

A G E N D A

Planning Committee

Date: **Friday, 21st April, 2006**

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, 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 - 10
To approve and sign the Minutes of the meeting held on 3rd March, 2006.	
5. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
6. NORTHERN AREA PLANNING SUB-COMMITTEE	11 - 12
To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 22nd March, 2006.	
7. CENTRAL AREA PLANNING SUB-COMMITTEE	13 - 14
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 8th March and 5th April, 2006.	
8. SOUTHERN AREA PLANNING SUB-COMMITTEE	15 - 16
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 15th March, 2006.	

Please note that at the time of printing the new Chairman had not been elected

<p>9. PROGRAMME FOR THE REVIEW OF CONSERVATION AREAS</p> <p>To consider a revised two-year programme for the review of Conservation Areas to include the preparation of character appraisals and management proposals and make recommendations to the Cabinet Member (Environment).</p> <p>Wards Affected: County-wide</p>	<p>17 - 28</p>
<p>10. STATEMENT OF COMMUNITY INVOLVEMENT</p> <p>To consider the Council's Statement of Community Involvement (SCI). <i>Two documents are enclosed separately for Members of the Committee and copies will be placed in the Members Lounge at Brockington.</i></p> <p>Wards Affected: Countywide</p>	<p>29 - 34</p>
<p>11. DCNW2006/0298/F - RESIDENTIAL DEVELOPMENT FOR 54 DWELLING, WITH CAR PARKING SPACES, NEW ACCESS ROAD, LANDSCAPING, AT MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA</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 refuse it, contrary to the Council's Planning Policies and officer recommendations.</p> <p>Ward: Kington Town</p>	<p>35 - 56</p>
<p>12. DCNW2006/0071/F - NEW/REPLACEMENT FARM HOUSE AT THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET</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: Mortimer</p>	<p>57 - 62</p>
<p>13. DCNW2005/0890/F - NEW SPORTS HALL, CHANGING ROOMS, CAFETERIA AND LIBRARY AT WEOBLEY HIGH SCHOOL, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8ST</p> <p>To consider a planning application which has been referred to the Committee because the application is a Council scheme.</p> <p>Ward: Golden Cross with Weobley</p>	<p>63 - 70</p>
<p>14. DCSW2006/0440/F - SAFETY FENCE AND ADDITIONAL PARKING AT DORSTONE PLAYING FIELDS, DORSTONE, HEREFORD</p> <p>To consider a planning application which has been referred to the Committee of Planning Services because a Member of the Council is a Trustee.</p> <p>Golden Valley North</p>	<p>71 - 76</p>

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| 15. | <p>DCSW2004/3397/F - CONVERSION OF REDUNDANT FARM BUILDINGS TO FARM SHOP, PLANT CENTRE AND LANDSCAPE DESIGN CENTRE, INCLUDING ERECTION OF POLYTUNNELS, DISPLAY GARDENS AND ASSOCIATED CAR PARKING, LAND AT JUNCTION OF A465 AND B4348, WINNAL COURT, ALLENSMORE, HEREFORDSHIRE, HR2 9AR</p> <p>To consider a planning application which has been referred to the Committee by the Head of Planning Services because the Southern Area Planning Sub-Committee is minded to grant permission, contrary to the Council's Planning Policies and officer recommendations.</p> <p>Ward: Valletts</p> | 77 - 84 |
| 16. | <p>DCCE2006/0275/F - CHANGE OF USE TO EDUCATION/TRAINING FACILITY (TEMPORARY USE UNTIL 2008) AT UNITS 2, 3, 14 & DCCE2006/0279/F - CHANGE OF USE TO EDUCATION/TRAINING FACILITY (TEMPORARY USE UNTIL 2008) AT UNITS 12/13 BARRS COURT TRADING ESTATE, HEREFORD, HR1 1BB</p> <p>To consider a planning application which has been referred to the Committee because it is a Council scheme.</p> <p>Ward: Central</p> | 85 - 92 |
| 17. | <p>DCCW2006/0725/F - 6M HIGH ARCHED STEEL SCULPTURE TO BE SITED ON EXISTING STONE PLINTH OUTSIDE ALL SAINTS CHURCH, HIGH STREET, HEREFORD, HR4 9AA</p> <p>To consider an application which has been submitted to the Committee because it is a Council scheme.</p> <p>Ward: Central</p> | 93 - 96 |
| 18. | <p>DCNE2006/0517/F - REMOVAL OF CONDITION NO 3 ON PP MH2181/90. OCCUPANCY COMPLIANCE 2, BRIGHTON VILLA, WALWYN ROAD, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6QG</p> <p>To consider an application which has been referred to the committee because it is from a Member of the Council</p> <p>Ward: Hope End</p> | 97 - 104 |
| 19. | <p>DATE OF NEXT MEETING</p> <p>To note that the next meeting is scheduled for Friday 9th June, 2006.</p> | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 3rd March, 2006 at 10.00 a.m.

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

Councillors: B.F. Ashton, P.J. Dauncey, Mrs. C.J. Davis, D.J. Fleet, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, R.M. Manning, R. Mills, Mrs. J.E. Pemberton, R. Preece, Mrs. S.J. Robertson, D.C. Taylor, P.G. Turpin and W.J. Walling

In attendance: Councillors P.J. Edwards, T.M. James and R.M. Wilson

17. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors MR Cunningham, PE Harling, Mrs RF Lincoln and RI Matthews.

18. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

Councillor Mrs PA Andrews for Councillor MR Cunningham;
Councillor R Mills for Councillor PE Harling; and
Councillor PG Turpin for Councillor Mrs RF Lincoln.

19. DECLARATIONS OF INTEREST

Councillor	Item	Interest
DJ Fleet	10 (Minute No 26) DCCW 2005/3683/F Wind turbine at new Whitecross High School & 14 (Minute No 30) Information Pillars	Personal
RM Wilson	13 DCNW2005/3550/F - Glazed roof and canopy at Place-De-Marines Kington (Minute No 29) & 14 (Minute No 30) Information Pillars	Declared an interest as a Cabinet Member
Mrs SJ Robertson	14 (Minute No 30) Information Pillars	Personal

20. MINUTES

RESOLVED: That the Minutes of the meeting held on 20th January, 2006 be approved as a correct record and signed by the Chairman.

21. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that Mr Jonathan Barrett the Head of Planning Services would shortly be leaving the Council to take up a new post and thanked him for all the help and courtesy he had shown to members during the past few years.

The Head of Planning Services provided the Committee with the following information about his department:-

BUILDING CONTROL

Building control had received 467 submissions and Building Notices in 2006. There were 82 submissions awaiting a decision, 30 of which were waiting for further information from the agent/applicant. 97.54% of submissions had a decision within the statutory time period and the Building control Action Plan had a target of 100%. The Section was 2 surveyors below establishment with interviews taking place shortly.

Conservation Section

The Section dealt with a range of activities with much of its staff time devoted to advising Development Control and Forward Planning officers. Other key tasks include maintaining the Sites and Monuments Record, operating the Historic Building Grant Scheme, Conservation Area designation and appraisal, regulatory matters in relation to trees and hedgerows, and curatorial work in relation to archaeology. The section also sought funding for a range of environmental and related community projects; environmental auditing and monitoring work, and strategic partnership activities. It indirectly contributed to a new range of Best Value Indicators and was directly responsible for BV219. This related to Conservation Areas and a report would be submitted to the next Planning Committee about it. There was also a Corporate Plan Indicator about land the Council owned or was responsible for and managed for biodiversity, which the section leads upon through the Biodiversity Partnership Office. There were a number of staff changes within the Historic Buildings Team, the Landscape Team and the Archaeology Team.

Forward Planning

The main matters being dealt with the Team were:

- UDP Inspectors report is expected to be received shortly and will enable the completion of the last stages of the UDP process – Modifications will be made during the period March 2006 – Sep 2007;
- Staff contributing to the partial review of the Regional Strategy Statement;
- First major element of the Local Development Framework - the Statement of Community Involvement is due for submission to Government. in the summer;
- Core strategy will follow.
- Several SDP documents underway including for various sites (e.g. the ones at Committee) and for planning obligations and the ESG.
- Overall the LDF timetable set out in the LDS scheme is being delivered.
- BVPI 106 on pdl = 72% 04/5 comfortably exceeding national (60%) and regional

(68%) targets.

- Vacancies – position improving – just the one vacant Senior Planning Officer post and half a senior maternity cover.

Development Control

The current BV109 position is:

	<u>Target</u>	<u>April 05 – Feb 06</u>
Majors	60%	59%
Minors	65%	72%
Others	80%	84%

There is continuing improvement in meeting targets but these are affected by the deferral of applications at the Area Sub-Committee meetings.

BV 204 – Appeals: Despite some recent reversals on appeal, overall the appeal statistics were healthy. Only 26% of appeals against refusals have been upheld in 2005/06 so far.

The DC Team currently has vacancies for the Minerals & Waste Team Leader and a trainee Planning Officer.

The DC service is progressing with e-enabling the service. Planning application forms and plans war on the Internet and the GIS project was making steady progress.

The challenge ahead is to maintain the BVPI improvements without sacrificing quality and pursuing the modernisation agenda of the government and the Council. Further development of Section 106 policies and practice was a significant element of this and was necessary to achieve key (UDP & LTP) policy objectives.

22. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 25th January, 2006 and 22nd February, 2006 be received and noted.

23. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 8th February, 2006 be received and noted.

24. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 18th January, 2006 and 15th February, 2006 be received and noted.

25. DCNC2005/3689/O - SITE FOR SMITHY & STABLES WITH FARRIERS COTTAGE AND APPRENTICE FLAT ON PART PARCEL NO 4493, HOLMER FARM, PUDLESTON, LEOMINSTER, HEREFORDSHIRE FOR: MR R PRICE, C/O HAMNISH FARM, LEOMINSTER, HEREFORDSHIRE, HR6 0QP

The Development Control Manager presented the report of the Head of Planning Services. At the previous meeting of the Committee, consideration of the application

had been deferred for a site inspection which had been carried out on 28th February, 2006. The report had been updated to include further correspondence and the Development Control Manager said that additional letters had been received but that they did not raise any further planning issues. The view of the Head of Planning Services was that the application did not constitute farm diversification and that there would be an adverse impact on an area of previously undeveloped open countryside. He was satisfied that the proposal was contrary to the policies contained within the Leominster District Local Plan and the Hereford and Worcester County Structure Plan.

In accordance with the criteria for public speaking, Mr. Price (the applicant) spoke in favour of the application.

Councillor RM Manning said that the applicant required accommodation and facilities to undertake his work as a farrier and to train an apprentice. The applicant had been using a building on his father's farm and also had to operate from his van and had found this to be increasingly difficult to do and no longer practicable. He needed proper facilities to deal with difficult horses and to locate a forge. He also needed accommodation for himself and his apprentice and the application site was in ideal situation to help the applicant to modestly expand and move forward. There was a national shortage of farriers and that Holme Lacy College was one of only four within the Country which provided courses for them. He felt that the proposal was in keeping with national planning legislation and guidance for agricultural diversification and that there was scope within the Leominster District Local Plan A2D(v), A35(3) and paragraph 5.35, and the Deposit Draft Unitary development Plan E11, E12, and H8 to support it. He also took the view that it was an established business and that the development would be in line with Government guidance on farm diversification. He noted that there were some concerns about the prominent location of the proposal but felt that there was sufficient scope within the site for the buildings to be carefully orientated with suitable landscaping to lessen their visual impact. He pointed out that permission had recently been granted for a stable block within the area which was in a much more prominent location. He said that this was an outline application and that various aspects could be agreed and conditions established prior to a full application, along with the conditions required by the officers together with an appropriate requirement that all development was tied to the business.

The Chairman expressed the view that although the application was for a worthwhile enterprise, the application site was in the wrong location and constituted accommodation and a commercial enterprise in the open countryside. It needed to be in an alternative established location. The Director of Environment emphasised that [consideration of applications needed to be made on their planning merits based on the Council's policies and that making exceptions such as this application would only serve to undermine those policies](#). Councillor Mrs Robertson commented on the growth of equine activity in the County with more bridleways being provided and an increase in horse riding holidays and commended the application. Councillor BF Ashton felt that the proposal was a commendable concept but in the wrong location and in breach of significant planning policies. The site was situated in an isolated location some distance along a narrow lane and access would prove to be difficult for horseboxes and lorries. There were other farriers in the area and the role of mobile farriers was well established in the rural community. He felt that greater effort was required on the part of the applicant to find a more suitable location. The Legal Practice Manager and the Development Control Manager said that reference had been made to another site nearby which had been granted permission under delegated powers. This was in relation to an established building but in the case of the application before the Committee the proposal was in the open countryside not part of an existing enterprise. Councillor Mrs JE Pemberton had some concerns about the amount of space allocated to the objectors compared to the supporters in

the report and the comments made about the local ward member and support from DEFRA. Several Members had concerns about the isolated nature of the site and the difficult roads that would have to be traversed by those transporting horses to the site. Councillor Mrs JA Hyde said that this was a fact of life for those living and working in rural areas.

Having given detailed consideration to all the facts relating to the application, the Committee decided that notwithstanding the advice of officers, it should be approved.

RESOLVED:

That the application be approved in consultation with the Local Ward Member subject to any conditions felt to be necessary by the Head of Planning Services, including landscaping, highways and environmental health and subject to the development being tied to the business, and that the application for approval of reserved matters be submitted to the Committee.

26. DCCW2005/3683/F - WIND TURBINE WITH 9M DIAMETER BLADES ON A 15M TOWER AT NEW WHITECROSS HIGH SCHOOL, THREE ELMS ROAD, HEREFORD, HR4 0RN FOR: STEPNELL LTD. PER STEPNELL LTD., SITE OFFICES, NEW WHITECROSS HIGH SCHOOL, THREE ELMS ROAD, HEREFORD, HR4 0RN

The Development Control Manager presented the report of the Head of Planning Services. He said that at the previous meeting of the Committee, consideration of the application had been deferred for a site inspection which had been carried out on 28th February, 2006. The report had been updated to include further correspondence and the Development Control Manager said that he had received an e-mail from an objector about the 'cherry picker' not being left on site until 3:00 pm as originally indicated. The Head of Environmental Health and Trading Standards had assessed the noise levels of the proposal through an acoustic engineer and was satisfied that they would be well below the statutory noise nuisance.

In accordance with the criteria for public speaking, Mrs. Jenkins (objector acting on behalf of Three Elms Residents association) spoke against the application and Mrs Strutt (applicant) and Mr Wakeford her agent spoke in favour.

The Committee discussed the details of the application and whilst noting the concerns of the local residents, felt that the turbine was situated as far away from dwellings as possible and partially screened from several directions either by hedgerows or the new school buildings. The turbine was relatively modest in size and there was no mechanical gearing to create noise nuisance which would disturb those in the residential areas. It would help with both with the educational provision for pupils and power generation for the school. It was felt that there were considerable merits with the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **No trees along the boundary of the school site, other than those expressly authorised by the local planning authority, shall be felled, topped or lopped without the prior approval in writing of the local planning authority.**

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

4. **The turbine tower shall be coloured dark green, the details of which shall be submitted for approval of the local planning authority prior to work commencing on site.**

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

5. **The wind turbine and associated equipment shall be kept in a good decorative order and maintained in accordance with the manufacturer's specification until removed.**

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

6. **Within six months of the wind turbine becoming redundant it shall be removed together with all associated equipment and the land restored.**

Reason: In the visual interest of the locality.

Informative:

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

27. DCSE2005/1284/F - STERRETTS CARAVAN PARK, SYMONDS YAT, HEREFORDSHIRE

The Southern Team Leader said that the Southern Area Planning Sub-Committee was mindful to approve the application and that it had been referred to the Planning Committee by the Head of Planning Services because this view was contrary to a number of the Council's Planning policies.

Councillor Mrs JA Hyde said that the Sub-Committee has expressed support for the application because it would be a modest addition to the current holiday facilities and that it would be well screened by the existing trees. Councillor Mrs CJ Davies also supported the application, feeling that it was in keeping with similar ventures nearby and that it would help with increasing tourism in the area and also benefit the local economy. The Sub-Committee had taken the view that the proposed log cabins were less intrusive than the existing static caravans and that they would enhance the Area of Outstanding Natural Beauty (AONB).

Councillor BF Ashton was concerned that the proposal comprised of creeping development within the AONB and that it would start to erode it. He was of the view that the application should not override the Council's planning policies because it could form a considerable visual detraction and set an unwelcome precedent.

The Legal Practice Manager said that the planning policies were in place to provide

consistency in decision making, that those contained within the emerging Unitary Development Plan were crucial and that the merits of the application should be measured against those policies. The Southern Team Leader said that the area in question was a buffer zone for the AONB and that if this application was approved it would be difficult to resist others.

Having considered all the aspects of the application and noted the comments made by the Officers, the Committee decided that because of the modest development involved that the application should be approved.

RESOLVED : That the application be approved subject to any appropriate conditions felt to be necessary by the Head of Planning Services.

28. DCSE2006/0052/F - CONVERSION & ALTERATIONS TO EXISTING PERIOD BARN TO B1 CATERING USE AND ONE RESIDENTIAL DWELLING, TRE-ESSEY BARN, LLANGARRON, ST WEONARDS, HEREFORDSHIRE

In accordance with the criteria for public speaking, Mr. Williams spoke in favour of his application.

The Southern Team Leader said that at its meeting on 15th February 2006 the Southern Area Planning Sub-Committee was minded to grant Planning Permission contrary to the Council's policies and Officer advice. The Head of Planning Services had referred the application to the Planning Committee because the proposal involved extensive reconstruction and conversion of buildings in the open countryside and was contrary to a number of the Council's planning policies.

Councillor Mrs JA Hyde the local Ward member felt that young people should be encouraged to stay within the area and that the redevelopment of the agricultural buildings would result in a modest family home for a young local family and would considerably enhance the visual amenity of the area. She noted the concerns of the Officers but felt that Planning Permission should be granted.

The Chairman drew attention to the fact that the barns were in a ruined state and that the proposal did not constitute rural diversification in any way. The Southern Team Leader said that the buildings were derelict and that the proposal did not constitute conversion but a major rebuild and extension. He advised that granting the application would result in a new dwelling in the open countryside and be contrary to crucial planning policies.

The Committee discussed the application thoroughly and felt that notwithstanding the views of the Officers that the application would result in an improvement to the site and that it would support local businesses.

RESOLVED : That the application be approved subject to any appropriate conditions felt to be necessary by the Head of Planning Services.

29. DCNW2005/3550/F - PROVISION OF GLAZED ROOF AND METAL COLUMNED CANOPY WITH INTERNAL LIGHTING FOR MARKET FACILITIES AND RECREATIONAL FUNCTIONS AT PLACE-DE-MARINES, OFF MILL STREET, KINGTON, HEREFORDSHIRE.

