

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 28th February, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 31st January, 2007.	1 - 10
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	11 - 14
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items 6 and 7 are applications which on which it was decided to hold a site inspections at the last meeting and items 8 and 9 are new applications.	

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|-----|---|---------|
| 6. | <p>DCNC2006/3283/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION ON LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.</p> <p>For: Miss P Moore, HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, East Sussex, BN1 1UF</p> <p>Ward: Leominster South</p> | 15 - 22 |
| 7. | <p>DCNC2006/3379/F - USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF. NC2002/1416/F WHICH STATES "THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE" AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.</p> <p>For: Miss P Moore, HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, East Sussex, BN1 1UF</p> <p>Ward: Leominster South</p> | 23 - 30 |
| 8. | <p>DCNC2007/0044/F - ERECTION OF 14 AFFORDABLE DWELLINGS, ASSOCIATED HIGHWAY AND EXTERNAL WORKS AT LAND ON MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 9NF</p> <p>For: Marches Housing Association per Mr S Buchan Walker Troup, 52 Lyndon Road, Sutton Coldfield, West Midlands, B73 6BS</p> <p>Ward: Leominster North</p> | 31 - 38 |
| 9. | <p>DCNE2007/0178/F - ERECTION OF PALISADE FENCING & GATES AT BRADFORD BUILDING SUPPLIES, HEREFORD ROAD, LEDBURY, HEREFORDSHIRE, HR8 2PR</p> <p>For: Bradfords Building Supplies.</p> <p>Ward: Ledbury</p> | 39 - 42 |
| 10. | <p>DATE OF NEXT MEETING</p> <p>28th March, 2007</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 Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 31st January, 2007 at 2.00 p.m.

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

Councillors: Mrs. L.O. Barnett, W.L.S. Bowen, R.B.A. Burke, P.J. Dauncey, Mrs. J.P. French, J.H.R. Goodwin, P.E. Harling, B. Hunt, T.W. Hunt, T.M. James, Brig. P. Jones CBE, R. Mills, R.J. Phillips, D.W. Rule MBE, J. Stone and J.P. Thomas

135. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BF Ashton, RM Manning and RV Stockton.

136. DECLARATIONS OF INTEREST

Councillor RJ Phillips declared a personal interest in item No 10 (Minute 144) - DCNW2006/3816/F - retrospective application for change of use for siting of residential caravan mobile home at The Garden, Nutfield Cottage, Bearwood, Pembridge and 11 (Minute 145) DCNW2006/3850/F - replacement dwelling and garage at Pinecroft, West Street, Pembridge.

137. MINUTES

RESOLVED: That the Minutes of the meeting held on 3rd January, 2007 be approved as a correct record and signed by the Chairman.

138. ITEM FOR INFORMATION - APPEALS

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

139. APPLICATIONS RECEIVED

The Sub-Committee considered the following planning applications received for the Northern Area of Herefordshire and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary.

140. DCNC2006/3235/F - PROPOSED TWO STOREY SIDE EXTENSION AND CREATION OF A NEW PARKING AREA AT 49 MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 8UP

The Development Control Manager said that the application was deferred at the last meeting because Leominster Town Council's comments on the amended plans had not been received. The Town Council had now commended the application for

approval.

RESOLVED

That planning permission be granted subject to conditions set out below:

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

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

- 2 - A09 (Amended plans)

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

- 3 - B02 (Matching external materials (extension))

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

Informatives:

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

- 2 - N19 - Avoidance of doubt

141. DCNE2006/3799/F - FURTHER STOREY ON REAR OF HOUSE AT HIGH VINNALLS, UPPERFIELDS, LEDBURY, HEREFORDSHIRE, HR8 1LE

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 - Prior to commencement of the development hereby permitted full written details and samples of all external materials shall be submitted to the Local Planning Authority for their written approval. No development shall commence until the written approval of the Local Planning Authority has been obtained. The development shall be carried out in full accordance with the approved details and thereafter maintained as such;

Reason: - To ensure a satisfactory appearance to the development;

Informatives:

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

- 2 - N19 – Avoidance of doubt

142. DCNC2006/4003/O - SITE FOR A TWO STOREY HOUSE WITH 3 CAR PARKING SPACES AT THE REAR OF 64 NEW ROAD, BROMYARD, HEREFORDSHIRE, HR7 4AN

Councillor B Hunt, one of the Local Ward Members, felt that the application was far more acceptable than previous ones because it would include Off- Street parking through the demolition of some existing garages, rather than retain them and have an access that could be unsafe to negotiate. He asked that the Local Ward Members be consulted on the granting of the permission.

RESOLVED

That planning permission be granted in consultation with the Local Ward Members and subject to the following conditions:

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

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

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

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

3 - A04 (Approval of reserved matters)

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

4 - The development hereby approved shall not be commenced until the new vehicular access to serve 64 New Road, as approved under application reference DCNC2006/3036/F, has been completed and brought into use to the written satisfaction of the local planning authority.

Reason: To ensure satisfactory alternative parking exists for 64 New road, in the interests of highway safety.

5 - 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.

6 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

7 - W01 (Foul/surface water drainage)

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

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

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

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

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

INFORMATIVES

1 - N19 - Avoidance of doubt

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

143. DCNC2006/3893/F - DEMOLITION OF REDUNDANT RACING STABLES AND ERECTION OF 4 NO. 3 BED HOUSES (LOW COST MARKET) TOGETHER WITH 8 PARKING SPACES AT RISBURY RACING STABLES, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ

The Senior Planning Officer reported the receipt of four letters of objection from new objectors and three further letters of objection from existing objectors. He said that the owners of an adjoining property whilst not objecting to the proposal required the provision of adequate drainage to prevent flooding to their property. He also reported the views of the Council's Strategic Housing Department which was in support of the scheme provided that the proposed dwellings remained within the affordable housing market.

In accordance with the criteria for public speaking, Mr Vidler the applicant's agent spoke in favour of the application.

Councillor KG Grumbley the Local Ward Member thanked the officers for providing a well-balanced report about the application. He outlined the points for and against the proposal. He felt that although the site was somewhat isolated with some distance to amenities, there was little affordable housing in the area and the proposal would help with the village school rolls. Councillor Mrs JP French felt that the Local Member had made a good case for the scheme which would need to be carefully controlled by an obligation under S.106 of the Town and Country Planning Act. The Development Control Manager said that Policy H10 within the Herefordshire Unitary Development Plan was quite specific about the identification of need and that the course of action suggested may be possible but that the officers had some doubts that the proposed dwellings could be delivered at an affordable price. There had been no identified need and the proposal appeared to be in a remote a location with few amenities and infrequent public transport.

Councillor WLS Bowen had some concerns that the remote location and poor amenities and public transport could lead to a future application to remove the affordable housing restriction. He felt that there should be a housing needs survey undertaken before an informed decision could be made on the application. The Sub-Committee gave further consideration to the various aspects of the application and location. Councillor KG Grumbley suggested that for the avoidance of any doubt, consideration of the application should be deferred to enable more information to be provided by the applicants in support of their application.

RESOLVED

That consideration of the application be deferred for the applicants to provided the appropriate information which would support the imposition of a Section

106 obligation under the Town & Country Planning Act 1990 in respect of affordable housing.

