a level approximately the same height as the neighbouring property. The garden of Deakin Cottage is relatively narrow and restricted. The proposed

extension could have an overbearing impact on this dwelling, in particular the rear gable of the extension. An additional sectional drawing has clarified that the pitch of the roof that slopes away from Deakin Cottage is similar, if not the same as the approved scheme and retains the existing hall window in the rear elevation of the dwelling. As such it is not considered reasonable to object on these grounds. The gable of the extension that faces the garden of Deakins Cottage is set at the higher level of the garden behind two mature Leylandii trees that are within the grounds of Deakins Cottage. Having regard to this it is felt that a reason for refusal on the grounds that this would impinge on the sunlight / daylight or amenities currently enjoyed by the occupiers of this dwelling could not be substantiated. To ensure the heights of this building are not increased a condition requiring details of slab levels to be submitted is suggested.

- 6.4 In relation to the concerns relating to the provision of off road car parking, the agent has provided a block plan showing a driveway, with parking and turning facilities for a minimum of three cars. A condition ensuring that this is undertaken is suggested.

RECOMMENDATION

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.

Informatives:

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.

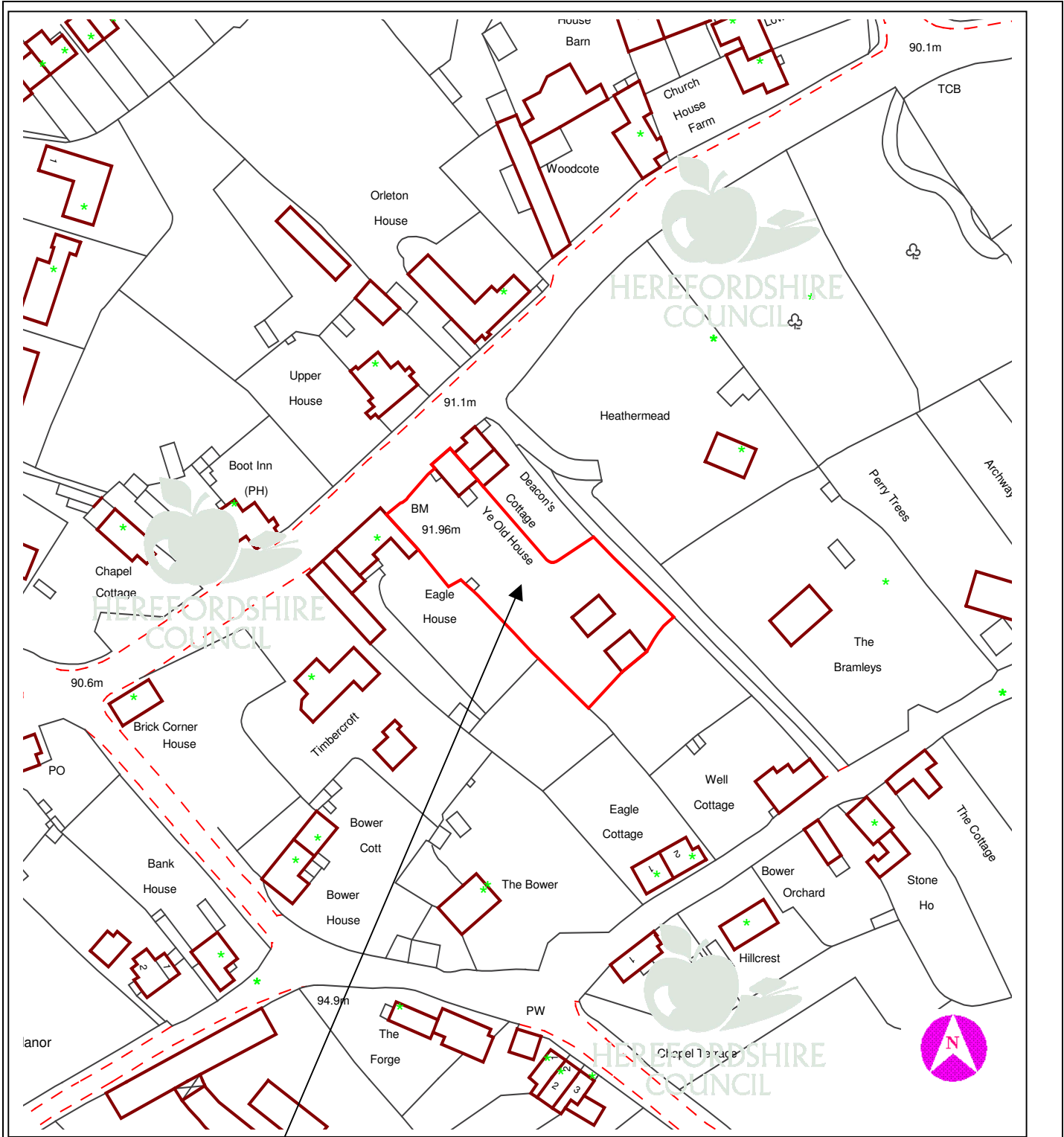
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/4147/F

SCALE : 1 : 1250

SITE ADDRESS : Ye Old House, Orleton, Ludlow, Herefordshire, SY8 4HN

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

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

9 DCNW2006/0071/F - NEW/REPLACEMENT FARM HOUSE AT THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET

For: Mr & Mrs H Salwey per Mr R T L Salmon, The Hatch, Lindridge, Tenbury Wells, Worcestershire, WR15 8JT

Date Received:
10th January 2006

Ward: Mortimer

Grid Ref:
47582, 70986

Expiry Date:
7th March 2006

Local Member: Councillor Mrs O Barnett

A Members site visit took place on 7th March 2006.

1. Site Description and Proposal

- 1.1 The application site comprises an existing farmhouse, which is square in shape except for a modest single storey addition to the north west elevation. It is constructed of brick under a slate roof and has a fairly unusual fully hipped roof gathering to a centrally located chimneystack with two cowls. The dwellings is 9.7m square giving an overall floor area of 191.78 square metres (measured externally, including single storey addition). The eaves level of the existing dwelling (N E Elevation) is 4.7m with the ridge height at 9.2m (chimney height 11m)
- 1.2 The dwelling is sited in open countryside in an elevated position at the top of the hill overlooking Richards Castle and Wooferton. The dwelling is accessed via a long private driveway through its associated farmland. A range of agricultural buildings is located immediately to the North East of the dwelling.
- 1.3 The proposal is for the demolition of the farm house and replacement with a new dwelling on the same footprint. The proposed dwelling is also square in shape with a footprint of 13.4m square with an addition of a conservatory / veranda to the South west elevation which measures 3m by 10m. The dwelling is three storey, including a basement area which is partially exposed with a door and window to the South East elevation. The overall floor area of the proposed building is approximately 480 square metres (measured externally). The eaves height (N E elevation) would be 5.9m and ridge height is 8.9m (10.1m to chimney).

2. Policies

2.1 Leominster District Local Plan

A2 – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape

2.2 Unitary Development Plan (revised deposit draft)

DR1 – design

H7 – Housing in the countryside outside settlements

3. Planning History

NW2005/3024/F – New/replacement dwelling – refused on 24th October 2005 for the following reason:

1) The proposed replacement dwelling is of a size that exceeds what could be considered comparable to the dwelling to be replaced. The development proposed is thus contrary to the requirements of Policy A2 (d) iii of the adopted Leominster District Local Plan.

2) In the absence of a full ecological survey of the buildings and the site surrounds, the local planning authority is not satisfied that adequate steps have been taken to mitigate the presence of species afforded statutory protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent water raises no objection

Internal Consultees

4.2 The Transportation Manager raises no objection subject to the provision of car parking spaces within the site.

4.3 The Conservation Manager raises the following issues:

(Landscape Officer)

The Vallets is in an isolated, prominent position high on the south-east facing slopes of Hanway Common, which rises up from Richards Castle. Two public rights of way, one of which is the Mortimer Trail cross the common below The Vallets. The site falls within an Area of Great Landscape Value.

The farm complex, comprising both the existing farmhouse and the farm buildings, is quite an imposing feature in the landscape, due to its isolated, elevated position. Although when viewed from the footpaths on Hanway Common, the lower part of the farmhouse is partially screened by the hedgerow and windbreak planting along the south-eastern boundary of the farm complex, the square form, simplicity of elevations and distinctive roofline of the house are noticeable features in the landscape.

I would not support this proposal. I am concerned that the replacement building is much larger and grander in character than the existing house. The Historic Building Officers have indicated that the architecture of the existing farmhouse is of interest and that it is locally distinctive therefore I consider that the farmhouse is an important feature in this upland landscape setting. I feel that it would be preferable to renovate and to extend the existing farmhouse, if required, if this could be achieved in a sympathetic way.

I recommend, therefore, that permission be refused for this development on the grounds that it would be contrary to Policies A.9: Safeguarding the Rural Landscape,

Policy A.19: Other Buildings Worthy of Retention of the Leominster District Local Plan (1999) and Policy HBA8: Locally important buildings of the emerging Unitary Development Plan.

Ecologist

The building had timber sarking in the roof and, together with the slate overlay, it may well house summer colonies of bats particularly as the current tenant has seen a bat within the house!

I would recommend that the application is withdrawn until the full information requested is presented with application. I am very reluctant to request a condition for further survey on this application – I would be requesting that no development takes place until after this survey in any case. If bats are present no demolition could take place until the winter months and then only if mitigation and compensation for loss of roosts and nest sites is in place.

5. Representations

- 5.1 Elton Parish Council has no objections

6. Officers Appraisal

- 6.1 The proposal seeks the erection of a replacement dwelling in lieu of a building with established residential use rights. In this respect it is acceptable on a point of principle. This is a resubmission of a previous application, the only difference being the raising of the ground level in front of the basement level that attempts to reduce the scale by way of appearance of the 3-storey element of the scheme. Nonetheless the proposal is still a relatively grandiose replacement of a simple yet unusual dwelling. The relevant policy requires however, that replacement dwellings should be of a size comparable to the building to be replaced. In this instance it has been demonstrated that the replacement would be 2.5 times larger in terms of floor area and the volumetric increase would be equally significant.
- 6.2 As such, the proposed development cannot be considered as comparable with the dwelling to be replaced and the objectives of Policy A2 (d) iii are thus not met. It is recommended that the application be refused on these grounds.
- 6.3 In terms of ecology, this resubmission did not supply the information required relating to bats and the ecologist maintains their objection. As such this has been included as a second reason for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The proposed replacement dwelling is of a size that exceeds what could be considered comparable to the dwelling to be replaced. The development proposed is thus contrary to the requirements of Policy A2(d)ii of the adopted Leominster District Local Plan.**

- 2 In the absence of a full ecological survey of the buildings and the site surrounds, the local planning authority is not satisfied that adequate steps have been taken to mitigate the presence of species afforded statutory protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994.**

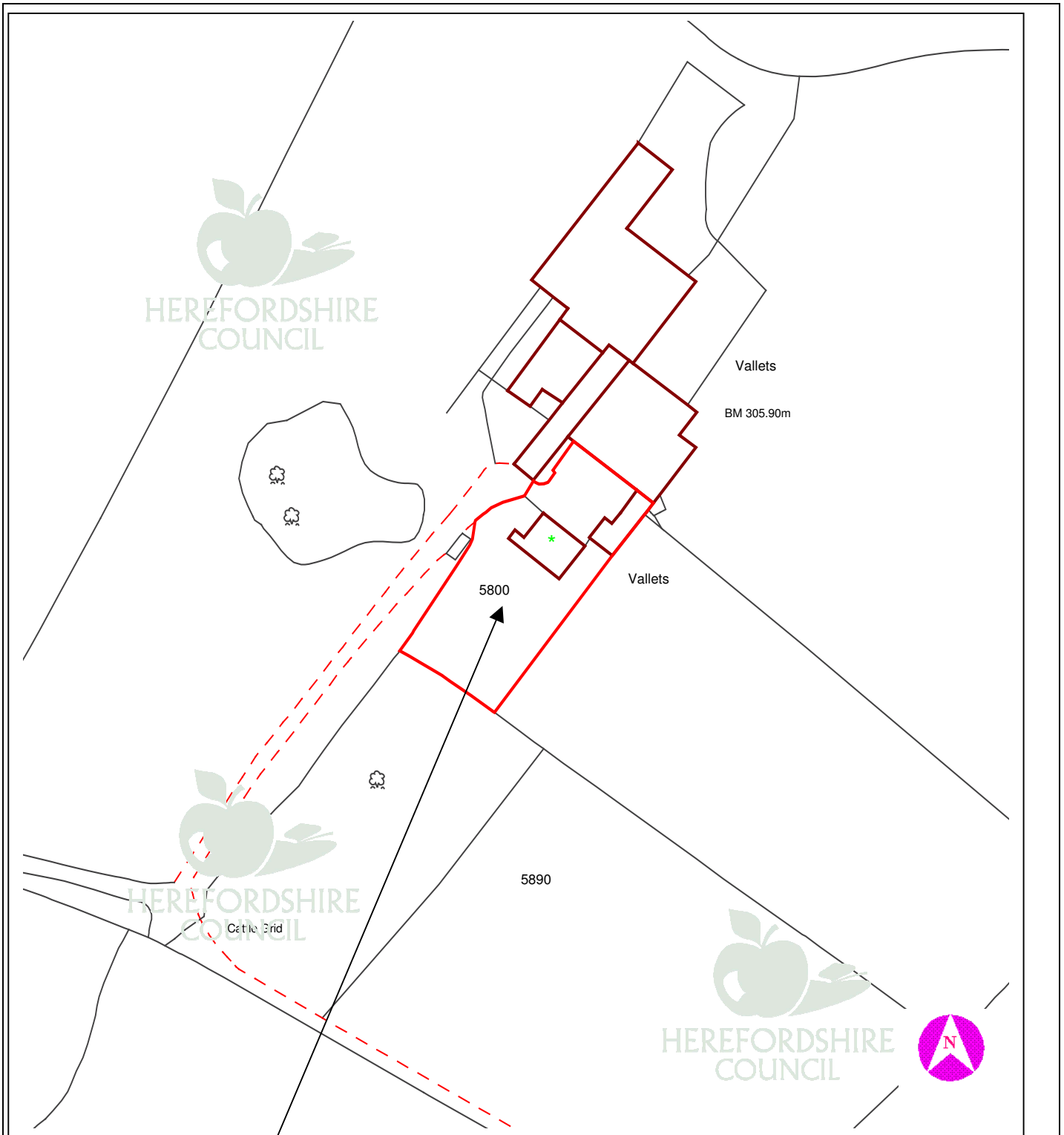
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2006/0071/F

