

A G E N D A

Planning Committee

Date: **Friday, 26th August, 2005**

Time: **10.00 a.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Planning Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	1 - 24
To approve and sign the Minutes of the meeting held on 15 July 2005.	
5. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE	25 - 26
To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 14th July & 10th August, 2005.	
7. CENTRAL AREA PLANNING SUB-COMMITTEE	27 - 28
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 27th July 2005.	

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| 8. | <p>SOUTHERN AREA PLANNING SUB-COMMITTEE</p> <p>To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 3rd August, 2005.</p> | 29 - 30 |
| 9. | <p>DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ FOR: SHAW HEALTHCARE HEREFORDSHIRE LTD PER PENTAN PARTNERSHIP, BEAUFORT STUDIO, 1 ATLANTIC WHARF, CARDIFF, CF10 4AH</p> <p>The application is in respect of two residential wings, linked by a new day care facility. The Committee deferred consideration of the application at its previous meeting for a site inspection, which was carried out on 1st August.</p> <p>Ward: Ledbury</p> | 31 - 38 |
| 10. | <p>DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE</p> <p>For: Jennings Homes per K.C. Humpherson Ltd, The Corner House High Street, Wombourne, WV5 9DN. The Committee deferred consideration of the application at its previous meeting at the request of the applicants.</p> <p>Ward: Valletts</p> | 39 - 48 |
| 11. | <p>DCNE2005/1352/F - CONVERSION OF BARNs TO ONE DWELLING IN SUPPORT OF AGRICULTURAL HOLDING AT UPPER HOUSE BARNs, PUTLEY, HEREFORDSHIRE. HR8 2QR FOR: MESSRS D J PARDOE PER MR N J TEALE, BRAMBLES FARM, NAUNTON, UPTON-UPON-SEVERN, WORCESTERSHIRE WR8 0PZ</p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Northern Area Planning Sub-Committee is minded to approve it, contrary to the Council's Planning Policies and officer recommendations.</p> <p>Ward: Frome</p> | 49 - 52 |

12. **DCNW2005/1542/O - DEMOLITION OF EXISTING DWELLING, GARAGE AND OUTBUILDINGS. SITE FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ FOR: WICKS CONSULTANCY PER MR STEPHEN FUNGE, ARCHITECTURAL DESIGN, DARTMOOR VIEW, QUEEN STREET WINKLEIGH, DEVON, EX19 8JB** 53 - 64

To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Northern Area Planning Sub-Committee is minded to approve it, contrary to the Council's Planning Policies and officer recommendations.

Ward: Mortimer

13. **DCNE2005/2182/T - 14.7M HIGH SLIMLINE TELECOMMUNICATIONS MONOPOLE, 2 NO. ANTENNAE, CABINETS AND ANCILLARY DEVELOPMENT AT THE OLD ROAD ADJACENT TO A449, CHANCES PITCH, COLWALL, MALVERN, WR13 6EJ** 65 - 72

For: T-Mobile UK Ltd. AWA Ltd Efford Park Milford Road Lymington Hampshire SO41 0JD

Ward: Hope End

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 15th July, 2005 at 10.00 a.m.

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

Councillors: B.F. Ashton, M.R. Cunningham, Mrs. C.J. Davis, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor and W.J. Walling

In attendance: Councillors P.J. Edwards, J. Stone, J.P. Thomas and P.G. Turpin

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PJ Dauncey, DJ Fleet and Brig P. Jones CBE.

12. NAMED SUBSTITUTES (IF ANY)

Councillor Mrs M Lloyd Hayes was appointed named substitute for Councillor D.J. Fleet

13. DECLARATIONS OF INTEREST

Councillor Mrs MD Lloyd Heyes declared a personal interest in respect of agenda item No.s 17 & 18 (DCCE2005/0977/F - proposed development to provide 19 no. residential units, with associated garages and road/sewer infrastructure. Mill Court Village, Ledbury Road, Hereford & DCCE2004/3318/F - demolish existing rear part of building and construct new kitchen, stores and flat. 17/18 Commercial Road, Hereford) and left the meeting when the items were considered.

14. MINUTES

RESOLVED: That the Minutes of the meeting held on 3rd June, 2005 be approved as a correct record and signed by the Chairman.

15. CHAIRMAN'S ANNOUNCEMENTS

[The Chairman made the following announcements:](#)

Staffing and Recruitment

Staffing levels were approaching full establishment with three new enforcement officers in post, two of whom had been recruited internally.

There were some excellent applicants for the post of Development Control Manager and an appointment had been made with the new officer due to take up his post on 15th August, 2005.

Brierley Court Planning Inquiry

The Northern Area Planning Sub-Committee had previously refused a part-retrospective planning application for groundworks for a 300 unit caravan park and amenity building at Brierley Court Farm. At the time the company, S&A Property Ltd, which was developing the site had erected a large utility building in open countryside without planning permission. An injunction was obtained to prevent any further building works on the site and this was subsequently upheld by the High Court, the company also lost an appeal against the injunction. Despite the continuing injunction, the company had installed window units in the utility building and unlawfully progressed with its construction. An application to the High Court that the injunction had been breached and that the company and its director were in contempt of Court was upheld. The terms of the injunction were tightened, the windows ordered to be removed and fines totaling £65,000 with the Councils legal costs of £11,489 imposed. The company has appealed to a Planning Inspector appointed by the Secretary of State in respect of the refusal to grant planning permission and the service by the Council of several enforcement notices. The Inspector's decision would be announced in due course.

Changes to the Constitution regarding Planning Committee

Recent changes had been made to the Constitution which provides that the Council's own planning applications or applications concerning Council-owned land had become the responsibility of this Committee. Officers would still be able to determine the applications under the officer scheme of delegation in that case where there are no objections and no member has requested a call-in on planning grounds. It was anticipated that the Committee could have to meet a little more frequently to deal with the changes and additional meetings may need to be added to the programme. A meeting had been scheduled for 26th August in this respect to deal with any referrals from the next round of Area Planning Sub-Committees and any applications which fall within the new remit of the Committee."

16. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 15th June, 2005 be received and noted.

17. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 1st^t & 29th June, 2005 be received and noted.

18. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 8th June & 7th July, 2005 be received and noted.

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

The receipt of a letter of support and a letter from the Agent of the applicant was reported.

The County Archaeologist provided the Committee with details of an Ancient Monument comprising a motte and bailey which adjoined the application site. He outlined the historical importance of the monument and described the reasons why

the proposed development would have an adverse impact upon it. Councillor Mrs JE Pemberton drew attention to existing dwellings near to the ancient monument and said that the applicants had taken great care in the details of their proposals to ensure that the dwelling would be effectively screened by landscaping and would have a minimum impact upon the ancient monument. Councillor MR Cunningham sympathised with the circumstances facing the applicants but felt that it was important to ensure that such ancient monuments were preserved, particularly those which had internationally recognised importance. Councillor BF Ashton supported this view and drew attention to the number of Planning Policies that the application breached and why it should not be supported.

Having considered all the details of the application the Committee felt that it could not be supported because of the planning policy issues involved and its impact upon the adjoining Ancient Monument.

RESOLVED THAT

planning permission be refused for the following reason:

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

- 20. DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ FOR: SHAW HEALTHCARE HEREFORDSHIRE LTD PER PENTAN PARTNERSHIP, BEAUFORT STUDIO, 1 ATLANTIC WHARF, CARDIFF, CF10 4AH**

The receipt of 12 letters of objection was reported.

Councillor BF Ashton, one of the Local Ward Members requested that a site inspection be held.

RESOLVED THAT

Consideration of the application be deferred pending a site inspection on the following grounds:

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

- 21. DCNC2005/0707/F & DCNC2005/0708/C - PROPOSED NEW CARE HOME AND DAY CARE CENTRE, DEMOLITION OF EXISTING AT WAVERLEY HOUSE, ETNAM STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8AQ**

Councillor JP Thomas had some concerns about adequate shrubbery screening to help prevent overlooking of adjoining properties and asked for this to be sensitively

dealt with. It was also requested that the Officers ensured that any windows overlooking adjoining properties were in opaque glass.

RESOLVED THAT

NC2005/0707/F

planning permission be granted subject to the following conditions:

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

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

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

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

3 - B01 (Samples of external materials)

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

4 - C14 (Signing of contract before demolition)

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

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

Reason: In the interests of highway safety.

6 - H27 (Parking for site operatives)

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

7 - H29 (Secure cycle parking provision)

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

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

Reason: To protect the amenity of local residents.

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

Reason: To protect the amenity of local residents.

10 - D01 (Site investigation - archaeology)

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

11 - G04 (Landscaping scheme (general))

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

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

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

13 - G01 (Details of boundary treatments)

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

Informatives:

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

2 - HN15 - Affected street lighting or illuminated signs

NC2005/0708/C

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

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

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

2 - C14 (Signing of contract before demolition)

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

Informative:

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

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

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 B02 (Matching external materials (extension))

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

3 H13 (Access, turning area and parking)

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

Informative(s):

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

23. NE2005/0791/F & NE2005/1471/C - DEMOLITION OF FORMER SCHOOL BUILDINGS AND ERECTION OF 15 DWELLINGS AT FORMER CRADLEY PRIMARY SCHOOL, CRADLEY

The receipt of three further letters of objection and a letter from the Agent acting on behalf of the applicant was reported.

In accordance with the criteria for public speaking Mrs Ramsden of Cradley Parish Council spoke against the application and Mr Spreckley the Agent spoke in favour.

RESOLVED THAT

DCNE2005/0791/F

1 - The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure the provision of affordable housing and the provision and future maintenance of a play area, and any additional matters and terms as she considers appropriate.

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

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

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

2 - A09 (Amended plans)

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

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

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

4 - B01 (Samples of external materials)

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

- 5 - B07 (Stonework laid on natural bed)

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

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

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

- 7 - C05 (Details of external joinery finishes)

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

- 8 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

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

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

- 10 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 11 - F20 (Scheme of surface water drainage)

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

- 12 - F27 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

- 13 - G01 (Details of boundary treatments)

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

- 14 - G02 (Landscaping scheme (housing development))

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

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

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

- 16 - G18 (Protection of trees)

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

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

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

18 - G31 (Details of play equipment)

Reason: To ensure the play area is suitably equipped.

19 - H03 (Visibility splays)

Reason: In the interests of highway safety.

20 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

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

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

22 - H21 (Wheel washing)

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

23 - H27 (Parking for site operatives)

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

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

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

NE2005/1471/C

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

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

25 - C14 (Signing of contract before demolition)

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

Informatives:

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

2 - HN08 - Section 38 Agreement details

3 - N02 - Section 106 Obligation

4 - N14 - Party Wall Act 1996

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

The Southern Team Leader provided the Committee with details of further comments that had been received about the application from professional organisations, local residents and the local Parish Council.

In accordance with the criteria for public speaking Mr Morgan of Much Marcle Parish Council and Mr Pope, a local resident, spoke against the application.