144. DCNW2006/3816/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FOR SITING OF RESIDENTIAL CARAVAN MOBILE HOME AT THE GARDEN, NUTFIELD COTTAGE, BEARWOOD, PEMBRIDGE HEREFORDSHIRE HR6 9EF

In accordance with the criteria for public speaking, Mr Hughes the Agent and Mr Layton the applicant spoke in favour of the application.

Councillor RJ Phillips the Local Ward Member disagreed with the views of the Pembridge Parish Council that there was not an agricultural need for the application. He said that the applicant had been involved in local agricultural activities for many years and had encountered difficulties in finding affordable accommodation to remain near to his work. He had ensured that Council Tax was paid from the outset when he had occupied the site and Councillor Phillips was of the view that this was a genuine case. The Development Control Manager said that the applicant had not met the necessary tests to meet the criteria set out within the Councils planning policies for planning permission in respect of agricultural workers accommodation.

Having considered the details of the application, the Sub-Committee decided to defer consideration of the application to give the applicant the opportunity to provide more evidence in support of the need for it.

RESOLVED

That consideration of the application be deferred for the applicant to provide more evidence which would support the need for the application

145. DCNW2006/3850/F - REPLACEMENT DWELLING AND GARAGE AT PINECROFT, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE,

The Senior Planning Officer read out the contents of a letter received from Mrs Dutton-Scholer, an objector. He said that she had expressed a number of concerns about the application in respect of loss of light to her house and garden, vehicular access and open space.

The Sub-Committee discussed the impact of the application on neighbouring properties and the Conservation Area. The Development Control Manager said that in his view the dwelling was outside the historic centre of the village amongst more modern buildings and in a fairly concealed location and that it would not therefore have an adverse affect. The Sub-Committee had some concerns about the design of the proposed building but felt that there were no grounds on which to refuse 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 - B01 (Samples of external materials)**

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

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

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

- 4 - C05 (Details of external joinery finishes)**

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

- 5 - C11 (Specification of guttering and downpipes)**

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

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

Reason: In the interests of the surrounding Conservation Area and landscape designation.

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

Reason: To protect the amenity of local residents.

- 8 - G04 (Landscaping scheme (general))**

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

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

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

- 10 - D01 (Site investigation - archaeology)**

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

- 11 – F48 (details of slab levels)**

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

Informatives:

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

- 2 - N19 - Avoidance of doubt**

146. DCNW2006/4007/F - ERECTION OF 2 NO. DWELLINGS WITH DETACHED GARAGES AT SUNNYMEADE, BACK LANE, WEOBLEY, HEREFORD, HR4 8SG

The Senior Planning Officer said that the owners of Clee View adjoining the site had requested repositioning of the proposed dwellings, however this would create overlooking and would have an increased detrimental impact on the surrounding Conservation Area.

In accordance with the criteria for public speaking, Ms Parsons of Weobley Parish Council spoke against the application.

In answer to the concerns raised by the parish council about highway safety issues, the Senior Planning Officer stated that the site had an existing business use which could generate more traffic movements whereas the application was for two dwellings which would use the existing vehicular access.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - All external joinery will be of timber construction.

Reason: In the interests of the surrounding Conservation Area.

4 - Foul water and surface water discharges must be drained separately from the site.

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

5 - No surface water shall be allowed to connect (either directly or indirectly), to the public sewerage system.

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

6 - No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

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

7 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 - E09 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times.

9 - E16 (Removal of permitted development rights)

Reason: In order to protect the character of the surrounding Conservation Area.

10 - 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.

11 - G04 (Landscaping scheme (general))

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

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

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

Informatives:-

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

2 - N19 - Avoidance of doubt

147. DCNW2006/4049/O - OUTLINE APPLICATION FOR AGRICULTURAL DWELLING TO REPLACE COLLAPSED FARMHOUSE AT SPOND FARM, SPOND, KINGTON, HEREFORDSHIRE, HR5 3LB

It was reported that the County Land Agent had concerns about the proposal in that no accounts had been submitted in support of the enterprise, land ownership appeared complicated, there was already a farmhouse on site and a previous listed house on site had been allowed to become derelict. The Conservation Manager's view was that the building should be recorded but that it was probably now beyond repair economically.

In accordance with the criteria for public speaking, Mr Lykes the applicants agent spoke in favour of the application.

Councillor TM James said that the application was to support a working farm and that the applicant lived in a dwelling that did not belong to him and that he therefore needed the security of his own dwelling to support the agricultural business. He also said that it was not a viable proposition for the derelict dwelling to be rebuilt and he therefore considered that the application should be granted.

The Development Control Manager said that the proposal was contrary to policy H8 of the UDP in that an essential need for an agricultural dwelling at this location had not been demonstrated or the conversion of a suitable existing building explored. He also pointed out that the applicant already had suitable on-site accommodation from which to manage the farm.

RESOLVED

That planning permission be refused for the following reasons:

- 1. No essential need has been proven for an additional agricultural worker to be on site. Therefore the proposal does not comply with Policy H8: Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses in the Herefordshire Unitary Development Plan (Revised Deposit Draft), Policy A43: Agricultural Dwellings in the Leominster District Local Plan and National Planning Policy Statement 7: Sustainable Development in Rural Areas**
- 2. Notwithstanding the above should an essential need for a further dwelling be proven, there is a suitable building adjacent which could be converted for such a use. Therefore the proposal does not comply with National Planning Policy Statement 7: Sustainable Development in Rural Areas And Policy H8: Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses in the Herefordshire Unitary Development Plan (Revised Deposit Draft), on this issue.**

148. DATE OF FORTHCOMING MEETINGS

28th February, 28th March and 24th April, 2007.

The meeting ended at 3.45 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNW2006/2721/O**

- The appeal was received on 22nd January 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr G Lewis
- The site is located at Land adjoining Overton Farm Shop, Orleton, Ludlow
- The development proposed is Site for the erection of a dwelling
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNE2006/2623/F

- The appeal was received on 23rd January 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Little Verzons Fruit Farm
- The site is located at Little Verzons Garden Centre, Hereford Road, Ledbury, Herefordshire, HR8 2PZ
- The development proposed is Erection of a log cabin for use as holiday accommodation.
- The appeal is to be heard by Hearing

Case Officer: Roland Close on 01432 261803

Application No. DCNW2006/1657/F

- The appeal was received on 24th January 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by R.J. Verdin Esq
- The site is located at The Browns, Weobley, Herefordshire
- The development proposed is Conversion of and alterations to a group of redundant period barns to create three residential dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNC2006/2953/O

- The appeal was received on 25th January 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr SW Lloyd
- The site is located at 78 Castlefields, Leominster, Herefordshire, HR6 8BJ
- The development proposed is Site for the erection of a detached dwelling.
- The appeal is to be heard by Written Representations

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

Case Officer: Rebecca Jenman on 01432 261781

Application No. DCNW2006/1858/O

- The appeal was received on 12th February 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by M G George
- The site is located at The Old Garage, Mortimers Cross, Leominster, Herefordshire, HR6 9TQ
- The development proposed is Site for demolition of engineering works and replacement residential development
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

APPEALS DETERMINED

Application No. DCNC2006/1105/F

- The appeal was received on 29th September 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr C Brant
- The site is located at The Paddocks, Normans Lane, Stoke Prior. Leominster. Herefordshire. HR6 0LQ
- The application, dated 21st March 2006, was refused on 14th June 2006
- The development proposed was Retention of Agricultural Building.
- The main issue is the effect of the agricultural building on the character and appearance of the rural area.