The Development Control manager said that the application had been referred to the Committee because the proposal was on Council owned land. He provided the Committee with details about the application.

Councillor TM James, the local Ward member, said that the proposal would be a great asset to the town and provide a covered area for numerous social events, festivals and market facilities and that it had the overwhelming support of the local community.

30. PUBLIC INFORMATION PILLARS

In accordance with the criteria for public speaking, Mr. Oakden spoke in favour of the applications.

The report of the Head of Planning Services was presented about twenty planning applications for free-standing information pillars to be located Hereford City. The Committee discussed the merits of each application individually and was provided with details of additional correspondence that had been received.

RESOLVED: That the applications should be dealt with as follows:

DCCE2006/0128/A-Outside Odean, Commercial Road, - REFUSED
DCCW2006/0130/A- Garrick House Car Park, Hereford - APPROVED
DCCE2006/0131/A – Wye Street Car Park, Hereford - REFUSED
DCCE2006/0133/A – Hereford Railway Station - APPROVED
DCCE2006/0135/A – Outside the Kerry, Commercial Road, Hereford - REFUSED
DCCE2006/0136/A – Outside 28 Aylestone Hill, Hereford - REFUSED
DCCE2006/0148/A – Outside Herefordshire College of Art – APPROVED
DCCE2006/0150/A – Outside Technical College, Hereford – REFUSED
DCCE2006/0151/A – Outside 5/4 St Peters Square, Hereford – REFUSED
DCCE2006/0154/A – Outside 40/42 Holme Lacy Road, Hereford – REFUSED
DCCE2006/0155/A – Mail Order Car Park exit, Hereford – REFUSED
DCCE2006/0161/A – Bus Station, Union Walk, Hereford – APPROVED
DCCE2006/0164/A – Gaol Street Car Park, Hereford – REFUSED
DCCW2006/0175/A – Exit from West Street Car Park, Hereford – APPROVED
DCCW2006/0181/A – Outside 17, King Street, Hereford – REFUSED
DCCW2006/0185/A – Outside Forbuoys, Whitecross Road, Hereford – REFUSED
DCCW2006/0188/A – Entrance to Merton Meadow Car Park, Hereford – APPROVED
DCCW2006/0192/A – Outside Oval Shops, Newton Farm, Hereford – REFUSED
DCCW2006/0194/A – Entrance to Leisure Centre, Holmer Road, Hereford – REFUSED
DCCE2006/0300/A – OUTSIDE FAT FACE, HIGH TOWN, HEREFORD – REFUSED

31. DEVELOPMENT BRIEF FOR THE EXISTING WHITECROSS HIGH SCHOOL SITE, HEREFORD

The Director of Environment said that the Development Brief had been withdrawn.

32. SHOBDON DRAFT DEVELOPMENT BRIEF

The Head of Planning Services presented the report of the Forward Planning manager about a Draft Development Brief for the land adjacent to the Birches, Shobdon and requested that it be approved for public consultation purposes. He provided the Committee with details about the development brief which the

Committee decided should be supported.

RESOLVED : That the Cabinet member, (Environment), be recommended to approve the draft development brief for consultation purposes.

The meeting ended at 12.40 p.m.

CHAIRMAN

PLANNING COMMITTEE

21ST APRIL, 2006

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meeting held on 22nd March, 2006

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 – 9
 - (b) applications minded to approve contrary to recommendation – 1 (referred to Planning Committee)
 - (c) applications minded to refuse contrary to recommendation – 1 (referred to Planning Committee)
 - (d) number of public speakers – 9 (parish council - 1, supporters - 5, objectors - 3)

PLANNING APPEALS

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

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

- **BACKGROUND PAPERS – Agenda for meeting held on 22nd March, 2006**

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

Meetings held on 8th March and 5th April, 2006

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), 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, Mrs. E.A. Taylor, W.J.S. Thomas,
Ms A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams
(Ex-officio) and R.M. Wilson.**

PLANNING APPLICATIONS

1. The Sub-Committee has met on two occasions and has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 11
 - (b) applications minded to refuse (not referred to Planning Committee) – 1
 - (c) applications minded to approve (no referred to Planning Committee) - 1
 - (d) applications deferred for site inspection - 3
 - (e) number of public speakers – 10 (objectors - 2, supporters - 8)

PLANNING APPEALS

2. The Sub-Committee received information reports about 3 appeals that had been received and 6 appeals that had been determined (3 upheld and 3 dismissed).

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

- **BACKGROUND PAPERS – Agenda for the meetings held on 8th March and 5th April, 2006**

PLANNING COMMITTEE

21ST APRIL, 2006

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

Meeting held on 15th March, 2006

Membership:

Councillors: 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 dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 4
 - (b) applications approved contrary to recommendation – 3 (1 referred to the Head of Planning Services)
 - (c) number of public speakers – 8 (2 Supporters, 3 Objectors)

PLANNING APPEALS

2. The Sub-Committee received information reports about 7 appeals received and 3 determined (3 dismissed).

**P.G. Turpin
VICE-CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 15th March, 2006.**

PROGRAMME FOR THE REVIEW OF CONSERVATION AREAS

Report By: Head of Planning Services

Wards Affected

County-wide

Purpose

1. To advise the Cabinet Member for the Environment of a revised 2-year programme for the review of conservation areas to include the preparation of character appraisals and management proposals.

Financial Implications

2. The extra funds required to undertake the proposed two-year programme are to be met from Planning Delivery Grant (see also paragraph 18).

Background

3. Planning Committee received a report on an initial programme for the carrying out of Conservation Area reviews at its meeting on 1st October 2004. This suggested a programme comprising 4 reviews in each of the calendar years 2005 and 2006. It was advised, however, that progress depended upon the availability of staff resources. In the event the Building Conservation team was a member of staff short during 2005 through a combination of circumstances and no progress towards the target was possible as staff time was necessarily concentrated on supporting the development control process during a period of considerable pressure.
4. Towards the end of 2005, the Office of the Deputy Prime Minister (ODPM) published a set of new Best Value Indicators, one of which related to Conservation Areas. This indicator, BV 219, covers the following:

BV219a – Total number of conservation areas within local authority area.

BV219b – Percentage of conservation areas with up-to-date character appraisals.

BV219c – Percentage of conservation areas with published management proposals.

Government intends that local targets should be set for these. Furthermore guidance on the indicator advises that assistance should be sought on archaeological and historic landscape matters related to conservation areas and that Planning Delivery Grant (PDG) be used to fund additional staff resources to help with this work

BV219a – Total Number of Conservation Areas

5. Presently there are 64 conservation areas within the County. At this stage it is proposed that the Council should maintain its policy that no new conservation areas

Further information on the subject of this report is available from Bill Bloxsome on 01432 261783

be designated for the time being while efforts are concentrated on carrying out reviews and appraisals for existing areas. As a consequence there would be no target for the designation of further conservation areas.

BV219b – Percentage of conservation areas with an up-to-date character appraisal

6. An up-to-date character appraisal is defined as one prepared or reviewed within the past 5 years. The character appraisal for Colwall conservation area is the only one that falls within that definition (equivalent to 1.6% of all conservation areas). Even this may have to be reviewed to meet new English Heritage advice upon what such appraisals should comprise. However this is not thought to be a major task and is expected to involve minimal additions.
7. Conservation area appraisals should be undertaken to assess whether existing areas might be retained, enlarged or reduced in area, as well as to provide the basis for determining policies and proposals for their conservation and enhancement. Some initial pilot work has been undertaken in order to estimate what is realistic in terms of timescale for undertaking a range of appraisals. It must be realised, however, that conservation areas vary in size and the extent of their respective attributes.
8. When the matter was considered previously an assessment was prepared indicating the priority that might be given for the review of each conservation area (see Appendix 1). This assessment remains valid and it is advised that the Council should set an objective to review priority categories 1 and 2 over the next two years. This would cover 16 conservation areas. Appendix 2 lists the targets for completion of character appraisals proposed by your officers for 2006 and 2007.
9. The targets for completion of character appraisals for Central Hereford and Leominster conservation areas can only be indicative at present for reasons explained in paragraph 12.

BV219c – Percentage of Conservation areas with published management proposals

10. Currently the Council has no conservation areas for which management proposals have been published in accordance with best practice guidance issued by English Heritage. Furthermore it has not been possible to gauge timescales required to produce such management proposals as these are expected to flow from the appraisals and again may vary from area to area. Their preparation is likely to involve discussions with a range of divisions within the Council and also outside organisations. As a consequence it may be more effective to approach these discussions for groups of conservation areas rather than separately in every individual instance.
11. There is a requirement upon the Council to consult the public on management proposals through public meetings. This will add to the timescale for completion of their preparation. With an early emphasis being placed upon the preparation of character appraisals it is unlikely that the preparation of any management proposals will reach a conclusion within 2006. These will begin to come forward in earnest during 2007. Furthermore management proposals will be more complex within the urban areas so it is expected that they will take longer to prepare. However, Appendix 2 includes indicative targets for publication of management plans.

12. Reference has already been made to the tentative nature of the target for completing the conservation area character appraisals of Central Hereford and Leominster. Furthermore it will be noted that no target has been set for the publication of management proposals for these in Appendix 2. Archaeological data will inform the appraisals and management plans for all the market towns. It is possible to timetable the collation of archaeological data in relation to Ross and Kington early within the work programme of the officer who will undertake this task. However the officer's main task is to prepare Hereford Urban Archaeological Database (UAD). This is anticipated to take around 18 months. The UAD work is part funded by English Heritage with whom targets that work have been agreed. Although the archaeological database for Leominster will not be so complex, its production will need to fit into the timescale for the preparation of Hereford UAD.

Public Consultation

13. Reference has already been made to the requirement to hold public meetings upon management proposals. Even greater emphasis is now placed upon consulting local communities and interested bodies and organisations. PPG 15 – 'Planning and the Historic Environment' indicates that although there is no statutory requirement to consult the public, it is highly desirable in order to achieve the greatest public support. Advice on BV219 states that community involvement with designation and management of conservation areas represents best practice and should be consistent with the Authority's Statement of Community Involvement. This is confirmed in advice from English Heritage, which indicates that the appraisal document should include a report upon how community involvement and public consultation has been undertaken.
14. It is proposed that the consultation process that should be followed for conservation area appraisals and management proposals is that set out in the Statement of Community Involvement for Supplementary Planning Guidance (SPD). There is no requirement for an independent examination for such documents.
15. There is a three-stage consultation process for SPDs:
- i) Preparation of draft proposals
 - ii) Consultaion on draft proposals
 - iii) Report on consultation, amend as necessary and adopt
16. However, there are two distinct tasks in terms of the work to be undertaken for each conservation area (i.e. first to prepare the character appraisal then prepare management proposals). It is proposed that the three-stage consultation process be undertaken for each of the two tasks. For example, it will be necessary to utilise the character appraisal to determine whether any changes to the particular conservation area boundary are made. Only when this is decided will it be possible to determine the extent to which managemenmt proposals are necessary.
17. Furthermore, there is a statutory requirement to hold a Public Meeting upon any management proposals advanced for a conservation area and therefore the type of consultation arrangements followed within the two tasks may be different. There are also specific requirements in relation to the advertisement of conservation area designation and boundary changes that must be followed.

Resources

18. This report has already referred to the availability of staff resources to undertake the programme of reviews proving to be a problem in the past. Recruitment authorisation was recently granted to appoint a Project Officer (temporary for 2 years) to assist with character appraisals and management proposals to meet BV219. This is to be funded partly from Planning Delivery Grant and partly by savings elsewhere. Historic landscape and archaeological analysis in relation to the market town appraisals is also to be funded through the same means utilising a temporary member of staff within the archaeology team. A restructuring within the Building Conservation team should also assist through making more time available for this work. However the loss of two experienced members of staff through retirement will have an impact upon any programme but it is felt that the targets set within Appendix 2 are realistic and have taken this factor into account.

RECOMMENDATION

THAT Cabinet Member for the Environment is recommended to adopt the programme for the preparation of conservation area character appraisals and management proposals set out in Appendix 2.

BACKGROUND PAPERS

- Planning Policy Guidance Note 15 – Planning and the Historic Environment
- Report to Planning Committee dated 1st October 2004 and titled 'Review of Conservation Areas within Herefordshire.'
- Best Value Performance Indicators 2005/6 – ODPM, April 2005
- Guidance on Conservation Area Appraisals - English Heritage et al
- Guidance on the management of Conservation Areas – English Heritage et al

CONSERVATION AREA	DATE OF DESIGN	BOUNDARY + OTHER ISSUES	APPRAISAL PRODUCED	PRIORITY	TYPE	COMMENT
Huntingdon (Hereford)	1975	N	Brief	4	Rural Hamlet	
Kingsland	1975	Y(L)	N	3	LV+C	Some new housing
Kington	1969	Y(S)	N	1	Urban Centre	Boundary issues
Ledbury	(R)1995	Y(L)	N	4	Urban Centre	Minor boundary issues
Leintwardine	2000	N	Draft Brief	6	LV+AM	
Leominster Town	1969	Y(S)	N	1	Urban Centre	Major development
Leominster Bargates	1995	Y(L)	Draft Brief	5	Suburb – V/P	Some new development
Leominster Bridge Street	1993	Y(L)	N	4	Suburb – V/P	Some new development
Leo'ster River Meadows	1995	Y(M)	Draft Brief	4	Suburb – V/P	New development
Lingen	1995	Y(L)	Draft Brief	5	LV +AM	Some new housing
Linton	1978	Y(L)	N	3	Rural Hamlet	Some new housing
Llanwarne	1978	Y(L)	N	3	CRV	Some new housing
Lucton	2000	N	Draft Brief	6	LV+ AM	
Lugg Bridge (Stapleton)	2000	N	Draft Brief	6	Suburb – V/P	
Lugwardine	1988	N	N	4	LV+ AM	
Luston	1990	Y(L)	N	5	Linear Village	Minor boundary issues
Malvern Wells (part)	(R)1995	N	N	5	Suburb – V/P	Very small. Main area in MHDC
Mordiford	1976	Y(M)	N	2	Rural Hamlet	New housing
Much Marcle	1976	Y(M)	N	2	LV+ AM	New housing
Ocle Pychard	1993	N	Brief	6	Rural Hamlet	
Orleton	1976	Y(M)	N	2	Linear Village	New housing

CONSERVATION AREA	DATE OF DESIGN	BOUNDARY + OTHER ISSUES	APPRAISAL PRODUCED	PRIORITY	TYPE	COMMENTS
Pembridge	1974	Y(L)	N	2	LV+C	New development
Peterstow	1976	Y(L)	N	3	CRV	New development
Putley	1993	N	Brief	6	Rural Hamlet	
Ross on Wye	(R) 1976	Y(S)	N	1	Urban Centre	Major developments
Staunton on Wye	1995	N	Draft Brief	6	Rural Hamlet	
Stoke Lacy	1993	N	Brief	6	Linear Village	
Stretton Grandison	1993	N	Brief	6	Rural Hamlet	
Sutton	1978	Y(S)	N	2	Linear Village	Large amount of new housing
Tedstone Delamere	1993	N	Brief	6	Rural Hamlet	
Thornbury	1993	N	Brief	6	Rural Hamlet	
Ullingswick	1993	N	Brief	6	Rural Hamlet	
Wellington	1978	Y(L)	N	3	Linear Village	New Housing
Weobley	1977	Y(S)	N	1	LV+C	New housing/countryside
Whitbourne	1994	N	Brief	6	LV+ AM	
Widemarsh Com. Hereford	1975	Y(L)	Brief	3	Suburb – V/P	Some loss of character
Wigmore	1995	N	Draft Brief	6	LV+ AM	
Withington	1978	Y(L)	N	3	CRV	Some new development
Woolhope	1978	Y(L)	N	3	Linear Village	Some new development
Yarpole	1984	Y(L)	N	3	CRV	Some new development

APPENDIX 2: Targets for Character Appraisals and Management Proposals

Period	Character Appraisal Completed	Management Proposals Published
2006 - Q1	Preparation	
Q2	Hampton Park; Weobley; Almeley	
Q3	Ross on Wye; Aylestone Hill; Mordiford	
Q4	Dilwyn; Sutton, Orleton	Colwall, Weobley; Almeley
2007 – Q1	Cradley; Bosbury; Much Marcle	Hampton Park; Aylestone Hill; Mordiford
Q2	Pembridge, Kington	Dilwyn; Sutton, Orleton
Q3		Ross on Wye; Cradley; Bosbury; Much Marcle
Q4	Leominster; Central Hereford	Orleton; Pembridge
To be determined		Leominster; Central Hereford

APPENDIX 3: EXPLANATION OF CATEGORIES OF CONSERVATION AREAS

Urban Centres – The town and city centres in Herefordshire. This covers the Medieval, Georgian and Victorian core of these major settlements. In a number of instances they form the central core of a larger conservation area where the boundaries include a range of different character areas which have not been separately defined.

Suburban villas/planting – Planned suburbs which usual date from the Victorian and Edwardian eras. These are important due to their plot size, relatively standard design type, boundaries and planting which may include important tree specimens.

Linear Village with Ancient Monument – The Village is an early settlement site and has grown up along a road next to a Castle or Bishops Palace. However, after their loss of status they have not expanded much until the late 20th century if at all.

Large Village with Castle – These are Medieval villages that have continued to expand from the medieval period throughout the 16th-19th centuries as well as the 20th century. As such they are much larger than Linear Village with Ancient Monument group, although they share the feature of having been initially established around a castle or other important building.

Linear Village – The Village has grown up along a road. As such it is lengthy but not usually more than a 2 plots wide. The original orientation was probably church-manor/farm. However in some villages that has altered and the village has realigned itself along the main through road creating concentrations of plots.

Cross Roads Village – The village has grown up around a cross roads and so is relatively compact and tend to be spherical in geographical area. They are therefore the opposite of the linear village model.

Rural Hamlet – Small number of buildings either grouped or spread out at time of designation. These are found in the countryside surrounded by fields.

STATEMENT OF COMMUNITY INVOLVEMENT

Report By: Forward Planning Manager

1. Wards Affected

Countywide

2. Purpose

- 2.1 To inform members of the progress being made on preparation of the Council's Statement of Community Involvement (SCI) and to receive and agree the final draft for submission to the Secretary of State and for consultation purposes. This document is required as part of the new planning system and will set out how the Council will consult on planning matters.

3. Background

- 3.1 Reports were presented to Planning Committee on the 30th September 2005 and the 20th January 2006 which provided information on the new planning system and the need to prepare a Statement of Community Involvement (SCI). The purpose of the SCI is to:

- Identify who will be consulted on particular types of documents and applications and when they will be actively involved in plan making and in reaching decisions on planning applications;
- Set out transparent, accessible and meaningful approaches to community involvement in plan preparation and decision making on planning applications;
- Encourage early involvement in decision making between the community, interest groups and stakeholders. This can help to resolve any initial conflicts and can generate a sense of ownership early in the process and on agreed outcomes.
- Recognise and understand the different needs of all sections of the community and stakeholder interests and establish the most effective means of enabling all sections of the community to make their views known and help shape planning decisions in their areas;
- Explain how the results of the consultations will be fed into preparation of local development documents and how those involved will be kept informed;
- Set out standards for the Council to achieve and explain how the process will be resourced and managed and how the new planning process will be co-ordinated with other community involvement and consultation initiatives undertaken by the Council.
- To ensure that the Council complies with the adopted Statement of Community Involvement when preparing its Local Development Documents and this compliance must be kept under review and revised where necessary.