Councillor Mrs SJ Robertson had concerns about over intensification of use on the land and Councillor Mrs Lloyd-Hayes was concerned that the use would have an adverse impact on the public rights of way traversing it. Councillor Mrs RF Lincoln said that when the Southern Area Planning Sub-Committee had visited the site she had concluded that it would be difficult to sustain a planning refusal. Councillor BA Ashton had concerns that the stud farm had been in operation without the necessary permission for some time and he had considerable sympathy for the points raised by the objectors. Councillor B Hunt supported the application and thought it to be in keeping of the rural location and Councillor Mrs JA Hyde was of the opinion that it was better to regulate the operation through planning permission and conditions.

The Head of Planning services said that it would be difficult to uphold the reasons for refusal suggested by the Southern Area Planning Sub-Committee and that only traffic issues may carry any weight. Having considered all the views put forward by the Officers and by the Sub-committee, the Committee concluded that there were insufficient grounds to merit refusing the application.

RESOLVED THAT

planning permission be granted subject to the following conditions:

1 G04 (Landscaping scheme (general))

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

2 G05 (Implementation of landscaping scheme (general))

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

3 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

4 F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

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

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

Informative:**1 N15 - REASON(S) FOR THE GRANT OF PLANNING PERMISSION****25. DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE.**

The application has been referred to the Committee by the Head of Planning Services because the Southern Area Planning Sub-Committee was minded to refuse it contrary to Officer recommendation on the following grounds: -

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

The Southern Team Leader said that the applicants needed to do further work on the ecology study and had asked for consideration of the planning application to be deferred to allow this to take place.

RESOLVED THAT

Consideration of the planning application be deferred at the request of the applicants.

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

The Principal Planning Officer said that the Landscape Officer was satisfied with the scheme and that the Parks Development Officer had asked for those trees that were removed for the new access to be replaced with similar elsewhere on the site. He added that negotiations were continuing with the Environment Agency to satisfy their requirements about potential flooding, through lowering the proposed area of open space in the grounds of the development. He said that a letter of objection had been received from the Unity Gardens Trust and he outlined its contents.

In accordance with the criteria for public speaking, Mrs Booton spoke against the application and Mrs Cope of Elgar Housing Association spoke in its favour.

The Committee had some concerns about the roof levels of the proposed development and potential overlooking of adjoining properties in Chartwell Road and Bladon Crescent. The Principal Planning Officer explained the negotiations that had taken place to arrive at lower roof levels where the proposed development would adjoin existing residential development so that the impact of the new development was minimised.

RESOLVED THAT

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

(i) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 (as amended) to secure a financial contribution of £34,000 in lieu of highway improvements including provision of a pelican crossing, bus shelter and bus boarders and any additional matters and terms as she considers appropriate.

(ii) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:

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

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

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

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

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

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

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

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

5. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service.

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

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

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

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

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

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

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

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

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

Reason: To protect the amenity of local residents.

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

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

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

Reason: To safeguard local amenities.

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

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

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

Reason: In the interests of amenity.

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

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

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

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

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

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

15. Prior to the commencement of development, a detailed plan,

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

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

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

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

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

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

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

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

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

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and

condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

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

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

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

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

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

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

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

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

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

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

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

the area.

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

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

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

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

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

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

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

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

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

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

INFORMATIVES:

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

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

work must stop and advice sought from English Nature and the Council's Ecologist.

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

Hereford Local Plan:

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

**R13 - Public rights of way
IMP3 - Planning obligations**

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

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

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it was from a Member on the Council.

RESOLVED THAT

planning permission be granted subject to the following conditions:

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

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

2 A07 (Development in accordance with approved plans)

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

3 B01 (Samples of external materials)

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

4 D01 (Site investigation - archaeology)

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

5 E18 (No new windows in specified elevation)

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

6 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 F48 (Details of slab levels)

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

8 G01 (Details of boundary treatments)

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

9 G02 (Landscaping scheme (housing development))

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

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

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

11 G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

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

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

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

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

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

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

14 H09 (Driveway gradient)

Reason: In the interests of highway safety.

15 H17 (Junction improvement/off site works)

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

16 H13 (Access, turning area and parking)

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

17 H27 (Parking for site operatives)

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

18 H29 (Secure cycle parking provision)

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

INFORMATIVES:

1 HN01 - Mud on highway

2 HN04 - Private apparatus within highway

3 HN05 - Works within the highway

4 HN07 - Section 278 Agreement

5 HN08 - Section 38 Agreement details

6 HN09 - Drainage details for Section 38

7 HN10 - No drainage to discharge to highway

8 HN19 - Disabled needs

9 N03 - Adjoining property rights

10 N04 - Rights of way

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

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

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it was from a Member on the Council.

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 B01 (Samples of external materials)

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

3 A07 (Development in accordance with approved plans)

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

4 C02 (Approval of details)

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

INFORMATIVES:

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

3 ND02 - Area of Archaeological Importance

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

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

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it related to Council owned land. A petition was received from local residents about the proximity of the proposed mast to the school and adjoining housing and the views of consultees and Hereford City Council were reported.

In accordance with the criteria for public speaking Mr Searle, the agent acting for the applicants, spoke against the application.

RESOLVED THAT

The County of Herefordshire District Council hereby gives notice that Prior Approval is not required for the siting and appearance of the telecommunications installation on land on the western side of the A49 (opp 245 Ross Road), Hereford subject to the following conditions imposed by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) subject to the following conditions:

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

The meeting ended at 11.40 a.m.

CHAIRMAN

PLANNING COMMITTEE

26TH AUGUST, 2005

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 13th July & 10th August, 2005

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 21
 - (b) applications refused as recommended - 1
 - (c) applications refused contrary to recommendation - 6 (not referred to Planning Committee by the Head of Planning services)
 - (d) applications approved contrary to recommendation – 0 (referred to Planning Committee by Head of Planning Services).
 - (e) deferred - 3
 - (f) site inspections - 5
 - (g) number of public speakers – 23 (10 supporters, 9 objectors, 4 parish councils)

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals received and 8 determined (0 withdrawn, 1 upheld and 7 dismissed).

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

- **BACKGROUND PAPERS – Agenda for meetings held on 13th July & 10th August 2005**

PLANNING COMMITTEE

26TH AUGUST, 2005

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 27th July, 2005

Membership:

Councillors: Councillor D.J. Fleet (Chairman)

Councillor R. Preece (Vice-Chairman)

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

PLANNING APPLICATIONS

1. The Sub-Committee has met on one occasion and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 7
 - (b) applications refused contrary to recommendation (but not referred to Head of Planning Services) – 1
 - (c) site inspections - 1
 - (d) number of public speakers - 5 (supporters - 3, objectors - 2)

PLANNING APPEALS

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

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

- **BACKGROUND PAPERS – Agenda for the meeting held on 27th July, 2005**

PLANNING COMMITTEE

26TH AUGUST, 2005

**REPORT OF THE SOUTHERN AREA PLANNING
SUB-COMMITTEE**

Meeting held on 3rd August, 2005

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has met on 1 occasion and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 6
 - (b) applications refused contrary to recommendation – 1 (The application was not referred to the Head of Planning services)
 - (c) applications approved contrary to recommendation – 1 (The application was not referred to the Head of Planning services)
 - (d) site inspections – 0
 - (e) deferred applications – 0
 - (f) number of public speakers – 1 (Supporter)

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals received and 9 determined (1 partially upheld, and 8 dismissed).

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

- **BACKGROUND PAPERS – Agenda for the meeting held on 3rd August, 2005.**

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

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

Date Received:
3rd March 2005

Ward:
Ledbury

Grid Ref:
70744, 38028

Expiry Date:
28th April 2005

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

Introduction

The application was deferred by the Main Planning Committee on 15th July 2005 to allow Members to undertake a site visit. This occurred on 1st August 2005. Members walked the site and also viewed it from Orchard Lane, having particular regard to the scale, bulk and visual impact of the proposal on the surrounding area.

No further amendments or additional comments have been received since the site visit and therefore the application falls to be considered on the information available to officers prior to the compilation of their first report on 15th July 2005.

1. Site Description and Proposal

- 1.1 This application is for the erection of a new extra care home, a 20 place day centre and associated facilities on the site of the existing Leadon Bank Nursing Home on Orchard Lane, Ledbury.
- 1.2 The proposal comprises a mixed height development. The original submission ranged from single to five storeys, its maximum height being 16 metres. However, the plans have now been amended and no part of the scheme exceeds 3½ storeys.
- 1.3 The proposal has been designed as two residential wings linked by the new day care area. The first wing seeks to create a road frontage along Orchard Lane, and this is stepped to create visual breaks and a reduction in its dominance. It is 3½ storeys, utilising the roof space, and this brings the height down to 13.4 metres. The second wing lies behind and comprises a 2½ storey element, 10.3 metres in height. The two are linked by the single storey day care area. This forms the main entrance to the premises and creates a focal point when approaching via the main vehicular access, which is to be retained as existing.
- 1.4 The rationale of the scheme is such that it will be constructed on site prior to the demolition of the existing care home. This was made as a fundamental design

requirement in order that existing residents can remain in occupancy whilst the new facilities are constructed and avoid a temporary move to other accommodation.

- 1.5 In light of this constraint, the proposal is located on an area of land between the existing building and the Orchard Lane road frontage.
- 1.6 The site slopes generally in a west/east direction with a further drop at the boundary with Orchard Lane. At its greatest, the difference between the two amounts to approximately 1.5 metres. The application includes a comparative height study that shows the proposal in relation to Orchard Lane and other features in the immediate area including Belle Orchard House, a Grade II Listed Building, and residential dwellings to the rear (north) of the site.
- 1.7 The site is well vegetated with a range of mature trees and hedgerows providing that the existing care home is almost totally obscured from view from Orchard Lane. The application also includes a full tree survey, identifying those which are in need of attention and those that are healthy. An ecological report also accompanies the application.

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC9 – Development Requirements
CTC11 – Trees and Woodlands

2.2 Malvern Hills District Local Plan

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

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

3. Planning History

None relevant to this application.

4. Consultation Summary

Statutory Consultations

- 4.1 None received.

Internal Council Advice

- 4.2 Traffic Manager - no objection subject to conditions. These are to include the provision of secure cycle parking for employees, the completion of a 'Green Travel Plan' prior to the commencement of development and the provision of an ambulance parking bay.
- 4.3 Head of Environmental Health and Trading Standards - no objection subject to conditions to restrict construction times.
- 4.4 County Archaeologist - no objection.
- 4.5 Conservation Manager: 'This proposal would introduce a major vertical emphasis to the streetscape, which it currently lacks. The architect has attempted to break this up by varying the height stepping forwards and back and using a variety of materials. In principle this would appear to be a reasonable strategy and hopefully would lessen the impact. However given the current heights to the street of 2 storey Victorian housing and the somewhat large 3 storey adjacent listed building I believe that this scheme may still prove to be too dominant within the streetscape as a whole. It may therefore be useful to contemplate reducing this elevation by 1 storey in scale and introducing more height to the rear block. Other minor alterations that may improve the visual impact would be to break up the large render panel proposed for the main north elevation; perhaps using either windows or another material possibly even some form of public art.'