SCALE : 1 : 1250

SITE ADDRESS : The Vallets, Richards Castle, Ludlow, Shropshire, SY8 4ET

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

10 DCNC2006/0360/F - PROPOSED PORCH AND DETACHED DOUBLE GARAGE AT OAK VIEW, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ

For: Mr & Mrs P Sneyd per Linton Design, 27 High Street, Bromyard, Herefordshire, HR7 4AA

Date Received:
6th February 2006

Ward: Hampton Court **Grid Ref:**
54894, 55005

Expiry Date:
3rd April 2006

Local Member: Councillor K Grumbley

1. Site Description and Proposal

- 1.1 This site is located within the small hamlet of Risbury. There are dwellings on either side of the site and also on the opposite side of the road. There is a field to the rear of the site. The existing dwellinghouse on the site has red brick walls with dark concrete tiles on the roof. There is an existing hedgerow approximately 2 metres high on the road frontage in front of the position of the proposed garage.
- 1.2 The proposal is to erect a small porch on the front of the house to directly replace the existing porch canopy. The proposal also involves the erection of a double garage in the front garden of the site adjacent to the side boundary. The proposed development will be in brick and tiles to match the existing dwellinghouse. There will also be some minor alterations to the existing integral garage to create additional living accommodation, however this does not in itself require planning permission.

2. Policies

2.1 Planning Policy Guidance

PPS1 – Delivering Sustainable Development
PPS7 – Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

H16A – Development Criteria
H20 – Residential Development in Open Countryside
CTC9 – Development Criteria

2.3 Leominster District Local Plan

A1 – Managing the District's Assets and Resources
A2 – Settlement Hierarchy
A24 – Scale and Character of Development
A54 – Protection of Residential Amenity
A56 – Alterations, Extensions and Improvements to Dwellings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

S2 – Development Requirements
DR1 – Design
H18 – Alterations and Extensions

3. Planning History

3.1 95/0828/N - Garage and bedroom extension. Planning permission 01.12.95.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Traffic Manager has no objection.

5. Representations

5.1 The Parish Council state: 'The Parish Council does not object in principle to this application, but is concerned over the proposed position of the garages. The Council recommends refusal, pending re-alignment of the garages, further away from the road and more in line with the existing buildings.'

5.2 To date (i.e. at the time of drafting this report as site notice time period expires on 17 March 2006) no letters of representation have been received.

6. Officers Appraisal

6.1 The main issues relate to:

- (i) the size, design and appearance of the development,
- (ii) its effect on the residential amenities of neighbouring dwellings
- (iii) the effect the proposed development will have on the visual appearance and character of the immediate area. The most relevant policies with respect to these issues are A1, A24, A54 and A56 of the Leominster District Local Plan.

6.2 The proposed new porch and double garage will look acceptable, be in keeping with the character and appearance of the existing dwellinghouse and the immediate area and will not adversely affect the residential amenities of any neighbouring dwelling. It is also considered that the proposed siting of the garage is acceptable.

6.3 The Parish Council has commented that the proposed garage should be repositioned so that it will be further away from the road and more in line with the existing dwellings. However, it is considered that the currently proposed position, which will be masked to a certain extent by the existing hedgerows by the roadside and also the small tree in the garden, will be acceptable and will not be detrimental to the visual amenities and character of the immediate area. It is not considered that there will be any significant benefit in re-positioning the garage in this manner. In fact repositioning the garage so that it will be set between the applicant's dwelling and the neighbouring bungalow to the east could begin to impinge on the residential

amenities of the neighbouring bungalow which does have some windows and a covered area on its side (west facing) elevation.

6.4 In conclusion, it is considered that the proposed development is acceptable and in accordance with planning policies in particular A1, A24, A54 and A56 of the Leominster District Local Plan.

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 - 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

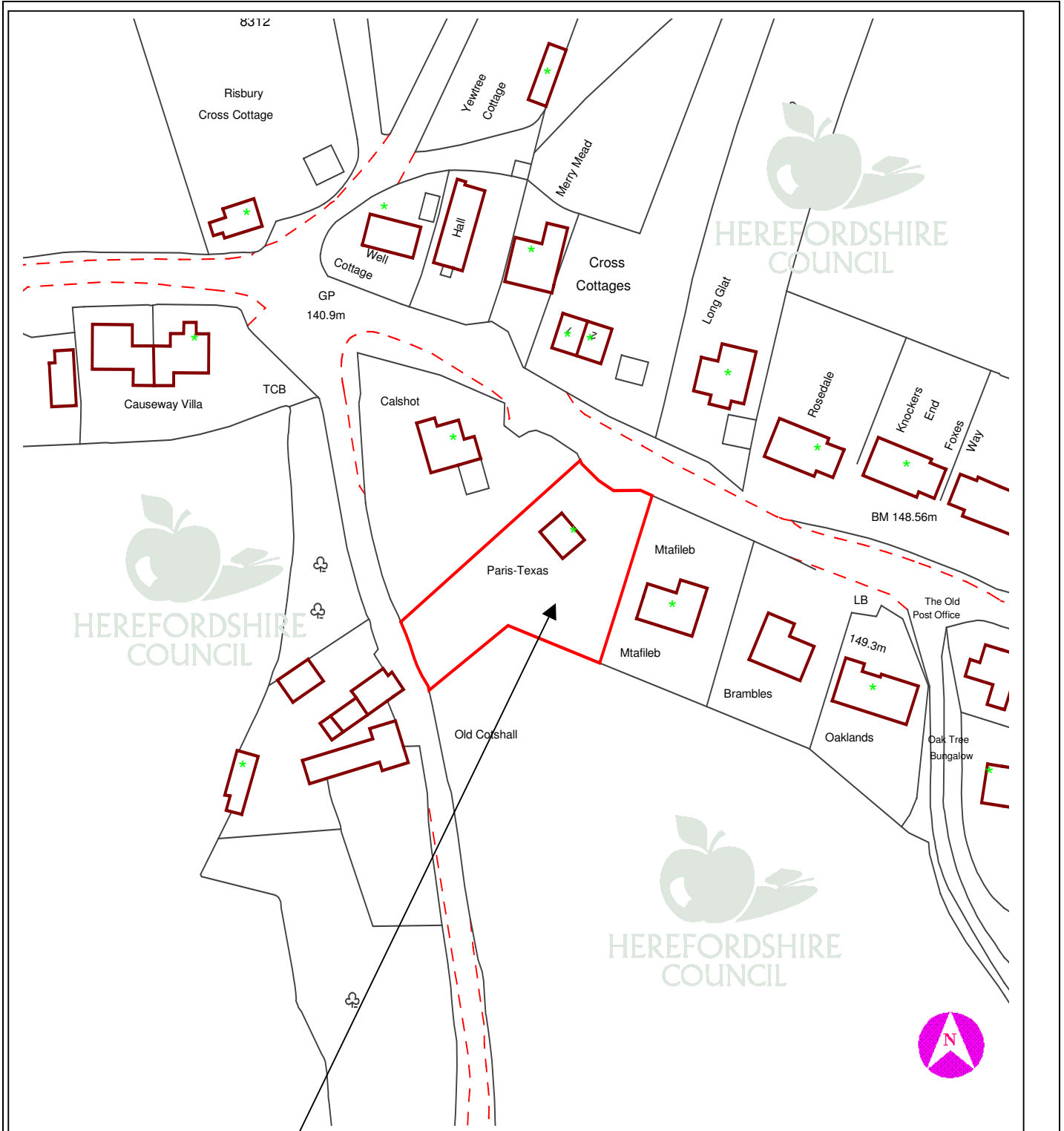
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2006/0360/F

SCALE : 1 : 1250

SITE ADDRESS : Oak View, Risbury, Leominster, Herefordshire, HR6 0NQ

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

11 DCNC2006/0380/F - DEMOLITION OF EXISTING VILLAGE HALL AND ERECTION OF BUNGALOW AT VILLAGE HALL, WILDEN BANK, ULLINGSWICK, HEREFORDSHIRE, HR1 3JG

For: Mr & Mrs A K Lewis per HCD Architecture, The Coach House, 12 College Road, Bromsgrove, Worcester, B60 2NE

Date Received:
7th February 2006

Ward: Bromyard

Grid Ref:
58549, 49298

Expiry Date:
4th April 2006

Local Member: Councillor B Hunt and P Dauncey

1. Site Description and Proposal

- 1.1 The site at Ullingswick flanks the northern side of the C1118 road just to the west of the junction with the unclassified road which leads southwards to the A417. The site itself comprises the old village hall which is a single storey corrugated iron clad building. There are a number of small trees on the site with a large blue cedar tree at the western end which is the subject of a 'tree preservation order'. The site is in an elevated position from the road with a tree lined hedge and a grass bank on the road frontage. There is an existing vehicular access from the site onto the highway with a stone surface which appears to have been relatively recently cut into the bank. There are existing dwellings on the opposite side of the road and to the side (east) with a field to the rear.
- 1.2 The proposal is to demolish the existing village hall and erect a bungalow directly in its place. The proposed bungalow will be externally clad in handmade facing bricks and plain clay roofing tiles. The footprint of the bungalow will be slightly smaller than the existing village hall building however, the roofline will be slightly higher. The existing vehicular access will be utilized to serve the site and a parking/turning area within the site provided.

2. Policies

2.1 Planning Policy Guidance

PPS1 – Delivering Sustainable Development
PPG3 – Housing
PPG7 – Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy H16A – Development Criteria
Policy H20 – Residential Development in Open Countryside
Policy CTC9 – Development Criteria

2.3 Malvern Hills District Local Plan

Housing Policy 4 – Development in the Countryside
Landscape Policy 1 – Development Outside Settlement Boundaries
Nature Conservation Policy 1 – Habitats
Nature Conservation Policy 2 – Species
Recreation Policy 31 – Retention of Existing Community Facilities

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy H 7 – Housing in the Countryside Outside Settlements
Policy H10 – Rural Exemption Housing
Policy CF6 – Retention of Existing Facilities
Policy NC1 – Biodiversity and Development
Policy NC5 – European and Nationally Protected Sites
Policy NC6 – Bio-diversity Action Plan Priority Habitats and Species
Policy NC7 – Compensation for Loss of Biodiversity
Policy NC8 – Habitat Creation, Restoration and Enhancement
Policy H14 – Re-Using Previously Developed Land and Buildings

2.5 Council's Supplementary Planning Guidance

Biodiversity

3. Planning History

DCNC2005/2977/F - Demolition of existing village hall and erection of dwelling.
Refusal of planning permission - 2 November 2005.

DCNC2004/0696/F - Modification of existing vehicular access up to the Village Hall, Ullingswick. Planning permission granted 14 July 2004, this permission included a condition for mitigation measures in relation to the badger set.

DCNC2003/1983/F - Construction of a new vehicular access to Village Hall refused 19 August 2003.

MH96/0660 - Erection of single storey dwelling on site of former Village Hall refused contrary to policy - July 1997.

MH91/0064 - Creation of new access and driveway to Village Hall refused March 1991.

MH90/227 - 4 bedroom dormer bungalow refused and subsequently dismissed on appeal. Appeal decision date October 1990.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Conservation Manager has no objection but existing trees and boundary hedge should be retained therefore condition G04 be imposed.

4.3 The Traffic manager requested that further information be submitted to show driveway gradient and also space for parking and turning for two cars. However, in previous application on site for a dwelling ref. DCNC2005/2977/F he recommended conditions H9 and H13 relating to driveway gradient and turning area/parking be imposed on any permission.

5. Representations

5.1 The applicants agents states that amended application is for a much smaller bungalow contained within existing footprint of the derelict village hall.

5.2 The Parish Council state:

Ocle Pychard Group Parish Councillors believe that this site should not be redeveloped as it is outside the Ullingswick Village development envelope. In addition there is a newly created vehicular access which they regard as unsuitable as any vehicles leaving the site have severely restricted visibility of traffic approaching from the west.

The new plans do not show details of any site levels or elevations or a turning bay.

The level of the existing developed site is 5 metres above the adjoining metalled road.

The non-mains sewerage arrangement form is incomplete with no block plan of the plant site or soakaways shown, and no percolation test as requested on all applications.