Decision: The appeal was UPHeld on 1st February 2007

Case Officer: Nigel Banning on 01432 383093

Application No. DCNC2006/1304/O

- The appeal was received on 14th September 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs F Tisdale
- The site is located at Cherry Tree Cottage, Leysters, Leominster, Herefordshire, HR6 0HW
- The application, dated 14th April 2006, was refused on 20th June 2006
- The development proposed was Site for the erection of one dwelling.
- The main issue is the effect of the proposal on the character of the open countryside

Decision: The appeal was DISMISSED on 2nd February 2007

Case Officer: Nigel Banning on 01432 383093

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

Application No. DCNE2005/3887/F

- The appeal was received on 19th September 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs S Vaughan
- The site is located at Furrows Farm, Bishops Frome, Herefordshire
- The application, dated 30th November 2005, was refused on 22nd February 2006
- The development proposed was Conversion of barn to dwelling; new detached garage with studio/workshop over and new vehicle access.
- The main issue is the effect of the proposals on the living conditions of the residents.

Decision: The appeal was DISMISSED on 9th February 2007

Case Officer: Edward Thomas on 01432 261795

Application No. DCNC2006/2020/F

- The appeal was received on 25th October 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr G Bradbury
- The site is located at Land to the rear of 79 South Street, Leominster, Herefordshire, HR6 8JH
- The application, dated 20th June 2006, was refused on 8th August 2006
- The development proposed was Proposed 3 no. detached dwellings and garages.
- The main issues are the effect of the proposal on the character and appearance of the area, and the effect that the proposal would have on the living conditions of the neighbouring properties.

Decision: The appeal was UPHELD on 12th February 2007

Case Officer: Nigel Banning on 01432 383093

Application No. DCNW2006/2522/F

- The appeal was received on 27th October 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs J Porter
- The site is located at The Beeches, Monkland, Leominster, Herefordshire, HR6 9DB
- The application, dated 31st July 2006, was refused on 11th September 2006
- The development proposed was Proposed erection of two detached cottages.
- The main issue is the effect of the proposal on the character and appearance of the area

Decision: The appeal was DISMISSED on 13th February 2007

Case Officer: Julie Preston on 01432 260536

Application No. DCNE2006/0758/F

- The appeal was received on 6th November 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Rev G T Sykes
- The site is located at St James Church, Stanford Bishop, Bringsty, Worcester
- The application, dated 5th March 2006, was refused on 24th April 2006
- The development proposed was Change of use of farm land to car parking facilities.
- The main issue is the effect of the proposal on the preservation and setting of the listed building

Decision: The appeal was DISMISSED on 14th February 2007

Case Officer: Roland Close on 01432 261803

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

6 DCNC2006/3283/F – USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT WHICH STATES NO CARAVAN SHALL BE USED AS PERMANENT RESIDENTIAL ACCOMMODATION ON LAND AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.

For: Miss P Moore, HLL Humberts Leisure, Pavilion View, 19 New Road, Brighton, East Sussex, BN1 1UF

Date Received:
25th October 2006

Ward: Leominster South

Grid Ref:
52835, 58589

Expiry Date:
20th December 2006

Local Member: Councillors RBA Burke and JP Thomas

1. Introduction

- 1.1. This application was deferred by the Northern Area Planning Sub Committee on 6th December 2006. Members had made a request for additional information regarding the occupancy of the units and also a formal response from Strategic Housing.
- 1.2. A Site inspection was also undertaken on 13th February in order that Members could view the site.
- 1.3. The detailed information requested from the agent in terms of the provision of an annotated plan with each of the units marked, details of each family group and their length of occupancy has not been provided, but the applicant's agent has provided the following additional statement:-

“Unfortunately, Miss Moore is unable to confirm the date when each of the mobile homes was first occupied by the present tenant, but she has confirmed that the majority of the present occupiers have been in residence for over two years, whilst some have been in occupation for much longer.

As you know, part of the site does have planning consent for the siting of caravans for residential use, and another part of the site has the benefit of a Certificate of Lawfulness in respect of five caravans for residential use.

Miss Moore has asked me to stress that she only permitted additional caravans to be used for residential purposes after she has received an amended site licence which was headed “**Permanent Residential Mobile Site Licence Conditions, Caravan Sites and Control of Development Act 1960, section 5**”.

The amended site licence indicated that the number of mobile homes to be sited should not exceed 86.

As you know, our client made the assumption that the site licence had been issued in good faith, and that Herefordshire Council had decided to authorise the use of Meadow Bank Caravan Park for the siting of mobile homes.

In addition to the above, Miss Moore has indicated that several of the present occupiers were referred to her by what she refers to as Leominster Council, although again she cannot now recall which of the present residents were so referred.

In earlier correspondence, I suggested that the County Council had carried out improvement works to several of the mobile homes, with particular reference to additional thermal insulation and exterior cladding.

I now understand that, more accurately, the occupiers of those caravans were able to obtain grants from the Council for the work to be done.

During our telephone conversation we also discussed the possibility of a planning condition to improve landscaping at Meadow Bank Caravan Park, and whilst the caravans are set well back from the road, it is entirely possible that additional In addition to the above, and whilst it may not be as appropriate as a planning condition, I can confirm that I will recommend that my client reviews the existing drainage system, with a view to ensuring that any discharge to water courses fully complies with relevant standards.

I hope that above, together with the information obtained during the site visit, will enable the Development Sub-Committee to grant the consents that are being sought.

- 1.4 Strategic Housing have commented that they have never been aware of any homeless nominations made by Herefordshire Council, but it appears that Leominster District Council regularly received applications from the site, often referrals from the Private Sector.
- 1.5. They also confirm that Housing Benefit is paid in these cases. In determining entitlement there is no requirement to determine whether a property has permanent planning approval, merely that a bona fide tenancy exists.

The original report now follows

2. Site Description and Proposal

- 2.1 Meadow Bank is an established caravan park. It is located within the open countryside in an undulating landscape. The application site is positioned on an area of low lying flat land. It is formally laid out as a caravan park with surfaced access roads and designated plots for each of the static caravans.
- 2.2 Other parts of the site lie on sloping land. To the north are a number of other caravans and a large complex of agricultural buildings beyond. These are used in conjunction with the applicants equestrian based business. The land to the south also rises but is open agricultural land.
- 2.3 The application is for the removal of condition no.2 of NC2002/1416/F. Planning permission was granted for the extension of the caravan park to accommodate a further 10 units and condition no.2 prohibits the use of caravans as permanent residential accommodation. It now appears that all of the units on the site are permanently occupied, and have been for some time. The application is retrospective and seeks permanent residential use.