5. Representations

- 5.1 In response to the amended plans Ledbury Town Council comment as follows: 'Members still consider this to be over-development of the site and feel that the proposals are totally out of keeping for the area. There has been no significant change to the original application (refer to Section 70A of the Town and Country Planning Act). The scale, mass, height (which is still 45ft) form and design would dominate the street-scene and have an adverse effect upon the whole local environment. The proximity of the proposed building to Orchard Lane would pose a considerable threat during construction particularly as this is a 'Safer Route to School.'
- 5.2 91 letters of objection and a reproduced letter submitted by 122 individuals (effectively treated as a petition) also objection to the application have been received, both in response to the original submission and amended scheme. In summary the points raised are as follows:
- 1) The proposal will be overly dominant and will have a major impact on the surrounding area.
 - 2) The design and choice of materials is not inkeeping with the surrounding area.
 - 3) The introduction of balconies will reduce privacy for local residents.
 - 4) The proposal will cause highway safety issues, particularly due to the proximity of the primary school and recreation area opposite.
 - 5) The scheme provides insufficient car parking, both for residents and employees.
 - 6) The scheme requires the removal of many trees and the reduction of the roadside hedge. This will reduce the sense of open space.

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

- 5.3 In addition a copy of a report prepared by a local residents group and submitted to the local Member of Parliament has been forwarded to the Local Planning Authority. It is critical of the manner in which the application has been dealt with and questions the accuracy of the plans and accompanying studies. It concludes by suggesting that the application clearly meets the criteria to be 'called in' and that the resulting review would ensure a fair and appropriate decision is made.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 This application was originally to be considered by the Northern Area Planning Sub Committee on 15th June 2005. However, due to a change in the Council's constitution, applications in which it is the landowner or in which it has an interest are now to be considered by the Main Planning Committee. In this instance the Council is the landowner, although it is working in partnership with Shaw Healthcare in the transfer and re-development of residential care homes across the County.

A residents group has suggested that the application should be called in by the Secretary of State. Paragraph 77.09 of the Town and Country Planning Act 1990 deals with this and advises as follows:-

By virtue of s.316 and the Town and Country Planning Regulations 1992 (S.I. 1992 No. 1492), regs 3 and 4, any application for planning permission:

- 1) to develop any land in which an interested planning authority (*i.e.* any body which exercises any of the functions of a local planning authority in relation to that land: s.316(6)) has any interest (s.316(6)); or
- 2) for development of any land by that authority; or
- 3) for development of any land by that authority jointly with any other person, falls to be determined by the interested planning authority itself, unless:
 - 1) they do not intend to develop the land themselves or jointly with another person; and
 - 2) the application would, if it were not in the above categories, fall to be determined by another body, in which case it falls to be determined by that other body.

- 6.2 As the Council is working in partnership with Shaw Healthcare and will be jointly involved in the development of the land, it is at liberty to determine this application without recourse to the Secretary of State, unless he so desires to call in the application himself. The Local Planning Authority has received no indication that this likely to occur.
- 6.3 In broad terms, this is a very well considered planning application. It provides a high level of detail and covers all of the key issues that are of relevance.

- 6.4 Nevertheless, it has generated a significant degree of public interest and a large number of letters of representation. If this application is to be considered favourably the issues raised by the objectors should be given careful thought.
- 6.5 The general form and layout was discussed at some length with officers prior to the submission of the application, and the submitted scheme generally follows those discussions. It is your officer's opinion that the creation of a frontage development is most appropriate given the constraints of the site and the desire to retain the existing building until completion of any future development. The contours of the site allow for the frontage to be of a mixed height and set back to create visual breaks and shadow lines, adding interest to the appearance of the development. It is accepted that this approach will require the removal of a number of trees and the reduction of the roadside hedgerow. The applicant's agent has given careful consideration to this and the layout seeks to minimise the level of vegetation removal.
- 6.6 The positioning and layout of the scheme is therefore accepted. The scheme indicates that substantial re-landscaping will occur and this could be addressed through a suitably worded condition.
- 6.7 In accepting the proposed layout it is also acknowledged that the existing point of vehicular access is most appropriately re-used. The Traffic Manager does not object to this and by doing so further incursions into the Orchard Lane road frontage are avoided.
- 6.8 The applicant's agent advises that the car parking provision is based on data from fully operational extra care developments. They advise that this indicates a very low level of car ownership amongst residents, often due to mental or physical frailties, which prohibit driving.
- 6.9 As previously stated, the Traffic Manager does not object to the application either on highway safety grounds or in respect of the level of car parking provision. The site is in close proximity to services and facilities in Ledbury and in this respect is considered to be a sustainable location. Such an approach is reflective of advice given by PPG13 – Transport which adopts a flexibility towards car parking standards in town centre locations. This aspect of the proposal is also considered to be acceptable, subject to the preparation of a Green Transport Plan.
- 6.10 It therefore falls to consider the design, scale and appearance of the proposed scheme. The comments of the Conservation Officer are most pertinent here. The employment of a variety of methods, breaking the height, varying material choice and introducing shadow lines, all go some way to reducing the overall bulk and dominance of the building along the road frontage. The application has been amended since its original submission. The height of the 5 storey element has been reduced to 3½ storeys and further breaks have been introduced into the roof. These amendments are considered to address the concerns of height and dominance and the application is therefore considered to be acceptable in this respect.
- 6.11 Further concerns have been raised regarding the introduction of balconies into the front elevation and the potential overlooking that this might cause. The building is orientated in a manner that looks out across the recreation area opposite and not directly onto other properties. It is therefore considered to be unreasonable to suggest that the application should be refused on the grounds of loss of residential amenity.

6.12 In conclusion, the dominance of the building in the streetscape has to be considered against the recognised need for this type of accommodation in Ledbury. On balance, it is your officer's opinion that the amended scheme satisfactorily addresses the concerns raised by the objectors. Accordingly the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

4 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

5 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

6 – F48 (Details of slab levels)

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

7 - G01 (Details of boundary treatment)

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

8 - G04 (Landscaping scheme (general))

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

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

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

10 - H29 (Secure cycle parking provision)

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

11 - H27 (Parking for site operatives)

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

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

Reason: To promote sustainable forms of transport.

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

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

Informative:

1. N15 – (Reasons for planning permission)

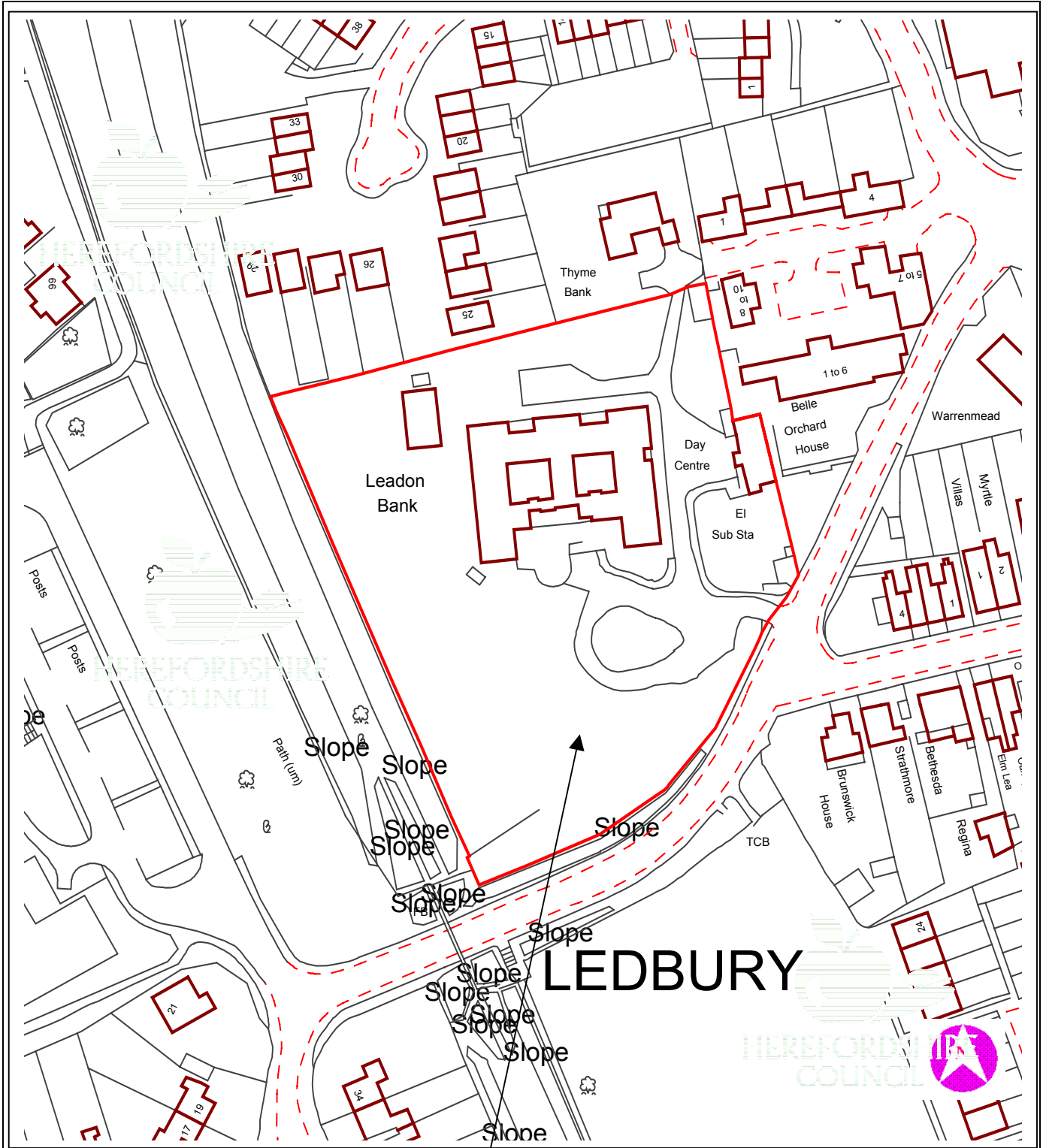
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/0709/F

SCALE : 1 : 1250

SITE ADDRESS : Leadon Bank Old Peoples Home, Orchard Lane, Ledbury, Herefordshire, HR8 1DQ

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

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

Date Received: 4th March 2005 Ward: Valletts

Grid Ref: 42524, 35924

Expiry Date: 29th April 2005

Local Member: Councillor P. G. Turpin

Introduction

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

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

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

The Head of Planning Services has considered the proposal and refers the application on the grounds that the reasons for refusal proposed by the Sub-Committee might not be defensible if challenged.

The application was reported to the Planning Committee on 15th July, 2005 but was deferred at the request of the applicants.

1. Site Description and Proposal

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

bedrooms and is sited in the north-western corner of the site. It is sited with views across the infilled pond.