3.2 The process by which an SCI is prepared is laid down by Government in the Town and Country Planning (Local Development)(England) Regulations 2004. The following provides a summary of some of the key regulations:

- Reg 25 – Initial consultation
- Reg 26 – Draft SCI for public consultation
- Reg 27 – Consider and amend SCI as appropriate
- Reg 28 – Submit SCI to Secretary of State
- Reg 34 – Possible public examination*
- Reg 35 – Binding Inspectors report*
- Reg 35 – Publish inspectors report *
- Reg 36 Adopt the SCI with any revisions

*It is hoped that a public examination into the soundness of the SCI will not be necessary. However if there are objections that cannot be met by the Council then these will be dealt with by an independent Inspector. The Inspectors report will be binding on the authority.

4 Timetable for production

4.1 The Local Development Scheme (LDS) which forms a three year work plan for the Forward Planning policy section is required as part of the new planning system. The LDS has established that the SCI needs to be submitted to the Secretary of State by July 2006. The timetable below indicates the various stages that need to be undertaken to achieve this end date.

AUGUST – SEPTEMBER 05	<ul style="list-style-type: none"> • Compilation of SCI database • Letter informing of ‘informal pre-submission consultation as required by Reg. 25’ • Preparation of leaflet / questionnaire (i.e. pre-submission consultation) and list of consultees with covering letter • New/updated text on the website
OCTOBER – NOVEMBER 05	<ul style="list-style-type: none"> • Pre-submission consultation (6 weeks) [Reg. 25 (2)]
DECEMBER 05 – JANUARY 06	<ul style="list-style-type: none"> • Consideration of responses • Prepare draft SCI
FEBRUARY 06	<ul style="list-style-type: none"> • Publish draft SCI (i.e. formal pre-submission participation) [Reg. 26] • 6 weeks statutory consultation period
MARCH – JUNE 06	<ul style="list-style-type: none"> • Consideration of responses • Responses made available to public i.e. web

JUNE – JULY 06	<ul style="list-style-type: none"> • Submission to Secretary of State [Reg. 28] • Public deposit / public consultation
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5 Consultation – Regulation 25 and Regulation 26

- 5.1.1 In line with Regulation 25 and as approved at Planning Committee on the 30th September an initial information gathering consultation was undertaken between 17th October 2005 to 30th November 2005. A variety of consultation methods were used to gain information on how successfully the Council has consulted people on planning matters in the past and how it could make improvements.
- 5.1.2 The information received from this consultation was used to prepare a pre submission draft of the SCI which was presented and approved by Planning Committee on the 20th January 2006. In line with regulation 26 this draft of the SCI has been the subject of a six week consultation lasting from 30th January – 17th March 2006.
- 5.1.3 The attached consultation report at appendix 2 provides a detailed account of the consultation process. In summary a variety of consultation methods have been used to encourage feedback on the pre - submission draft of the SCI. These include a questionnaire seeking further information on different elements of the SCI document, an informative workshop event, discussions with those representing groups at risk of exclusion and a meeting with Parish Councils which was organised through the Herefordshire Association of Local Councils network. In addition a public notice was placed in local newspapers, encouraging feedback on the SCI which was available for viewing and comment on the web and hard copies were available in the planning offices, info points and libraries across the County.
- 5.1.4 Whilst the consultation report provides a detailed analysis of the feedback gained from the consultation process, the following provides a summary of some of the main issues raised:
- 68% of respondent's were satisfied that the document was either fairly or very clear in its general approach on preparation of planning policy documents
 - 74% of respondent's were satisfied that the document was either fairly or very clear in its general approach to dealing with communication on planning applications
 - 81% of respondent's were satisfied with the consultation methods contained in the SCI
 - 78% of respondent's were satisfied with information included in Chapter 10 of the SCI which lays out the consultation standards to be applied in preparing LDF documents.
 - 81% of respondent's feel that community consultation at the pre-application stage would be beneficial.
 - Further contact details have been provided for the hard to reach groups
 - Greater use of simplified language, summary leaflets and the press is requested

- Support for Herefordshire Matters and for Planning Surgeries which are now included within the SCI as a method of communicating on planning matters.
- Request that consultations should be undertaken openly before decisions are taken
- All consultation documents be available free of charge – whilst documents are placed on web-site, a reasonable printing cost to some is justified.
- Concern over neighbour notification not being comprehensive enough – this has to be assessed on an individual basis.
- Request to extend timescales for responses to consultations – timescales are normally restricted by legislation.
- Need for good feedback on planning decisions – whilst decisions are placed on web-site, the release of further summaries are being considered.
- Concern over the complexity of the process – the process is mainly determined by regulations.
- Use of Town/ Parish/ village notice boards/facilities to display information – to be discussed with Parish Councils.

5.1.5 In line with regulation 27, the information received through the consultation period has been considered and where appropriate the SCI has been amended. The amended report known as the SCI submission draft is attached as appendix 1 of this report. Tracked changes have been used so it is easily identifiable where changes have been made. Each comment received has been given due consideration and has been responded to. This information can be found in the attached consultation report.

7 Next stage

7.1 In line with Regulation 28 this submission draft of the SCI is subject to further consultation and this is proposed to take place between 12th June to 21st July 2006 for a six week period. This final consultation is different from the previous two exercises which were about gathering information to improve the document. This time the consultation is about gaining support or otherwise to a document that is being submitted to the Secretary of State for consideration. If there are objections into the soundness of the document that cannot be met by the Council then these will be dealt with by an independent Inspector. The Inspectors report will be binding on the authority.

7.2 An appendix of the SCI lists all those organisations on the LDF database that the Council will consult where appropriate. In addition and during this time a response form will be made available to the wider public. This final consultation will be advertised by public notice and press release.

RECOMMENDATION THAT

it be recommended to the Cabinet Member (Environment) that the final draft SCI setting out how the Council will consult on planning matters is submitted to the Secretary of State and published for consultation purposes in line with the Town and Country Planning (Local Development)(England) Regulations 2004.

Background papers

SCI Pre-Submission Draft (January 2006)

The Planning and Compulsory Purchase Act 2004

Town and Country Planning (Local Development)(England) Regulations 2004.

Planning Policy Statement 12

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

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

Date Received:
31st January 2006

Ward: Kington Town

Grid Ref:
29744, 56799

BVPI TARGET:
2nd May 2006

Local Member: Councillor T James

INTRODUCTION

The application was reported to the Northern Area Planning Sub-Committee with a recommendation for approval. The Sub-Committee resolved to refuse permission on the grounds that the density of development is too high and that the development would result in highway safety problems on the surrounding highway network due to the large number of proposed dwellings. The Sub-Committee considered the provisions for some on-site and some off-site open space to be less than satisfactory and found the design of the layout to be too cramped.

Notwithstanding the concerns of the Northern Area Planning Sub-Committee the density of development accords with current policy in particular Unitary Development Plan Policy H15 which requires a minimum density of 50 dwelling per hectare in and adjacent to town centres in the Market Towns. Furthermore the residential development of this site would secure important policy gains for housing, affordable housing, off-site and on-site open space, and local education facilities. Consequently a refusal of permission on these grounds would be contrary to established and emerging Herefordshire Council policies, including policies of strategic significance.

With regard to the highways concerns of the Northern Area Planning Sub-Committee the developer has submitted a Transport Assessment (since the previous refusal of permission) to demonstrate that there are no likely adverse effects on highway safety or congestion. Furthermore, the level of car parking provision within the scheme accords with National and Herefordshire Council's own policies. The Transportation Manager agrees with the conclusions of the Transport Assessment and recommends approval. In these circumstances there is no realistic chance of defending a highways reason for refusal on appeal.

For the above reasons the application is referred to this Planning Committee for determination.

1. Site Description and Proposal

- 1.1 The application site comprises a site of approximately 1.08ha located towards the north of the centre of Kington. The site has been disused for some time except for one of the bungalows that remains in occupation on the site. The remainder of the site had been used in part as a former nursery / horticultural use with some of the site given over to residential and garaging. Vehicular access to the site is currently gained via Oxford Lane and leads through the garaging which is sited in the South East corner of the site.
- 1.2 The site is bounded to all sides by mature hedgerows allowing glimpses of the site from the periphery. The southern boundary runs along prospect walk, which has a partial stone walled boundary and partially concrete block work.
- 1.3 The site lies within a primarily residential area as defined in the Leominster District Local Plan. It lies outside of the Kington Conservation Area, although the boundary of this runs along the southern periphery of the site.
- 1.4 This revised proposal is for the residential development of 54 dwellings on site to include:
 - 8 no. one bedroom flats within a two-storey block
 - 8 no. four bed units (three storey)
 - 14 no. three bed units (three storey)
 - 8 no. three bed units (two storey)
 - 11 no. two bed units (two storey)
 - 5 no two bed units (single storey over garage or access)
- 1.5 Included within the 54 dwellings are 16 affordable housing units, comprising
 - 8 for rent to be:
 - 3 no. 4 bed houses (2 x 4 bed, 6 person and 1 x 4 bed, 7 person)
 - 1 no. 2 bed houses (1 x 2 bed, 4 person)
 - 4 no. 1 bed flats (4 x 1 bed, 2 person)
 - 8 for shared ownership
 - 4 no 2 bed houses (4 x 2 bed, 4 person unit)
 - 4 no 1 bed flats(4 x 1 bed, 2 person units)
- 1.6 Access to the site would be revised with the existing vehicular access from Duke Street, along Oxford Lane being restricted to pedestrian access only to this site. Access would therefore be gained via a revised / new access from Greenfield Drive (Llewelin Road). This would involve re-aligning the cul-de-sac that lies to the east of the site and the creation of a 5m wide access road enters the site through the existing eastern boundary. Pedestrian access to the site can be gained via the existing public rights of way, with pedestrian / cycle access being incorporated into the scheme along the southern boundary onto Prospect Lane.
- 1.7 The proposal retains the majority of the existing trees and planting along the boundaries, including a small copse of trees to the east of the site. The only loss of boundary landscaping would be to allow for the access to the site. An area of public open space has been set-aside and is central to the site.

- 1.8 The local planning authority has also recently received a design statement and transport assessment copies of which have been sent to the town council and Transportation Manager. Members may recall that a committee site visit to this site took place on the 18th October 2005.

2. Policies

2.1 Regional Spatial Strategy

- Policy RR3 – Market Towns
- Policy CF4 – The Re-use of Land and Buildings for Housing
- Policy CF5 – Delivering Affordable Housing and Mixed Communities

2.2 Leominster District Local Plan

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

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy S2 – Development Requirements
- Policy S3 – Housing
- Policy DR1 – Design
- Policy DR4 – Environment
- Policy DR5 – Planning Obligations
- Policy DR9 – Air Quality
- Policy DR10 – Contaminated Land
- Policy H2 – Hereford and the Market Towns: Housing Land Allocations
- Policy H9 – Affordable Housing
- Policy H13 – Sustainable Residential Design
- Policy H15 - Density
- Policy H16 – Car Parking
- Policy H19 – Open Space Requirements
- Policy T7 – Cycling
- Policy HBA4 – Setting of Listed Buildings
- Policy ARCH1 – Archaeological Assessment and Field Evaluations
- Policy ARCH6 – Recording of Archaeological Remains
- Policy RST3 – Standards for Outdoor Playing and Public Open Space
- CF2 – Foul Drainage

CF5 – New Community Facilities

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

2.5 Supplementary Planning Guidance

Provision of Affordable Housing. November 2004

3. Planning History

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

1. The density of the proposed development is considered to represent an overdevelopment of the site that would be out of character with the general density of the surrounding area. As such the proposal conflicts with policies A1, A23 and A24 of the Leominster District Local Plan and Policy H13 of the Herefordshire Unitary Development Plan (deposit draft).

2. The proposed development, by virtue of the density of development would put unnecessary strain on the existing highway network to the detriment of highway safety for highway users and pedestrians in conflict with Policy A70 of the Leominster District Local Plan.

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

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

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

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

The highways officers also notes the reason for refusal on the previous application included highway issues and notes that a Transport Assessment (TA) has now been submitted and demonstrates that the development would not "strain the highway network to the detriment of highway safety".

- Inclusion of Conditions H17, H18, H19, H21, H26 (Greenfield Drive), H27, H29 and Informatives: HN1, HN4, HN5, HN7, HN8, HN9, HN10, HN16, HN17, HN22
- Section 278 Agreement required for alteration to existing road "Greenfield".

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

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

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

4.4 The Conservation Manager makes the following observations:

Conservation Officer:

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

Ecologist:

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

season and in appropriate weather conditions prior to development operations taking place.Landscape Officer:

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

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

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

Archaeologist:

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

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

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

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

I understand that the site presently has various uses, including residential, a former nursery and garaging areas. Due to the fact that parts of the site are changing to a more sensitive use, residential with gardens, I would recommend that a desk-study, site walk over and preliminary risk assessment be undertaken. This requirement is in line with Planning Policy Statement 23. Should any concerns be raised at the desk-study stage then a contaminated land investigation should be undertaken.

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

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

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

The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a

temporary closure order should be applied for, preferably 6 weeks in advance of work starting.

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

4.7 The Strategic Housing Officer makes the following comments:

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

4.8 Education make the following comments:

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

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

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

4.10 The Parks & Countryside Officer comments:

"The new development needs to have as much open space as possible and it would be appropriate to provide an equipped play space in or near the development, however, if the developer were willing to provide a £25,000 contribution and upgrade the short length of footpath linking this site to the public open space known as Crooked Well Meadow we could provide a play area that would meet the needs of this development whilst also benefiting the community at large. There is an active play ground committee in the community, who, with some help, should be able to double the money through grants, which would allow us/them to provide an excellent facility for all."

5. Representations

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

- The number of dwellings in the application exceeds the guideline for new stite density (UDP H15), 54. The average density of brownfield sites is 25 to the hectare.
- Barons Cross development is only 35 per hectare.
- Housing Corporation Standards (2003) recommends that location, site layout and building orientation should provide a convenient and attractive environment, visual and acoustic privacy. This scheme would not.

- Letting units in one area would potentially create a ghetto and all problems this entails.
- There is a surplus of 1 bed flats in Kington so is questionable as to whether this type of accommodation is the most suitable.
- Road is narrow with residents parking on the road. There are blind corners on the surrounding roads. A traffic survey should be undertaken. The developer should provide sums for the provision of road improvements such as pedestrian crossings and traffic calming measures.
- Removal of the Horse Chestnut tree to allow development of the site is strongly objected too. Other trees are too close to buildings and will suffer.
- Maintenance of open areas, landscaping and trees not detailed in application.
- Infrastructure in town cannot support potential numbers of residents (school places, dental, medical).
- Provision of water and sewerage facilities to site causes concern.
- Ecology survey undertaken in poor weather and further details needed as specified in their report.

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

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

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

- Traffic to and from the site will cause increasing problems in the surrounding areas. The single access to the site would suggest overcrowding

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

5.4 The Ramblers Association make the following comments:

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

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

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

6. Officers Appraisal

6.1 The issues for consideration in the appraisal of this application are:

- a) Principle of residential Development
- b) Highways and Access
- c) Parking
- d) Density
- e) Conservation, Design and Layout
- f) Affordable Housing
- g) Landscaping
- h) Play Space
- i) Ecology
- j) Archaeology
- k) Drainage
- l) Section 106 Agreement

Principle of Residential Development

6.2 The application site lies within an area designated in the Leominster District Local Plan as being a Primarily Residential Area. Policy A52 (Primarily Residential Areas) states that residential development will be permitted within these areas on small vacant or undeveloped sites not specifically identified for housing where proposal comply with the criteria of policy A1. The site is also considered to be previously developed land, the use

of which concurs with guidance contained within PPG3 – Housing. These designations are not altered by the emerging Unitary Development Plan. As such the principle of the residential development of this site is accepted. Furthermore the Regional Spatial Strategy, which is part of the statutory development plan, sets out the key role for Market Towns like Kington in Policy RR3. The policy states:

“Market Towns have a key role in helping to regenerate rural areas as a focus for sustainable economic and housing development and by providing services and other facilities to their rural hinterlands. In fulfilling these roles it is important that the distinctiveness and character of each town is maintained and where possible enhanced”.

The policy goes on to explain how Market Towns have an important role beyond just housing provision in that development within them should also help to re-generate services and facilities with which the Market Towns can serve their rural hinterlands. The development of this largely unused previously developed land accords with this strategic policy and will assist positively in delivering its objectives.

Highways and Access

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

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

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

- 6.6 Following the previous refusal the applicants have undertaken a Transport Assessment and submitted the resultant report as part of the current application. The Transport Assessment explains why the development would not give rise to traffic safety or congestion difficulties and accords with current national and local policies. The Transportation Manager agrees with its conclusions and supports the planning application subject to the conditions in the recommendation below and the applicant entering into a Section 106 Agreement as explained in paragraph 6.4 above. In these circumstances there is no realistic prospect of sustaining a highways reason for refusal in the event of an appeal.

Parking

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

Density

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

- 6.10 Policy H15 of the UDP reads :

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

This site has clear and good links with Kington Town and the proposed density of housing is not considered unreasonable or an overdevelopment of the site. As such it complies with the national guidance which is reinforced in the UDP policy. Indeed, if the diversity were reduced significantly from its current level of 50 dwellings per hectare then the development would conflict with Herefordshire Council’s own policies for the efficient use of development land.