Concerns have also been raised about dispersed water from this site. There is no suitable egress to ditches or streams from a site which, as already mentioned, is substantially higher than the adjoining road.

5.3 To date (i.e. at the time of drafting the report as the site notice expires on 17 March 2006) there have been two letters of representation received (one objecting to the proposal and one supporting the proposal but raising certain concerns) from:-

- Colin Gray, Chairman of Herefordshire Badger Group, 54 Purland, Ross-on-Wye, Herefordshire, HR9 5QA
- Mrs L E Duthy-James, Thornfield, Ullingswick, Herefordshire, HR1 3JG

The mains points being:-

- there is an active and long established badger sett under the old village hall. A recent survey shows that the sett is active and the badgers have not used the artificial sett nearby.
- bungalow is being built to generate money for owners and is not a sufficient reason for disturbing the sett.
- current legal dispute regarding entrance to the site.
- in order to comply with The Protection of Badgers Act 1992, English Nature will need to be consulted regarding welfare of sett.

an environmental impact assessment will need to be carried out.

- the location plan does not show correct position of lanes and hall building and also boundaries incorrect.
- half of vehicular access to east includes land shown inside location plan and which is subject to court proceedings to determine boundaries and existing user rights
- the roof height is excessively high for such a small bungalow and would be intrusive on such a prominent site.

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 main issues relate to:

- i) the principle of erecting a dwelling on this site
- ii) the size and design of the dwelling and its effect on the visual amenities and character of the area
- iii) the effect of the dwelling on the residential amenities of the occupants of neighbouring dwellings
- iv) vehicular access and highway safety
- v) the ecological and wildlife issues relating to the site.

The most relevant policies with respect to these issues are Housing 4 and 14, Landscape 1 and Nature Conservation 1 and 2 of the Malvern Hills District Local Plan.

6.2 The site lies, for policy purposes in open countryside and new residential development is strictly controlled. In this instance the proposal is not based on an agricultural or similar need nor conversion of redundant building. The site however is Brownfield land the proposal for redevelopment of an already developed site. Previous refusals for the erection of a dwelling, of which there are three additional decisions to those listed dating back to 1980, were on the basis of the Open Countryside Policy and the prominence of any dwelling. Since those earlier decisions a number of new bungalows have been erected opposite the site in more recent times.

6.3 It is considered that in light of these later permissions and an unsuccessful attempt to find an alternative use for the building which appears to have been disused for at least 25 years, the redevelopment of the site for residential purposes is considered to be acceptable in principle. Furthermore it is not considered that the erection of a bungalow on this site would be significantly more visible than the bungalow on the opposite side of the road itself in an elevated position, such that a refusal of planning permission on this basis would be justified.

- 6.4 The previous application for a new dwelling on this site ref no. DCNC2005/2977/F was refused on 2 November 2005. This application was for a two-storey dwelling house and it was refused for the reason that the development constituted over-development of the site and of a scale which would be detrimental to the visual amenity of the area and as such contrary to Landscape Policy 1 (development outside settlement boundaries) of the Local Plan and Policy H14 (re-using previously developed land and buildings) of the Unitary Development Plan. The bungalow proposed in the current application is significantly smaller, both in terms of height and footprint, than the house previously refused. The roof line of the proposed bungalow will be two metres lower than the roof line of the house. As such it is considered that the size and design of the proposed bungalow is now acceptable and appropriate for this site and its setting and overcomes the refusal reason set out in the previous refusal of planning permission. The proposal will not result in the over development of the site and will now be in accordance with planning policies.
- 6.5 The proposed new bungalow will be a visual improvement to the old metal village hall building and it will not adversely affect the residential amenities of any of the neighbouring dwellings.
- 6.6 There is a planning permission for a vehicular access to the site in the eastern corner onto the highway. However, there appears to be an ongoing legal dispute regarding the ownership of the land in question. However there is an existing vehicular access serving the site which is in a slightly different position from that previously approved i.e. the constructed access is now further to the west and within the submitted application site. Any unresolved issues relating to the ownership of the land by the access are civil matters, which are of no concern for the Planning Authority which can only address the planning merits of the application. The Traffic Manager has previously recommended the imposition of conditions on any planning permission for the access in this position to ensure that the access, parking/turning arrangements are satisfactory.
- 6.7 An alternative badgers sett has been created at the western end of the site which will provide alternative accommodation for the badgers at the appropriate time i.e. when development of the new bungalow commences. As such it is considered that the issues relating to the badgers has been adequately addressed. Any relocation work would need to be carried out under a DEFRA licence.
- 6.8 In conclusion it is considered that the proposed bungalow will provide a suitable development on this site which is likely in the future to become an eyesore and detrimental to the visual amenities and character of the area. The proposed development is now in accordance with planning policies.

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 - 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 no 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

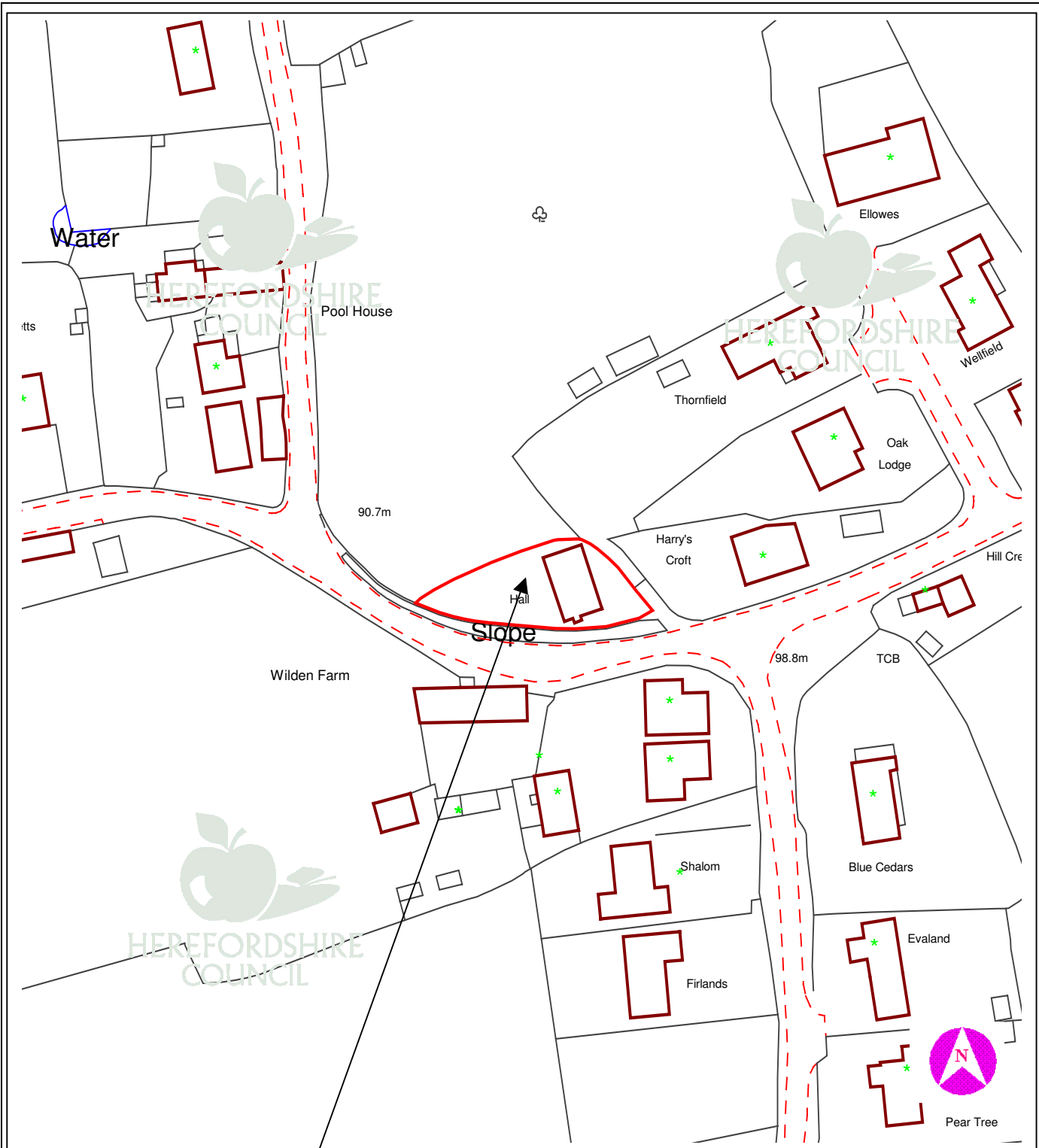
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2006/0380/F

SCALE : 1 : 1250

SITE ADDRESS : Village Hall, Wilden Bank, Ullingswick, Herefordshire, HR1 3JG

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

12 DCNW2006/0444/F - CHANGE OF USE FROM GARDEN CENTRE TO HOLIDAY CHALET DEVELOPMENT. ERECTION OF FIVE HOLIDAY CHALETS AT AYMESTREY HOUSE GARDEN CENTRE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9ST

For: Mr & Mrs K Williams, Reed Architects LLP, Herongate, Carmel Court, Presteigne, Powys, LD8 2LD

Date Received:
14th February 2006

Ward: Mortimer

Grid Ref:
42477, 65176

Expiry Date:
11th April 2006

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The site for the proposal development is presently in use as a retail garden centre trading to members of the public, from where direct access is obtained onto the A4110 public highway.
- 1.2 On site are a range of glasshouses used for the propagation and storage of plants, as well as a timber framed structure used for the display of gardening accessories and as the base for the retail shop.
- 1.3 To the rear of these structures is an area of open land that rises slightly from the rest of the application site and faces east. On the other side of the rear boundary is farmland and woodland.
- 1.4 On part of the application site alongside its frontal section is the applicants residential dwelling occupied by themselves. This dwelling is of substantial proportions, of external brick construction under a tiled roof, this dwelling although not listed, has significant historic charm being of the Queen Anne/Georgian period. Situated on both the northern and southern sides of the application site are other residential dwellings outside the control of the applicant.
- 1.5 The application proposes change of use of the site to a holiday chalet development for the siting of five holiday chalets of various sizes ranging from a one bedroomed unit to two three bedroomed units.
- 1.6 As part of the application the applicant has submitted a report from Hoseasons Holidays Limited, which states that the proposed 5 Swedish round log lodges will be supplied by First Leisure and that they will be sited in a superb location that will be extremely popular with their customers and that there is currently a shortage of this form of development in this part of rural Herefordshire, where demand for the most outweighs supply.

2. Policies

2.1 Leominster District Local Plan

Policy A1 – Managing the District's Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A23 – Creating Identity and an Attractive Built Environment
Policy A24 – Scale and Character of Development
Policy A38 – Rural Tourism and Recreational Activities
Policy A39 – Holiday Chalet Caravan and Camping Sites
Policy A54 – Protection of Residential Amenity

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 – Sustainable Development
Policy S2 – Development Requirements
Policy S8 – Recreation, Sport and Tourism
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy E5 – Safeguarding Employment Land and Buildings
Policy E11 – Employment in Smaller Settlements and Open Countryside
Policy LA6 – Landscaping Schemes
Policy RST12 – Visitor Accommodation
Policy RST13 – Rural and Farm Tourism Development
Policy RST14 – Static Caravans, Chalets, Camping and Touring Caravan Sites
Policy CF2 – Foul Drainage

3. Planning History

- 3.1 99/2021/F – Change of use of flat to tea rooms with internal alterations, addition of glazed entrance doors and provision of car parking for an additional 12 cars – Approved 02/09/1999

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water (DWR Cymru) raises no objections to the proposed development.

Internal Council Advice

- 4.2 Environmental Health Manager has no objection subject to the inclusion of three conditions to be attached to any subsequent approval notice issued.
- 4.3 Minerals and Waste Officer raises no objections.
- 4.4 Highways Manager raises no objections to the proposed development.
- 4.5 The Council's Tourism Development Manager has responded to the application stating:

"I would strongly object to this application to develop further self catering accommodation that is more than adequately supplied with this type of accommodation. If there was to be any more development it would have a serious

economic impact on other self catering businesses in the county. The over supply of self catering accommodation would ultimately result in further planning applications for conversion to full time living accommodation in rural areas."

5. Representations

5.1 Aymestrey Parish Council state in their response:

"The Council would prefer to see a low cost housing development on this site. Otherwise the Council has no objection to the current plans."

5.2 Seven letters have been received from members of the public. Six letters of objections and one of support.

The objection letters are from:-

Wendy M Duggan, The Lodge, Yatton Court, Aymestrey, W A and P J Cartwright, Vicarage Cottage, Amestrey, R.M. Holland, The Cottage, Aymestrey, K. Holland, The Cottage, Aymestrey, D. G. Allport, Romana, Bacon Lane, Aymestrey and Mary and Jonathan Heale, Aymestrey Court, Aymestrey. These letters can be summaries as follows:-

- Impact of the proposal on the nature of the village environment.
- Increase in traffic through the village, and lack of adequate village amenities.
- Impact on population of Aymestrey.
- Adequate accommodation in area for 'rural tourism'.
- Concerns about future development on site.
- Concerns about proposed foul water drainage from the proposed development and flood risk and impact on adjoining residential dwellings.
- Impact on amenity and privacy of adjoining residential dwellings to the application site.
- No provision in Aymestrey for 'local needs'.

5.3 The letter in support is from Pamela Smith, The Farmhouse, Aymestrey. This letter can be summarised as follows:-

- Proposal will have no detrimental impact on adjoining residential dwellings outside the control of the applicants.
- Proposal will provide a valuable resource to the village.
- There is demand for this form of development within the area.