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

2. Policies

2.1 Planning Policy Guidance

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

2.2 Hereford and Worcester County Structure Plan

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

2.3 South Herefordshire District Local Plan

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

2.4 Unitary Development Plan

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

3. Planning History

- 3.1 None identified.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections in principle, this is with the proviso the 'works' site to the north is not included in the development and that conditions relating to possible contamination discovered during development, control of soakaways and the use of an oil interceptor from hardstandings and parking areas.
- 4.2 Welsh Water has no objections subject to the separation of foul water and surface water discharges from the site, and no surface water being allowed to connect (either directly or indirectly) to the public sewerage system.

Internal Council Advice

- 4.3 Traffic Manager recommends that conditions are attached that provide for parking provisions and a road layout/footpaths, forward visibility and turning head provisions, all to adoptable standards. The Traffic Manager is also seeking a financial contribution towards identified works on footpaths in the village. Details of the proposed connection for surface water will need to be submitted for approval.
- 4.4 The Conservation Manager initially raised concern with regard to the impact on the setting of the adjacent Listed building, particularly with regard to the frontage development and on other matters of design detailing. Further to the latest revised proposals his advice is that the development would not harm the setting of the Listed building to an unacceptable degree.

With regard to ecology, following receipt of an ecological report the Conservation Manager advised that it did not provide the necessary information with regard to protected species. The applicants have undertaken additional survey work and further submissions are awaited.

With regard to archaeology the Conservation Manager advises that site observation (Standard Condition D03) would be appropriate.

- 4.5 Head of Strategic Housing supports in principle the development of the site subject to the provision of affordable housing. Greater variety is sought over types and sizes of dwelling and seeks to ensure that a Registered Social Landlord is involved.
- 4.6 The Director of Education is seeking a contribution towards education, given the inadequate facilities at both schools in Kingstone.
- 4.7 The Director of Policy and Community requests a contribution to enable changing room facilities and referee rooms to be provided that are compliant with Sport England/Football Foundation, this is given that the site does not provide a small childrens/infants play area. One large open space is preferable on the site than several unusable smaller areas.
- 4.8 The Head of Environmental Health and Trading Standards refers to the Site Investigation Report that accompanied the application. A contaminated land condition is recommended in relation to possible contaminants from chemicals used with the agricultural use and from engineering works. A condition is also required relating to how the pond will be infilled.

5. Representations

- 5.1 A Design Statement accompanied the application together with a Site Investigation Report. The Design Statement contains photographs and states that a mix of housing

types, in a mews type of development is proposed. Security to the rear of each property is one element, together with a variety in design with brick and rendered walling to complement the local area. The higher urban density is consistent with PPG.3. Areas of enclosure are also an element in the design.

5.2 Kingstone Parish Council's observations are as follows:

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

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

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

- Environment Agency stated in 1998 only minor levels of development be allowed in future, due to capacity and state of mains system
- collapse of mains close to Bull Ring Inn
- many need updating, inadequate, appalling smells
- septic tank drainage should be installed
- contrary to Section 5, H134
- site described as non-agricultural, not the case
- need ecological survey
- House Martins and rare swifts use pond mud for nest building. Great Crested Newts found
- if pond kept, condition worsens if capped, flooding elsewhere, as site and part of playing field floods now
- higher water table
- many residents have bought properties for view across site
- doctors surgery and schools over-subscribed, waiting list for schools
- unknown number of extra children in area
- assume water going into brook between Hanley Court and Primary School, brook already floods closing the two roads
- understand refusal for car park extension for Central Park 10 or so years ago due to presence of Great Crested Newts
- three-storey houses out of keeping
- tall houses take away light

- above housing quota for Kingstone
- too high a density, half number of houses compared to Cottons Meadow on quarter of site area
- need sturdy fence between site and Whitehouse Drive
- no lighting sufficient length of pavements on Class III road
- 50 extra cars at least
- Class III road, a rat-run, 30mph exceeded, near misses/accidents as traffic avoids speed humps on B road outside schools
- insufficient parking on site, will park on highway
- Class III road too narrow, difficult for vehicles to pass
- proximity to Whitehouse Farm, a Grade II Listed farmhouse in two separate dwellings
- need more space for early seventeenth century timber framed farmhouse
- should be preservation area around listed farmhouse
- poor transport system

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

6. Officers Appraisal

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

Overlooking and loss of privacy would not arise. The other proposed dwellings on the southern boundary of the site, namely plots 11 and 15 are roughly at right angles to north-west facing properties in Whitehouse Drive. It is not considered that, as has been raised in representations, a loss of daylighting would occur to residents in Whitehouse Drive from dwellings on the southern boundary of the site.

- 6.5 The pond and the immediate land around it was the subject of an earlier planning application for an extension to the engineering works. The Environment Agency did not object at the time. The application was not refused as Great Crested Newts were found or believed to be living in and around the pond. It was refused for reasons of the change of use proposed and that the informal pond area and other land would be used for the storage of agricultural machinery. An ecological survey has been provided by the applicants and further work is being undertaken.
- 6.6 The siting of dwellings in proximity to the Grade II Listed Whitehouse Farm, which was formerly one dwelling and is currently in two separate residences, Lilac Cottage and The Whitehouse, is a material consideration. The proposal has been revised in accordance with the concerns of your officers. The roadside frontage has been re-designed and the distance between the listed farmhouse and south facing, side wall of the house on Plot 1 is 13.8 metres (although its garage is closer). A footpath leading into the site skirts the southern boundary of the site following the line of an existing access point onto the farmstead. There is a breeze-block wall on the southern side of the proposed footpath/existing access way into the site. This wall will need to be treated in some fashion. The applicants are reconsidering the issue of boundary treatments, not only the aforementioned blockwork wall on the boundary with Whitehouse Farm, but also the redbrick wall fronting onto Church Lane which is considered preferable to the proposed use of metal railings. The wall may need to be rebuilt for insurance purposes or possibly supported. The nearest new dwelling to the north-west is considered to be sufficiently distant at 17 metres away, at the nearest point.
- 6.7 The Traffic Manager has no objections on the basis that adequate visibility can be achieved. A shortfall in parking provision was identified, this has been rectified with the submission of a layout plan identifying parking allocations for each dwelling. It is considered that there is sufficient on-site parking provision.
- 6.8 The issue of disposal of foul and surface water drainage has been raised by the majority of objectors and the Parish Council. The Environment Agency and Welsh Water whom have both responded without objection to the proposal as submitted, and in particular Welsh Water state there is capacity for foul drainage. The Council's Drainage Officer states that details for the surface water connection will need to be the subject of prior approval, but does not object in principle. The development can therefore be supported on the basis that the site can be served subject to the conditions requested by the Environment Agency and Welsh Water. Reasons for refusal on the basis that mains drainage is not adequate are not sustainable given the stance of Welsh Water and the Environment Agency at this time.
- 6.9 The developer will need to provide funding for off-site costs of the Education Service, Leisure Service, Highways Service and also satisfy the requirements of the Council's Supplementary Planning Guidance relating to Affordable Housing. The capacity for the school has been referred to in representations received, this can be partly addressed by the addition of funding for improved facilities including WCs at the Primary School and better IT facilities at the Senior School. Funding has also been requested for the benefit of football teams utilising the adjoining playing fields which will compliment the

commuted sum previously paid by the developer of Cottons Meadow. The Traffic Manager had also identified works around the village that require funding. The scheme will also provide an element of affordable housing that will provide more affordable housing for the benefit of the village. There may be increased pressures on facilities on service providers, including the Doctor's Surgery and schools, however given that the principle of developing the site can be substantiated with reference to Policies GD.1, SH.8 and SH.15 in the South Herefordshire District Local Plan, together with the provisions of Government advice in PPG.3: Housing, refusing planning permission on the basis that more capacity is required cannot be sustained by planning policies.

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

RECOMMENDATION

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

ii) upon completion of the aforementioned planning obligation and the resolution of the issue of ecology, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:

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

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

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

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

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

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

- 4. G01 (Details of boundary treatments)**

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

- 5. G04 (Landscaping scheme (general))**

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

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

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

7. W01 (Foul/surface water drainage)

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

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

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

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

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

10. F47 (Measures to deal with soil contamination)

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

11. F17 (Scheme of foul drainage disposal)

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

12. F26 (Interception of surface water run off)

Reason: To prevent pollution of the water environment.

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

Reason: To prevent pollution of controlled waters.

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

Reason: In the interests of the environment.

Informative(s):

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

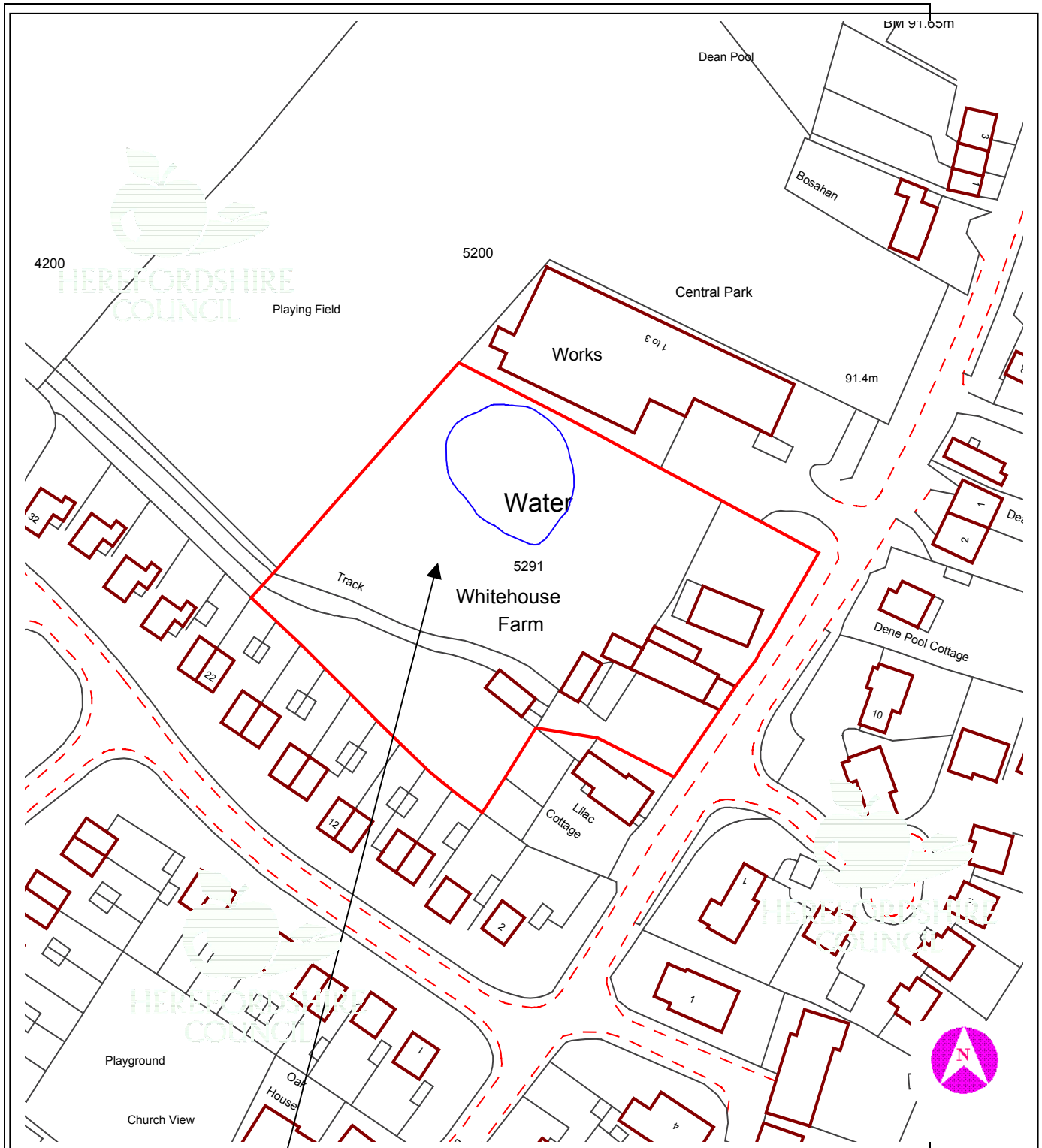
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2005/0720/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Whitehouse Farm, Kingstone, Herefordshire.