Conservation, Design and Layout

- 6.11 The site is immediately adjacent to the boundary of the Kington Conservation Area, which is defined by Prospect Lane and its high rubble stonewall. The historic network of lanes with its varied palette of materials establishes the general grain of development, render, stone, slate and timber framing relate to the more historic areas, whilst the more modern developments are generally defined by their use of red brick. The historic layout of the Conservation Area is difficult to mirror but the more linear form of the dwellings to the south of the site does help to replicate and form a transition between the historic form and newer developments around the site. The use of materials, with a mix of render, stone and brick with slate or tile roofs would provide interest and compliment the surroundings.
- 6.12 The layout has addressed some of the fundamental design ideals contained by placing the parking provision to the rear of the dwellings, creating an attractive street scene and places the needs of people before ease of traffic movement in its design. The use of a central area of open space, fronted by dwellings is also accepted as beneficial. New pedestrian/cycle links have been included onto Prospect Lane to the South giving access to the town and surrounding residential area and promoting a sustainable development.
- 6.13 The design of the dwellings is a mix of two and three storey dwellings / townhouses designed to provide maximum accomodation on the site. The dwellings themselves, by virtue of their orientation, road network and mature landscaping would be prevented from being overbearing or overdominant in their surrounds. Because the site has been free of built up development the residents of the neighbouring properties may perceive that the dwellings would cause a loss of privacy but the orientation, design and siting of these dwellings should prevent this from occurring.
- 6.14 Members of the Northern Area Sub-Committee expressed strong reservations over the design and layout which apart from (in their view) being compromised by the high density was not suitable for this site in Kington. As explained in paragraph 6.2 above the Regional Spatial Strategy acknowledges, in policy RR3, that “the distinctiveness of each town is maintained and where possible enhanced”. This requirement to recognise and work with the vernacular style(s) of architecture is cascaded down through the local plan and the Unitary Development Plan. However, whilst the main shopping street in Kington does have its own distinctive character, this site is not visible from it and does not directly impact upon it. The surrounding sites to the west, north and east of this site (including Morgans Orchard) do not assist in creating a particular local Kington style of either materials or designs. Consequently, it is very difficult to create a design case which would be defensible on appeal that this development in some way damages the distinctiveness of Kington.

Affordable Housing

- 6.15 PPG3 – Housing advises that a community's need for a mix of housing types, including affordable housing, is a material planning consideration. The Kington Housing Needs Survey 2004 identified a need for affordable housing in Kington, in particular it identifies the need for one bed, two bed and four bed (plus) dwellings. There is an overprovision of three bed affordable houses in Kington.
- 6.16 The Councils SPG on Affordable Housing alongside policy H9 of the Unitary Development plan have an indicative target of 35% of the development to be given over to affordable dwellings. The proposal includes 16 affordable units, which

provides a total of 31% of the overall development. This revised application submission has taken on board these requirements and has provided the mix of housing requested, including the three 4-bed dwellings and eight 1- bed flats which are not usually found on development sites as affordable dwellings due to construction costs.

- 6.17 The Strategic Housing Manager has requested a further 2 dwellings to bring this to a target of 35%, however, it is considered that the developer has met the requests of the officers in its provision of the one and four bedroom dwellings on the site. It would be deemed unreasonable to refuse planning permission on these grounds alone. The provision of affordable housing, including the mix and tenure of the dwellings would be secured through a Section 106 agreement.
- 6.18 The overall context for Affordable Housing must also be influenced by the Herefordshire Housing Needs Assessment 2005 (published in August 2005) which underlines the acute shortage of Affordable Houses in Herefordshire. Furthermore, the Annual Monitoring Report (AMR) (which was published in December 2005 and is a statutory part of the new Local Development Framework), states that: "The provision of affordable housing in urban and rural areas of the County is an issue of concern which will need to be subject to continual monitoring." The AMR points out that at the current rate of 91 completions (of affordable housing) per year the County's need for affordable housing will not be met by 2011. Indeed, the Herefordshire Housing Needs Assessment aspires to over 3,000 such dwellings by 2009 alone. Looking at the current planning application on this site the potential delivery of 16 affordable houses is small but non-the-less critical as a contribution to the County's substantial and un-met need for affordable houses.

Landscaping

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

Play Space

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

Ecology

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

Archaeology

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

Drainage

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

Section 106 Agreement

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

Conclusions

- 6.25 The proposed residential development, inclusive of the affordable housing, is acceptable in principle and accords with the local plan policies. The net density of the development at 50 dwellings per hectare conforms with national guidelines and UDP policies. The concerns relating to the intensified use of the road network can be overcome through mitigation provided through the financial contribution. Existing landscaping will be protected and further planting provided to enhance the site and provide screening to the development. A financial contribution towards off site playspace will be secured that will benefit the whole community and not just the residents of the development. Prior to the granting of the planning permission the outstanding ecology details will be required. This revised scheme has successfully addressed and overcome the reasons for refusal of the previous application. In addition to this a Section 106 will be prepared in accordance with the Heads of Terms attached.
- 6.26 A refusal of permission on highways grounds will not be defensible on appeal, and a refusal on design grounds will be very difficult to sustain given the variety of house types and styles in the vicinity of the site. By comparison an approval would deliver key policy gains especially in terms of re use of previously developed land, affordable housing and housing policies generally, and would contribute to the role of Kington as

a market town in accordance with Herefordshire Council's own policies and the supporting network of national, regional and local policies.

RECOMMENDATION

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

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

- 2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions:**
 - 1 - A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

 - 2 - B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.

 - 3 - F16 (Restriction of hours during construction)**
Reason: To protect the amenity of local residents.

 - 4 - No materials or substances shall be incinerated within the application site during the construction phase.**
Reason: To protect the residential amenities of the neighbouring properties.

 - 5 - H17 (Junction improvement/off site works)**
Reason: To ensure the safe and free flow of traffic on the highway.

 - 6 - H18 (On site roads - submission of details)**
Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

 - 7 - H19 (On site roads - phasing)**
Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

 - 8 - H26 (Access location)**
Reason: In the interests of highway safety.

9 - H27 (Parking for site operatives)

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

10 - H29 (Secure cycle parking provision)

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

11 - G01 (Details of boundary treatments)

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

12 - G02 (Landscaping scheme (housing development))

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

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

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

14 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

15 - G18 (Protection of trees)

16 - E16 (Removal of permitted development rights)

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

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

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

18 - 1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is development. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the local planning authority in advance of works being undertaken. On completion of the remediation scheme the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

INFORMATIVES:

- 1 - N03 - Adjoining property rights
- 2 - N14 - Party Wall Act 1996
- 3 - HN01 - Mud on highway
- 4 - HN04 - Private apparatus within highway
- 5 - HN05 - Works within the highway
- 6 - HN07 - Section 278 Agreement
- 7 - HN08 - Section 38 Agreement details
- 8 - HN09 - Drainage details for Section 38
- 9 - HN10 - No drainage to discharge to highway
- 10 - HN16 - Sky glow
- 11 - HN17 - Design of street lighting for Section 278
- 12 - HN22 - Works adjoining highway
- 13 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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

Planning Application – DCNW2005/3082/F
Residential development for 54 dwellings, 88 car parking spaces, new access road and landscaping
At Maesydari Site, Kington, Herefordshire

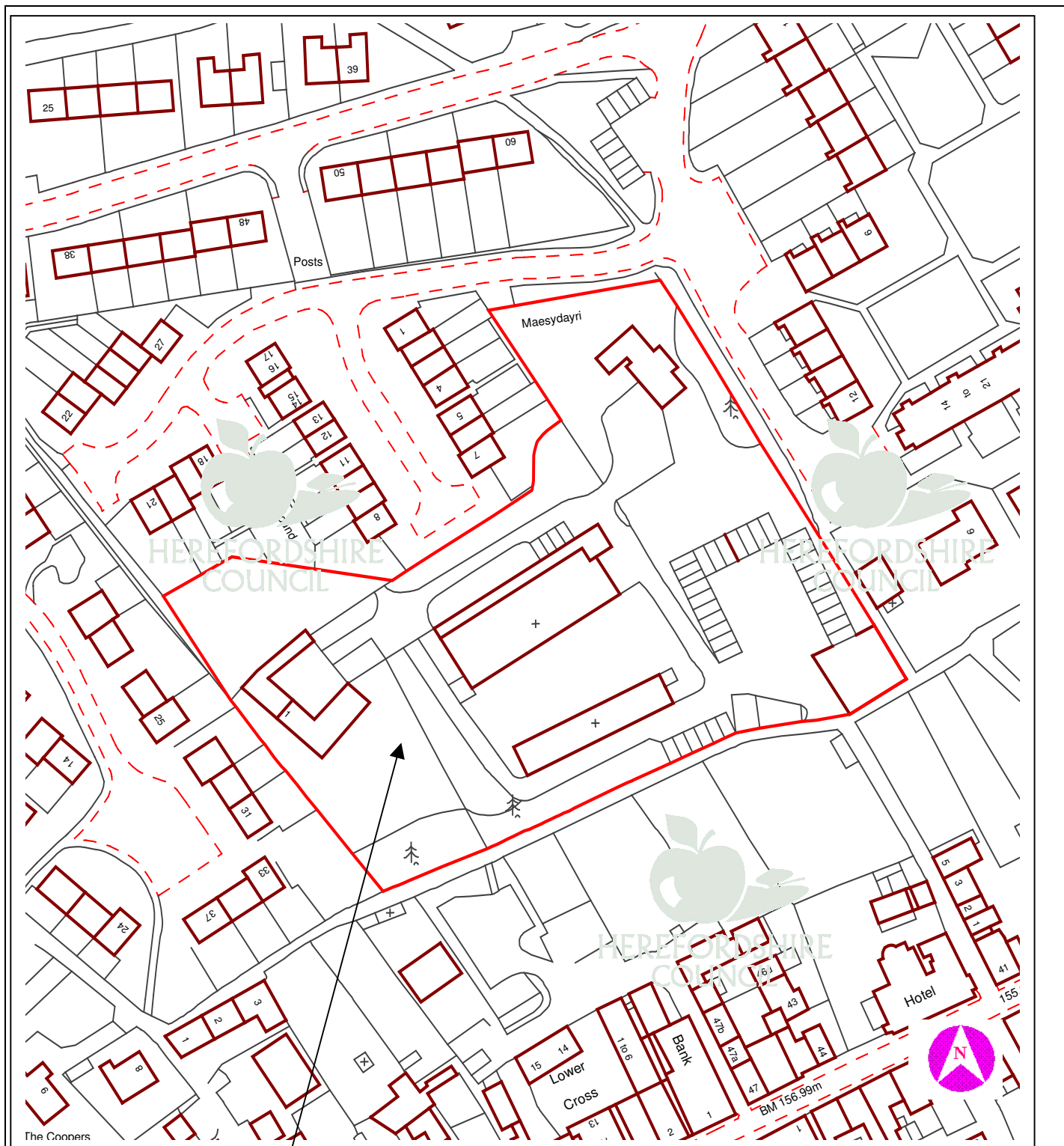
1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £25,000 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council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

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

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

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

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



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APPLICATION NO: DCNW2006/0298/F

SCALE : 1 : 1250

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

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

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

Date Received:
10th January 2006

Ward: Mortimer

Grid Ref:
47582, 70986

Expiry Date:
7th March 2006

Local Member: Councillor Mrs O Barnett

Introduction

This application was considered by the Northern Area Planning Sub-Committee at its meeting on the 22nd March 2006 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Development Control Manager (in the absence of a current Head of Planning Services) who has reported it to the Planning Committee for further consideration.

At its meeting on 22nd March 2006 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

- 1. The proposed replacement dwelling is of a size that exceeds what could be considered comparable to the dwelling to be replaced. The development is thus contrary to the requirements of Policy A2(d)ii of the adopted Leominster District Local Plan.**
- 2. In the absence of a full ecological survey of the buildings and the site surrounds, the local planning authority is not satisfied that adequate steps have been taken to mitigate the presence of species afforded statutory protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994.**

In the debate the members of the Area Sub-Committee examined the likely impact of the new dwelling on the landscape in this remote location and felt that the size of the proposed dwelling would not be sufficiently significant to warrant refusal.

Members further considered that the wildlife interests could be adequately protected by the use of appropriate conditions.

The Case Officer explained the relative sizes of the old and proposed new properties, the latter being approximately two and half times larger than the former (measured by floorspace created), and the Development Control Manager explained why the wildlife survey work should take place before determining the application as the results should be used to influence the design.

Notwithstanding this advice Members resolved to support the application.

Having reviewed the facts of this application it is considered that this proposal conflicts directly with the relevant policies and the case for support advanced by Members is not considered sufficient to outweigh the substantive policy concerns arising from this proposal.

1. Site Description and Proposal

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

2. Policies

2.1 Leominster District Local Plan

A2 – Settlement Hierarchy
A9 – Safeguarding the Rural Landscape

2.2 Unitary Development Plan (revised deposit draft)

DR1 – design
H7 – Housing in the countryside outside settlements

3. Planning History

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

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

2) In the absence of a full ecological survey of the buildings and the site surrounds, the local planning authority is not satisfied that adequate steps have been taken to mitigate

the presence of species afforded statutory protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent water raises no objection

Internal Consultees

- 4.2 The Transportation Manager raises no objection subject to the provision of car parking spaces within the site.
- 4.3 The Conservation Manager raises the following issues:

(Landscape Officer)

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

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

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

I recommend, therefore, that permission be refused for this development on the grounds that it would be contrary to Policies A.9: Safeguarding the Rural Landscape, Policy A.19: Other Buildings Worthy of Retention of the Leominster District Local Plan (1999) and Policy HBA8: Locally important buildings of the emerging Unitary Development Plan.

Ecologist

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

I would recommend that the application is withdrawn until the full information requested is presented with application. I am very reluctant to request a condition for further survey on this application – I would be requesting that no development takes place until after this survey in any case. If bats are present no demolition could take place

until the winter months and then only if mitigation and compensation for loss of roosts and nest sites is in place.

5. Representations

5.1 Elton Parish Council has no objections

6. Officers Appraisal

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

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1 The proposed replacement dwelling is of a size that exceeds what could be considered comparable to the dwelling to be replaced. The development proposed is thus contrary to the requirements of Policy A2(d)ii of the adopted Leominster District Local Plan.**
- 2 In the absence of a full ecological survey of the buildings and the site surrounds, the local planning authority is not satisfied that adequate steps have been taken to mitigate the presence of species afforded statutory protection under the Wildlife and Countryside Act 1981 and the Habitats Regulations 1994.**

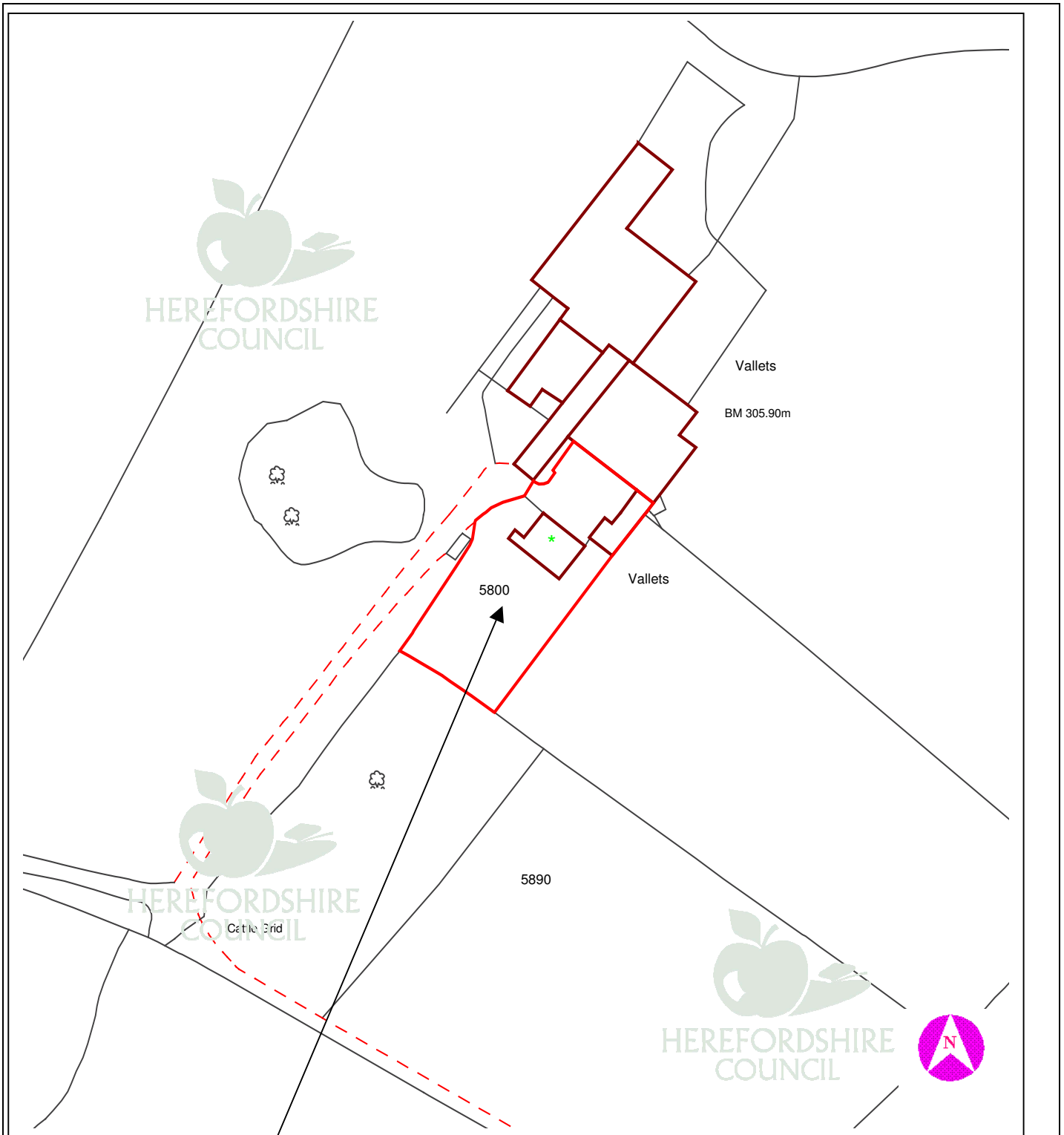
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/0071/F

SCALE : 1 : 1250

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

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DCNW2005/0890/F - NEW SPORTS HALL, CHANGING ROOMS, CAFETERIA AND LIBRARY AT WEOBLEY HIGH SCHOOL, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8ST

For: Herefordshire Council per Property Services, Herefordshire Council, Franklin House, 4 Commercial Road, Hereford, HR1 2BB

Date Received:

21st March 2005

Expiry Date:

16th May 2005

Local Member: Councillor J Goodwin

Ward: Golden Cross with Weobley

Grid Ref:

40662, 51190

1. Site Description and Proposal

- 1.1 The application site lies within the settlement boundary and the Weobley Conservation Area. Residential properties are found to the north and west of the school site, with open countryside to the east and south and the Primary School to the east. The site for the new development would be on the existing/former tennis courts that lie between the main high school buildings and the Primary School to the east.
- 1.2 This application is an amended scheme in the same location to that permitted in 2002 and would provide a new sports hall, changing room, cafeteria and library for the High School. The building would extend 39m to the east of the school building and would accommodate a hall of 629 sq metres, a library of 224 sq metres, 2 store areas, changing rooms, fitness suite, office. The plans also show a future entrance hall and future cafeteria which would form phase 2 of the development (this did not form part of the approved scheme). The sports hall roof would have an eaves height (to east) of 8.3m and ridge height of 12.2m. The store rooms would be located in a single storey lean to section to the east elevation and the roof above the entrance hall and cafeteria would be at a lower level with a maximum ridge height of 7.5m.
- 1.3 The site that the building would be situated on was formally the schools tennis courts. In light of the loss of these courts, new courts were built in accordance with a condition imposed on the 2002 permission. These have now been constructed and are in use.
- 1.4 The scheme also includes cycle parking for 12 no. cycles, 4 disabled spaces and 22 car parking spaces.