3. Policies

3.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1 - Sustainable Development
H7 - Housing in the Countryside Outside Settlements
RST14 - Static Caravans, Chalets, Camping and Touring Caravan Sites

3.2 Leominster District Local Plan

A40 - Change of use from Holiday Chalet or Caravan Sites
A2 - Settlement Hierarchy

4. Planning History

- 4.1 NC2002/1416/F - Use of land for siting 10 static holiday caravans as an extension of existing park - Approved 15.7.02
- 4.2 NC2000/2090/F - Change of use to extend caravan park - Refused 09.10.00
- 4.3 N98/0220/U - Certificate of lawfulness for the use of land as residential caravan site for 5 caravans - Approved 6.10.98
- 4.4 92/0042/C - Extension of site for static holiday caravans - Approved 31.03.92
- 4.5 91/0655/C - Continued use of land for siting 14 static holiday caravans - Approved 03.12.91

5. Consultation Summary

Statutory Consultations

- 5.1 None required.

Internal Council Advice

- 5.2 Transportation Manager - No objections
- 5.3 Head of Environmental Health and Trading Standards - no objection.

6. Representations

- 6.1 Leominster Town Council - object to the application as the site is sufficiently large.
- 6.2 Five letters of objections have been received from the following:

- H F Parsons, North Rowley, Hamnish
- Mr & Mrs Foster, Patty's Cross, Hamnish
- Mr & Mrs Young, Juniper, Hamish
- Mr Guest, Colaba Lodge, Hamnish
- CCN Davis, South Rowley, Hamnish

- 6.3 In summary the points raised are as follows:

- 6.3.1 The application is contrary to Policy A40 and A58 of the Leominster District Local Plan.
- 6.3.2 *The applicant has erroneously translated what was a misleading site licence and thought that it altered the planning permission.*
- 6.3.3 *It is unclear what the actual number of units on site will be.*
- 6.3.4 Access to the site is onto a narrow road, inappropriate for such a large development.
- 6.3.5 Foul drainage from the site is believed to seep into nearby watercourses.
- 6.4 A supporting statement has also been submitted by the applicant's agent and this reads as follows:

"Following the issue of the planning consent to extend the park, Miss Moore received an amended site licence which was headed 'Permanent residential mobile site licence conditions Caravan Sites and Control of Development Act 1960 Section 5'.

The amended site licence indicated that the number of mobile homes to be sited should not exceed 86.

Our client made the assumption that the site licence had been issued in good faith and that Herefordshire Council had decided to authorise the use of Meadow Bank Caravan Park for the siting of mobile homes. The interpretation is not entirely surprising as it was well known that over the years Miss Moore had assisted the council by accommodating homeless people at Meadow Bank Caravan Park and that several of the occupiers on the static leisure park were occupying their units as a main residence and claiming housing benefit from the council. Indeed, over a period of time all of the caravans on the lower park had been assessed to Council Tax, indicating that your Council were treating them as dwellings rather than static leisure caravans.

To cap it all, I believe Herefordshire council carried out works to several of the caravans by way of exterior claddings to make them more suitable for occupation as residential units.

Against this background, Miss Moore proceeded to make investments in the caravan park with a view to changing all of the static holiday caravans on the lower park to mobile homes by way of additional exterior cladding and the construction of pitched and tiled roofs. Improvements have been made to the roadway and additional security has been provided in the form of an electronically operated entrance barrier, all in the belief that residential use was authorised by your Council."

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

7. Officers Appraisal

- 7.1 The starting point for this application is that it is clearly contrary to policy A40 of the Leominster District Local Plan which states that:

"Planning permission of the change of use of holiday chalets or caravan sites to residential chalets or mobile home sites respectively will not be permitted."

- 7.2 However, the history of the site is also an important material planning consideration. The contents of the applicant’s agent’s comments are not in doubt and it is clear that there has been a history of permanent residential use. This is confirmed by one of the letters of objection which suggests that up to 120 people reside on the site, and that units have been advertised for sale as residential units by local estate agents.
- 7.3 In your officers opinion there are two options that can be taken. First would be to make a decision in accordance with policy and to refuse the application. The logical step from this position would then to be to take enforcement action issuing a breach of condition notice and require that the units are occupied in accordance with the original condition; that they should not be used for residential purposes. In effect this could require the units on site to be vacated by their occupants.
- 7.4 The Local Planning Authority could not take action against any mobile home which has been occupied for residential, as opposed to holiday purposes, for in excess of 4 years.
- 7.5 The alternative would be to take a more pragmatic view of the current situation, accepting the history of the site and granting a permission that allows permanent residential occupancy. This would draw a line under the current situation. The site would be required to comply with the requirements of a residential site licence and therefore an element of control would remain.
- 7.6 On balance it is your officer’s opinion that the latter approach is most appropriate and the application is therefore recommended for approval. No conditions are required in this instance.
- 7.7 Issues relating to existing drainage problems and the existing vehicular access are not material to this particular application as no intensification of use will result. They would be relevant if further applications are made to extend the caravan park.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

- 1. G04 - Landscaping scheme (general**

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

- 2. G05 – Implementation of landscaping scheme (general**

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

INFORMATIVES

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

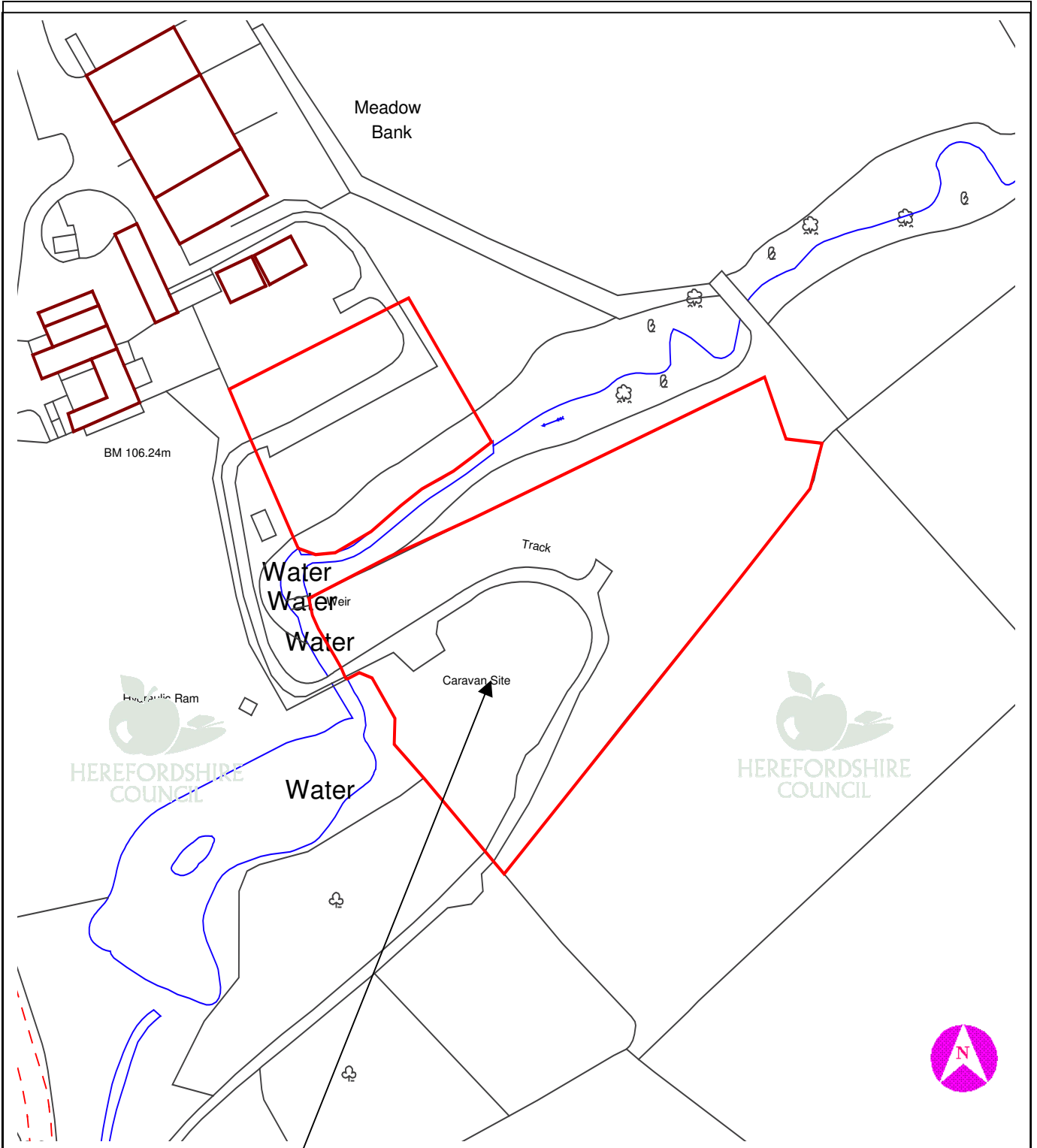
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3283/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Meadow Bank, Hamnish, Leominster, Herefordshire. HR6 0QN.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