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DCNE2005/1352/F - CONVERSION OF BARNs TO ONE DWELLING IN SUPPORT OF AGRICULTURAL HOLDING AT UPPER HOUSE BARNs, PUTLEY, HEREFORDSHIRE. HR8 2QR

For: Messrs D J Pardoe per Mr N J Teale, Brambles Farm, Naunton, Upton-upon-Severn, Worcestershire WR8 0PZ

Date Received:
27th April 2005

Ward:
Frome

Grid Ref:
64053, 37215

Expiry Date:
22nd June 2005

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 This application seeks to convert an agricultural building to a dwelling to be occupied in connection with an existing agricultural holding at Upper House, Putley.
- 1.2 The buildings form part of a larger group. They are near Upper House, of a relatively modern construction, probably dating from the mid 20th century, and have a utilitarian appearance. Internally they are constructed from sawn timbers and do not have any particular architectural features. The single storey part sits hard against the roadside with an internal yard created by buildings which surround. The two-storey element abuts the road with a gable end and forms the southern boundary of the site.
- 1.3 The proposal shows a weatherboarded finish under a slate roof. The inward facing elevation of the single storey part is to be fully glazed and four openings onto the road. It demonstrates 4-bed accommodation with a floor area of approximately 185m².

2. Policies

Hereford and Worcester County Structure Plan

H20 – Housing in rural areas outside the Green Belt (points b & d)
 CTC13 – Conversion of buildings
 CTC14 – Conversion of buildings

Malvern Hills District Local Plan

Housing Policy 4 – Development in the countryside
 Housing Policy 5 – Dwellings for agricultural and forestry workers
 Conservation Policy 12 – Residential conversion of agricultural and other rural buildings

Herefordshire Unitary Development Plan (Revised Deposit Draft)

H7 – Housing in the countryside outside settlements
H8 – Agricultural and forestry dwellings and dwellings associated with rural buildings
HBA12 – Re-use of rural buildings
HBA13 – Re-use of rural buildings for residential purposes

Other Policy

PPS 7 – Sustainable development in rural areas

3. Planning History

NE01/3221/F - Change of use from timber barn to private dwelling - Withdrawn.

NE02/0618/F - Change of use of timber barn to form private dwelling - Refused 15 April 2002.

NE05/0119/F - Conversion of barns to one dwelling in support of agricultural holding - Refused under the scheme of delegation 16 February 2005.

4. Consultation SummaryStatutory Consultations

4.1 None required.

Internal Council Consultations

4.2 Transportation Manager - No objection.

5. Representations

5.1 Putley Parish Council - Recommend approval of the application.

5.2 CPRE - Object to the proposal. In our view the barns are not worthy of conversion and cannot see a clear cut business case for a second residence.

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 application seeks planning permission for the conversion of barns to a single dwelling in support of the existing agricultural holding at Upper House Barns, Putley.

The barns in question have been subject to previous applications for conversion to private residential use. The first such application was withdrawn largely as a result of the response of the Historic Buildings Officer, who concluded that the barns did not merit conversion to residential re-use.

The second application was refused for the same reason, although a note was attached to the decision notice stated that the Local Planning Authority would be prepared to consider a suitable business re-use subject to the amenities of neighbouring dwellings not being adversely affected.

- 6.2 A further application was submitted earlier this year stating a case of agricultural need but this too was refused as your officers were not satisfied that the functional and financial requirements of PPS 7 were satisfied.
- 6.3 It is proposed that Mr J Pardoe, as a partner in the existing agricultural holding would occupy the barns should permission be forthcoming. It is understood that Mr Pardoe's brother occupies the existing dwelling on site and that Mr J Pardoe currently lives some 12 miles away in Hereford.
- 6.4 The agricultural appraisal submitted in connection with the application states that the proposal is in full accordance with both the financial and functional tests as set out under Annex A of PPS7. It is put forward that the conversion is a sustainable re-use of a redundant agricultural building, that would enable the provision of accommodation on the holding without recourse to the erection of a new build. It therefore concludes that there is a need for a dwelling to serve the enterprise. It advises that it generates 1260 man hours per annum, enough to occupy four full time workers and that on site supervision is necessary to successfully increase output.
- 6.5 The application raises two principal issues. Whether the agricultural appraisal provides sufficient evidence to warrant the creation of a dwelling to serve the organic fruit farming enterprise and; if it does, whether this outweighs the previous reason for refusal that the building is not worthy of residential conversion.
- 6.6 The main thrust of the appraisal appears to be that the enterprise generates sufficient man-hours to warrant the creation of a dwelling. However, it gives no detail as to why an individual is required to be permanently resident on the land, nor does it explain why any such needs are not adequately met by an existing dwelling on the holding which is already occupied by one of the partners in the business. It must therefore be concluded that there is insufficient justification for the establishment of a second dwelling on the holding.
- 6.7 On this basis there is no justification to override the previous reason for refusal that the building is of insufficient historic and architectural quality to warrant conversion to residential use. Accordingly the application is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 - The proposal constitutes the creation of a new dwelling in the open countryside and is therefore contrary to Housing Policy 4 of the Malvern Hills District Local Plan and Policy H20 of the Hereford and Worcester County Structure Plan. The applicant has failed to demonstrate to the satisfaction of the local planning authority that exceptional circumstances exist to override these policies.**

- 2 - The proposal is contrary to Policy H20 of the Hereford and Worcester County Structure Plan and Housing Policy 4 and Conservation Policy 12 of the Malvern Hills District Local Plan in that the buildings are not considered to be of significant historic and architectural quality to warrant retention and conversion to residential use.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCNW2005/1542/O - DEMOLITION OF EXISTING DWELLING, GARAGE AND OUTBUILDINGS. SITE FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ

**For: Wicks Consultancy per Mr Stephen Funge,
Architectural Design, Dartmoor View, Queen Street
Winkleigh, Devon, EX19 8JB**

Date Received:

10th May 2005

Expiry Date:

5th July 2005

Local Member: Councillor Mrs O Barnett

Ward:

Mortimer

Grid Ref:

40338, 74527

Update

This application was considered by the Northern Area Planning Sub-Committee at its meeting on the 13th July 2005, when members resolved to refuse permission contrary to the recommendation of the report.

The report makes particular reference to the recent appeal decision and has been referred on the basis that the refusal of this application is not based on grounds which will provide a substantive basis for a robust defence of the decision in the event of an appeal.

1. Site Description and Proposal

- 1.1 The application site comprises a 0.198 hectare plot, located on the western side of the A4113 (High Street). An existing bungalow (Burnside) and a detached garage occupy an elevated position above the road level and are set back some 20 metres from the highway, behind a well-established screen of trees and shrubs. To the north and south of the application site are properties known as Needwood rise and The Old Police House respectively, which have fenced and planted boundaries.
- 1.2 The rear garden of the bungalow benefits from mature landscaping, including coniferous trees and hedgerows along the boundary with Meadowbank to the west. Notable trees in the densely planted rear garden include a copper beech, blue cedar, rowan and a silver birch.
- 1.3 The site lies within the Settlement Boundary of Leintwardine, but outside the Conservation Area and the Scheduled Ancient Monument. The prevailing character of the area is one of mixed residential development, including detached and terraced properties of single and two-storey scale. The whole of Leintwardine is designated as a Landscape Protection Area.

- 1.4 Outline planning permission is sought for the demolition of the bungalow and garage and the erection of a terrace of 6 dwellings including 3 garages. The application seeks formal consideration of the siting and means of access, but reserves design, external appearance and landscaping for future consideration.
- 1.5 This revised application has been submitted in response to the recent appeal decision for application number DCNW2004/2056/F for the erection of three four-bed dwellings. This appeal was dismissed on the grounds that the erection of only 3 dwellings on this site would be a highly inefficient use of land contrary to advice in PPG3 and draft policy H15 of the Unitary Development Plan.
- 1.6 An indicative "View from High Street" has been provided, showing the visual relationship of the proposed development in relation to the neighbouring properties.
- 1.7 A Members' site visit for the previous application took place on 26th July 2004.

2. Policies

Government Guidance

PPS1 – Delivering sustainable development
PPG3 – Housing
PPS7 – Sustainable development in rural areas
PPG13 – Transport
PPG15 – Planning and the historic environment

Hereford and Worcester County Structure Plan

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

Leominster District Local Plan (Herefordshire)

A1 – Managing the District's Assets and resources
A2(C) - Settlement Hierarchy
A9 – Safeguarding the Rural Landscape
A10 – Trees and Woodlands
A18 – Listed Buildings and their Settings
A23 – Creating Identity and an Attractive Built Environment
A24 – Scale and Character of Development
A25 – Protection of Open Areas or Green Spaces
A54 – Protection of Residential Amenity
A55 – Design and Layout of Housing Development
A70 – Accommodating Traffic from Development

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
S7 – Natural and Historic Heritage
DR1 – Design
DR2 – Land Use and Activity

DR3 – Movement
DR4 – Environment
H4 – Main Villages: Settlement Boundaries
H13 – Sustainable Residential Development
H14 – Re-Using Previously Developed Land and Buildings
H15 – Density
H16 – Parking
LA5 – Protection of Trees, Woodland and Hedgerows
HBA4 – Setting of Listed Buildings
Supplementary Planning Guidance

Leintwardine Village Design Statement

3. Planning History

- 3.1 NW2004/2056/F - Demolition of existing dwelling and outbuildings for construction of three four-bed dwellings - Refused at Northern Area Planning Sub-Committee - 8th December 2004. Dismissed on appeal 30th March 2005. None identified.
- 3.2 NW2004/3350/F - Demolition of existing dwelling and outbuildings and construction of two five-bedroom dwellings - Refused by Northern Area Planning Sub-Committee - 5th January 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water raises no objection, subject to conditional control over foul and surface water drainage arrangements.