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 key issues for planning consideration with regards to this proposal are:-

- Impact of proposal on surrounding landscape.
- Loss of existing business on site.
- Privacy and amenity of surrounding neighbouring residential dwellings.

6.2 Impact of proposal on surrounding landscape

The proposed development is for five Swedish round log cabins on approximately a two acre site that is currently in use as a retail garden centre. The five individual units are to consist of one, one bedroomed unit, two, two bedroomed units and two three bedroomed units, all self contained and set in substantial landscaped grounds in order to minimise the proposal on the applicants dwelling within the site as well as on surrounding dwellings adjacent to the application site and the surrounding countryside. Presently on site is a range of glasshouses, timber constructed shed and extensive plant and compost retail/display/storage area. It is considered the proposal subject to this application will be no more detrimental than the existing site arrangement, which has no vegetative landscaping in order to integrate it into the surrounding environment.

6.3 Loss of existing business on site.

The present business on site is a retail garden centre and therefore in policy terms is not classed as small scale local business service, such as a village shop or public house. The site is already in business use albeit a different one to that as proposed, however the existing business conducted on site is largely a family concern and therefore complies with all relevant local plan policies as the proposed subject to this application will not cover any larger of an area.

6.4 Privacy and amenity of surrounding neighbouring residential dwellings.

The proposal is for five log cabins set back into the site with extensive landscaping in order to integrate the proposal into the landscape as well as to provide privacy not only to existing neighbouring dwellings but also to occupants of the proposed development. It is noted in representations received from members of the public, that one immediate neighbour to the proposed development site has written in support of the proposed development.

6.5 Aymestrey Parish Council as well as one of the members of the public have commented about the site being better used for 'local needs' housing. However the application must be considered on its merits, not on what the preferred use of the site by a third party is.**6.6 The Highways Manager raises no objections to the proposal on public highway grounds. Welsh Water raise no objections with regards to proposed foul water disposal, however due to concerns about the close proximity of the proposed septic tank in relationship to a residential dwelling with a private water supply, if Committee are mindful to approve the application, it is recommended that a condition be attached to the approval notice with regards to foul water disposal. Building Regulations will also address this issue of concern. Finally the objections raised to the proposal from the Councils Tourism Development Manager with regards to oversupply of this type of holiday development is not a material planning consideration.****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 - 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

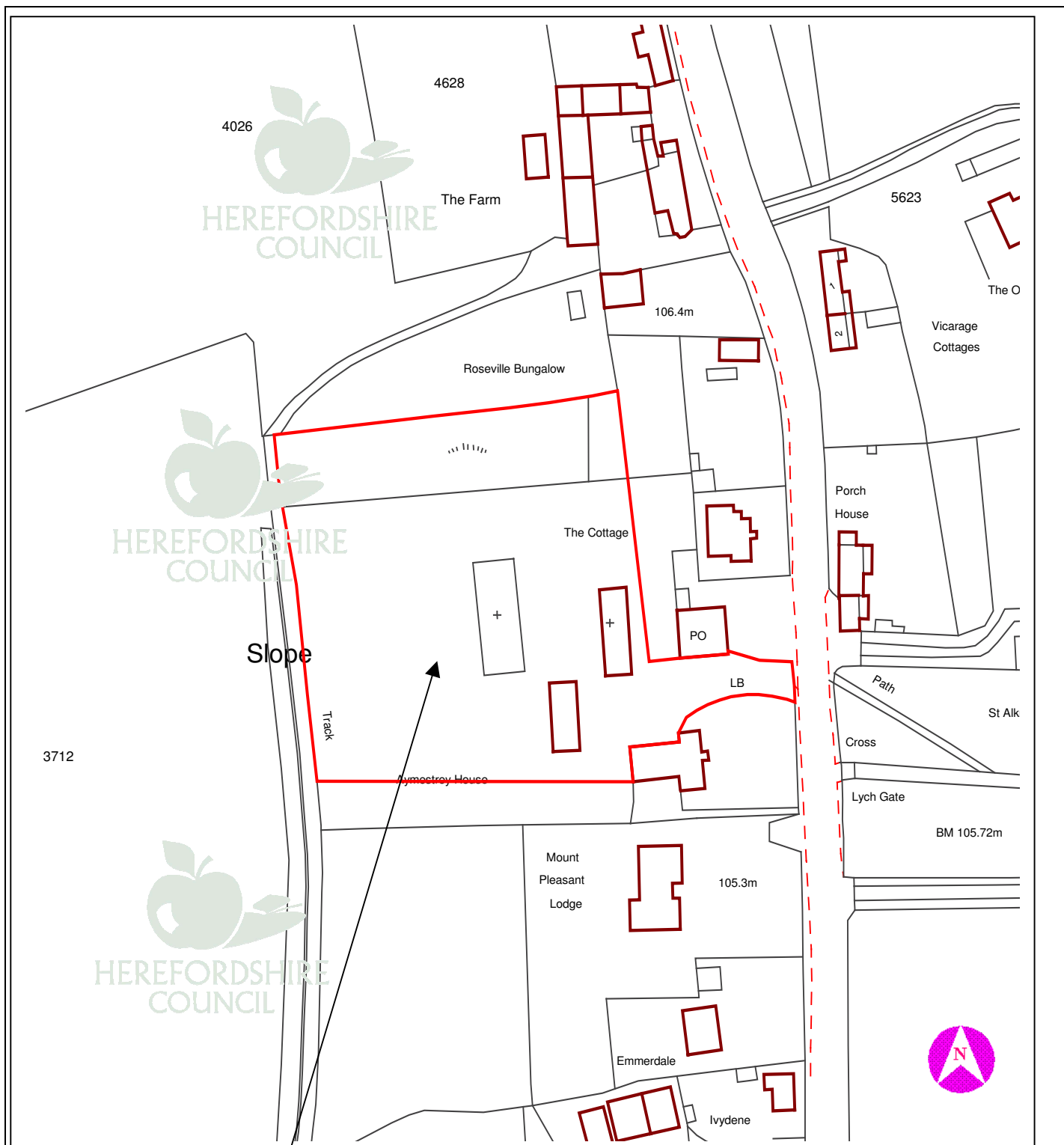
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2006/0444/F

SCALE : 1 : 1250

SITE ADDRESS : Aymestrey House Garden Centre, Aymestrey, Leominster, Herefordshire, HR6 9ST

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

13 DCNW2005/3808/F - NEW VEHICULAR ACCESS WITH PARKING AND TURNING AREA AT PORCH HOUSE, AYMESTREY, LEOMINSTER, HEREFORDSHIRE, HR6 9SU

For: Mr & Mrs P Leedham-Smith per Bryan Thomas Architectural Design Ltd, The Malt House, Shobdon, Leominster, Herefordshire, HR6 9NL

Date Received:
28th November 2005

Ward: Mortimer

Grid Ref:
42557, 65185

Expiry Date:
23rd January 2006

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a detached cottage that fronts the A4110 within the smaller settlement of Aymestrey. The dwelling has a relatively large garden with an approximate distance of 18 metres from the dwelling to the boundary between Porch House and Vicarage Cottage to the north which has the benefit of a close board fence and existing trees and shrubs. The garden also extends to the rear of the property by an average of 14m to the boundary with the Church car park. Likewise this has an existing landscaped boundary. There is an existing parking bay/pull in front of the lean to garaging area to the south of the property but no formal access into the garden/curtilage of the dwelling.
- 1.2 It is noted that the site has recently been cleared from the overgrown foliage and that a portion of the stonewall that formed the boundary with the site has been removed.
- 1.3 Planning permission is sought for the creation of an access to the north of the dwelling from the A4110. A driveway, and turning area would be formed within the existing garden. A gap 11 metres wide would be inserted, with 45 degree splays created to a distance of 5m from the edge of the carriage way. The existing stone wall would be altered and extended to form the boundary and new access point.
- 1.4 English Heritage has recently listed this building although Listed Building Consent is not required for this proposal.

2. Policies

2.1 Herefordshire & Worcester Council Structure Plan

Policy H16A – Development Criteria
Policy CTC13 – Buildings of Special Architectural or Historic Interest

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources

Policy A2(D) – Settlement Hierarchy
Policy A9 – Safeguarding the Rural Landscape
Policy A18 – Listed Building and their Setting

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
Policy DR1 – Design
Policy LA2 – Landscape Character

3. Planning History

3.1 NW2005/1288/F - Proposed two single storey extension and change of use of ground floor to restaurant and new vehicular access - Refused 10th August 2005 for the following reasons:

1. The use of the proposed access for commercial purposes in such close proximity to the dwelling house known as Porch House would have a detrimental impact on the character of Porch House and on the amenities currently enjoyed by the occupiers of the dwelling. As such the proposal would conflict with Policies A1 and A54 of the Leominster District Local Plan.

2. The proposed access drive by reason of its close proximity and relationship to Porch House would have a detrimental impact on the setting of the potentially listed building. As such it would be contrary to Policy A18 of the Leominster District Local Plan.

4. Consultation Summary

A reconsultation was undertaken when the property was confirmed as listed.

Statutory Consultations

4.1 English Heritage do not wish to offer any comments on this occasion.

Internal Council Advice

4.2 Transportation Manager recommends that any permission with this Authority may wish to give include the following informative notes:

HN1 - Mud on highway
HN5 - Works within the highway
HN10 - No drainage to discharge to highway
HN22 - Works adjoining highway

4.3 The Conservation Manager responded as follows:-

This property is currently under consideration for listing by English Heritage. The proposed access for this drive is through a stone wall that contributes to the character and appearance of Aymestrey. It appears that an opening has already been made in this wall which is unfortunate.

No objections to the proposed access and turning/parking area subject to the following conditions: CO2: Details of all materials to be used.

5. Representations

5.1 Aymestrey Parish Council initial comments were as follows:

"The Council understands that Porch House is in the process of being 'listed'. Until the process is completed, the Council is of the opinion that significant developments should be pre-cluded. The Council understands that there is (or at least, was until recently) garage space available at the southern end of Porch House. If so, then the need for the rear parking/turning area is not evident. If the garages are no longer available, then the Council would have expected to have seen an application for change of use, but it has not done so.

The Council is concerned about the visual impact of the proposed development on Porch House and the destruction of a large segment of the old, stone boundary wall fronting the property.

If there is a fully substantiated need for new car parking and turning areas, then the Council would welcome alternative plans which are less obtrusive and less damaging to the frontage of the property. Any development to be fully consistent with the potential 'listed' status of Porch House."

Its comments further to the listed are as follows:

"The Council objects to the plans on the following grounds:-

1. The scale and siting of the works are inappropriate for Porch House
2. The new access would largely destroy the existing front boundary wall.

If a new parking area is required (but note existing garages) alternative proposals would be preferred.

5.2 Letters have been received from:

- W.A. and P.J. Cartwright, Vicarage Cottage, Aymestrey, Leominster, Herefordshire (x 2)
- Richard Gresko, The Riverside Inn, Aymestrey, Leominster, Herefordshire (x 2)
- K.G. Holland, The Cottage, Aymestrey, Leominster, Herefordshire

5.3 These letters raise the following issues:

- The new access would restrict vehicles parking at the gate of The Cottage that would impact on the life of the owner and elderly visitors and be a hazard to vehicles using the new access.
- There is restricted visibility of traffic travelling south on the A4110 especially due to existing neighbours stone wall and telegraph pole.
- Creation of the new access would have a severe detrimental impact not only on the village street scene but also on the aesthetics of Porch House itself. This would cause a double void to the roadside.
- More sympathetic approach would be to create an access off of the access to the church car park and would minimise visual impact on the house and street scene

and retain existing stone wall which borders the property on the A4110. It would prevent yet another exit onto the main road.

- Increase of noise and light pollution caused by vehicles using the access on properties opposite.
- If access granted then a covenant should be added so that the access can be used for private dwelling only and not to serve or give rise to access to any other property.
- Porch House is a listed building of charming character which contributes positively to the street scene.
- Alteration to Porch House garden for the purposes of parking and turning.
- Fundamentally alters the street scene and visual aspect of the curtilage.
- Parking could be achieved just as successfully and more sensitively by using the area in the south east corner of the property adjoining existing access road.

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 main issues for consideration is the determination of this application are as follows:-

- a) Highway safety
- b) The impact of the proposed access the character and appearance of the area and setting of the listed building.

6.2 The proposed access has been designed and drawn to meet the requirements of the Highway Officer. The Transportation Manager has raised no objections. Having regard to the existing parking arrangements for the property this proposal would improve highway safety for occupants of the dwelling.

6.3 The proposal includes alterations to the existing stone wall which forms the boundary with the highway. This stone wall would not be lost, but rebuilt, to incorporate the access to maximise visibility and ability to manoeuvre into and out of the site. It is acknowledged that this is in relatively close proximity to the driveway, (including fencing and trees) that serve the adjacent listed cottage, but this would not harm the rural street scene especially with the sympathetic rebuilding and reinstating of the stone boundary wall. The proposed access would be sufficiently screened and distanced from the listed Vicarage Cottages not to have a detrimental impact. As such the proposed access would conform with Policies A18 – Listed Buildings and their Settings and A21 of the Leominster District Local Plan.