2. Policies

2.1 Hereford and Worcester County Structure Plan

CTC 15 – Preservation, Enhancement and Extension of Conservation Areas

2.2 Leominster District Local Plan

- A1 – Managing the District’s Assets and Resources
- A2(B) – Settlement Hierarchy
- A13 – Pollution Control
- A21 – Development within Conservation Areas
- A24 – Scale and Character of Development
- A61 – Community, Social and Recreational Facilities

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable Development
- S2 – Development Requirements
- S11 – Community Facilities and Services
- DR1 - Design
- DR2 – Land Use and Activity
- DR13 – Noise
- HBA6 – New Development within Conservation Areas
- CF5 – New Community Facilities

3. Planning History

- 3.1 NW04/1194/F - Single Storey Extensions - Approved 17th March 2004
- 3.2 NW02/1582/F - Sports Hall and Changing Rooms - Approved 20th November 2002
- 3.3 NW00/1639/F - Double Mobile Classroom - Approved for six years 28th September 2000

4. Consultation Summary

Statutory Consultations

- 4.1 Sport England - query when planning permission was given for the new tennis courts? Was Sport England Consulted? Were they located on the playing field and if so what impact did that have on the layout of the playing field?

I am still not clear whether or not it is intended that the community will be allowed to use this facility. Given the information presently available it is likely that there has been a loss of playing field associated with the development. In addition to being clear about the proposals on the playing field we would seek a community use by the school, to be satisfied whether or not the benefits of the scheme outweigh the loss of playing fields as required to address criteria iv of paragraph 15 of the PPG 17.

So far as I am aware at this stage none of the exceptions in paragraph 15 of PPG17 have been addressed. In order to withdraw our objection we have to be in a position to report to the Government which exception has been addressed and have the information to support the case.

Internal Council Advice

- 4.2 The Transportation Manager: No objections subject to provision of secure, covered cycle parking and a green travel plan.

- 4.3 Conservation Manager makes the following comments: No objections, subject to materials and colouring details and details of fencing for parking facilities.
- 4.4 Archaeology: No comments to make on this application.
- 4.5 The Environmental Health Manager recommends conditions relating to the hours of operation during construction and no incineration of materials on site.

5. Representations

- 5.1 Weobley Parish Council: No objections - Need to clarify that parking is for those using the sports hall.
- 5.2 Two letters of objection have been received from the following sources:-
- D C and M Abberley, 24 Burtonwood, Weobley
 - Leonard Morley, 15 Burtonwood, Weobley

The objections can be summarised as follows:-

- Increase in noise levels, especially if used out of school hours and for lettings to private persons.
 - Increase in traffic generation and impact on highway safety and living conditions of nearby residents.
 - Further increase in on street parking and the traffic chaos that the school causes.
- 5.3 One letter was also received from Mr and Mrs Driver in respect of the tennis courts which were approved under the previous application.
- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration of in this application are:-
- The principle of development
 - Impact on the Conservation Area
 - Provision and loss of facilities in relation to Sport England's concerns and objections
 - Highway Safety and car parking
 - Impact on neighbouring residents
- 6.2 The existing tennis court, upon which it is proposed to erect the sports hall, lies just beyond the Settlement Boundary of Weobley. Therefore the proposal falls to be considered against Policy A2(D) of Leominster District Local Plan. One of the exceptions to the presumption against development within that policy relates to the development under Policy A61 regarding community use or provision of new facilities for communities and schools.
- 6.3 It is also a material consideration that planning permission was previously granted for a sports hall extension, this is a slightly revised proposal that enlarges the overall footprint to include a cafeteria and library with entrance hall, effectively linking the

new building to the main school buildings. The previously approved scheme was a detached sports hall but the principle of developing this site for this purpose has already been accepted.

- 6.4 Policy A21 of the Leominster District Local Plan requires the Authority to consider the impact of the proposal upon the Conservation Area. The proposed building will be taller than the 2 storey elements of the school, however a combination of lower site levels and a condition requiring these levels to be approved will ensure that the building is not taller than the main three storey element of the school facing the road frontage.
- 6.5 Sport England raised a number of concerns, some of which were design related and have been partially improved with the submission of amended plans. They also raise concern in relation to the displacement of the tennis courts. These were constructed over 12 months ago in accordance with Condition 5 of the previous planning approval. The courts were constructed on land to the west of the school and on an area which was not occupied by formal playing pitches, and required the removal of two mobile classrooms and some trees. The siting was agreed with the local planning authority at this time having regard to guidance relating to the loss of playing space. Notwithstanding this, the proposal provides improved facilities for use by pupils and the community on the basis of booking with the school. It is not intended that this facility be a 'sports centre' open to the public on a more general basis.
- 6.6 Paragraph 15 of PPG 17, as revised, advises that "where a robust assessment of need in accordance with this guidance has not been undertaken (as in this case), planning permission for such developments should not be allowed unless:-
- iv) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field." It is considered that this proposal satisfies the exception above.
- 6.7 The Town and Country Planning (Playing Fields) (England) Direction 1998 requires that where the Sports Council, now Sport England, have objected to a planning application, the local planning authority proposes to grant permission, the local planning authority are required to notify the Secretary of State of that intention so that he may decide whether to intervene or leave the matter for the local planning authority to decide. That direction is reflected in the recommendation below.
- 6.8 It is acknowledged that there is on street parking in the residential streets adjacent to the school which appear to be used during school hours. The development shows the creation of new car parking spaces on site, and there are no objections raised by the Transportation Officer. The use of the sports hall in the evenings (on a bookable basis) is unlikely to cause additional parking issues on roads near to the school as other parking spaces would become available within the site. Notwithstanding this, the site already has permission for a sports hall which could be implemented at any time, this modified proposal would not increase the use of the building. As such the proposal complies with Policy A70 of the Leominster District Local Plan.
- 6.9 In addition it is necessary to consider the impact of the building upon the amenity of local residents in the area. The proposed building is set back approximately 15 metres from the boundary hedge, with the new car parking shown in this area. The nearest dwelling lying a further 25 metres or so to the north of that. It is not considered, therefore, that the building will have an unreasonably detrimental impact

upon the amenity of nearby residents. The building also lies approximately 25 metres from the nearest part of the primary school building, a distance considered to be sufficient to safeguard amenity. In relation to noise and disturbance, the proposed development, details of sound insulation for the building can be requested by condition but given the distances involved and nature of the building, noise incidental to the new building would not impact upon the living conditions of the neighbouring properties any more so than the existing school building.

- 6.10 Some of the Sport England's initial objections have been addressed to their satisfaction and this proposal it is considered that the proposal complies with Policy A61 and other relevant local plan policies, with a wider range of facilities potentially available for wider community use. There are no objections on highway grounds and the sports facility is unlikely to harm the living conditions currently enjoyed by the local residents. As such the proposal would comply with the local plan policies and the proposal is recommended for approval subject to referral to the Secretary of State. A letter has been sent to Sport England in response to its outstanding queries.

RECOMMENDATION

Recommend that the Secretary of State for the Office of the Deputy Prime Minister be notified that the local planning authority are minded to grant planning permission subject to the following conditions:

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

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

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

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

- 3 - 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.

- 4 - 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.

- 5 - F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

- 6 - F15 (Scheme of noise insulation)**

Reason: To safeguard the amenity of the area.

Informatives:

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

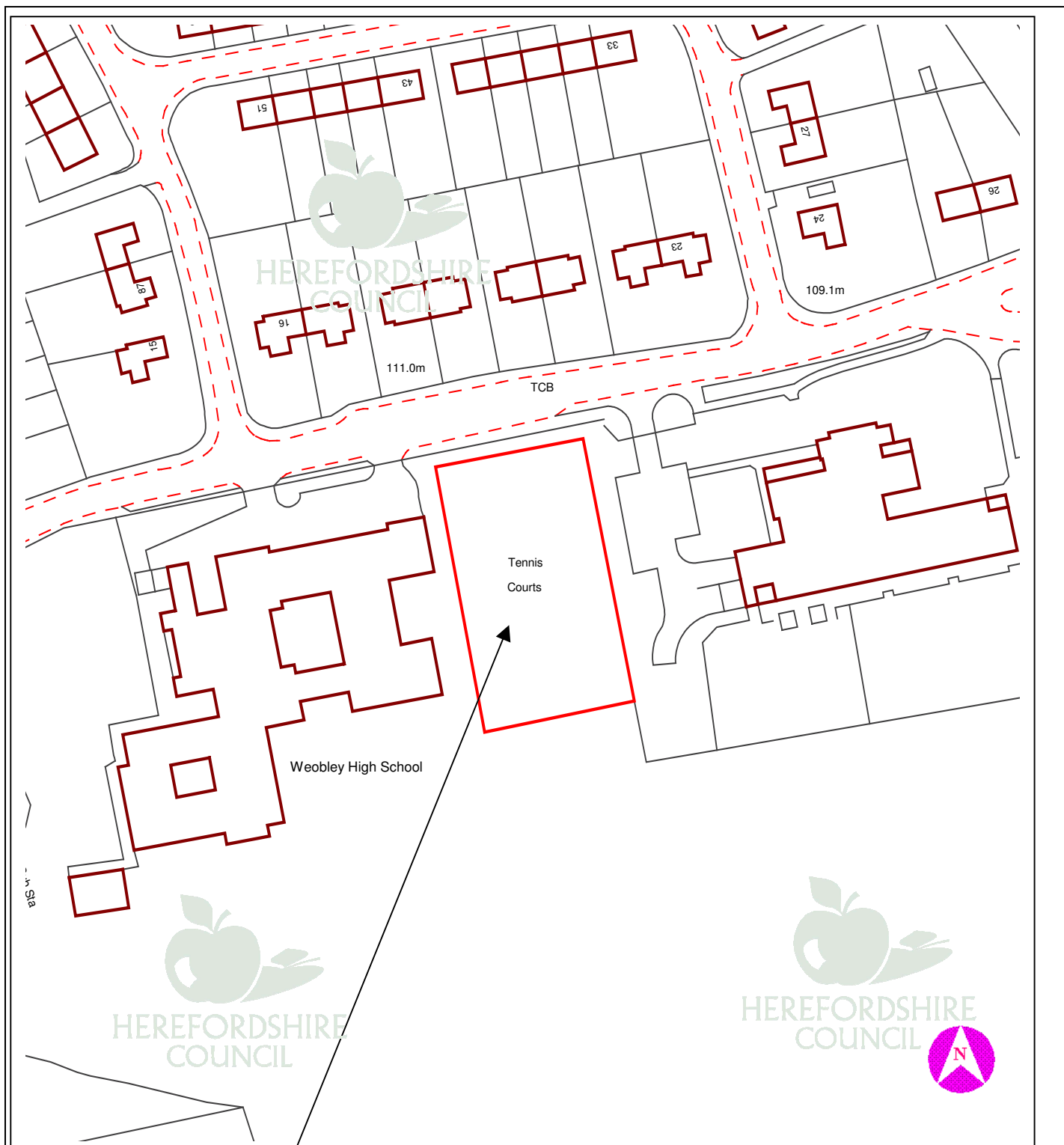
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2005/0890/F

SCALE : 1 : 1250

SITE ADDRESS : Weobley High School, Weobley, Hereford, Herefordshire, HR4 8ST

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**DCSW2006/0440/F – SAFETY FENCE AND
ADDITIONAL PARKING AT DORSTONE PLAYING
FIELDS, DORSTONE, HEREFORD**

**For: R J Garrard, Upper Crossway, Dorstone, Hereford,
HR3 6AU**

Date Received: 8th February 2006 Ward: Golden Valley North Grid Ref: 31408, 41989

Expiry Date: 5th April 2006

Local Member: Councillor N. J. J. Davies

1. Site Description and Proposal

- 1.1 Dorstone playing fields lies within an Area of Great Landscape Value and adjacent to the Conservation Area of Dorstone. The field lies to the north of the B4348 Dorstone to Hay-on-Wye road. It is 2.8 hectares in area and provides screening to its boundaries in the form of hedging and trees. Part of the eastern boundary visually screens the neighbouring property known as Dorstone House and the Public Rights of Way, D02 also lies to the east. The southern boundary to the roadside provides low hedging. Church of St. Faiths Grade II* listed building is to the south on the opposite side of the B4348. The field lies outside the settlement boundary of Dorstone and is considered to be within open countryside.
- 1.2 The proposal seeks protective safety fencing measuring 125m in length to the eastern boundary of the football pitch. The design of the safety fence will form 13 recycled telegraph poles measuring 4m in height and the netting to be of one inch square polypropylene. An extension of parking is also proposed to the existing car park measuring 25m (L) x 4m (W), this being east of the existing buildings.
- 1.3 The application also sought to site a self-standing steel storage (shipping) container, north of the existing buildings. However concerns were raised regarding its presence within an AGLV and adjacent to the Conservation Area. Subsequently, the applicant has agreed to withdraw the steel container from the application and requested to consider the safety fence and additional parking.

2. Policies

2.1 Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy LR.1	-	Enjoyment of the Countryside
Policy CTC.2	-	Development in Areas of Great Landscape Value
Policy CTC.9	-	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.8	-	Development within Areas of Great Landscape Value
Policy C.22	-	Maintain Character of Conservation Areas
Policy C.23	-	New Development affecting Conservation Areas

2.4 Unitary Development Plan (Revised Deposit Draft)

Policy S.2	-	Development Requirements
Policy S.7	-	Natural and Historic Heritage
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change

3. Planning History

3.1	SH931321PF	Construction of club room	-	Approved 29.11.93
	SH941493PF	Proposed new changing rooms, retention of meeting room and relocation of tool shed	-	Approved 18.01.95
	SH970016PF	Renewal of SH931321PF	-	Approved 05.03.97
	SW2003/3801/F	Extension of protective safety netting between the cricket square and the bowling green	-	Approved 31.03.04
	DCSW2005/0282/F	Safety fence	-	Approved 22.04.05

4. Consultation SummaryStatutory Consultations

- 4.1 Ramblers Association observe: No objections provided that the Public Right of Way D02 is maintained and kept clear at all times.
- 4.2 Open Spaces Society: Awaiting comments.

Internal Council Advice

- 4.3 The Traffic Manager has no objections and states that the development would not appear to affect public footpath D02.
- 4.4 The Conservation Manager has no objection to the proposal, however suggests that new planting along the western side of the playing fields would enhance the appearance of the whole site and break up views of the buildings and safety fencing from the countryside.

5. Representations

- 5.1 Dorstone Parish Council supports the application.

6. Officer's Appraisal

- 6.1 The main considerations in the determination of this application are the effect upon landscape qualities, conservation issues, impact upon public right of way and residential amenity.
- 6.2 Dorstone playing fields lies within an Area of Great Landscape Value and adjacent to the Conservation Area. The area has been the subject of planning applications relating to protective fencing for the users of the bowling green and cricket pitch. The proposed safety fencing will continue along the same eastern boundary, albeit at a lower height of 4 metres. The choice of materials of recycled telegraph poles and polypropylene will replicate that currently being used. Whilst this fencing is to be permanently in situ, rather than being removed at the end of the cricket season, in the officer's opinion, using appropriate conditions to control use of materials and additional planting, the proposed fencing would not have a detrimental impact upon landscape qualities.
- 6.3 The Traffic Manager has no objection to the erection of the safety fence nor to the increase of car parking area. This would utilise an area which is difficult to maintain.
- 6.4 The neighbouring property known as 'Dorstone House' to the eastern boundary would not be adversely affected by the proposal, which provides protective fencing to its boundary.
- 6.5 The proposal for the safety fence and additional parking is considered to be in accordance with the relevant local plan and Unitary Development Plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. 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. Notwithstanding the approved drawings, details of the following shall be submitted to and approved in writing by the local planning authority prior to the commencement of work. The development shall be carried out in accordance with the approved details:

- (a) surface materials for car park**
- (b) treatment of poles**
- (c) sample of netting**

Reason: To ensure the satisfactory appearance of the development.

4. G22 (Tree Planting)

Reason: To ensure the environment of the development is improved and enhanced.

Informative(s):

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

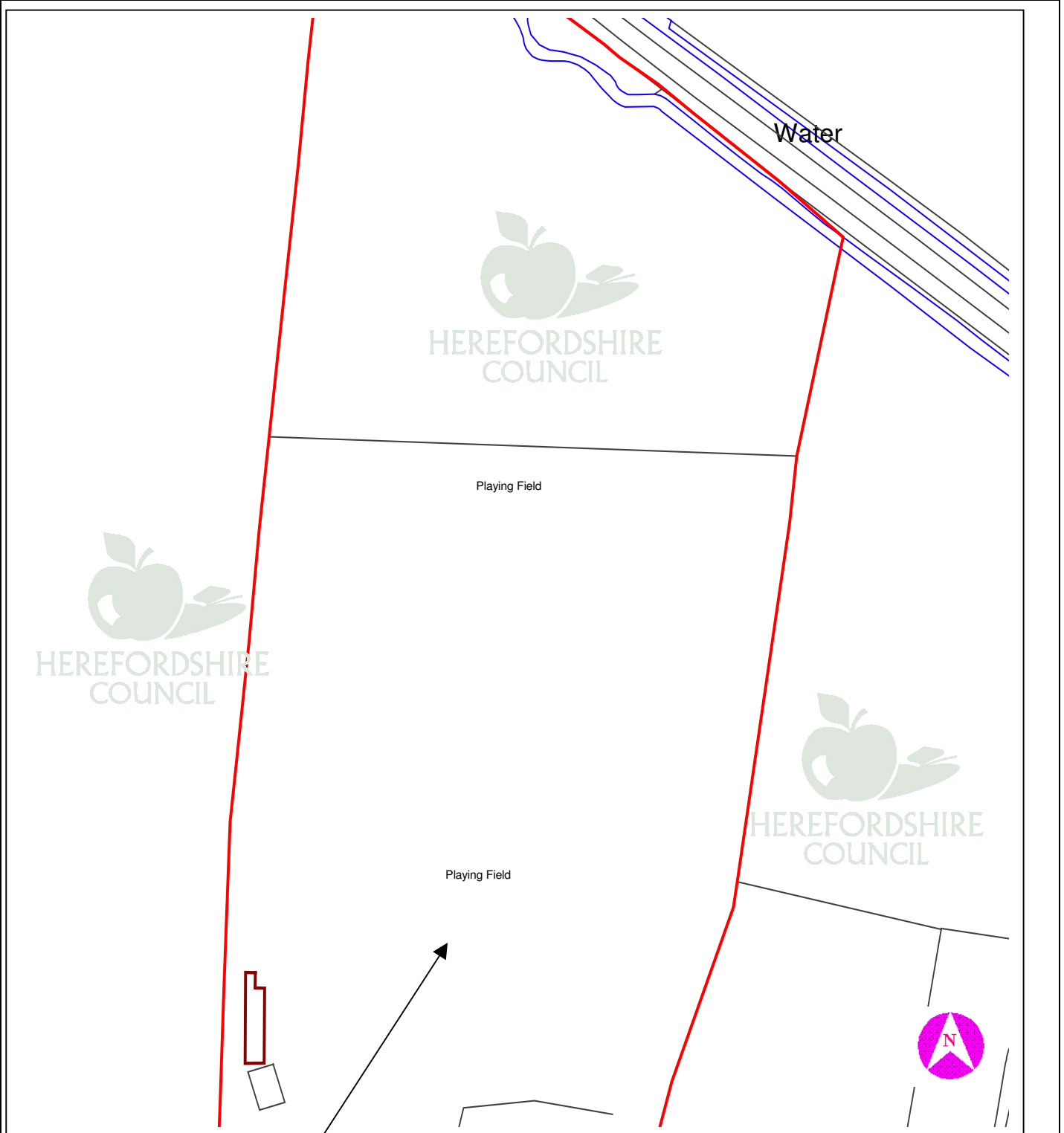
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2006/0440/F

SCALE : 1 : 1250

SITE ADDRESS : Dorstone Playing Fields, Dorstone, Hereford

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DCSW2004/3397/F - CONVERSION OF REDUNDANT FARM BUILDINGS TO FARM SHOP, PLANT CENTRE AND LANDSCAPE DESIGN CENTRE, INCLUDING ERECTION OF POLYTUNNELS, DISPLAY GARDENS AND ASSOCIATED CAR PARKING, LAND AT JUNCTION OF A465 AND B4348, WINNAL COURT, ALLENSMORE, HEREFORDSHIRE, HR2 9AR

For: Allensmore Nurseries Ltd per Malcolm Scott Consultants Ltd, Grove House, 1 Loves Grove, Worcester, WR1 3BU

Date Received: 1st October 2004

Ward: Valletts

Grid Ref: 45755, 33755

Expiry Date: 26th November 2004

Local Member: Councillor P. G. Turpin

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 15th March 2006 when Members resolved to grant permission contrary to the recommendation of the report. This decision was accordingly referred to the Development Control Manager (in the absence of a current Head of Planning Services).