Internal Council Advice

- 4.2 The Transportation Manager recommends that permission be refused for the following reason: 2 x 90 splay required by 'Places, Streets and Movements'. Consider that 2 x 60 visibility splay is sub-standard for this location and level of development. Unlikely to be able to achieve because adjoining land is not under applicant's control. However a speed survey should be done to determine actual speed which may allow relaxation of the standards against this, note that existing access may make this recommendation unreasonable.
- 4.3 The Conservation Manager comments as follows:

Burnside is located just south of the Grade II listed building Plough Cottage and is located adjacent to the Conservation Area of Leintwardine. There is a mix of architectural styles in this part of the Leintwardine. The height of the proposed dwellings is acceptable and it appears from the design that the development will be set back with some screening from plantings (retaining the current streetscape emerging from the adjacent Conservation Area). The setting of the listed building will not be compromised. No objections.

- 4.4 Landscape Officer - This response covers both tree and landscape issues. Burnside is a bungalow that is on the northern fringe of Leintwardine. It is on the west side of the High Street and is set back from the road, within a large plot of land. The site is outside the Leintwardine Conservation Area but falls within the Area of Great Landscape Value.

As stated previously, I have no objection in principle to the redevelopment of this site and I have no objection to the proposed removal of trees, as these are small ornamental specimens, which are insignificant in terms of amenity value. I note that the proposed dwellings are more appropriate in terms of vertical scale, in relation to the neighbouring properties than in the previous scheme. However, I am concerned that building at such a high density on this site, would give it a cramped appearance, when viewed from the High Street. In addition, such a large area of parked cars on the road frontage would further detract from the visual amenity of the village. Cramping so many units onto the site has meant that the land at the rear has been subdivided into very narrow, poorly proportioned rear gardens, some of which have very little useable space.

I therefore recommend that permission should be refused for this development on the grounds that it would be contrary to Policy A.23: Scale and Character of Development, of the Leominster District Local Plan (1999). I recommend that the number of units should be reduced.

5. Representations

- 5.1 Leintwardine Parish Council strongly object to this application and make the following points:

1. The proposal is too dense. Half of the plot is covered by trees which have a Preservation Order attached substantially reducing the available building area.
2. Building six houses as outlines is wholly out of keeping with the adjoining properties and would be an eyesore.
3. Car-parking provision is inadequate.
4. The intended scheme is in direct contravention of the Village Design Statement which was adopted by Herefordshire planners in 2003, a copy of which should have been supplied to the applicants by the Planning Department.
5. Leintwardine sewage infrastructure is already over-capacity and cannot cope with the additional 6 houses.

- 5.2 The applicant's agent's letter which was submitted with the application can be summarised as follows:

- I would draw to your particular attention to the Planning Inspectors appeal decision letter in respect of the recent appeal on the site where he has dismissed the appeal for three detached houses on the grounds of under development, you will note that the Inspector is citing guidelines in PPG3.
- The Inspector has given clear advice that a development in line with that now submitted would be an acceptable form of development for this land.

5.2 At the time of writing, a total of 25 individual letters of objection have been received. The concerns raised can be summarised as follows:

- Concern about appeal decision and increased density.
- Density not suited to a village like Leintwardine. Density too great.
- Lack of acknowledgement of village location when applying PPG3 principles.
- Doubt that it will prevent green field development.
- No weight been given to residents concerns.
- The proposal is contrary to the Local Plans.
- Close proximity to boundary with The Old Police House and Neadwood Rise.
- Dwellings are not 'affordable' low cost homes and are for the developers profit.
- Loss of privacy.
- Detrimental to the Schedule Ancient Monument.
- No respect for the identity of the village.
- Out of character with this part of High Street/Jay Lane.
- Noise associated with additional car traffic.
- Cramped development.
- Affordable housing required in the village.
- Mature trees bound to be lost.
- Additional vehicular use of existing access will be detrimental to highway safety.
- Poor visibility at access onto main road.
- Serious impact on neighbouring property (noise and loss of sunlight).
- Village lies within a Landscape Protection Area.
- Village must not be degraded by building speculation and outside interests.
- Precedent for whole village setting.
- Loss of important space within the village.
- Dwellings to tall, dense and out of keeping.

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 This is an outline application, which seeks approval for the siting of six dwellings and the access thereto. At this stage, the design, external appearance and landscaping of the site are not matters requiring detailed consideration. This is the third application on this site and continues to generate a significant number of objections locally. Members may recall visiting the site on a Members' site visit, which took place on 26 July 2004.

6.2 An appeal decision on this site dismissed the development of three detached dwellings as an **under development** of the site contrary to guidance contained with PPG3 and the Policy H15 of the Unitary Development Plan (revised deposit draft). This application has been submitted having regard to the clear advice contained in the appeal decision. The advice contained within this decision is also an important material consideration for the purpose of determining this application and as such will play an important part in the consideration of the key issues.

6.3 The key issues for consideration in the determination of this application are as follows:

- a) The principle of residential development;
- b) Density of development;

- c) The effect of the proposal on the character and appearance of the surrounding area;
- d) The wider landscape impact of the proposal, having regard to the Landscape Protection Area designation and the trees on site;
- e) The effect of the proposal upon the amenities of neighbouring occupiers; and
- f) Highway safety and access issues.

Principle of Residential Infill

- 6.4 Policy A2(C) of the Leominster District Local Plan (Herefordshire) and emerging Policy H4 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) broadly support the principle of residential developments on windfall sites within the defined settlement boundaries of main villages such as Leintwardine. There are no objections in principle to the residential development of this site.
- 6.5 The application site is also considered to be in a sustainable location, within walking distance of a range of shops and other facilities, including the health centre and primary school. Sustainable forms of development are encouraged through national guidance and this site is considered to conform to those principles.

Density of Development

- 6.6 Government Guidance set out in PPG3 – Housing establishes minimum thresholds for the density of development on residential infill sites and seeks to promote more effective use of land by encouraging densities between 30 and 50 dwellings per hectare. Emerging Policy H15 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) reflects this guidance.
- 6.7 The issues of density and the effective use of previously developed land was key in the Inspector's decision. Paragraphs 15 and 16 of the Inspector's reports states:

Paragraph 15: This proposal is for 3 dwellings on a site of approximately 0.19 hectare. The Council calculates that this would involve a net site density of approximately 16 dwellings per hectare. Paragraph 57 of PPG3 says that more than half of all new housing was (prior to its publication in March 2000) built at a density of less than 20 dwellings per hectare, which represents a level of land use that "*can no longer be sustained*". I believe this is such an example. Failure to make efficient use of land undermines the sustainability of local services and public transport. It results in added pressure to release green field sites, which are a scarce and finite resource. In this context I strongly disagree with the Council's claim that the proposed development "*is in accordance with Government Guidance for density*": it is plainly contrary to this advice.

Paragraph 16: Paragraph 58 says that Local Planning Authorities should "*avoid*" developments which make inefficient use of land, defined to be those of less than 30 dwellings per hectare net. This advice is reflected in Policy H15 of the emerging UDP.

- 6.8 The revised proposal for six dwellings would achieve a density of 30 dwellings per hectare net and would therefore conform to the guidance contained within PPG3 and Policy H15 of the Herefordshire Unitary Development Plan, which reflects this guidance. As such, in principle of six dwellings on the site is accepted.

- 6.9 It is acknowledged that local residents have strong concerns about the numbers of dwellings now proposed and the impact that this would have on the character and appearance of the village and on highway safety, amongst other issues. These are issues also considered by the Inspector in making his recommendation and matters that are key in assessing the proposal now before you.

Character and Appearance of the Area

- 6.10 Notwithstanding the advice set out in Government Guidance, development proposals should not cause harm to the character and appearance of the site and its surroundings. In this case and in response to a number of comments made, it should be stressed that the site does not lie within the Leintwardine Conservation Area, neither is it within the area defined as the Scheduled Ancient Monument.
- 6.11 An assessment of the site and its surroundings indicates a diverse mix of housing types and architectural styles, ranging from the historic listed property, detached single-storey and two-storey development to the north, south and west and two-storey terraced housing (in block of four) to the east. As such there is no predominant character of dwellings in the locality.
- 6.12 The siting and building line of the dwellings as shown on the submitted plan respects the prevailing building line established by reference to the neighbouring dwellings to the north and south of the site. The existing single point of access would be utilised, with modification to the bank to provide a viability splay. The planting along the highway frontage would be retained. It is therefore considered that the proposed development would not result in a loss of openness to the area that lies in the public realm at the front of the site.
- 6.13 Although the siting of the dwellings would be in an elevated position above the highway the proposed dwellings would not be prominent in the street scene. The planting to the street frontage would also be retained and supplemented to screen and otherwise minimise their visual impact. Furthermore, the two-storey scale is one that exists in the area and, by reference to the indicative "View from High Street" elevation, does not appear out of keeping with the size of dwellings in the vicinity.
- 6.14 There will inevitably be a loss of space to the sides of the existing bungalow but, having regard to the prevailing character of this part of High Street, it is not considered that this will cause demonstrable harm and, as such, would accord with Policies A1, A23 and A24 of the Leominster District Local Plan (Herefordshire).
- 6.15 Since the application is in outline form, the design and external appearance of the dwellings is reserved for future consideration, but will inevitably require careful attention, in order to preserve the character and appearance of the surrounding area.

Impact on Landscape Protection Area and Trees

- 6.16 Policy A9 of the Leominster District Local Plan (Herefordshire) promotes the conservation and enhancement of the rural landscape, referring specifically to the importance of the Landscape Protection Area designation. This covers the whole of the village and the wider countryside to the Shropshire boundary to the north and Wigmore to the south.

- 6.17 Clearly, its key significance is in protecting the area from inappropriate isolated development, with the weight attached being reduced in respect of existing settlements such as Leintwardine.
- 6.18 In local landscape terms, the trees on site are considered to be of high amenity value and should be retained. Within the context of the coniferous and ornamental shrub planting, there are 4 trees worthy of retention (a copper beech, blue cedar, rowan and silver birch) at the rear of the site, although it is recommended that the blue cedar should be felled to allow the copper beech to grow unimpeded.
- 6.19 The siting of the proposed dwelling would enable the retention of the trees and, subject to conditions requiring fenced protection during construction, these trees would not be unduly affected and can therefore be preserved.
- 6.20 The Landscape Officer raises concerns relating to the scale and character of the development in relation to policy A23 of the Leominster District Local Plan. This matter has been fully considered in relation to the other material considerations and a refusal on these grounds could not be sustained. In the light of the above, the requirements of Policies A9 and A10 of the Leominster District Local Plan (Herefordshire) are satisfied.