6.4 Having regard to the new 'listed' status of Porch House, the proposed alterations to the boundary wall to allow access have been considered and these alterations would not harm the character and setting of this building or the adjacent listed cottages. Appropriate conditions are suggested to ensure the stone wall is retained and rebuilt in a sympathetic manner. Details of the proposed hardsurface and landscaping are also required by condition.

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 - 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**

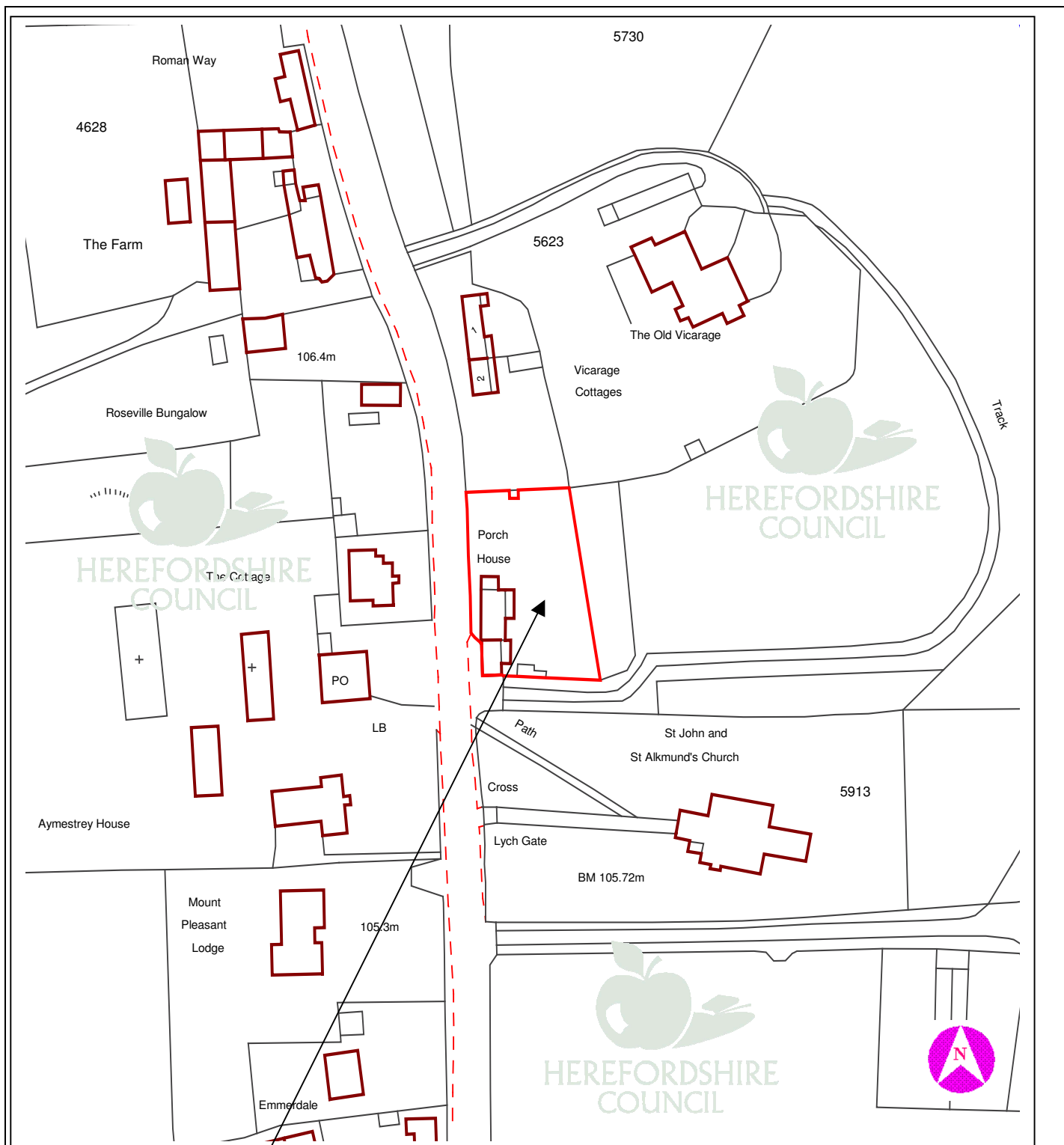
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/3808/F

SCALE : 1 : 1250

SITE ADDRESS : Porch House, Aymestry, Leominster, Herefordshire, HR6 9SU

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

14 DCNW2006/0101/F - RETROSPECTIVE APPLICATION FOR TWO STOREY SIDE EXTENSION AND PROPOSED TWO STOREY EXTENSION AT WHITTON COTTAGE, WHITTON, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LS

For: Mr P G Hand per Mr D A Riley, Robins Hale, Lower Barns Road, Ludford, Ludlow, SY8 4DS

Date Received:
12th January 2006

Ward:
Mortimer

Grid Ref:
41016, 73979

Expiry Date:
9th March 2006

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The application site comprises a detached stone and timber framed cottage set in a rural locations outside the settlement boundary of the village of Leintwardine. The garden has a large outbuilding and smaller shed. The dwelling and curtilage are visible from the highway. Immediately to the rear of the dwelling (south) lies a further detached dwelling known as Whitton View.
- 1.2 Planning permission is sought for the extension of the property in a linear form. Part of this has already been undertaken which extends some 4.5m from the existing dwelling and has a ridge height of 5.5m which is marginally below the height of the existing dwelling. This extension follows the form of the existing dwelling and is constructed with exposed timber frame, render infill panels and slate roof.
- 1.3 The second part of this application is for the further extension of this cottage also linear form. The roofline would again be set down marginally from the existing extension, causing a stepped effect and would be constructed of weatherboarding and slate roof to match the existing extension. This extension would extend a further 4.5m beyond the already constructed extension. There are no windows to first floor in the rear elevation and three rooflights proposed to the front elevation.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District’s Assets and Resources
 Policy A2(D) – Settlement Hierarchy
 Policy A9 – Safeguarding the Rural Landscape
 Policy A24 – Scale and Character of Development
 Policy A54 – Protection of Residential Amenity
 Policy A56 – Alterations, Extensions and Improvements to Dwellings
 Policy A70 – Accommodating Traffic from Development

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy H18 – Alterations and Extensions
Policy LA2 – Landscape Character

3. Planning History

3.1 NW2000/2929/F – Two storey extension – refused 12th December 2000

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Traffic Manager raises no objection to the grant of permission.

5. Representations

5.1 Leintwardine Parish Council have no objections.

5.2 Two letters of objection have been received from Mr and Mrs Holloway, Whitton View, Leintwardine and J Eadon, Greensleaves, Leintwardine that raise the following issues:-

- The north and south elevations differ in design and so are out of character with the main building.
- The proposed extension together with the one built without planning permission would double the size of the cottage and spoil the appearance of it making it totally out of character.
- The end of the extension would be close to Whitton View and be surrounded in wood cladding making it a fire hazard.
- The neighbours garden would be overlooked by the windows in the end elevation.
- Pollution caused by fires in existing cottage.
- Neighbour issues regarding light and noise from radios.

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 The main issues for consideration is the determination of this application are as follows:-

- a) The impact of the proposed extensions on the character of the dwelling.
- b) The impact of the use on the amenities if the occupiers of the adjoining properties.

The proposed extensions, which have been partially completed, have been designed to be sympathetic to and in scale and keeping with the existing cottage. The linear form of the cottage lends itself to this simplistic form of development and the stepped effect of the two extensions help to distinguish between the two dwellings. Although the extensions will increase quite substantially the overall size of the dwelling they will not overwhelm the existing cottage. As such the proposed extensions are considered to accord with Policies A24 and A56 of the Leominster District Local Plan.

- 6.2 The main cause for concern in relation to the impact of the proposed extension lies with the impact on the neighbouring property, Whitton View. This property lies in relatively close proximity (approximately 2.5m) with gable elevation which faces the proposed extensions having no first floor windows. A block wall of approximately 1.8 metres in height is already in situ forming a boundary between the two properties.
- 6.3 The extensions themselves will not be particularly overbearing or intrusive on the neighbouring property except for the window in the end gable elevation. This room is also served by a roof light and it is therefore suggested that a condition be imposed that this window is obscure glazed and fixed shut. A condition ensuring no other windows or roof lights are placed in the extensions to the south or west elevations is also suggested to protect the amenities of the neighbouring properties.
- 6.4 Whilst the objections also raise other 'neighbour' issues relating to pollution from smoke, light and noise, these are not issues for consideration in relation to this application.

RECOMMENDATION

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.

Informatives:

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

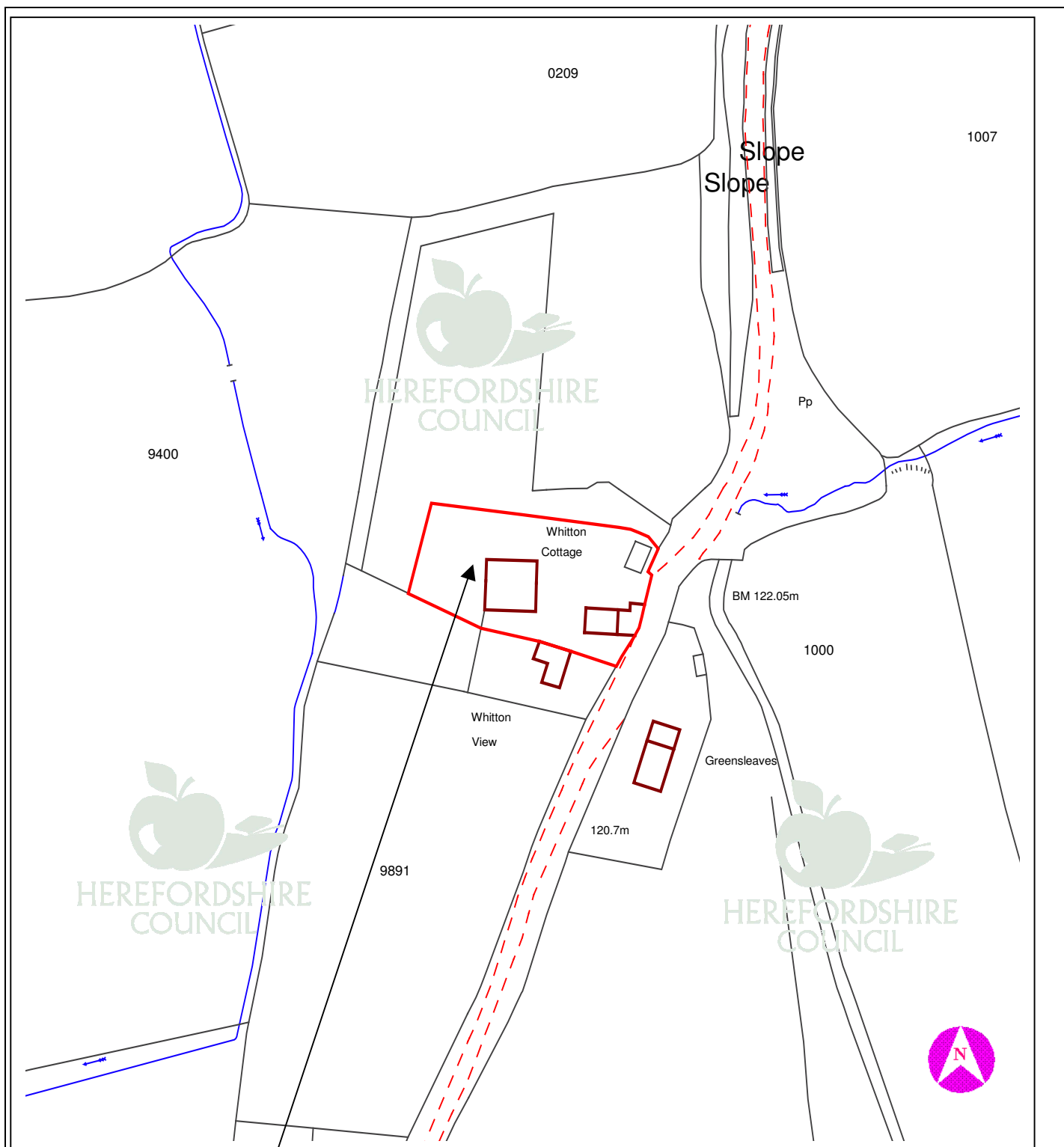
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2006/0101/F

SCALE : 1 : 1250

SITE ADDRESS : Whitton Cottage, Whitton, Leintwardine, Craven Arms, Herefordshire, SY7 0LS

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

**15 DCNW2006/0224/F - PROPOSED REAR
CONSERVATORY AND NEW WINDOW TO STAIRWELL
AT THUNDERBOX COTTAGE, WEST STREET,
PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6
9DY**

**For: Mr N Ball per Mr D Walters, 27 Elizabeth Road,
Kington, Herefordshire, HR5 3DB**

Date Received:

24th January 2006

Expiry Date:

21st March 2006

Local Member: Councillor R Phillips

**Ward: Pembridge &
Lyonshall with Titley**

Grid Ref:

38724, 58113

1. Site Description and Proposal

- 1.1 The dwelling that is the subject of this application is a Grade II listed timber framed semi detached dwelling that lies within the Settlement Boundary and Conservation Area of the village of Pembridge. The rear of the dwelling has an offset boundary with the adjoining property and the ground level steps down approximately 0.3 in comparison to the adjoining property.
- 1.2 The proposal is for the erection of a single storey conservatory to the rear of the dwelling. The conservatory is an irregular shape following the boundary with the adjoining property. It will extend 3m from the rear of the existing dwelling, and have an eaves height of 2.2m and ridge height of 3m. The roof is shown to be hipped where this adjoins the neighbouring property.
- 1.3 Listed Building Consent was granted in December 2000 for an identical conservatory and this has been implemented. An oversight by the local planning authority at this time meant that an application for planning permission was not requested. This matter was recently brought to our attention and this application is a result of this. This is not however a retrospective application. The window to the stairwell does not require planning permission.