At its meeting on 15th March 2006 the Southern Area Planning Sub-Committee were recommended to refuse this application.

In the debate the members of the Area Sub-Committee examined the highways issues in great detail but were prepared to accept the proposals subject to appropriate conditions to require improved visibility splays as recommended by the Traffic Manager. Members were further satisfied on the main issue that the degree of sales of non-plant sales, at 15%, would be acceptable as a nursery garden/farm shop, and that overall the development would be acceptable.

The Southern Team Leader advised Members that the level of ancillary sales and associated features of the proposals would take the development beyond what would be acceptable as a farm shop and there, in his view, the application should be considered as a Garden Centre. As such the South Herefordshire Local Plan policy stated that Garden Centres in open countryside, and divorced from any established settlement, should not be permitted.

The arguments about where the boundary lies between a Farm Shop and a Garden Centre are set out in detail in paragraphs 6.2, 6.3 and 6.4 in the main report below.

Having reviewed the facts of this application your officer's view is that this proposal represents the creation of a garden centre and, whilst conditions as envisaged by the Area Sub-Committee may limit the scale of the use, overall the level of 15% retail sales along with the ancillary elements of the development would bring the development into conflict with

Policies S.1 and TCR.16 of the Unitary Development Plan in particular as set out in the reasons for refusal.

The agent for the application has suggested that the following wording be included in conditions to address the policy objections:

- "The use hereby approved shall be for a plant centre and farm shop and for no other use within use class A1 of the Town and Country (Use Classes) Order 1985
- The Farm shop shall be only for the sale of farm produced products
- The plant centre shall display for sale no more than 15% of the floor area for non-plant garden related products".

Whilst the desire of members to support this application as well as the intention to limit the elements of retail sales through conditions are recognised, it remains the officer's view that the case for support advanced by Members is not sufficient to outweigh the substantive policy concerns arising from this proposal.

1. Site Description and Proposal

1.1 This site is some 4 miles south of Hereford. It is on the east side of the A466 road at its junction with the Class II B4348. The site is generally rectangular in shape, some 0.84 ha. in area and it forms part of a larger agricultural field. Towards its west end are a group of three linked agricultural buildings, two of which are modern with the other an older timber structure. There is a hedgerow to the roadside boundary and a field gate entrance onto the Class II road.

1.2 This application seeks to introduce a commercial use in the form of a farm shop, plant centre and landscape design centre. This would involve the alteration and conversion of the existing building into a plant centre, farm shop, tea rooms and gift shop. In addition a polytunnel type structure would be added to the north and west side of the building to provide a covered display area. Elsewhere there would be a plant display area and display gardens. A car park for 50 cars is intended with the existing access relocated.

2. Policies

2.1 Planning Policy Guidance

PPS.1	-	Delivering Sustainable Development
PPS.7	-	Sustainable Development in Rural Areas
PPG.13	-	Transport

2.2 Hereford and Worcester County Structure Plan

Policy ED.8	-	Development of Redundant Rural Buildings
Policy CTC.9	-	Development Requirements
Policy CTC.14	-	Conversion of Buildings in Rural Areas
Policy A.2	-	Diversification of Agricultural Units
Policy TSM.1	-	Tourism Related Development

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside

Policy C.36	-	Re-use and Adaptation of Rural Buildings
Policy C.40	-	Provision of Essential Services
Policy ED.5	-	Expansion of Existing Businesses
Policy ED.6	-	Employment in the Countryside
Policy ED.7	-	Re-use and Adaptation of Rural Buildings for Employment/Tourism Use
Policy ED.8	-	Farm Diversification
Policy TM.1	-	General Tourism Provision
Policy RT.6	-	Roadside Sales
Policy RT.8	-	Provision of Garden Centres
Policy T.1A	-	Environmental Sustainability and Transport
Policy T.3	-	Highway Safety Requirements

2.4 Unitary Development Plan

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy DR.1	-	Design
Policy DR.2	-	Land Use and Activity
Policy DR.3	-	Movement
Policy E.11	-	Employment in Smaller Settlements and Open Countryside
Policy E.12	-	Farm Diversification
Policy TCR.16	-	Garden Centres
Policy TCR.17	-	Farm Shops
Policy T.11	-	Parking Provision
Policy HBA.12	-	Re-use of Rural Buildings
Policy RST.1	-	Criteria for Recreation, Sport and Tourism Development
Policy RST.13	-	Rural and Farm Tourism Development

3. Planning History

- 3.1 DCSW2004/1297/F Conversion of redundant farm buildings to farm shop, plant centre and landscape design centre including erection of polytunnels, display gardens and associated car parking - Withdrawn 28.05.04

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency - content that the development is unlikely to result in a detrimental impact to the safe and free flow of traffic on the trunk road and raise no objections.
- 4.2 Environment Agency - have no objections subject to conditions.

Internal Council Advice

- 4.3 Traffic Manager - recommends refusal due to the visibility from the proposed access being restricted and not in accordance with standard visibility requirements.
- 4.4 Environmental Health and Trading Standards Manager - no adverse comments.

5. Representations

- 5.1 Much Dewchurch Parish Council – “comments are as previously submitted. However, because this application falls in Much Dewchurch and not Allensmore, we feel that the Highways Agency Traffic Survey should have been supplied to us.”

Much Dewchurch Parish Council's previous comments:

“The Parish Council feel that the proposed access is very near a bad bend. This enterprise would obviously attract a lot more traffic and we consider it would help if a slip road were formed for traffic from Hereford to turn left on the B4348. We understand the need for the farming community to diversify and although there is a very busy Garage/Farm Shop on the crossroads we feel this enterprise would not unduly affect that business. Allensmore Nurseries is a family business and offers employment to local people. We feel that they should be supported to expand if it is practical to do so.”

- 5.2 Kilpeck Group Parish Council (adjoining) – “is extremely concerned about the additional traffic which will have to negotiate the hazardous junction of the B4348 and the A465. The Parish Council have resolved that unless substantial improvements are made to this junction that permission should NOT BE GRANTED.”
- 5.3 A representation has been received from P. Powell, Locks Garage/ Willox Bridge Farm. This raises concerns with regard to possible pollution of surface water through discharges from the development. He has not been approached with regard to the use of his property for such discharges. It is also pointed out that the land in the vicinity does flood. It is questioned as to whether the use will be 'small' bearing in mind the size of Allensmore Nurseries. In addition, the writer has sought to rent the buildings to accommodate livestock. Finally, concern is raised as to the impact on Locks Garage, which has always incorporated a farm shop.
- 5.4 The applicants' agent has submitted a number of letters which consider the policy issues and the drainage. In addition a traffic Assessment has been submitted.

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 determining issues are considered to be the principle of the proposal in this location, the suitability of the buildings for the uses, the design/form and layout of the proposal, the traffic implications, the impact on the landscape, the impact on adjoining/nearby uses and the availability of services.
- 6.2 Firstly it is necessary to consider the exact nature of the proposal. It is for a mix of uses – plant centre for Allensmore Nurseries, farm shop for Winal Court, tea room and gift shop, garden display/design centre. Generally planning permission is not required to sell produce grown at a farm/nursery. The need for planning permission will arise when such retail sales expand into goods produced and brought in from elsewhere and where such goods are more than a very minor part of the retail activity. Therefore, for example, planning permission will not be required where a plant nursery

or farm retails products grown on its site but will be required where (other than at a very minor level) products are brought in and adapted for sale (plants) or are sold directly (e.g. pots/fertiliser). In this case the intention is to retail products and services other than those produced by the applicants.

- 6.3 The site is located in the open countryside. On the opposite side of the A465 is Locks Garage, The Three Horseshoes Public House and a group of dwellings, but these are not recognised as a settlement in planning policy terms. In addition, to the east are significant commercial uses – Sun Valley Foods feed mill and Allensmore Nurseries. Planning policy seeks to concentrate development within the main settlements in order to reduce the need to travel and where a range of travel options are available. This is in essence an application to develop a facility to retail produce from Allensmore Nurseries and Winnal Court but to expand this to retail products from elsewhere and to include a tea room, gift shop and display gardens.
- 6.4 With regard to the principle of the development in this location a fundamental issue is whether the proposal should be considered either under the policies relating to a garden centre or a farm shop, or both. With regard to farm shops both the Local Plan and Unitary Development Plan provide that they can be permitted in the countryside and provide that they can include the retail of 'produce which is not mainly produced on that farm'. With regard to garden centres, policy states that they should be located within or adjacent to a settlement. In terms of distinguishing between a plant centre (agricultural use) and a garden centre (retail use) the essential issue is the level of imported produce. Clearly if this is at a very low level then it can be considered ancillary. In one regularly quoted court case from 1989 the judge agreed with a conclusion that 10% took a use outside the ancillary category. In this case the applicants have stated that in terms of quantity some 99% of plants will be grown at Allensmore although it is difficult to judge the extent to which plants are brought in and grown on. In addition, it would be expected that non-plant goods, such as compost, pots, bulbs, etc, will be offered for sale. The applicants suggest that these sales could be no more than 15% of the floor area. In addition to the farm shop and plant centre it is proposed to operate a tea room and gift shop and have display gardens. Overall I consider that the extent of the retailing associated with the plant centre element indicates that the use will tend to be more of a retail rather than agricultural/horticultural use, and would effectively be a garden centre. Planning policy clearly states that such uses should only be located within or adjacent to an existing settlement. This location is open countryside.
- 6.5 With regard to traffic, although the access would be from the Class II road, it would be close to the junction with the A466 Trunk Road. The application was supported by a transport assessment and the Highways Agency raised no objection. Clarification has been sought from the Highways Agency due to a slight discrepancy between the details given in the transport assessment and the details of the current application but the Agency's position remains one of no objection to the proposal. The Traffic Manager considers that for the proposed new access visibility splays of 2.4 metres by 90 metres would be the minimum requirements. These can be achieved but would entail the removal of a significant length of roadside hedge. The area for car parking is acceptable.
- 6.6 There are currently three linked buildings, an older timber framed structure with more modern buildings attached to both of its sides. In terms of the re-use of these buildings for a commercial use there is no objection in principle. The proposal is to re-clad the buildings with a mixture of glazing and timber cladding with profiled steel on the roofs. These works will significantly change the appearance of the buildings but subject to

agreement on colour of the cladding, which should be dark especially on the roofs. I do not consider this to be unacceptable. In addition, the construction of fairly substantial polytunnel type structures to provide a covered external area (a steel frame with a polythene roof).

- 6.7 With regard to the landscape impact the general character of the area is of flat and low lying agricultural land, fringed by hedgerows and trees. This scheme does however involve the re-use of existing buildings and in the vicinity there are already significant structures, namely Locks Garage, the feed mill and the nurseries. In these circumstances I do not consider that unacceptable harm to the landscape would result.
- 6.8 With regard to the impact on the adjoining uses there should be no adverse impact on amenity of any dwellings. There may be some impact on Locks Garage but having regard to the likely range of goods I do not consider that this would be to an unacceptable degree.
- 6.9 With regard to services, the Environment Agency has no objection on foul drainage, surface water drainage or flooding issues, although conditions and advice are suggested.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. **The local planning authority consider that in effect the proposal constitutes the provision of a garden centre. Having regard to South Herefordshire District Local Plan Policies GD.1, C.1, RT.8 and T.1A and Herefordshire Unitary Development Plan Policies S.1 and TCR.16 the proposal is considered to be unacceptable. The establishment of a garden centre in the countryside and divorced from any established settlement is considered to be inappropriate and would not be sustainable.**

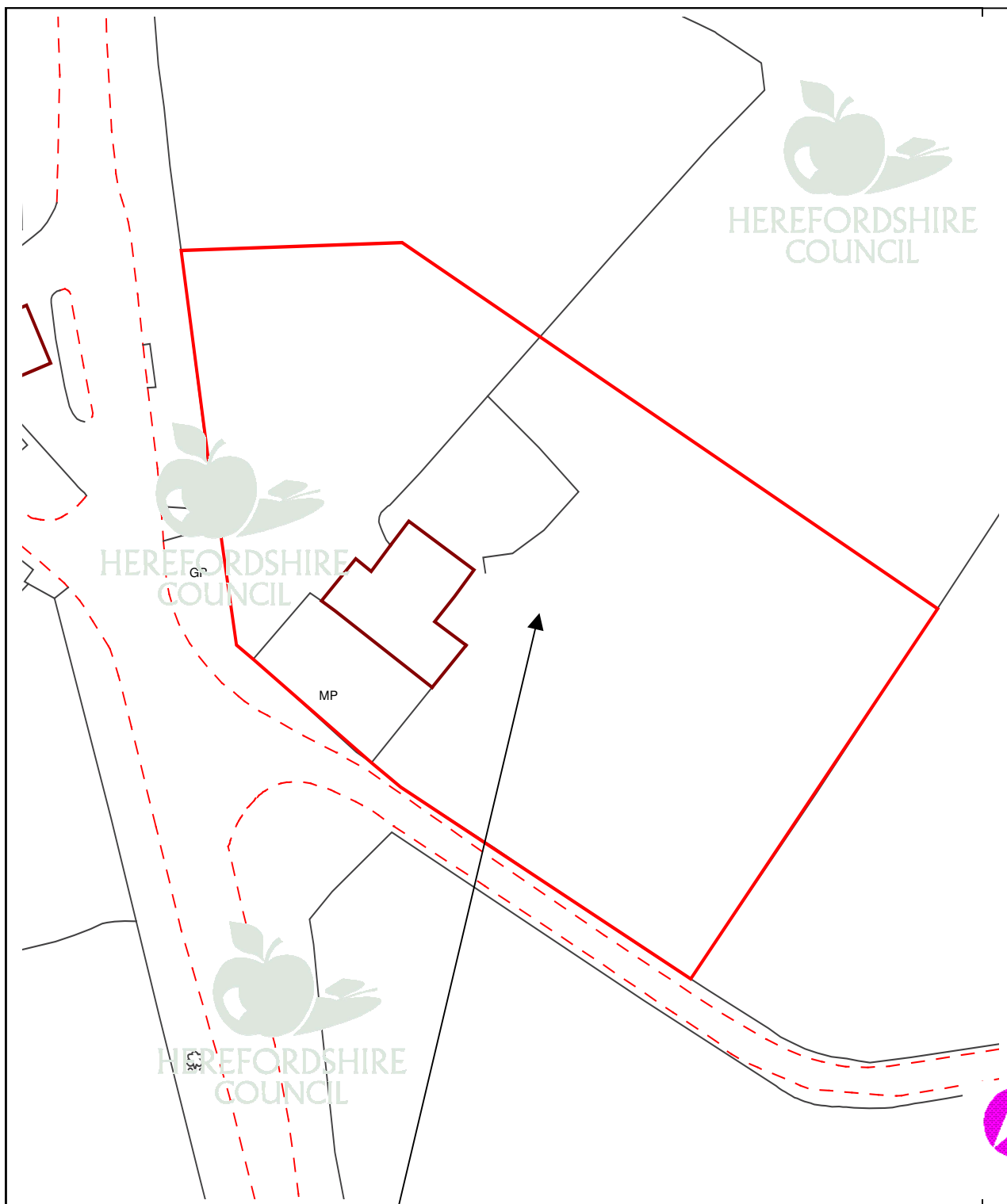
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSW2004/3397/F

SCALE : 1 : 1250

SITE ADDRESS : Land at junction of A465 and B4348, Winal Court, Allensmore, Herefordshire, HR2 9AR

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DCCE2006/0275/F - CHANGE OF USE TO EDUCATION/TRAINING FACILITY (TEMPORARY USE UNTIL 2008) AT UNITS 2, 3, 14 BARRS COURT TRADING ESTATE, HEREFORD, HR1 1BB

For: Mr. Burt, Herefordshire College of Technology, Folly Lane, Hereford, HR2 1LS

DCCE2006/0279/F - CHANGE OF USE TO EDUCATION/TRAINING FACILITY (TEMPORARY USE UNTIL 2008) AT UNITS 12/13 BARRS COURT TRADING ESTATE, HEREFORD, HR1 1BB

For: Mr. Burt, Herefordshire College of Technology, Folly Lane, Hereford, HR2 1LS

Date Received: 25th January 2006

Ward: Central

Grid Ref: 51343, 40607

Expiry Date: 22nd March, 2006

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 These applications seek temporary change of use from B1 (business) to D1 (non-residential institutions) to Units 2, 3, 12, 13 and 14 Barrs Court Trading Estate. Specifically, the Change of Use is sought to enable the use of these premises for education/training purposes by the Herefordshire College of Technology. These units are intended to provide temporary teaching accommodation as workshops until 2008 to facilitate the continuation of teaching while the college itself is redeveloped in accordance with the Hereford Learning Village Project.
- 1.2 The application premises form 5 out of 6 units within a building located in a broadly central location within the Barrs Court Trading Estate. The units are located within a designated established employment area in the Hereford Local Plan. In the Herefordshire Unitary Development Plan (Revised Deposit Draft) the site falls within the Canal Basin and Historic Core mixed use allocation of the 'Edgar Street Grid' and falls on the line of the designated Edgar Street/Commercial Road link road proposal.
- 1.3 Two applications have been submitted (DCCE2006/0275/F - Units 2, 3, 14, and DCCE2006/0279/F - Units 12 and 13). Both applications are considered under this single report.