7 DCNC2006/3379/F – USE OF LAND FOR SITING MOBILE HOMES BY THE DELETION OF CONDITION 2 IN THE CONSENT REF. NC2002/1416/F WHICH STATES “THE CARAVANS SHALL BE USED FOR HOLIDAY PURPOSES ONLY AND SHALL NOT AT ANY TIME BE USED AS THE SOLE PRIMARY RESIDENCE” AT MEADOW BANK, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN.

**For: Miss P Moore per HLL Humberts Leisure,
Pavilion View, 19 New Road, Brighton, E. Sussex,
BN1 1UF**

Date Received:
25th October 2006

Ward:
Leominster South

Grid Ref:
52835, 58589

Expiry Date:
20th December 2006

Local Member: Councillors D Burke and J Thomas

1. Introduction

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As you know, part of the site does have planning consent for the siting of caravans for residential use, and another part of the site has the benefit of a Certificate of Lawfulness in respect of five caravans for residential use.

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As you know, our client made the assumption that the site licence had been issued in good faith, and that Herefordshire Council had decided to authorise the use of Meadow Bank Caravan Park for the siting of mobile homes.

In addition to the above, Miss Moore has indicated that several of the present occupiers were referred to her by what she refers to as Leominster Council, although again she cannot now recall which of the present residents were so referred.

In earlier correspondence, I suggested that the County Council had carried out improvement works to several of the mobile homes, with particular reference to additional thermal insulation and exterior cladding.

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The original report now follows

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- 2.2 Other parts of the site lie on sloping land. To the north are a number of other caravans and a large complex of agricultural buildings beyond. These are used in conjunction with the applicants equestrian based business. The land to the south also rises but is open agricultural land.
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residential accommodation. It now appears that all of the units on the site are permanently occupied, and have been for some time. The application is retrospective and seeks permanent residential use.

3. Policies

3.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):

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RST14 - Static Caravans, Chalets, Camping and Touring Caravan Sites

3.2 Leominster District Local Plan

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4. Planning History

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5. Consultation Summary

Statutory Consultations

- 5.1 None required.

Internal Council Advice

- 5.2 Transportation Manager - No objections
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- 7.4 The Local Planning Authority could not take action against any mobile home which has been occupied for residential, as opposed to holiday purposes, for in excess of 4 years.
- 7.5 The alternative would be to take a more pragmatic view of the current situation, accepting the history of the site and granting a permission that allows permanent residential occupancy. This would draw a line under the current situation. The site would be required to comply with the requirements of a residential site licence and therefore an element of control would remain.
- 7.6 On balance it is your officer’s opinion that the latter approach is most appropriate and the application is therefore recommended for approval. No conditions are required in this instance.
- 7.7 Issues relating to existing drainage problems and the existing vehicular access are not material to this particular application as no intensification of use will result. They would be relevant if further applications are made to extend the caravan park.

RECOMMENDATION

That planning permission be approved subject to the following conditions:

1. G04 - Landscaping scheme (general

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

2. G05 – Implementation of landscaping scheme (general

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

INFORMATIVES

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

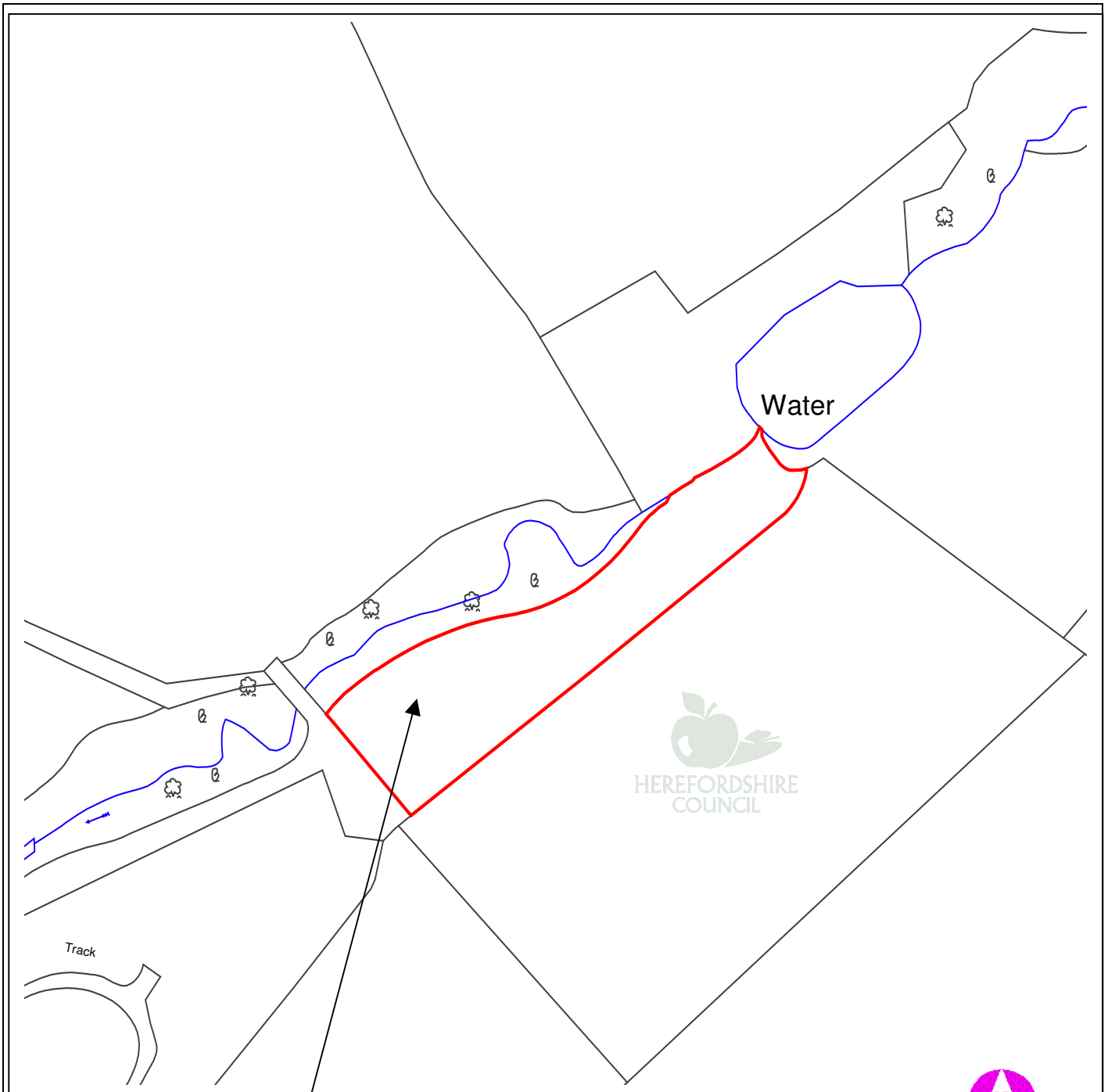
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DCNC2006/3379/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Meadow Bank, Hamnish, Leominster, Herefordshire