2. Policies

2.1 Leominster District Local Plan

Policy A2 – Settlement Hierarchy

Policy A18 – Listed Building and their Setting

Policy A21 – Development within Conservation Areas

Policy A24 – Scale and Character of Development

Policy A54 – Protection of Residential Amenity

Policy A56 – Alterations, Extensions and Improvements to Dwellings

2.2 Herefordshire Unitary Development Plan

Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
HBA1 – Alterations and Extensions to Listed Buildings
HBA6 – New Development within Conservation Areas
Policy DR1 – Design

3. Planning History

- 3.1 NW2000/2867/L - Proposed conservatory and new window - Approved with conditions 5th December 2000.

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 The Transportation Manager raises no objection to the grant of planning permission.
- 4.3 The Conservation Manager comments:

"Further to the above and our recent discussions I understand that listed building consent has already been given for this current proposal. As such I would not wish to make adverse comments from an architectural point of view this stage. Superstructure of the conservatory should be timber. Materials and finishes to be approved."

5. Representations

- 5.1 Pembridge Parish Council has no objections to this application.
- 5.2 Two letters of objections have been received from the two immediate neighbours, Mr A D Ryan, Buttermere, West Street, Pembridge and Yasmin Strube Wildsmith, 1 West End Cottage, West Street, Pembridge. These letters raise the following issues:
- Permission is not given for the removal of the fence and replacement with the new boundary wall.
 - Drains from 1 Westend Cottage run under the proposed conservatory.
 - This is more like an extension than a conservatory.
 - The conservatory would be out of keeping and place of the cottage because of the size.
 - The proposed hipped roof cannot be constructed without being unsafe to the weather.
- 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 The main issues for consideration in this application are:

- The impact of the extension on the character and appearance of the Listed Building.
- The impact of the proposed extension on the amenities of the neighbouring properties.

6.2 The Listed Building Consent in 2000 considered the design and impact of the proposed conservatory on the Listed Building. This was approved and has been implemented with the insertion of the proposed new window (planning permission is not required for the window). As such this issue has already been dealt with and no objection can be raised at this stage. This therefore conforms with Policy A18 of the Leominster District Local Plan.

6.3 The proposed conservatory extension does follow an irregular shape and form, and the roof of this will be visible from the neighbouring property. Notwithstanding this, the minimal projection of the conservatory and hipped roof form will reduce the impact on the neighbouring property and if constructed in this form then the harm to the amenities of this neighbouring property would not be significant. As such this complies with Policies A54 and A65 of the Leominster District Local Plan.

6.4 With regards to the implication relating to the ownership of the fence and boundary issues, the permission does not override any legal rights or matters which are a matter between the two parties. Likewise the drains which allegedly run under the proposed conservatory and their redirection and/or maintenance is a matter which is not material in the granting of permission for this proposal. A informative note is suggested bringing this to the attention of the applicant.

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 - 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

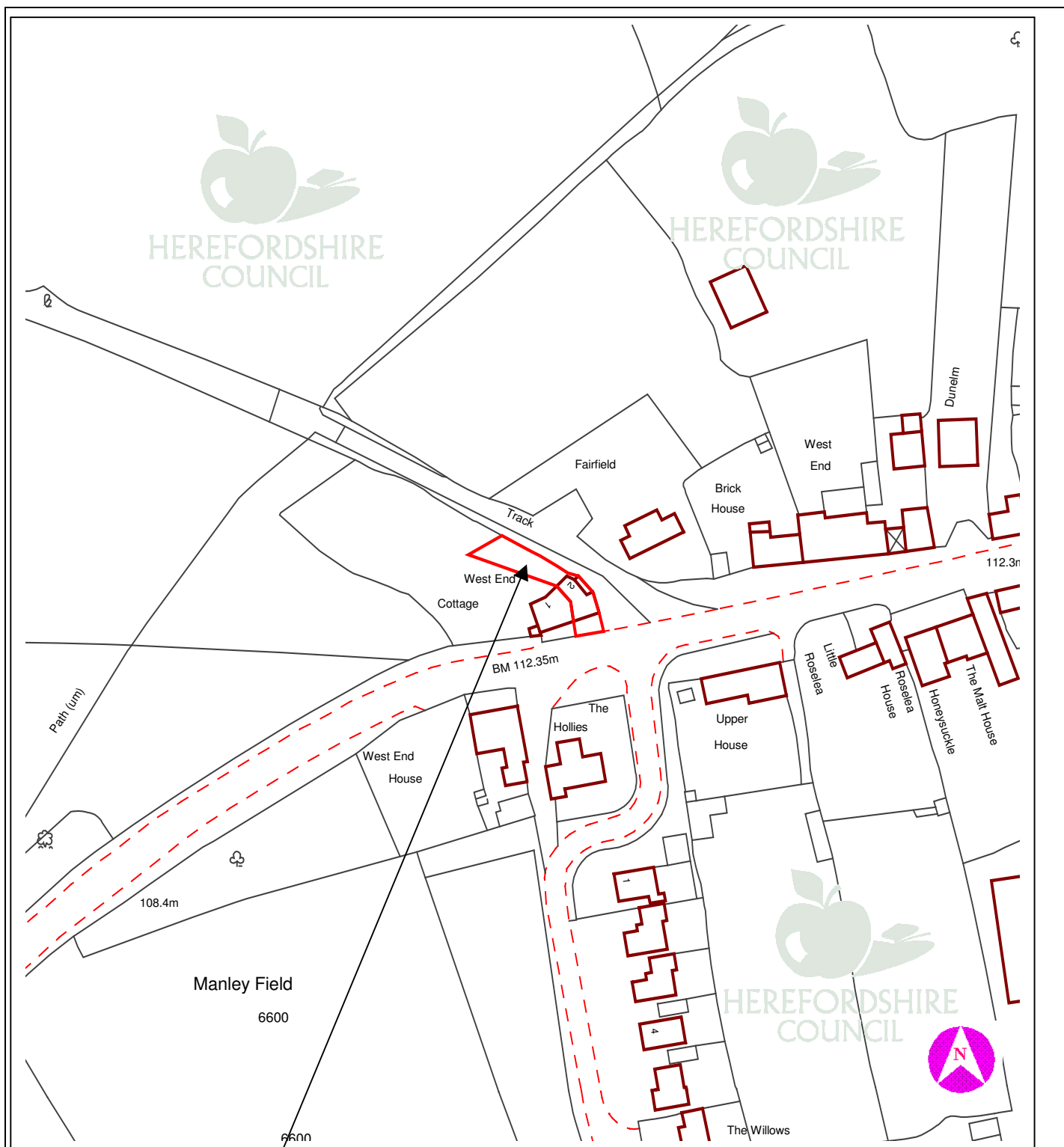
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2006/0224/F

SCALE : 1 : 1250

SITE ADDRESS : THUNDERBOX COTTAGE, West Street, Pembridge, Leominster, Herefordshire, HR6 9DY

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

16 DCNW2006/0298/F - RESIDENTIAL DEVELOPMENT FOR 54 DWELLING, WITH CAR PARKING SPACES, NEW ACCESS ROAD, LANDSCAPING, AT MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA

**For: J R M Property Development Ltd, D P Daw
Chartered Architect, 1600 Park Avenue, Aztec West,
Bristol, BS32 4UA**

Date Received:
31st January 2006

Ward: Kington Town

Grid Ref:
29744, 56799

BVPI TARGET:
2nd May 2006

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 The application site comprises a site of approximately 1.08ha located towards the north of the centre of Kington. The site has been disused for some time except for one of the bungalows that remains in occupation on the site. The remainder of the site had been used in part as a former nursery / horticultural use with some of the site given over to residential and garaging. Vehicular access to the site is currently gained via Oxford Lane and leads through the garaging which is sited in the South East corner of the site.
- 1.2 The site is bounded to all sides by mature hedgerows allowing glimpses of the site from the periphery. The southern boundary runs along prospect walk, which has a partial stone walled boundary and partially concrete block work.
- 1.3 The site lies within a primarily residential area as defined in the Leominster District Local Plan. It lies outside of the Kington Conservation Area, although the boundary of this runs along the southern periphery of the site.
- 1.4 This revised proposal is for the residential development of 54 dwellings on site to include:
- 8 no. one bedroom flats within a two-storey block
 - 8 no. four bed units (three storey)
 - 14 no. three bed units (three storey)
 - 8 no. three bed units (two storey)
 - 11 no. two bed units (two storey)
 - 5 no two bed units (single storey over garage or access)
- 1.5 Included within the 54 dwellings are 16 affordable housing units, comprising
- 8 for rent to be:
- 3 no. 4 bed houses (2 x 4 bed, 6 person and 1 x 4 bed, 7 person)
 - 1 no. 2 bed houses (1 x 2 bed, 4 person)
 - 4 no. 1 bed flats (4 x 1 bed, 2 person)

8 for shared ownership

- 4 no 2 bed houses (4 x 2 bed, 4 person unit)
- 4 no 1 bed flats(4 x 1 bed, 2 person units)

- 1.6 Access to the site would be revised with the existing vehicular access from Duke Street, along Oxford Lane being restricted to pedestrian access only to this site. Access would therefore be gained via a revised / new access from Greenfield Drive (Llewelin Road). This would involve re-aligning the cul-de-sac that lies to the east of the site and the creation of a 5m wide access road enters the site through the existing eastern boundary. Pedestrian access to the site can be gained via the existing public rights of way, with pedestrian / cycle access being incorporated into the scheme along the southern boundary onto Prospect Lane.
- 1.7 The proposal retains the majority of the existing trees and planting along the boundaries, including a small copse of trees to the east of the site. The only loss of boundary landscaping would be to allow for the access to the site. An area of public open space has been set-aside and is central to the site.
- 1.8 The local planning authority has also recently received a design statement and transport assessment copies of which have been sent to the town council and Transportation Manager. Members may recall that a committee site visit to this site took place on the 18th October 2005.

2. Policies

2.1 Leominster District Local Plan

Policy A1 – Managing the District’s Assets and Resources
 Policy A16 – Foul Drainage
 Policy A17 – Contaminated Land
 Policy A18 – Listed Building and their Setting
 Policy A21 – Development within Conservation Areas
 Policy A22 – Ancient Monuments and Archaeological sites
 Policy A23 – Creating Identity and an Attractive Built Environment
 Policy A24 – Scale and Character of Development
 Policy A30 – Redevelopment of Employment Sites to Alternative Uses
 Policy A49 – Affordable Housing
 Policy A53 – Protection from Encroachment in the Countryside
 Policy A54 – Protection of Residential Amenity
 Policy A55 – Design and Layout of Housing Development
 Policy A61 – Community, Social and Recreational Facilities
 Policy A64 – Open Space Standards for New Residential Development
 Policy A70 – Accommodating Traffic from Development
 Policy A77 – Traffic Management

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2 – Development Requirements
 Policy S3 – Housing
 Policy DR1 – Design
 Policy DR4 – Environment
 Policy DR5 – Planning Obligations
 Policy DR9 – Air Quality

Policy DR10 – Contaminated Land
 Policy H2 – Hereford and the Market Towns: Housing Land Allocations
 Policy H9 – Affordable Housing
 Policy H13 – Sustainable Residential Design
 Policy H15 - Density
 Policy H16 – Car Parking
 Policy H19 – Open Space Requirements
 Policy T7 – Cycling
 Policy HBA4 – Setting of Listed Buildings
 Policy ARCH1 – Archaeological Assessment and Field Evaluations
 Policy ARCH6 – Recording of Archaeological Remains
 Policy RST3 – Standards for Outdoor Playing and Public Open Space
 CF2 – Foul Drainage
 CF5 – New Community Facilities

- 2.3 Planning Policy Guidance Note 3: Housing
 Planning Policy Guidance Note 13: Transportation
 Planning Policy Guidance Note 16: Archaeology and Planning
 Planning Policy Guidance Note 15: Planning and Historic Environment

2.4 **Supplementary Planning Guidance**

Provision of Affordable Housing. November 2004

3. **Planning History**

- 3.1 DCNW2005/3082/ F - residential development for 58 dwellings, 88 car parking spaces, new access and landscaping - refused 30th November 2005 for the following reasons:

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 Development 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.

An appeal has also been lodged with the Planning Inspectorate against this refusal which will be heard at a public inquiry. Date to be confirmed.

- 3.2 DCNW2004/4387/F - Residential development for 50 dwellings, 75 car parking spaces, new access, landscaping and children's play area - Withdrawn 20th September 2005

4. **Consultation Summary**

Statutory Consultations

- 4.1 Welsh Water have no objection subject to the inclusion of conditions and advisory notes regarding the drainage from the site.