2. Policies

2.1 Planning Policy Guidance:

- PPS1 - Delivering sustainable development
- PPG13 - Transport

2.2 Hereford Local Plan:

ENV17	-	Safety and security
E2	-	Established employment areas
E6	-	Other uses on employment land
E7	-	Criteria for employment development
T5	-	Car parking - designated areas
T11	-	Pedestrian provision

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S4	-	Employment
S6	-	Transport
DR2	-	Land use and activity
T10	-	Safeguarding of road schemes
T11	-	Parking provision
TCR21R	-	Canal Basin and historic core

3. Planning History

- 3.1 DCCE2004/2124/F - Change of use to operational ambulance station (Units 12/13). Approved 17th August 2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No comment

Internal Council Advice

- 4.2 Forward Planning Manager: No objection to temporary permission.
- 4.3 Traffic Manager: Objection due to lack of details relating to traffic, person movement, and parking management.
- 4.4 Education: No objection.

5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Neighbours - Objections were received to these proposals as follows:
- DCCE2006/0275/F; 5 letters from 3 sources
 - DCCE2006/0279/F; 2 letters

The objections received can be summarised as follows:

1. Inadequate parking arrangements;
2. Inappropriate use for areas dominated by light industrial uses;
3. Inadequate pedestrian facilities;

4. Highway safety implications for vehicles and pedestrians.

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

6. Officers Appraisal

6.1 It is considered that the following issues represent the key issues for consideration in the determination of these applications:

- Principle of development
- Highway Issues
- Amenity Impact

Principle

6.2 This is a particularly sensitive location from a policy perspective in the context of the emerging Herefordshire Unitary Development Plan. In the context of the Hereford Local Plan the application site is located on safeguarded employment land under policy E2 – E6. Such land is therefore safeguarded for Class B employment uses. The proposed use falls under Class D1 and as such is contrary to policy.

6.3 Turning to the Herefordshire Unitary Development Plan, under the first deposit draft of this plan, the application site was located within safeguarded employment land under policy E5 of the Plan. As is the case with the Hereford Local Plan, such land is protected for Class B uses of the Use Class Order, and the proposal for an education/training facility this proposal would therefore also be contrary to policy. The significance of the long term re-development of the Edgar Street Grid, however, is that in the Herefordshire Unitary Development Plan Revised Deposit Draft the application units are located within policy area TCR21R of the Edgar Street Grid proposals, and on the designated line of the proposed link road (policy T10), which is of key strategic importance to the Edgar Street Grid area. Any proposal that would jeopardize the delivery of these proposals would be contrary to policy. In this context it is of significance that the proposal seeks temporary permission only. As the proposal is for a temporary change of use (2 years) it is considered that the proposal would not jeopardize the delivery of the link road or the wider aims of the Plan, and would therefore be acceptable.

6.4 Of further relevance is that the Property Department have highlighted that the units are soon to be vacated and Advantage West Midlands have expressed the desire to keep the Barrs Court Estate at its optimum income production in its pre-redevelopment stage. This proposal would offer a short term income source in line with this desire.

6.5 On the basis of the above, although an application for a change of use from Part B Uses to D1 Uses is contrary to policy in the adopted Hereford Local Plan, the proposal will not jeopardise the Edgar Street Grid proposals as set out in the emerging Herefordshire Unitary Development Plan. Furthermore, AWM and the Property Department are keen for the units to retain their economic potential until the redevelopment of the area occurs. As a temporary change, this scheme is considered acceptable in the policy context.

Highway Issues

- 6.6 The implications of this proposal upon highway related matters are of great significance. Parking, the movement of pedestrians, and the wider highway safety issues are all of concern in this employment location.
- 6.7 Following the initial response of the Traffic Manager raising an objection to this scheme, further details were submitted relating to the proposed use of these units by the HCT. It was confirmed that up to 75 students and 7 staff would be at the premise at any one time with a 9 till 5 Monday-Friday working week (plus occasional evenings/Saturdays) for 36 weeks of the year. A mini-bus will be used to transport students although some may arrive by foot or by car. A common room will be provided, together with a smoking area outside. All students and staff will enter the units via the access point to the front of unit 12 where a pedestrian walkway is available. The HCT's Estates Team will monitor student activity on site.
- 6.8 The parking associated with these units is not formally identified and did not appear to be controlled or restricted when these units were first introduced. The Traffic Manager has thus far yet to comment upon the above outlined methods of operation. The intention is for these units to be used as workshops, and although clearly the teaching element has implications, the permitted use of these units would not, it is suggested, be significantly dissimilar to that now proposed. Additionally, restrictive conditioning controlling parking, could ensure the use of this building can be controlled effectively. The temporary nature of this application would also ensure that no long term problems arise.
- 6.9 Having regard to the absence of final comments from the Traffic Manager, and in consideration of the safety implications for this Change of Use, it is considered appropriate to make a recommendation requiring the final approval of the Traffic Manager.

Amenity Impact

- 6.10 The broad use of these units as workshops for training purposes is not considered to have amenity implications in itself above and beyond those of the permitted use. However, student activities may result in additional nuisance with respect of litter and general activity. It is suggested that effective conditioning can ensure the maintenance of a clean and tidy site not resulting in undue disturbance to neighbouring users.
- 6.11 No external alterations are proposed and no residential properties fall within the sphere of influence of this site. It is therefore considered that no residential amenity issues are associated with this proposal and that the visual amenities of the locality will be preserved.

Conclusions

- 6.12 These applications do raise concerns, particularly from the context of highway safety. The wider implications of this use are, however, a material consideration. The HCT requires temporary accommodation during its reconstruction and having regard to the long-term intentions for this area it is suggested that this site offers the potential to meet this need without compromising the Edgar Street Grid proposal. Subject to agreement from the Traffic Manager, it is considered that this application represents an acceptable proposition.

RECOMMENDATION

That, subject to receipt of the confirmation of the acceptability of the parking and vehicle/pedestrian movements proposals, the Officers named in the Scheme of Delegation be authorised to approve the applications subject to the following conditions and any further conditions considered necessary by Officers:

- 1 E20 (Temporary permission).

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

- 2 E10 (Use restricted to that specified in application)

Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the future use of this site.

- 3 E27 (Personal condition).

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

- 4 E26 (Cessation of personal/time limited permission).

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

- 5 Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litterbins on the premises and information relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.

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

INFORMATIVES:

- 1 N03 - Adjoining property rights
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC

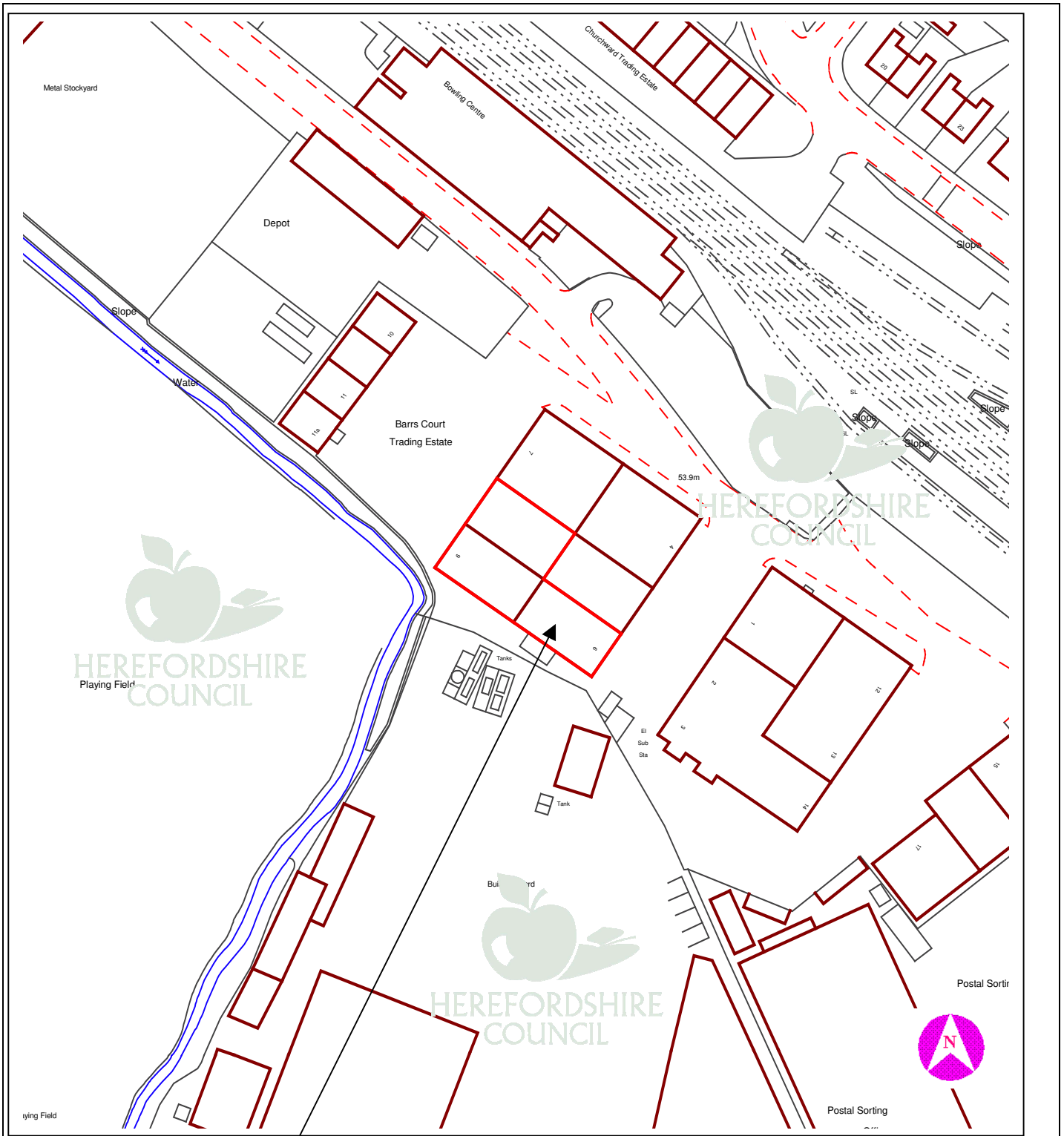
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



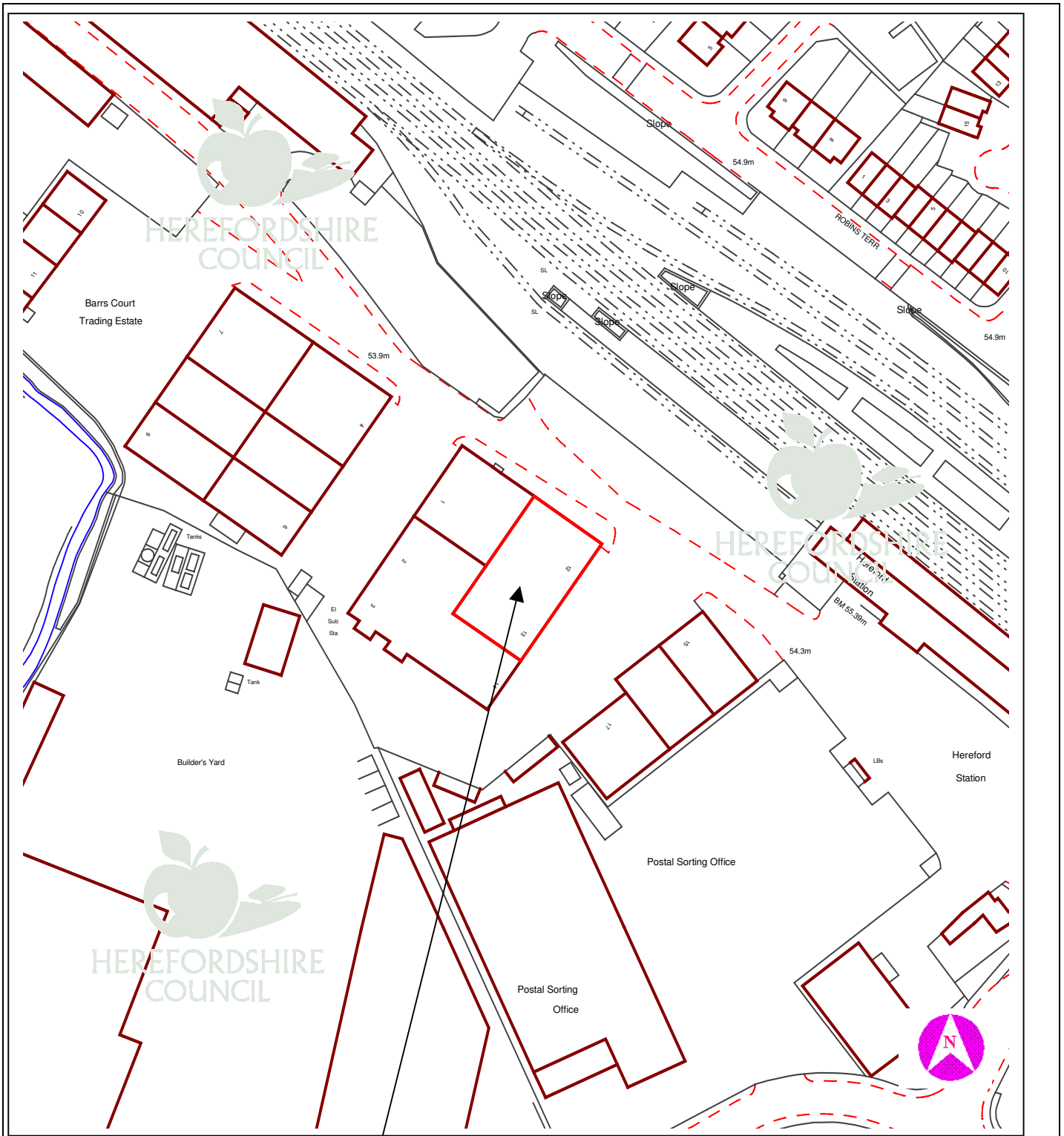
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APPLICATION NO: DCCE2006/0275/F

SCALE : 1 : 1250

SITE ADDRESS : Units 2, 3, 14 Barrs Court Trading Estate, Hereford, HR1 1BB

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APPLICATION NO: DCCE2006/0279/F

SCALE : 1 : 1250

SITE ADDRESS : Units 12/13, Barrs Court Trading Estate, Hereford

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DCCW2006/0725/F - 6M HIGH ARCHED STEEL SCULPTURE TO BE SITED ON EXISTING STONE PLINTH OUTSIDE ALL SAINTS CHURCH, HIGH STREET, HEREFORD, HR4 9AA

For: Ms. M. Potter, Principal Arts Officer, Herefordshire Council, P.O. Box 41, Plough Lane, Hereford, HR4 0XH

Date Received: 3rd March 2006 Ward: Central Grid Ref: 50894, 40021

Expiry Date: 28th April 2006

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 The site is located at the prominent junction of Eign Gate with High Street and Broad Street directly opposite All Saints Church, Hereford.
- 1.2 The proposal is to install a 6 metre high arched steel sculpture. The sculpture will be constructed of mild steel, galvanized and then brush finished with silk clear lacquer. The sculpture would be mounted on the raised plinth constructed as part of the Eign Gate refurbishment project.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14	-	Design
Policy CON3	-	Listed Buildings – Criteria for Proposals
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON18	-	Historic Street Pattern
Policy CON19	-	Townscape

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S2	-	Development Requirements
Policy S5	-	Town Centres and Retail
Policy DR1	-	Design
Policy HBA4	-	Setting of Listed Buildings
Policy HBA6	-	New Development Within Conservation Areas
Policy HBA9	-	Protection of Open Areas and Green Spaces

3. Planning History

- 3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.2 Conservation Manager: No objections.

5. Representations

5.1 Hereford City Council: "Hereford City Council requests that this planning application be determined strictly in accordance with the approved development plan applicable to the area of the parish of the City of Hereford. The City Council also makes the following additional representation and recommends refusal - wholly inappropriate development in such an historic and important location."

5.2 Conservation Area Panel: Proposal supported.

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

6. Officers Appraisal

6.1 The plinth on which this 6 metre sculpture is to be sited was created during the recent regeneration of Eign Gate. The sculpture was chosen following a public exhibition of four potential sculptures held earlier this year. This proposal received by far the greatest support. It will form a focal point at the eastern end of Eign Gate where it joins Broad Street and High Street. All Saints Church has been used as a focal point and the design of the sculpture reflects the arched windows of the church.

6.2 The City Council comments are noted, however the design is considered to be complementary to the townscape, and whilst contemporary in design will not adversely affect the setting of adjoining listed buildings or detract from the Conservation Area.

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.