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8 DCNC2007/0044/F - ERECTION OF 14 AFFORDABLE DWELLINGS, ASSOCIATED HIGHWAY AND EXTERNAL WORKS AT LAND ON MIDDLEMARSH, LEOMINSTER, HEREFORDSHIRE, HR6 9NF

For: Marches Housing Association per Mr S Buchan Walker Troup, 52 Lyndon Road, Sutton Coldfield, West Midlands, B73 6BS

Date Received:
8th January 2007

Ward: Leominster North

Grid Ref:
49814, 59808

Expiry Date:
9th April 2007

Local Member: Councillors Mrs JP French and Brig P Jones CBE

1. Site Description and Proposal

- 1.1 The proposed development site is located to the north east of Leominster town centre and is accessed through the existing Upper Marshes estate, along the road known as Middlemarsh. The site lies at the far eastern corner of the estate and forms the final phases of development on an allocated housing site.
- 1.2 The site is bounded to the west by the existing residential development, to the north and east by the former railway embankment beyond which is the Kenwater and to the south is the boundary to Dales factory.
- 1.3 The site is virtually flat across its entirety with a slight fall of approximately 0.5 metres from west to east.
- 1.4 The residential area which the site is accessed through has a mix of suburban house types and designs that have no particular relation to the historic core of Leominster.
- 1.5 The proposal is for the erection of 14 affordable dwellings, comprising six 2 bed houses and eight 3 bed houses.
- 1.6 The dwelling designs use contemporary 'Slim House' and 'Clever Box' house types which have been developed for this site and provide the opportunity to introduce innovative dwelling layouts particularly with regard to the adoption of Modern Methods of Construction' and 'Off Site Manufacturing' techniques for their construction.
- 1.7 The slim houses are located to the south of the access road and are a mixture of two and three bedroomed dwellings, of 2 and 2 1/2 storeys in height. This variation has provided the opportunity to provide varying rooflines and the introduction of balconies on the three bedroomed dwellings.
- 1.8 The two 'clever box' houses located to the north of the access road are predominantly single aspect with balconies to the rear.

- 1.9 The site will be accessed from the end of the existing adopted road known as Middlemarsh and will be extended into the site terminating at the eastern end with a hammerhead which is designed to meet adoptable standards. The creation of the new highway will require the stopping up of part of the existing hammerhead from the adjacent development which is contained within the site.
- 1.10 The application is accompanied by a full design and access statement and a flood risk assessment.

2. Policies

- 2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)
S1 - Sustainable Development
DR1 - Design
DR7 - Flood Risk
H2 - Hereford and the Market Towns - Housing Land Allocations
H13 - Sustainable Residential Design
NC3 - Sites of National Importance
PPS25 - Development and Flood Risk

3. Planning History

- 3.1 NC03/2045/F - Construction of 20 affordable dwellings - Approved 17th September 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Transportation Manager - No objection subject to conditions and a request for highway contributions of £1,500 per dwelling to be secured through a Section 106 Agreement.
- 4.3 Strategic Housing - Fully support this application to provide 14 affordable dwellings to meet an identified housing need in Leominster.
- 4.4 Forward Planning Manager - No objection subject to compliance with the criteria contained in Policy H3 of the UDP and its sub-test at paragraph 5.4.20.

5. Representations

- 5.1 Leominster Town Council - Recommend approval in principle but consider the use of white facings for the external walls to be out of keeping with the area.
- 5.2 Welsh Water - No objection subject to conditions.
- 5.3 River Lugg Internal Drainage Board - Note that the watercourse into which surface water will eventually discharge is not one maintained by them.
- 5.4 Environment Agency object to the application on the basis that the finished floor levels are too low (71.2m where their requirement is 71.7m) and that the application fails to

demonstrate a dry pedestrian access in the event of overlapping of the flood defence. They have also made a request for financial contributions to be made towards a flood warning system (£1,000 per dwelling) and towards the maintenance of the existing flood defences (£5,125 per dwelling).

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

6. Officers Appraisal

- 6.1 This proposal generally accords with policy. It seeks to provide affordable housing on an allocated site. The sub-text of policy H2 sets a number of criteria against which an application is to be considered and these are as follows:

6.1.1 The provision of a wildlife corridor of a depth of at least 10 metres from the channel of the river.

6.1.2 The setting of appropriate finished floor levels for dwelling and the completion of a flood risk assessment, including an assessment of the adequacy and maintenance of the flood bank.

6.1.3 The provision of a buffer between the residential area and industrial land (Dales) to the south-east.

- 6.2 The closest part of the development to the river is approximately 14 metres from the middle of it. The former railway embankment provides the majority of the wildlife corridor and this part of the policy is considered to be met.

- 6.3 There has been some debate regarding the adequacy of the flood risk assessment. The Environment Agency had originally objected to the application on the basis that the finished floor levels were too low (71.2m where their requirement is 71.7m) and that the application fails to demonstrate a dry pedestrian access in the event of overlapping of the flood defence.

- 6.4 They have also made a request for financial contributions to be made towards a flood warning system (£1,000 per dwelling) and towards the maintenance of the existing flood defences (£5,125 per dwelling).

- 6.5 The concerns originally raised by the Environment Agency now appear to have been addressed through further negotiation and discussion between parties although a formal response has yet to be received. The Applicant's agent has acknowledged that a dry pedestrian access cannot be achieved but argues that the boundary of the flood zone extends some 500 metres from the site, due to the general relief of the land. Therefore the provision of a dry access is not feasible.

- 6.6 In the same respect they have contended that the dispersal of any water in the event of a flood would be significant, due to the relief of the land, and therefore a floor level of 600mm above the 100 year flood level (71.7m) is excessive, but suggest a compromise of 300mm, and a floor level of 71.4m.

- 6.7 The applicants are agreeable to making financial contributions to a flood warning system and towards maintenance of existing flood defences. They accept a charge of £1,000 per dwelling for the former but have advised that they are only able to

contribute £750 per dwelling for maintenance, highlighting the fact that the housing association is a 'not for profit' organisation and that they have a tight budget.