Neighbour Amenities

- 6.21 It is noted that this scheme has been submitted bearing similarity to the footprint of the appeal proposal. As such, the inspector's comments relating to the relationship to the neighbouring properties are relevant. The report states:
- "I am satisfied that, subject to the imposition of appropriate conditions, the proposed scheme would not harm neighbours' living conditions. At the site inspection I took particular note of the relationship between the appeal site and *Alt Ardoch* but the rear elevation of the nearest plot would stand forward of the rear of this bungalow and I note that there are no windows in the flank gable of this property. I accept that there might be some shadowing of the rear garden of *Alt Ardoch* during the late morning if a 2-storey dwelling were proposed with a rear gable and with this in mind I note that the illustrative plans show a hipped roof. I am therefore satisfied that this matter could be resolved in such a manner and it is clear from orientation of the property that there would be no loss of direct sunlight to the internal living accommodation."
- 6.22 Having regard to this it is brought to members attention that a condition would be attached to ensure that no windows were installed in the south elevation of Plot 1 and the north elevation of Plot 6, which would, in the light of the relevant siting of the proposed dwellings in relation to the neighbouring property, ensure that no harmful overlooking would occur.
- 6.23 In addition to the above, the position of Plot 6 in relation to Needwood Rise has been proposed as per the original scheme and such that the proposed two-storey element would be some 4 metres from the blank side elevation of the bungalow and, accordingly, would not have such an adverse impact on daylight and sunlight such that the refusal of planning permission would be justified. The previous 8 metres gap achieved between Plot 1 and The Old Police House has been reduced and a single storey garage with and some 25 metres to the property to the west, which would not result in an unacceptable, overbearing effect on these properties.

- 6.24 In view of the above, the scale of the development would not cause serious harm to the amenities of neighbouring occupiers and, subject to control of the hours during which demolition and construction is undertaken, Policy A54 of the Leominster District Local Plan (Herefordshire) is satisfied.

Highway Safety and Access

- 6.25 Means of access to the site serving six dwellings is of particular concern to local residents. The findings of the planning inspector on this matter is also of significance in this resubmission. The report states:

“The main factor that has been brought to my attention to justify this low density scheme is the alleged constraint of the proposed access. The Appellants have suggested that the Council has previously advised that a visibility splay of 4.5m x 60m would be required for more than 3 dwellings. However relevant advice on page 58 of Places, Streets and Movement says that a 2 metre x-dimension⁵ is appropriate for ‘*small groups of up to half a dozen dwellings or thereabouts*’. There is no justification on this basis for a distinction to be made between the 3 dwellings now proposed and approximately 6 dwellings, which would achieve 30 dwellings per hectare net. Indeed I note that in their letter of 16th March 2005, the Council has subsequently confirmed that it does not ‘*actually place a specific limit upon the development potential of the site on the basis of access issues.*’ In these circumstances I consider that there are no material considerations that would justify the low density scheme being proposed, which in my view is an unsustainable form of development, contrary to advise in PPG3, which post dates the Development Plan.

- 6.26 The Transportation Manager has raised some concerns in relation to the visibility splays and in response to this the agent has re-examined the survey drawing and is satisfied that a splay of greater than 2m x 60m can be achieved and to the comments made by the planning inspector above, the issues relating to highway safety have been addressed and appropriate conditions are suggested. A plan detailing this has been requested.
- 6.27 In response to the concerns raised locally, it is recognised that none of the properties on the western side of High Street has the benefit of direct pedestrian access, with occupants required to cross the road. Clearly, the proposal will result in additional pedestrian activity, but this would not be so significant or such a threat to pedestrian safety that grounds for refusal could be substantiated.
- 6.28 Subject to conditions requiring the proper provision and retention of the proposed parking and turning areas, no objection is raised.

Conclusion

- 6.29 This application has generated a significant number of objections but, in planning policy terms, it is considered that the principle of residential development is acceptable and, furthermore, the density and siting of the proposed dwellings would not be out of keeping with the prevailing character of residential development in the locality, whilst enabling the retention of the existing trees on the site. With modifications, the access can be improved to meet the minimum visibility requirements and, as such, it is not considered that there are sufficient grounds to oppose this proposal.

RECOMMENDATION

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

- 1 - A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2 - A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 3 - A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

- 4 - A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 - B01 (Samples of external materials)

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

- 6 - E16 (Removal of permitted development rights)

Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.

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

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

- 8 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 9 - G06 (Scope of landscaping scheme)

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

- 10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11 - H13 (Access, turning area and parking)

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

12 - H27 (Parking for site operatives)

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

13 - The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the LPA in writing.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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

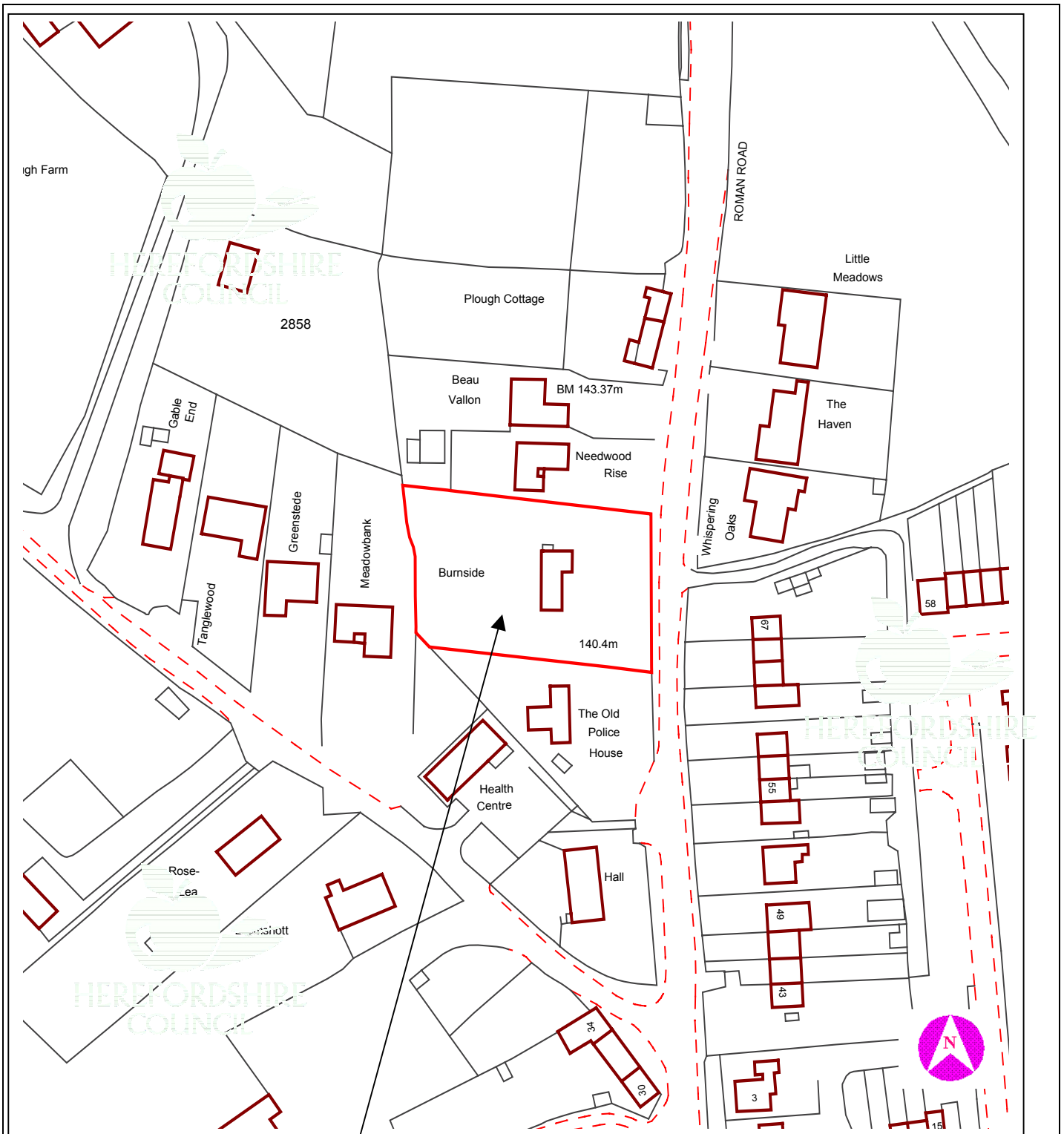
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNW2005/1542/O

SCALE : 1 : 1250

SITE ADDRESS : Burnside, High Street, Leintwardine, Craven Arms, Herefordshire, SY7 0LQ

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**DCNE2005/2182/T - 14.7M HIGH SLIMLINE
TELECOMMUNICATIONS MONOPOLE, 2 NO.
ANTENNAE, CABINETS AND ANCILLARY
DEVELOPMENT AT THE OLD ROAD ADJACENT TO
A449, CHANCES PITCH, COLWALL, MALVERN, WR13
6EJ**

**For: T-Mobile UK Ltd. AWA Ltd Efford Park Milford
Road Lymington Hampshire SO41 0JD**

**Date Received:
29th June 2005
Expiry Date:
23rd August 2005**

Ward: Hope End

**Grid Ref:
74589, 40259**

Local Members: Councillor R Mills and Councillor R Stockton

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a 14.7m high telecommunications monopole with ancillary development to the northern edge of the old road at Chances Pitch, Colwall, which runs parallel to the A449. The road, equivalent to a single lane highway, is now closed to vehicular traffic although it is still surfaced and passable.
- 1.2 The proposed site lies within the Malvern Hills Area of Outstanding Natural Beauty and is elevated above the main road, although well screened by a mixture of mature trees that line either side of the old road. The old road and application site are not easily distinguished from either the A449 or B4218 Colwall Road, from which access to the application site is obtained. The nearest dwelling is Chances Pitch Cottage, situated approximately 110m to the west at its nearest point, closer to the junction of the old road with the B4218.
- 1.3 The development proposed involves the installation of the monopole structure and 2 cabinets at ground level. The absolute height of the monopole (including antennas) is 15m although it is set 300mm into the ground on a 0.6m x 2.3m deep root foundation. The height above ground is therefore 14.7m. The antennas occupy the top 2m of the pole and have a fixed circumference of approximately 300mm. The monopole is set 1.3m from the edge of the road.
- 1.4 The cabinets are located 1.5m to the west of the monopole, slightly further from the road. They have a combined width of 1.8m, depth of 0.6m and overall height of 1.5m.

2. Policies

2.1 Malvern Hills District Local Plan

CON18 – Telecommunications Equipment
LAN2 – Areas of Outstanding Natural Beauty

2.2 Hereford and Worcester County Structure Plan

CTC1 – Development in Areas of Outstanding Natural Beauty

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

LA1 – Areas of Outstanding Natural Beauty
CF3 – Telecommunications

2.4 PPG8 – Telecommunications

3. Planning History

Four telecommunications applications within the vicinity of the current application site have been identified. They are summarised below, together with an explanation as to the physical relationship with the proposal site.