Internal Council Advice

4.2 The Transportation Manager recommends approval for this development with the following conditions and observations:-

The highways officers also notes the reason for refusal on the previous application included highway issues and notes that it would be prudent to ask for a Transport Assessment(TA) at this time as it would very likely prove that the development would not " strain the highway network to the detriment of highway safety". This would take some time but would give the developer more robust and independent evidence to support the application

- Inclusion of Conditions H17, H18, H19, H21, H26 (Greenfield Drive), H27, H29 and Informatives: HN1, HN4, HN5, HN7, HN8, HN9, HN10, HN16, HN17, HN22
- Section 278 Agreement required for alteration to existing road "Greenfield".
- "Greenfield Drive" will require re-surfacing up to its junction with Llewellyn Road, as well as parking area south of 12 Greenfield.
- Pedestrian access shown onto Prospect Lane and Oxford Lane to be constructed to adoptable cycle access standards; both width of the opening and the pavement leading to it from the development must be wide enough as per accepted guidance.
- Widen Prospect Lane (Footpath ZE18) and Footpath ZE23 from Greenfield Drive to Prospect Lane to at least 2.0m in line with "Inclusive Mobility" guidance along boundary.
- Limit height of boundary wall along Prospect Lane to 1.2m maximum, to enhance personal security of users of the lane.
- Provide lighting and re-surface Prospect Lane (ZE18), and ZE23 from Greenfield Drive to Prospect Lane (S38 works).
- Parking allocation for properties adjacent to the tandem parking spaces is unclear and requires clarification and marking.
- Footways to Plots 1 - 6, 12 - 18, and 55 - 58 to be widened to 2.0m to be suitable for adoption.
- Section 106 Agreement required for contribution to Highways to mitigate the increase in traffic generated by the development. Contribution sought of 1,500 per dwelling. Schemes suggested for such mitigation include, but are not limited to:
 - Traffic calming and improved signing in Llewellyn Road and Greenfield Drive
 - Contribution to improved bus service
 - Contribution to Safe Routes for Schools
 - Improved cycle parking in town centre, shops and schools
 - Improved bus shelters/stops in Kington
 - Improve lighting to highway on routes leading to site

4.3 The Forward Planning Manager comments can be summarised as follows:

The application, through the negotiations that have taken place and the discussions with relevant officers is acceptable under current and emerging policies, meeting density requirements of such a site along with supplying affordable housing in a prime site location. The amount of affordable housing is 16 instead of 18, which seems to have been negotiated by officers. Material considerations, such as suitability of layout, design and materials, along with highways issues, such as traffic generation and access are subject to the comments of relevant officers.

4.4 The Conservation Manager makes the following observations:

Conservation Officer:

The Maesydari site is located adjacent to the Kington Conservation Area. It appears that issues raised by the previous conservation officer regarding this proposal have been addressed. The use of materials reflecting the character and appearance of the Conservation Area is welcomed. No objections subject to the approval of materials.

Ecologist:

The applicants have provided me with an ecological report based upon a protected species assessment of the site. This highlighted a diversity of habitat for nesting birds and for reptiles such as slowworm, evidence of the presence of bats utilising the site with roosting potential in one of the buildings. I note that the assessment for protected species has been compromised somewhat by the time of year it was carried out and the adverse weather conditions. **It is vital that further surveys are carried out within season and in appropriate weather conditions prior to development operations taking place.**

Landscape Officer:

With this revised scheme, the landscape issues remain the same. I support the proposals to retain as much of the boundary hedgerow and the better tree specimens, as proposed. Regarding new tree planting, I reiterate my recommendation that trees should be planted along both sides of the new access road into the site, set back from the pavement. It appears that there is only one short section on this road, where this might not be possible, due to visibility requirements.

I will require details of the landscape proposals for the land between the housing and the access road. This is not indicated as garden space but no details are given for its treatment.

If permission is granted for this development, Conditions G02 & G03 (Landscaping scheme), G09 (Retention of trees & hedgerows) and G18 (Protection of trees) should be attached.

Archaeologist:

Archaeological evaluation trenches were undertaken on site. Under the circumstances I have no further requirements and no further comments to make.

4.5 The Environmental Health Manager requests that the following conditions are attached to any consent to protect residential amenity:

1. F16 - Restriction of hours during construction
2. No materials or substances shall be incinerated within the application site during the construction phase.
3. All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'noise control of construction and open sites'.

Environmental Health Manager (Landfill and Pollution) also makes the following comment:

I understand that the site presently has various uses, including residential, a former nursery and garaging areas. Due to the fact that parts of the site are changing to a more sensitive use, residential with gardens, I would recommend that a desk-study, site walk over and preliminary risk assessment be undertaken. This requirement is in line with

Planning Policy Statement 23. Should any concerns be raised at the desk-study stage then a contaminated land investigation should be undertaken.

I would therefore recommend that a contaminated land condition should be applied to the planning permission, an example of a suitable condition is suggested. (Please see recommendation)

4.6 The Public Rights of Way Manager makes the following comments:

The proposed development would not appear to affect public footpaths ZE18 and ZE23 however the following points should be made.

The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for, preferably 6 weeks in advance of work starting.

The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.

4.7 The Strategic Housing Officer makes the following comments:

No comments have been received on this application but lengthy negotiations on the previous application have taken place between yourselves, Strategic Housing and the developer/owner and agents, based on the requirement for 35% affordable housing on this site and an agreement on the housing types in accordance with the Housing Needs Survey for Kington.

4.8 Education make the following comments:

The provided schools for this site are Kington Primary and Lady Hawkins High School.

- Kington Primary is nearing capacity and any additional children entering the area would put a situation where we would have to create permanent buildings, In addition the school has two small classrooms and a nursery, which is housed in temporary accommodation and other teaching areas that are also thoroughfares.
- There is a small amount of space at Lady Hawkins, however additional children entering the area would prevent us from removing temporary classrooms. They also have a number of small classrooms and poor circulation areas.
- The Children's Services Directorate would therefore be looking for a contribution to be made towards Education in the area.
- A contribution of £1000 per dwelling is requested for education in the area.

4.9 The Drainage Engineer has no adverse comments to make on this application. I have spoken to the developers agents and received correspondence on the basis of this I am satisfied that these will be no adverse affects on drainage.

4.10 The Parks & Countryside Officer comments:

"The new development needs to have as much open space as possible and it would be appropriate to provide an equipped play space in or near the development, however, if the developer were willing to provide a £25,000 contribution and upgrade the short length of footpath linking this site to the public open space known as Crooked Well Meadow we could provide a play area that would meet the needs of this development whilst also benefiting the community at large. There is an active play ground committee

in the community, who, with some help, should be able to double the money through grants, which would allow us/them to provide an excellent facility for all."

5. Representations

5.1 Kington Town Council object to this application and their comments can be summarised as follows:

- The number of dwellings in the application exceeds the guideline for new stite density (UDP H15), 54. The average density of brownfield sites is 25 to the hectare.
- Barons Cross development is only 35 per hectare.
- Housing Corporation Standards (2003) recommends that location, site layout and building orientation should provide a convenient and attractive environment, visual and acoustic privacy. This scheme would not.
- Letting units in one area would potentially create a ghetto and all problems this entails.
- There is a surplus of 1 bed flats in Kington so is questionable as to whether this type of accommodation is the most suitable.
- Road is narrow with residents parking on the road. There are blind corners on the surrounding roads. A traffic survey should be undertaken. The developer should provide sums for the provision of road improvements such as pedestrian crossings and traffic claming measures.
- Removal of the Horse Chestnut tree to allow development of the site is strongly objected too. Other trees are too close to buildings and will suffer.
- Maintenance of open areas, landscaping and tress not detailed in application.
- Infrastructure in town cannot support potential numbers of residents (school places, dental, medical).
- Provision of water and sewerage facilities to site causes concern.
- Ecology survey undertaken in poor weather and further details needed as specified in their report.

5.2 There have been 21 letters of representation submitted. The issues raised are as follow:

- Impact of increase traffic on Llewelin Road and Green Field Drive which are narrow and difficult to pass other cars. Poor visibility to junctions.
- Increase in traffic would cause danger and conflict. Road infrastructure is inadequate for this level of traffic.
- Insufficient number of car parking spaces to accommodate needs of the development. Should be two per dwelling.
- Pedestrian safety especially for school children and elderly who live around site.
- Number of dwellings proposed is too many. High density. Numbers of houses should be cut.
- Design of dwellings do not meet best practice and are small and claustrophobic.
- The block of flats and three storey dwelling would be obtrusive and conspicuous.
- Overlooking and loss of privacy from three storey houses.
- Impact of noise and disturbance from development to nearby residents.
- Acknowledge the 25,000 contribution to develop the Crooked Well site. But note that the overall cost to re-route the power cables is a further 35,000.
- Trees around site should be retained / preserved at all costs.
- Not enough space at either the primary or secondary schools.
- Lack of facilities for increase in people in Kington. Already stretched to capacity (medical, dental, educational).
- Not enough jobs to provide for the increase in people.

- Noise and disturbance to horses kept at nearby property.
- Close proximity of construction with Boundary to Morgans Orchard. Future Maintenance questioned.
- Robust boundary fence required adjoining unsecured car parking areas for protection and safeguard residents of Morgans Orchard.
- Windows to gable ends overlooking Morgans orchard should be obscure glazed and Fixed Shut.

5.3 A letter has also been received from the Campaign for the Protection of Rural England which make the following points:

- Traffic to and from the site will cause increasing problems in the surrounding areas. The single access to the site would suggest overcrowding
- The appearance of block F is disturbing in its bulk and fenestration compared to the general scheme. There is no provision for waste bins and no proper entrance hallways.
- The design of the houses generally show a lack of utility space, with minimal kitchens and dining areas, and third bedrooms are less than minimal. There is a shortage of storage space, with hallways (if any) unsuitable for prams etc. Little provision is made for waste and recycling bins which could lead to clutter in the small back gardens.
- Block F and the enclave surroundings extremely depressing both in its grim appearance and high density. Their parking spaces are the only outside space from the flat dwellers and the lack of storage is acute. Suggest a reduction in the number of flats and a more socially friendly design.

5.4 The Ramblers Association make the following comments:

- Despite some changes to the original application, I note that the problem of safe access has still not been properly addressed.
- The number of dwelling implies that there will be a significant number of cars using the access to the site. We wish to be reassured that there will be safe access for pedestrians.
- We also note that there is no provision for cycle routes. It is to be expected that some of the children who live on the site will use bicycles for travelling to school and for pleasure. We consider that it may well not be safe for them to do so.

The RA feels that any new developments should take into consideration access for pedestrians and cyclists.

5.5 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 issues for consideration in the appraisal of this application are:

- a) Principle of residential Development
- b) Highways and Access
- c) Parking
- d) Density
- e) Conservation, Design and Layout
- f) Affordable Housing

- g) Landscaping
- h) Play Space
- i) Ecology
- j) Archaeology
- k) Drainage
- l) Section 106 Agreement

Principle of Residential Development

- 6.2 The application site lies within an area designated in the Leominster District Local Plan as being a Primarily Residential Area. Policy A52 (Primarily Residential Areas) states that residential development will be permitted within these areas on small vacant or undeveloped sites not specifically identified for housing where proposal comply with the criteria of policy A1. The site is also considered to be previously developed land, the use of which concurs with guidance contained within PPG3 – Housing. These designations are not altered by the emerging Unitary Development Plan. As such the principle of the residential development of this site is accepted.

Highways and Access

- 6.3 The application site lies within the centre of the town of Kington and has access to well-used and established footpaths that lead into the town centre. The site currently has vehicular access from Duke Street, along a single width lane (Oxford Lane). This would be closed and a new access to the site would be formed from Greenfield Drive and the network of primarily residential estate roads that surround the site. The access road that will be constructed to serve the site itself would be a cul-de-sac and has been designed to comply with highway standards and would be subject to the necessary highway agreements.
- 6.4 The Transportation Manager has taken account of the increase in traffic using the existing road network and has supports the application subject to the developers undertaking improvement and resurfacing works outlined in their consultation response in paragraph 4.2. In order to mitigate against the additional traffic they have also requested a financial contribution of £1,500 per dwelling (total of £81,000) which would be used for schemes and projects such as:
- a) Traffic Calming and improved signing in Llewellyn Road and Greenfield Drive;
 - b) Contribution to improved bus services;
 - c) Contribution to safe Routes to Schools
 - d) Improved cycle parking in town centre, shops and schools
 - e) Improved bus shelters / stops in Kington
 - f) Improve lighting to highway on routes leading to sites.

The roads and pathways around the site will be constructed to an adoptable standard, including improvements to the footpaths where possible to bring them in line with 'inclusive mobility' standards.

- 6.5 Residents' concerns are duly noted and have been fully considered. The road and footpath network around the site would benefit from traffic calming and improvements. The Transportation Manager has fully assessed this potential impact and considers the mitigation outlined above would suffice in relation to additional traffic and pedestrian movements.

- 6.6 In response to the previous refusal, the applicants have undertaken a Transport Assessment as suggested by the Councils Transportation Manager. Members will be updated verbally on the outcome of this study.

Parking

- 6.7 The guiding principles in respect of parking provision can be found in PPG 13 – Transport. Policy H16 of the Unitary Development Plan (which takes on board the guidance published by PPG13 in 2001) suggests a maximum of 1.5 car parking spaces for new housing development, but notably states that there should be “no minimum level of provision”. It continues that “.... Off street parking provision should reflect site location, the type of housing to be provided and the types of household likely to occupy the development”.
- 6.8 Parking provision on the site has been provided at a ratio of 1.5 parking spaces per dwelling, providing the maximum car parking spaces to comply with the National guidance and policies contained within the UDP. Parking spaces have been altered in this re-submission to relate more closely to the dwellings they supply. The site also has the benefit of a network of footpaths leading to the town centre, its public services, shops, facilities and public transport links.