- 6.8 The requests for contributions came through the advent of changes made to Government advice in PSS25 – Development and Flood Risk. None of the previous schemes have required such contributions and, given the financial constraints of providing affordable housing, the fact that some contribution can be made is considered to be a positive step by the applicants. A Heads of Terms Agreement is appended to this report on the basis of the figures proposed by the applicant.
- 6.9 The further contribution requested by the Transportation Manager is, however, considered to be unreasonable, given that the whole site is to be developed for affordable housing, there being no 'profit' from which to make such additional payments.
- 6.10 The dwellings are well spaced within the site and are all afforded good sized residential curtilages. This is in part due to the use of the 'slim house' designs, which have a smaller footprint and allow increased space around them. There is no strong architectural type on the residential estate and therefore the contemporary approach that has been taken is considered to be acceptable. The inclusion of balconies, whilst not usually acceptable in a residential context, is accepted as they will not cause any demonstrable overlooking due to the orientation of the properties.
- 6.11 Subject to conditions and the completion of a Section 106 Agreement as described in the Heads of Terms, the proposal is considered to accord with policy and is recommended for approval.

RECOMMENDATION

That the Head of Legal and Democratic Services 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 appropriated.

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 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can consider the impact of any further development on the flood plain.

4 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development takes account of the flood risk associated with the site.

5 - G02 (Landscaping scheme (housing development))

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

6 - 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.

7 - H29 (Secure cycle parking provision)

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

8 - W01 (Foul/surface water drainage)

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

9 - W02 (No surface water to connect to public system)

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

10 - W03 (No drainage run-off to public system)

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

11 - No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

Informatives:

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

2 - N19 - Avoidance of doubt

3 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.

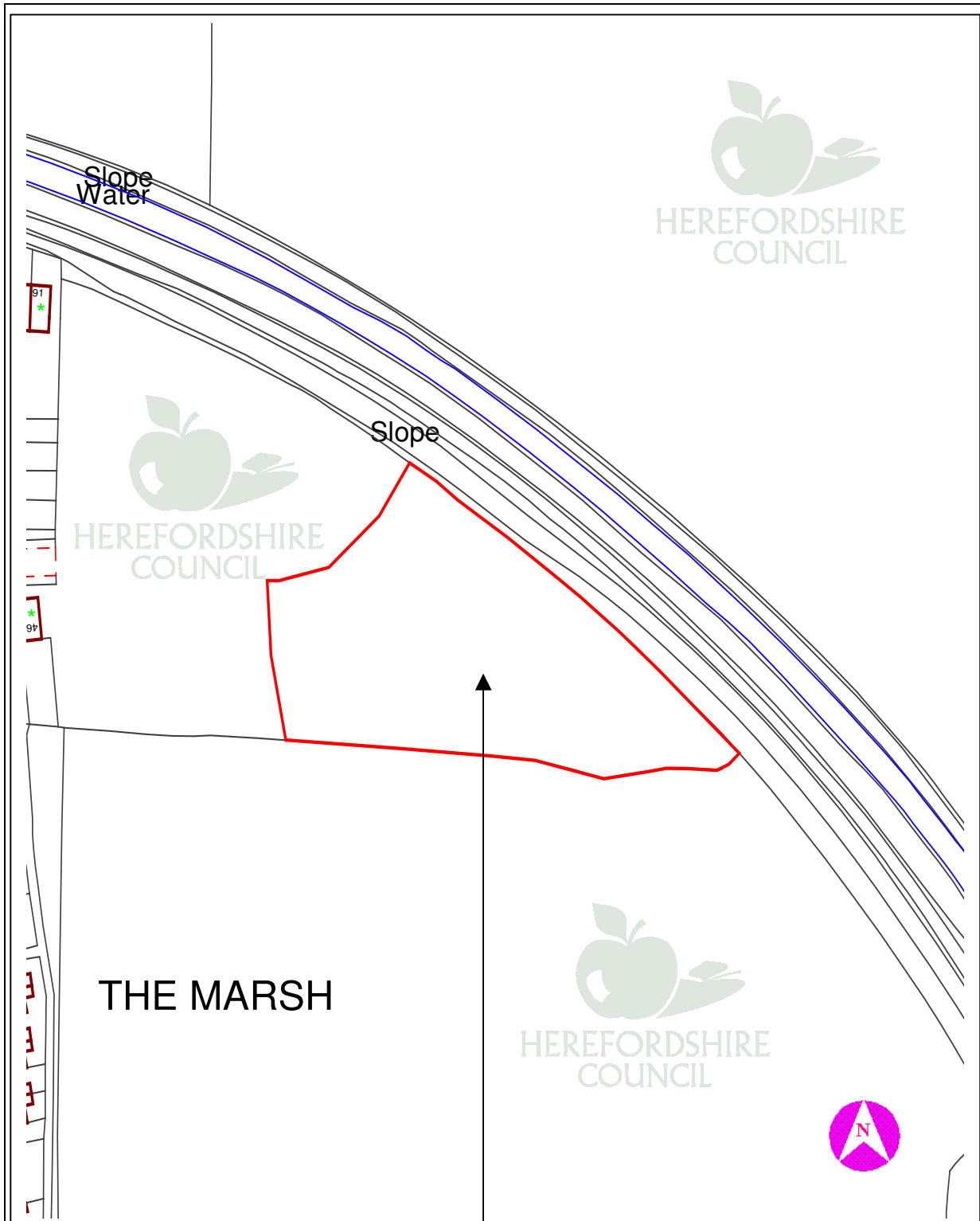
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0044/F

SCALE : 1 : 1250

SITE ADDRESS : Land of Middlemarsh, Leominster, Herefordshire, HR6 9NF

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

- Planning Application – DCNC2007/0044/F
 - Erection of 14 affordable dwellings, associated highway and external works
 - At Land at Middlemarsh, Leominster, Herefordshire, HR6 8UP
1. The developer covenants with Herefordshire Council to pay the Environment Agency the sum of £14,000 (ratio of £1000 per unit) to contribute towards the provision of a Flood Warning Scheme for the development, the sum to be paid on or before the occupation of fourteenth dwelling.
 2. The developer covenants with Herefordshire Council to pay the Environment Agency the sum of £10,500 (ratio of £750 per unit) for the maintenance, rebuild or structural alteration of the existing flood defence, the sum to be paid on or before the occupation of fourteenth dwelling
 3. 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.
 4. The developer shall complete the Agreement by 5th April 2007 otherwise the application will be registered as deemed refused.

Andrew Banks – Principal Planning Officer

12th February 2007

9 DCNE2007/0178/F - ERECTION OF PALISADE FENCING & GATES AT BRADFORD BUILDING SUPPLIES, HEREFORD ROAD, LEDBURY, HEREFORDSHIRE, HR8 2PR

For: Bradfords Building Supplies.