Informative:

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

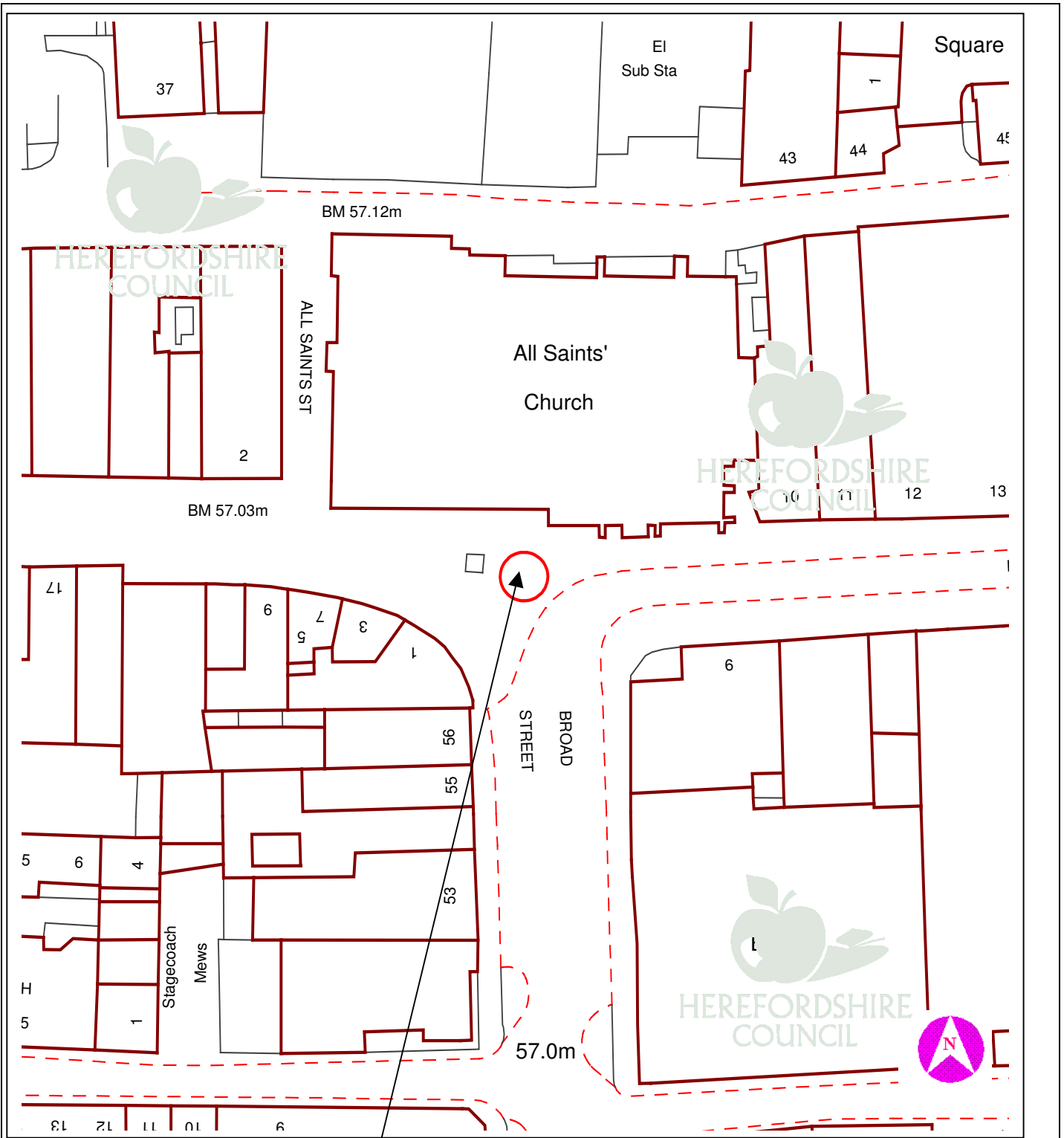
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2006/0725/F

SCALE : 1 : 500

SITE ADDRESS : Outside All Saints Church, High Street, Hereford, HR4 9AA

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**DCNE2006/0517/F - REMOVAL OF CONDITION NO 3
ON PP MH2181/90. OCCUPANCY COMPLIANCE 2,
BRIGHTON VILLA, WALWYN ROAD, COLWALL,
MALVERN, WORCESTERSHIRE, WR13 6QG**

For: Mr & Mrs R & L Stockton at above address.

Date Received:
20th February 2006

Ward:
Hope End

Grid Ref:
75667, 42588

Expiry Date:
17th April 2006

Local Member: Councillor R Stockton

1. Site Description and Proposal

- 1.1 The application site relates to the lawful residential curtilage of number 2 Brighton Villas, Walwyn Road, Colwall. The site comprises a three storey semi-detached house that fronts Walwyn Road, the second floor being within the roofspace, and an attached 'L' shaped predominantly single storey structure arranged around a courtyard. The rear garden of the house has a depth of 43 metres and a width of 10 metres.
- 1.2 The house is set back from the road such that the area in front of the house can accommodate the parking of one car. To the south-west of the site in the space between 2 Brighton Villas and Chester House is a shared driveway. Within this space there is adequate space for the occupiers of 2 Brighton Villas to park another two cars in tandem and occupiers of Chester House to park two cars in tandem.
- 1.3 The site lies within the defined village settlement of Colwall, the Area of Great Landscape Value and the Malvern Hills Area of Outstanding Natural Beauty.
- 1.4 Under planning permission MH 2181/90 the Local Planning Authority allowed the conversion of the store room to the rear of the main house to a "granny annexe". This was subject to a number of conditions, one of which was stated:-

"The accommodation hereby permitted shall not be occupied as an independent dwelling and shall only be used for purposes ancillary to the use of the existing dwelling known as 2 Brighton Villas, Walwyn Road, Colwall. The annexe shall not enjoy any permitted development rights under any General Development Order whatsoever;

Reason:- The Local Planning Authority are not prepared to allow a separate unit of accommodation in this position where no separate access or curtilage exists".

- 1.5 This permission was implemented but the owners of 2 Brighton Villas are now seeking the removal of this condition to allow the "granny annexe" to be occupied as a separate independent dwelling.
- 1.6 The application is retrospective as the applicants are currently occupying the "granny annexe" as a separate independent dwelling and, it is understood, rented out the

retained main five bedroomed house as a separate dwelling last year. It is understood that the main five bedroomed house is currently being advertised for rent.

- 1.7 A fence has been erected in the central courtyard such that the occupiers of the retained five bedroomed house have a private rear courtyard area of some 34 square metres. The occupiers of the smaller two bedroomed dwelling (i.e. the former "granny annexe") enjoy the remaining courtyard area of some 26 square metres together with the extensive rear garden of some 430 square metres. The parking is arranged in such a manner that the occupiers of the retained main five bedroomed house has the single car parking space on the frontage, whilst the occupiers of the smaller two bedroomed dwelling have access to two tandem car parking spaces upon the shared driveway.

2. Policies

2.1 Herefordshire & Worcester Country Structure Plan

H.16A – Housing in Rural Areas

H.18 - Housing in Rural Areas Outside the Green Belt

T.12 – Car Parking

CTC.1 – Areas of Outstanding Natural Beauty

CTC.2 Areas of Great Landscape Value

2.2 Malvern Hills District Local Plan 1998

Housing Policy 3 – Settlement boundaries

Housing Policy 18 – Tandem and Backland Development

Landscape Policy 2 – Area of Outstanding Natural Beauty

Landscape Policy 3 - Development in Areas of Great Landscape Value

2.3 Herefordshire Unitary Development Plan – Revised Deposit Draft

H4 – Main villages: settlement boundaries

H13 – Sustainable residential design

3. Planning History

MH2181/90 - Conversion of store room to granny annexe - Granted 17 December 1990

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 Transportation Manager: - No objections.

5. Representations

5.1 Colwall Parish Council comment as follows: "The Parish Council objects to this application on the basis that there has been no change that negates the condition applied on pp MH2181/90 by Malvern Hills District Council."

5.2 One resident of the Parish has objected on the following summarised grounds:-

- a) The occupiers of the retained main house would unduly overlook the occupiers of the "annexe";
- b) The retained main dwelling would have inadequate amenity/garden space;
- c) The development has a lack of on-site car parking leading to on-street parking problems adversely affecting the viability of the retail shops in the immediate vicinity.

5.3 The occupiers of the neighbouring dwelling known as "Chester House" do not object to the principle of the development but feel that the issue as to the adequacy of car parking provision should be addressed.

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

6. Officers Appraisal

6.1 The application site lies within the defined village settlement of Colwall as defined upon the Proposals Maps accompanying both the Malvern Hills District Local Plan 1998 and the emerging Herefordshire Unitary Development Plan. Housing Policy 3 of the Malvern Hills District Local Plan 1998 and policy H4 of the emerging Herefordshire Unitary Development allow for appropriate residential development within the settlement boundary provided that environmental quality is not unduly compromised. In this regard the criteria in Housing Policy 3 of the Malvern Hills District Local Plan 1998 need to be satisfied as well as the other relevant criteria based policies of the Development Plan.

6.2 By applying for the removal of the aforementioned condition the proposal would effectively create a separate dwelling in a backland scenario. The main issues of environmental quality that need to be addressed in this case are as follows:

- Whether the occupiers of the proposed two bedroomed dwelling enjoy a satisfactory level of privacy;
- Whether the occupiers of the main five bedroomed house enjoy a satisfactory outdoor amenity / garden area;

- Whether the use of the rear courtyard associated with the main five bedroomed house result in an unsatisfactory level of noise and general disturbance to the occupiers of the proposed two bedroomed dwelling.
- The adequacy (or otherwise) of on-site car parking provision and the consequences of any resultant on-street car parking.

6.3 It should be understood that planning is not only concerned with ensuring that existing occupiers of dwellings enjoy a satisfactory level of amenity but also that future occupiers of dwellings enjoy a satisfactory level of amenity.

Privacy

- 6.4 The two bedroomed dwelling to the rear of the main house has a primary window to the living room facing north-west. This window is 10.64 metres from the rear (south-east) elevation of the main five bedroomed house proposed. In the rear elevation of the main five bedroomed house is a first floor bathroom window, a first floor bedroom window and a second floor bedroom window. There is direct overlooking from all three of these windows into the primary living room window of the two bedroomed dwelling. Normally one would expect a privacy distance of 21 metres to be achieved. Whilst the Central Government advice contained within Planning Policy Guidance Note 3 encourages Local Planning Authorities to increase housing densities by innovative designs and avoiding inflexible standards, this should not be at any cost. To reduce the privacy distance to say 18 metres may be understandable but it is considered that to reduce it by some approximately 50% cannot, be justified. There are other circumstances, for example where the window concerned is beyond 45 degrees from the centre of the "offending" window(s), that one may recommend a relaxation of the normal requirements but in this case the overlooking is direct.
- 6.5 Whilst the concern with regard overlooking from the bathroom window could reasonably be overcome by way of a planning condition requiring obscure glazing, this is not the case with respect of the other "offending" windows.

Therefore on the first issue it is considered that the occupiers (including future occupiers) of the proposed two bedroomed dwelling would suffer an undue level of privacy within their living room due to overlooking from the first floor and second floor bedroom windows in the rear elevation of the main five bedroomed house.

Outdoor amenity / garden area

- 6.6 Normally one would expect a five bedroomed house to have a rear garden area of some 100 square metres and a two bedroomed dwelling to have a much smaller outdoor amenity area. In fact, in terms of say a two bedroomed flat a genuinely useable balcony area or courtyard area may often suffice. In other words one would expect the size of the private amenity/garden area to be commensurate to the size of the dwelling. In this case, due to the physical characteristics of the site, the reverse is the case. The two bedroomed dwelling has a private outdoor rear garden area of 430 square metres, whilst the retained five bedroomed house has a private rear courtyard area of 34 square metres. It is considered that the private rear courtyard area associated with the five bedroomed house is too small and that the occupiers of that dwelling (including future occupiers) would not enjoy a satisfactory level of amenity. Furthermore the parking and manoeuvring of the two cars associated with the two bedroomed dwelling would prejudice the enjoyment of this area. This parking/manoeuvring area is adjacent to their rear courtyard.

Noise and general disturbance

- 6.7 The small rear courtyard (34 square metres) associated with the main house is sited only 4.6 metres from the primary living room window of the two bedroomed dwelling. It is considered that the use of this area with say children playing and barbecues during the summer months when habitable room windows are likely to be open would, be likely to lead to the occupiers of the proposed two bedroomed dwelling suffering an undue loss of amenity by way of noise and general disturbance.

Car Parking

- 6.8 The adopted car parking standards require 3 car parking spaces for the retained five bedroomed house and two car parking spaces for the two bedroomed dwelling. The two car parking spaces for the two bedroomed dwelling are achieved but the three car parking spaces for the five bedroomed house are not achieved. The five bedroomed house would only have one car parking space. Given the advice contained within Planning Policy Guidance Note 13 the provision of three shared generally accessible car parking communal car parking spaces would be acceptable. However, given the tandem nature of two of the spaces this is not achieved. Hence it is likely that up to two cars would be parked upon the street. The issue is whether this creates a hazard to highway safety. The highway hereabouts does not have parking restrictions and the highway hereabouts is of such a width that parking upon the street would not create an obstruction. The case officer has not observed a genuine on-street car parking problem and on-street car parking can assist in reducing traffic speeds. Thus, it is not considered that the proposal would cause demonstrable hazards to highway safety.

Other Issues

- 6.9 The applicant has stated to the case officer that he would not be willing to enter into a Section 106 Agreement or accept a planning condition requiring the land not to be sold off separately. In any event it is not considered that such an approach would be supported for the following reasons: -
- Planning should not be concerned with matters of land ownership. The amenities one would expect the occupiers of dwellings to enjoy should not be dependant upon their tenure. For example there is no reason as to why the occupier of a privately rented dwelling should enjoy a lower standard of amenity than an owner occupier; and
 - Paragraph 20 of circular 11/95 makes it clear that conditions affecting land ownership (requiring, for example, that the land shall not be disposed of except as a whole) would be ultra vires.
- 6.10 The applicant has made the case officer aware of other developments in the vicinity that he claims are similar. However, it is not considered that there are any directly comparable cases. Each site has different physical characteristics and must be considered on their individual merits. For example, the dwelling to the south at the rear of Chester House does not have any clear glazed first floor habitable windows in its north-western, north-eastern and south-western elevations and therefore matters of privacy to habitable rooms of neighbouring properties do not arise. Similarly that three bedroomed dwelling has a large garden extending some 44 metres in a south-easterly direction.

Conclusions

6.11 In conclusion, it is considered that the condition that the applicants are seeking to remove was appropriately imposed in 1995 and that there are no material changes in planning considerations that can justify its removal. The breach of planning control that this proposal seeks to regularise causes demonstrable harm to the amenities one would reasonably expect the occupiers (including future occupiers) of both dwellings to enjoy. The highlighted problems are typical of those associated with backland forms of development. Therefore it is recommended that planning permission be refused.

RECOMMENDATION

That planning permission be refused for the following reasons: -

- 1. The occupiers (including future occupiers) of the two bedroomed dwelling (former granny annexe) suffer an inadequate level of privacy within their living room window due to direct overlooking from the first floor and second floor bedroom windows to the rear elevation of the main five bedroomed house, contrary to criteria D of Housing Policy 3 of the Malvern Hills District Local Plan 1998, criteria A of Housing Policy 18 of the Malvern Hills District Local Plan 1998 and criteria 11 of Policy H13 of the Herefordshire Unitary Development Plan Revised Deposit Draft May 2004.**
- 2. The occupiers (including future occupiers) of the five bedroomed dwelling do not enjoy a satisfactorily sized rear amenity/garden area and the enjoyment of that area is prejudiced by the noise and general disturbance arising from the adjoining manoeuvring/parking area associated with the two bedroomed dwelling. As such the development is contrary to Housing Policy 3 of the Malvern Hills District Local Plan 1998, criteria A of Housing Policy 18 of the Malvern Hills District Local Plan 1998 and criteria 11 of Policy H13 of the Herefordshire Unitary Development Plan Revised Deposit Draft May 2004.**
- 3. The occupiers (including future occupiers) of the two bedroomed dwelling would not enjoy a satisfactory level of quietude within their living room due to noise and general disturbance likely to arise from the use of the private rear courtyard area of the five bedroomed house. As such the development is contrary to Housing Policy 3 of the malvern Hills District Local Plan, criteria A of Housing Policy 18 of the Malvern Hills District Local Plan 1998 and criteria 11 of Policy H13 of the Herefordshire Unitary Development Plan Revised Deposit Draft May 2004.**

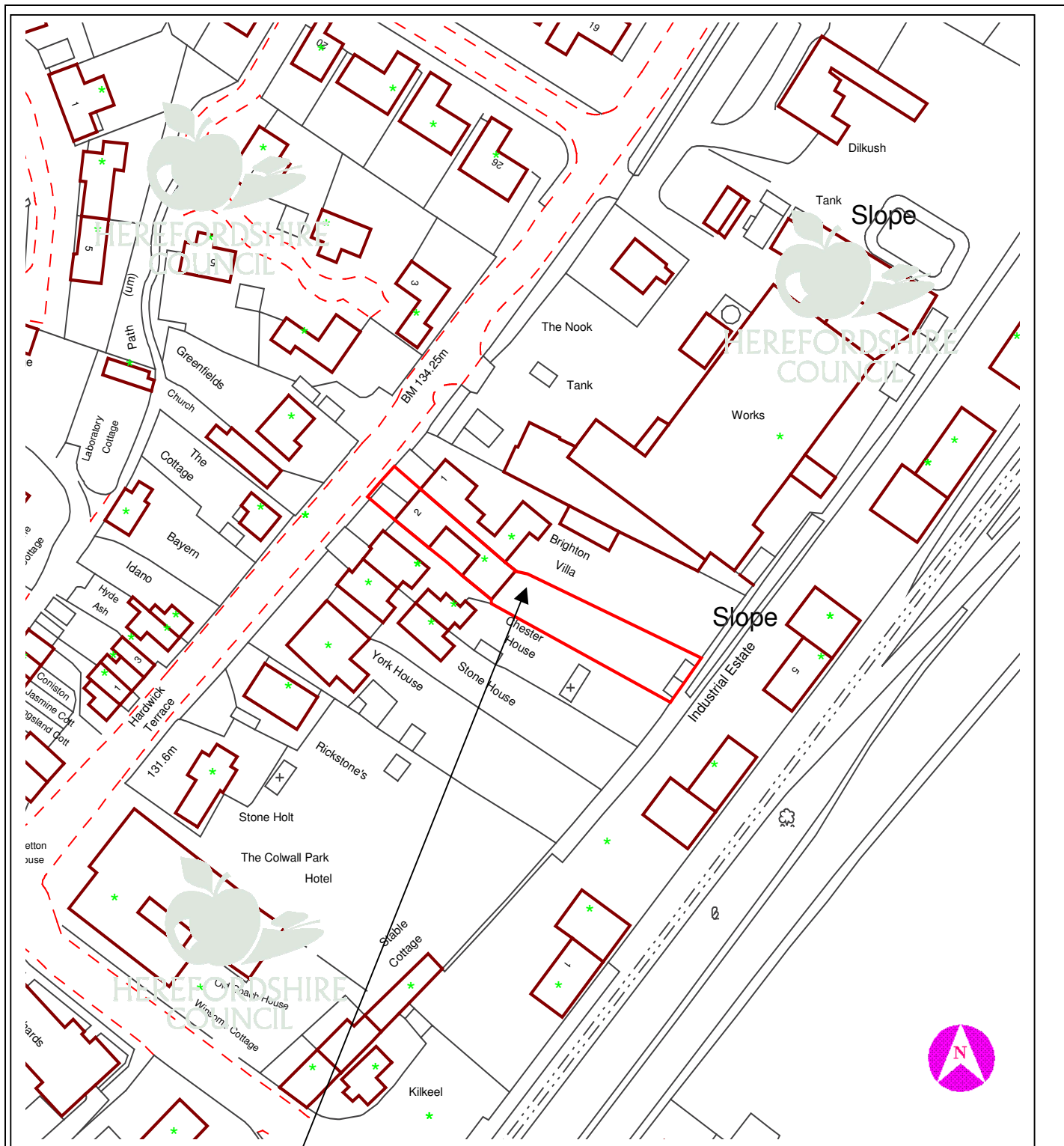
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2006/0517/F

SCALE : 1 : 1250

SITE ADDRESS : 2, Brighton Villa, Walwyn Road, Colwall, Malvern, Worcestershire, WR13 6QG

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