3.1 **MH98/0215** – Erection of 15m monopole with 2 no. dual polar antennae and integrated equipment cabinet on land adjacent to Chances Pitch, Colwall: **Approved** 1st September 1998. This site is operational and located approximately 50m to the northeast of the application site. (It is noted that the height indicated at 15m does not include the antennae, which add a further 3m to the overall height).

3.2 **NE00/0666/F** – Erection of a 15m monopole mast, equipment cabinet and development ancillary thereto, A449, Ledbury: **Refused** 13th April 2000. The site of this development was 0.5km to the east of the current application site, in a lay by adjacent to the A449 and was refused on landscape impact grounds and the failure to demonstrate that mast-sharing had been properly examined.

3.3 **NE00/1760/F** – Demolish existing 15m tall solid pole mast, replace with 20m lightweight lattice multi-user mast and antennae with equipment cabins and ancillary development within a timber-fenced landscaped security compound at Chances Pitch, Colwall: **Refused** 12th September 2000. This application sought redevelopment of the mast approved under reference MH98/0215 with a more substantial 20m tall lattice tower to enable multi-operator use and was refused on landscape impact grounds.

3.4 **NE03/3259/F** – Installation of 18m high monopole with panel antennas and 2 dish antennas with two equipment cabinets and ancillary development within a fenced compound at Chances Pitch, Colwall: **Withdrawn** 17th February 2004. This application proposed a second mast adjacent to the existing approved under MH98/0215 and was withdrawn following consultation with the case officer.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

- 4.2 Transportation Manager – No objection
- 4.3 Conservation Manager (Landscapes) – No objections
- 4.4 Environmental Health – No comment

5. Representations

- 5.1 The response of Colwall Parish Council is reproduced in full:

“Council objects to this current application: The proposed mast is within 100m of a residential dwelling. Do not believe that the trees will screen the monopole particularly, during the winter months. The monopole will be visible from Public Rights of Way throughout the winter months. It does seem co-incidental that the heights of the trees are slightly higher than the monopole and antennae. The overall appearance will be detrimental to the Malvern Hills AONB. Council suggests that the proposed site is in the wrong place and serious consideration should be given to:

- 1) Use of the large agricultural buildings at Langlands Farm;
- 2) Use of the Pylon lines running East to West across Massington Farm, map reference 744396 to 733394.”

- 5.2 Malvern Hills Area of Outstanding Natural Beauty Planning Group:
Also ask that consideration be given to the use of pylons or the agricultural buildings at Langlands Farm.

- 5.3 One letter of objection has been received from Mrs C. Vale, Tan House, Colwall Green, Malvern WR13 6ED. The points raised are summarised as follows:

- The existing pole is high enough and easily seen on the outline of the Malvern Hills;
- The AONB designation should prevent the erection of these poles;
- Very serious consideration should be given to the erection of another pole on or near to the site of the existing.

- 5.4 The agent has submitted an application in response to the concerns expressed by the Parish Council. This is summarised as follows:

- The presence of a dwelling within 100m is not a material planning consideration. The worse case scenario would be that emissions at the dwelling would be 4363 times less than ICNIRP levels;
- The monopole would be painted green and so merge in with the background and foreground of trees;
- The trees to the north of the pole will be significantly higher than the top of the antennae;
- It is considered that this location would have the least visual impact upon the AONB when compared to all alternative sites;
- Consideration has already been given to Langlands Farm and the electricity pylons. The latter has been discounted, as the landowner will not countenance the installation of cables over arable land. It is also considered that the extent of the required coverage would be much less than the preferred site.

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

6. Officer's Appraisal

6.1 It is considered that the key issues in the determination of this application are as follows:

- The visual impact of the proposed development having regard to the AONB designation and consideration of all viable alternatives;
- Considerations of public health.

Visual Impact and Consideration of Alternative Sites

6.2 The proposed site for the erection of the monopole and ancillary equipment is adjacent to the Old Road, Chances Pitch on land elevated above the adjacent A449. There is a requirement for enhanced coverage along the A449 in both directions of the highway; thus two antennas are required, one focused in an easterly direction, the other westerly.

6.3 A variety of coniferous and deciduous trees are present on either side of the road and the required height of the mast is inextricably linked to the height of the adjacent trees, which act as a screen. Owing to the presence of the road, which is still passable, maintenance of the mast could be undertaken by stationing a cherry picker immediately adjacent and as such the need for a bulky mast capable of taking the weight of personnel is overcome.

6.4 The diameter of the monopole at approximately 300mm is not dissimilar to the telegraph poles also present in the vicinity, whilst painting the pole an appropriate colour can further mitigate any visual impact.

6.5 Members will note from the Planning History that applications have explored the option of sharing the existing mast to the northeast. This is prescribed as good practice in PPG8 and Conservation Policy 18 of the adopted Local Plan. However this option, along with the option of stationing a further mast adjacent to the existing has been discounted. Sharing the existing mast would necessitate the "bulking-up" of the existing monopole to facilitate further antennae and allow maintenance. Full consideration was given to these sites in the determination of the historic applications outlined at section 3 of this report and it was concluded that sharing was unviable owing to the adverse visual and landscape impact.

6.6 The applicant has explored a number of alternative sites in the locale (including two other sites along the old road), each of which has been discounted owing to inadequate screening. In order to achieve the required coverage, lower lying sites would require a substantially higher monopole and on this basis the potato stores at Langlands Farm have been discounted.

6.7 A site at Upper Mitchell Farm (approximately 2km west of the application site) was also considered. This is an elevated position, where a shorter mast may be viable. However, the site is more exposed relative to the application site, with less natural screening and therefore not considered acceptable.

- 6.8 Members will note that the Landscapes Officer has raised no objection to the application on visual impact and landscape grounds and it is concluded that the site is the most suitable of those considered.

Public Health

- 6.9 The fact that a dwelling is situated 100m from the application site is not a material ground for objection to the proposal. Paragraph 98 of PPG8 'Telecommunications' advises that if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure to radio waves it should not be necessary for a planning authority to consider further the health aspects of the proposal. In this instance it has been demonstrated that emissions fall well within the defined parameters.
- 6.10 Members may be aware of the recent appeal decision relating to land adjacent to Unit 2 Wyese Eign, Eign Road, Hereford (ref: DCCE04/3827/T), where the development proposed involved the erection of a 15m flexi-cell pole. The Inspector is unequivocal, in allowing the appeal, that should the ICNIRP test be satisfied, objections cannot be sustained on health grounds.
- 6.11 Having regard to the guidance contained within PPG8, Local Plan policy and all other material considerations, it is considered that the application should be recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - 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 - Prior to the commencement of development the exact colour of the monopole and ancillary equipment hereby approved shall be agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.**

Reason: In order to ensure that the development harmonises with the surroundings.

- 4 - G19 (Existing trees which are to be retained)**

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

- 5 - As soon as it is no longer required for telecommunication purposes, the development approved under the terms of this application shall be removed from the land and the land restored to its condition before the development took place.**

Reason: In the interests of visual amenity.

Informative:

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

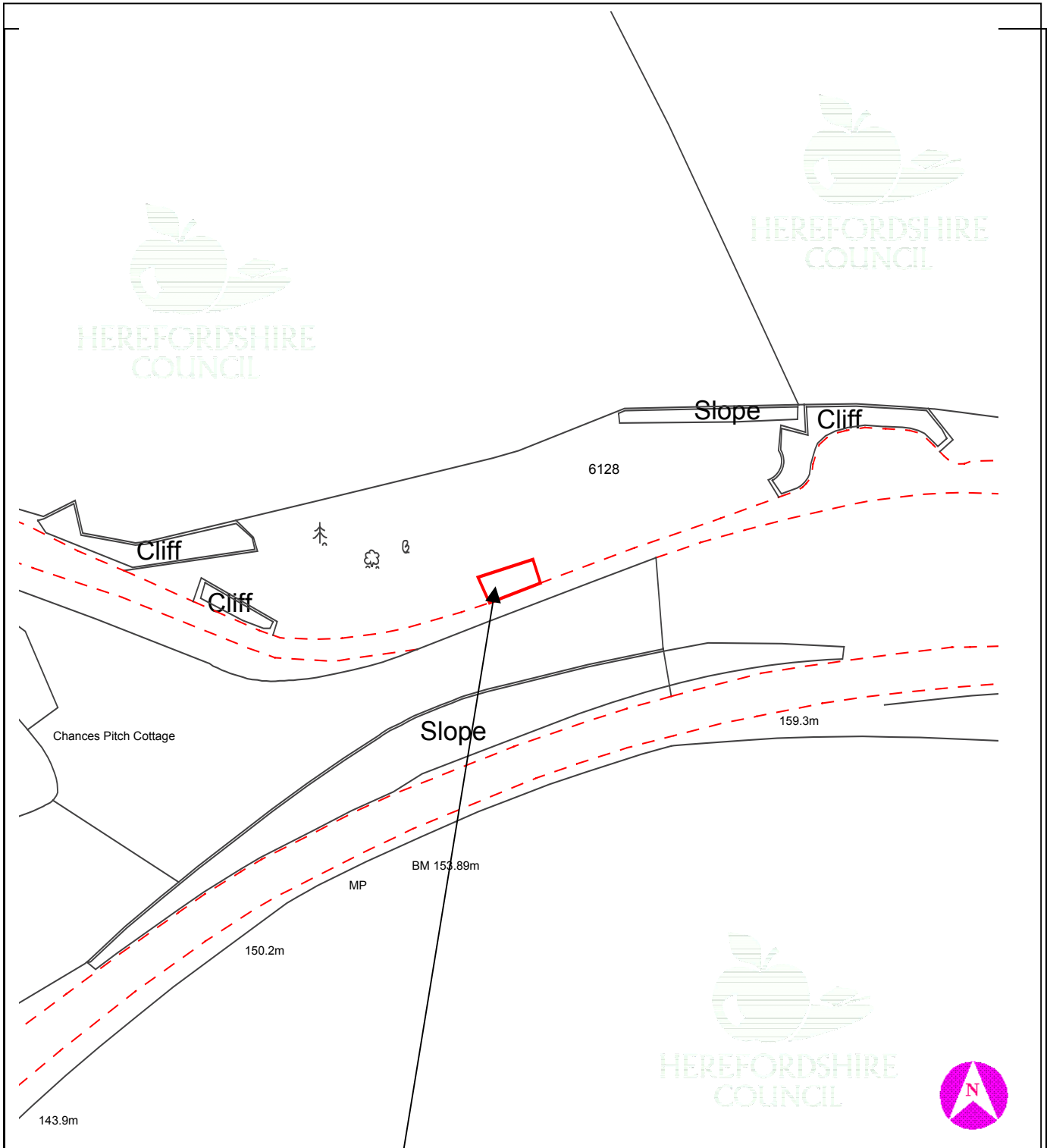
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2005/2182/T

SCALE : 1 : 1250

SITE ADDRESS : The Old Road adjacent to A449, Chances Pitch, Colwall, Malvern, WR13 6EJ

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Further information on the subject of this report is available from Mr E Thomas on 01432 261795