Date Received:
18th January 2007

Ward: Ledbury

Grid Ref:
70677, 38629

Expiry Date:
15th March 2007

Local Member: Councillors DW Rule MBE, PE Harling & BF Ashton

1. Site Description and Proposal

- 1.1 The application site is a builder's merchants and yard, found immediately to the west of the main road on the approach to the town centre. A large, light industrial type building acts as reception, offices, warehousing and shop floor. There is an associated outside storage yard, parking and turning area. A single vehicular access is found to the southern end of the road frontage.
- 1.2 Permission is sought for the erection of a 2m high palisade fence to be located immediately behind the existing dwarf brick wall with associated 2m high recessed gates to open inwards.

2. Policies

2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft)

DR1 – Design
E8 – Design Standards for Employment Sites

3. Planning History

- 3.1 MH96/1350 - Erection of builder's merchants premises on the site of the former Express Smithy Yard, Hereford Road, Ledbury - Approved 12 March 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Traffic Manager – Recommends the imposition of a condition concerning visibility over the site frontage.

5. Representations

- 5.1 Ledbury Town Council: "Recommend Refusal. Members felt that this would be inappropriate development for an empty car park. Palisade fencing is already in place around the compound perimeter. Members were concerned that the additional fencing would allow the car park to be used for storage and that valuable parking spaces would be lost, resulting in displacement of vehicles onto the busy Hereford Road."
- 5.2 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key issues in the determination of this application are considered to be:
- 1) The visual impact of the proposed fence and gates;
 - 2) The impact that the development would have upon existing parking and turning arrangements.
- 1) Visual Impact
- 6.2 It is a desire to increase the site security that has driven the proposal to erect a 2m high fence. The applicants have included a number of security incident reports, which document cases where the premises have been broken into with thefts occurring.
- 6.3 The premises are currently open in appearance when viewed from the Hereford Road with the building, yard and associated external storage all highly visible beyond the existing low-level wall. Given the existing circumstances, it is the officer's opinion that an appropriately painted palisade fence and gates would not detract unacceptably from the visual amenity of the immediate area.
- 2) Parking and turning arrangements
- 6.4 It has been the case that the open storage of materials has occurred adjacent to the roadside for a number of years now. As such, it is considered reasonable to consider the impact of the development upon the existing parking arrangements and not the originally approved layout. Currently there are 6 spaces immediately to the left of the access, together with a further 5 spaces at the southeastern corner of the building. It is acknowledged that the parking spaces adjacent to the southeast corner of the building are not ideally placed in relation to the manoeuvring of goods vehicles.
- 6.5 Although not mentioned specifically in the application description, it is proposed to relocate visitor parking to the front of the building, which will allow for the creation of replacement spaces. The result will be an increase in the number of parking spaces currently available on site. The relocation of the parking is also more sensible in terms of the interaction between visiting tradesmen and members of the public and the movement of goods vehicles.
- 6.6 Even if relocation of existing spaces were not proposed, the erection of the fence directly behind the dwarf wall would not impact upon the current availability of on-site parking. The development is therefore considered acceptable in relation to any potential impact upon parking and turning and it is noted that the Traffic Manager records no objection.

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 - Prior to the commencement of development details of the proposed finish for the approved palisade fence and gates shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.**

Reason: In the interests of a satisfactory form of development.

- 3 - H04 (Visibility over frontage)**

Reason: In the interests of highway safety.

- 4 - H16 (Parking/unloading provision - submission of details)**

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

Informatives:

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

- 2 - N19 - Avoidance of doubt**

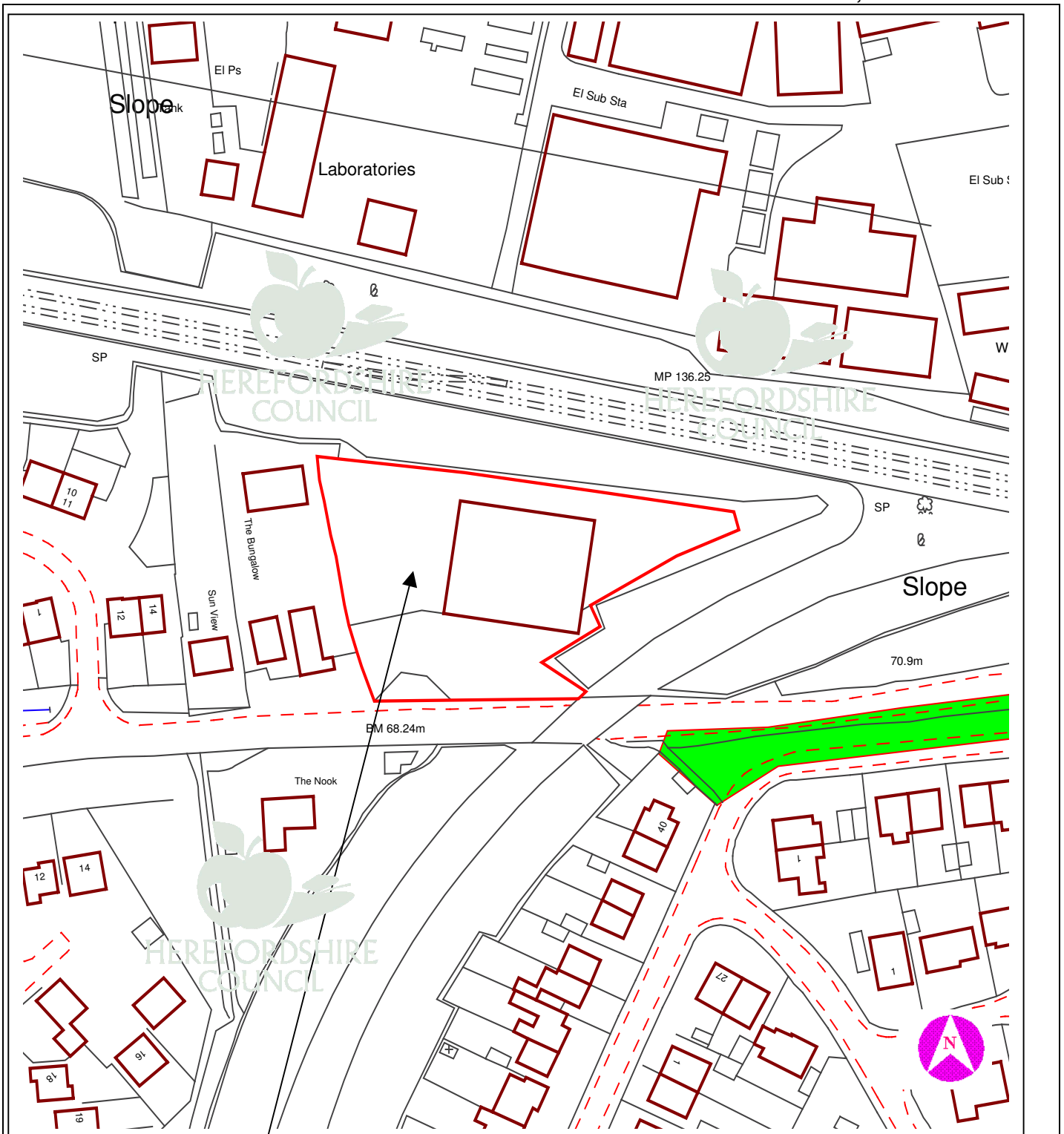
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/0178/F

SCALE : 1 : 1250

SITE ADDRESS : Bradford Building Supplies, Hereford Road, Ledbury, Herefordshire, HR8 2PR

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