Density

- 6.9 The application site has a site area of 1.08 hectares and 54 dwellings are proposed. The site would therefore have and has a density of 50 dwellings per hectare. The guidance relating to density is PPG 3 – Housing, which housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net) and encourages local authorities to seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.
- 6.10 Policy H15 of the UDP reads :

“New housing developments should make the most effective and efficient use of the site area available, consistency with housing provision policies. In order to secure the efficient use of the land, the following guideline minimum net site densities have been set for sites of one hectare or more.... Town centre and adjacent sites, at least 50 dwelling per hectare.”

This site has clear and good links with Kington Town and the proposed density of housing is not considered unreasonable or an overdevelopment of the site. As such it complies with the national guidance which is reinforced in the UDP policy.

Conservation, Design and Layout

- 6.11 The site is immediately adjacent to the boundary of the Kington Conservation Area, which is defined by Prospect Lane and its high rubble stonewall. The historic network of lanes with its varied palette of materials establishes the general grain of development, render, stone, slate and timber framing relate to the more historic areas, whilst the more modern developments are generally defined by their use of red brick. The historic layout of the Conservation Area is difficult to mirror but the more linear form of the dwellings to the south of the site does help to replicate and form a transition between the historic form and newer developments around the site. The use

of materials, with a mix of render, stone and brick with slate or tile roofs would provide interest and compliment the surroundings.

- 6.12 The layout has addressed some of the fundamental design ideals contained by placing the parking provision to the rear of the dwellings, creating an attractive street scene and places the needs of people before ease of traffic movement in its design. The use of a central area of open space, fronted by dwellings is also accepted as beneficial. New pedestrian/cycle links have been included onto Prospect Lane to the South giving access to the town and surrounding residential area and promoting a sustainable development.
- 6.13 The design of the dwellings is a mix of two and three storey dwellings / townhouses designed to provide maximum accommodation on the site. The dwellings themselves, by virtue of their orientation, road network and mature landscaping would be prevented from being overbearing or overdominant in their surrounds. Because the site has been free of built up development the residents of the neighbouring properties may perceive that the dwellings would cause a loss of privacy but the orientation, design and siting of these dwellings should prevent this from occurring.

Affordable Housing

- 6.14 PPG3 – Housing advises that a community's need for a mix of housing types, including affordable housing, is a material planning consideration. Policy The Kington Housing Needs Survey 2004 identified a need for affordable housing in Kington, in particular it identifies the need for one bed, two bed and four bed (plus) dwellings. There is an overprovision of three bed affordable houses in Kington.
- 6.15 The Councils SPG on Affordable Housing alongside policy H9 of the Unitary Development plan have an indicative target of 35% of the development to be given over to affordable dwellings. The proposal includes 16 affordable units, which provides a total of 31% of the overall development. This revised application submission has taken on board these requirements and has provided the mix of housing requested, including the three 4-bed dwellings and eight 1- bed flats which are not usually found on development sites as affordable dwellings due to construction costs.
- 6.16 The Strategic Housing Manager has requested a further 2 dwellings to bring this to a target of 35%, however, it is considered that the developer has met the requests of the officers in its provision of the one and four bedroom dwellings on the site. It would be deemed unreasonable to refuse planning permission on these grounds alone. The provision of affordable housing, including the mix and tenure of the dwellings would be secured through a Section 106 agreement.

Landscaping

- 6.17 The application site can be characterised by its mature landscaped boundaries and copses of trees. These have been incorporated into the scheme alongside additional planting and provision of an area of open space. The existing trees and landscaping can be protected and retained by way of a suitable condition. Likewise the provision of additional landscaping for the development as a whole can be controlled by condition. The provision of the area of open space would also be controlled by condition and adopted by Herefordshire Council by way of the Section 106 Agreement once the land was at adoptable standard.

Play Space

- 6.18 The new development needs to provide play space in order to comply with Policy H19 of the UDP. It is considered appropriate to provide an equipped play space in or near the development, however, the Parks and Countryside Officer has suggested that if the developer were willing to provide a £25,000 contribution and upgrade the short length of footpath linking this site to the public open space known as Crooked Well Meadow Herefordshire Council could provide a play area that would meet the needs of this development whilst also benefiting the community at large. There is an active playground committee in the community, who, with some help from Herefordshire Council, should be able to double the money through grants, which would allow us/them to provide an excellent facility for all. The developer has agreed to this and this will be obtained through the Section 106 Agreement.

Ecology

- 6.19 The site has been identified as having a range of protected species. A brief ecological report has been received and the Councils Ecologist has confirmed that further studies will be required over the summer months and as such a non-standard condition is proposed to ensure that mitigation can be undertaken and that the protected species are not harmed. The developer will need to undertake any of the works suggested by the ecologist and the local planning authority, in conjunction with the Councils ecologist will have to be satisfied by the proposed mitigation strategy prior to the commencement of the development.

Archaeology

- 6.20 An archaeological investigation has been undertaken and report submitted. There are no remains of archaeological significance and the Councils Archaeologist is satisfied that no further work is required.

Drainage

- 6.21 Welsh Water has raised no objection to the proposed development. Further storm / surface water drainage details would be required prior to determination and the recommendation that follows reflect this.

Section 106 Agreement

- 6.22 The Section 106 Agreement will facilitate the financial contributions required for education, playspace and highways improvements and projects. It will also ensure the provision of the affordable housing, including the specification of the housing and the way in which the occupation of the houses is managed. A draft Heads of Terms is attached which provides a brief outline of the requirements of the Section 106 Agreement.

Conclusions

- 6.23 The proposed residential development, inclusive of the affordable housing, is acceptable in principle and accords with the local plan policies. The net density of the development at 50 dwellings per hectare conforms with national guidelines and UDP policies. The concerns relating to the intensified use of the road network can be overcome through mitigation provided through the financial contribution. Existing

landscaping will be protected and further planting provided to enhance the site and provide screening to the development. A financial contribution towards off site playspace will be secured that will benefit the whole community and not just the residents of the development. Prior to the granting of the planning permission the outstanding ecology details will be required. This revised scheme has successfully addressed and overcome the reasons for refusal of the previous application. In addition to this a Section 106 will be prepared in accordance with the Heads of Terms attached.

RECOMMENDATION

That subject to the receipt of a satisfactory ecological report which includes mitigation methods and that permission be granted subject to:

- 1. The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) 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 to 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 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
 - 3 - F16 (Restriction of hours during construction)**
Reason: To protect the amenity of local residents.
 - 4 - No materials or substances shall be incinerated within the application site during the construction phase.**
Reason: To protect the residential amenities of the neighbouring properties.
 - 5 - H17 (Junction improvement/off site works)**
Reason: To ensure the safe and free flow of traffic on the highway.
 - 6 - H18 (On site roads - submission of details)**
Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.
 - 7 - H19 (On site roads - phasing)**

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 8 - H26 (Access location)**
Means of vehicular access [for construction traffic] to the development hereby approved shall be from [street/road] only.

Reason: In the interests of highway safety.

- 9 - H27 (Parking for site operatives)**

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

- 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 - G01 (Details of boundary treatments)**

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

- 12 - G02 (Landscaping scheme (housing development))**

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

- 13 - 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.

- 14 - G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

- 15 - G18 (Protection of trees)**

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

Reason: To protect the character of the area and ensure any further development of the site is controlled by the local planning authority.

- 17 - Prior to the commencement of development a full ecological survey, including mitigation strategy shall be submitted to and agreed in writing by the local planning authority. Works shall be carried out strictly in accordance with the agreed strategies.**

Reason: To ensure that the nature conservation interest of the site is protected.

- 18 - 1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report including previous site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is development. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.
2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the local planning authority in advance of works being undertaken. On completion of the remediation scheme the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

INFORMATIVES:

- 1 - N03 - Adjoining property rights
- 2 - N14 - Party Wall Act 1996
- 3 - HN01 - Mud on highway
- 4 - HN04 - Private apparatus within highway
- 5 - HN05 - Works within the highway
- 6 - HN07 - Section 278 Agreement
- 7 - HN08 - Section 38 Agreement details
- 8 - HN09 - Drainage details for Section 38
- 9 - HN10 - No drainage to discharge to highway
- 10 - HN16 - Sky glow
- 11 - HN17 - Design of street lighting for Section 278

12 - HN22 - Works adjoining highway

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

Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW2005/3082/F
Residential development for 58 dwellings, 88 car parking spaces, new access road and
landscaping
At Maesydari Site, Kington, Herefordshire

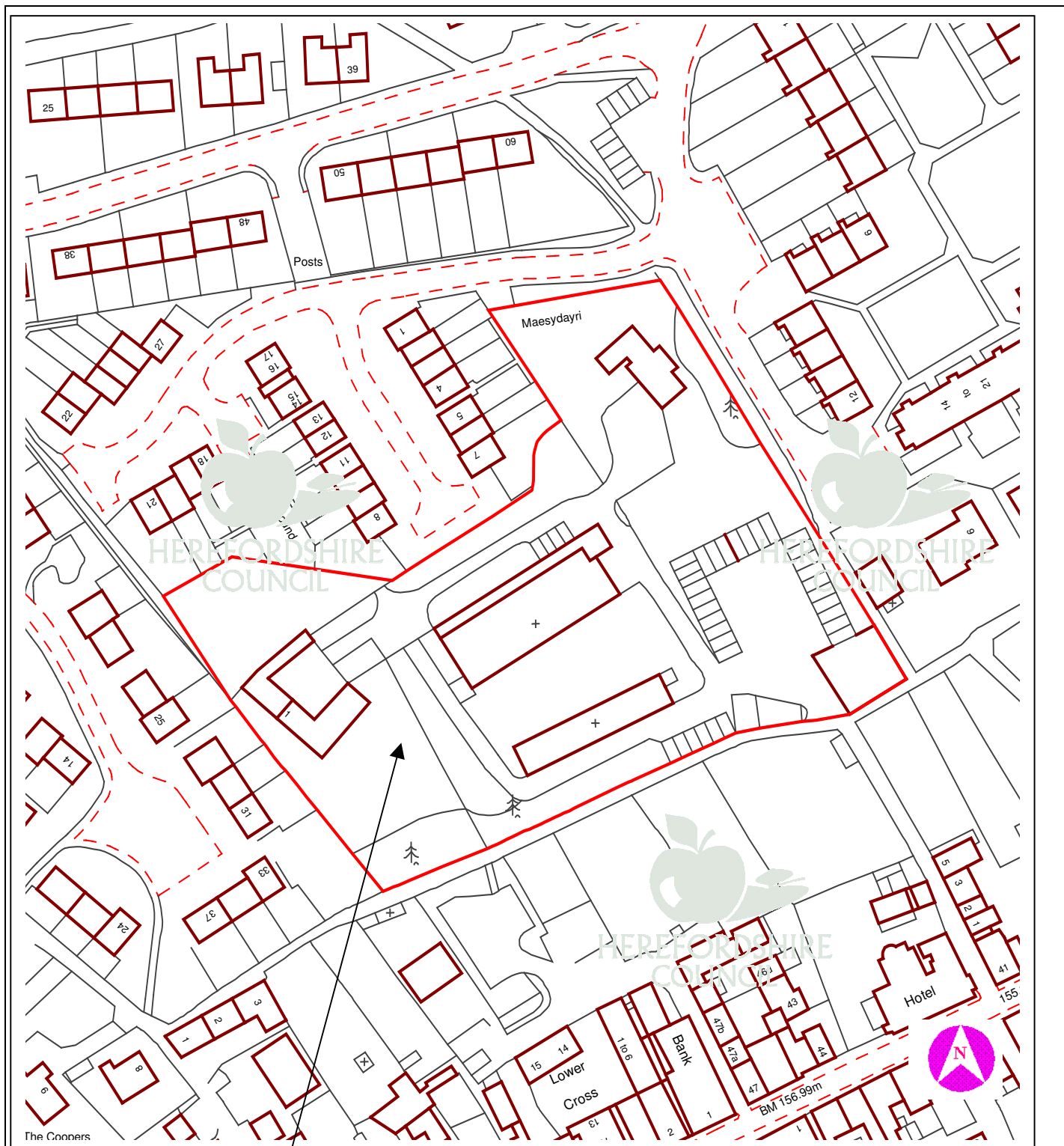
1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £25,000 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Upgrade of footpath linking site to Crooked Well Meadow
 - (ii) Provision of play area at Crooked well Meadow
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £54,000 to provide education facilities and improvements at Kington Primary School and Lady Hawkins High School, Kington which sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £81,000 to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
7. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signing in Llewellyn Road and Greenfield Drive
 - b) Contribution to improved bus service
 - c) Contribution to Safe Routes for Schools
 - d) Improved cycle parking in town centre, shops and schools
 - e) Improved bus shelters/stops in Kington
 - f) Improve lighting to highway on routes leading to site
8. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.

9. The Developer shall provide 18 “Affordable Housing” units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. These 18 units shall be on plots [to be defined by reference to a site layout plan] unless otherwise agreed in writing by the Herefordshire Council. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.

10. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

11. The developer shall complete the Agreement by 1st May 2006 otherwise the application will be registered as deemed refused

K.Gibbons, P.J.Yates 11th November 2005



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

APPLICATION NO: DCNW2006/0298/F

SCALE : 1 : 1250

SITE ADDRESS : Maesydayri site, Kington, Herefordshire, HR5 3FA

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

