

A G E N D A

Planning Committee

Date: **Friday, 24th August, 2007**

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**



HEREFORDSHIRE
COUNCIL

AGENDA

for the Meeting of the Planning Committee

To: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice-Chairman)

Councillors ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, G Lucas, RI Matthews, R Mills, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

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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 - 16
To approve and sign the Minutes of the meeting held on 13 July 2007.	
5. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
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To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 25th July, 2007.	
7. CENTRAL AREA PLANNING SUB-COMMITTEE	19 - 20
To receive the attached report of the Central Area Planning Sub-Committee meeting held on 24th August, 2007.	
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To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 18th July and 15th August, 2007.	
9. TARRINGTON PARISH PLAN	23 - 64
To consider the Tarrington Parish Plan for adoption as further planning guidance to the Herefordshire Unitary Development Plan.	

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| 10. | <p>DCNC2007/0667/O - SITE FOR THE ERECTION OF AN ADDITIONAL BUILDING FOR PROVISION OF CARE TO THE ELDERLY MENTALLY INFIRM AT PENCOMBE HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL</p> <p>For: Mr N Williams per Wall, James & Davies 15-23 Hagley Road Stourbridge West Midlands DY8 1QW</p> <p>To consider a planning application which has been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations. Consideration of the application was deferred at the previous meeting for a site inspection.</p> <p>Ward: Bromyard</p> | 65 - 74 |
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| 12. | <p>DCNE2007/0966/F - PROPOSED THREE STOREY BUILDING TO PROVIDE 13 APARTMENTS, WITH 18 PARKING SPACES AND ASSOCIATED CYCLE PARKING AT LAND REAR OF HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1DS</p> <p>For: Refined Petroleum Ltd per Matthews & Goodman, 196 Deans Gate, Manchester, M3 3WF</p> <p>To consider a planning application which has been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to refuse it, contrary to policy and officer recommendations</p> <p>Ward: Ledbury</p> | 81 - 94 |

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| 13. | <p>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</p> <p>For: Mr P Kelsall per Linton Design, 27 High Street, Bromyard, Herefordshire. HR7 4AA</p> <p>To consider a planning application which has been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations</p> <p>Ward: Hampton Court</p> | 95 - 118 |
| 14. | <p>DCCE2007/1209/F - RESIDENTIAL DEVELOPMENT TOGETHER WITH ALTERATIONS TO 10 LEDBURY ROAD TO PROVIDE 6 RESIDENTIAL UNITS AT 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY</p> <p>For: Williams Bros per JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA</p> <p>To consider a planning application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it, contrary to policy and officer recommendations</p> <p>Ward: Tupsley</p> | 119 - 128 |
| 15. | <p>DCCE2007/1961/F - CONVERSION AND EXTENSION OF GARAGE/PREPARATION AREA TO SINGLE STOREY DWELLING AND EXTENSION OF TAKE-AWAY PREPARATION AREA. FORMATION OF PARKING AREA FOR EXISTING FLATS AT 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS</p> <p>For: Pacemark Properties Limited, per Malcolm Rogers, Dixon Rogers Designs, Highfields, Stanford Road, Great Witley, WR6 6JG</p> <p>To consider a planning application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it, contrary to policy and officer recommendations</p> <p>Ward: St. Martins & Hinton</p> | 129 - 136 |

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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, 13th July, 2007 at 2.00 p.m.**

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe,
DW Greenow, JW Hope MBE, B Hunt, G Lucas, RI Matthews, R Mills,
PM Morgan, JE Pemberton, DC Taylor, WJ Walling, PJ Watts and
JD Woodward

In attendance: Councillors JP French, KG Grumbley, A Seldon and K Swinburne

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Taylor.

2. NAMED SUBSTITUTES (IF ANY)

Councillor Mrs PA Andrews was appointed named substitutes for Councillor AP Taylor.

3. DECLARATIONS OF INTEREST

Councillor JW Hope declared a pecuniary interest in agenda item No.14 (Minute no. 15) - **DCNW2007/1271/F - proposed replacement dwelling including garage at Southview, Winforton** and left the meeting for the duration of this item.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 20th April, 2007 be approved as a correct record and signed by the Chairman

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members to the first meeting of the Committee in 2007 – 2008.

He said that the Bulletin from the recent meeting of the Planning Chairman's Group would contain information to inform and assist Members about a number of important issues.

There were further Planning Training issues scheduled for September and October and he reminded Members that planning applications which were referred to the Planning Committee were done so because the Sub Committees were minded to approve or refuse them contrary to policy. It was the duty of the Committee to uphold the Council's planning policies.

6. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 29th May and 27th June, 2007 be received and noted.

7. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 6th June and 4th July, 2007 be received and noted.

8. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 29th May and 20th June, 2007 be received and noted.

9. CONSERVATION AREA APPRAISALS FOR BOSBURY, CRADLEY, MUCH MARCLE , ORLETON, SUTTON.

The Team Leader (Building Conservation) presented the report of the Head of Planning Services about the latest draft Conservation Area Appraisals prepared for initial consultation with relevant parties. He said that In April 2006 the Committee had recommended the consultation arrangements regarding a programme for the preparation of appraisals and management proposals for sixteen Conservation Areas in Herefordshire. . The results of the consultation process had helped to formulate the management proposals which formed part of the next stage of work in relation to the particular Conservation Areas. The Appraisals which had been approved for consultation to date were Hampton Park, Almeley, Weobley, Ross On Wye, Mordiford, Dillwyn and Aylestone Hill. He provided details of the latest batch of appraisals which had been prepared for Bosbury, Cradley, Much Marcle, Orleton and Sutton and these were discussed by the Committee.

RESOLVED THAT:

- (i) **the Cabinet Member (Environment) be requested to accept the appraisals for Bosbury, Cradley, Much Marcle, Orleton And Sutton and the issues raised in association with these for the purpose of instigating the initial consultations with interested parties; and**
- (ii) **prior to consultation commencing, the Team Leader (Building Conservation) should first meet with the Cabinet Member (Environment and Strategic Housing) and the Ward Councillors of the Conservation Areas.**

10. RESPONSE TO THE GOVERNMENT WHITE PAPER ON THE FUTURE OF PLANNING.

The Head of Planning Services presented his report about the scale and nature of the recent batch of consultation documents about the Planning system. He said that the Planning White Paper set out the Government's proposals for the future of the planning system. He advised that the main elements of the White Paper related to Planning Performance Agreements, Planning Fees in England, changes to permitted development and improving the appeal process. There were a batch of Consultation documents about these elements and the Officers had put forward a number of suggestions about the response that should be made to the Government. He advised that central to the various consultation documents were the following future issues:-

- the challenge of climate change;
- supporting sustainable economic development;
- increasing the supply of housing;
- protecting and enhancing the environment and natural resources;
- improving local and national infrastructure; and
- maintaining security of energy supply

The papers identified the recent improvements that had been introduced into the planning system which included the introduction of Local Development Frameworks, improvement in development control performance and the establishment of specialist agencies. The documents indicated in particular that:

- national policy was not sufficiently clear and responsive;
- the planning system was too bureaucratic, took too long and was unpredictable;
- individuals and communities found it difficult to be heard;
- planning systems were confusing and unclear; and
- decisions were not always taken at the right level

The Committee discussed the summaries of the various consultation papers and endorsed the proposed responses put forward by the Officers.

RESOLVED THAT:

- (a) **the summaries of the various consultation papers at Appendices 1-5 set out in the report of the Head of Planning Services be noted;**
- (b) **the proposed responses in the various appendices set out within the report be approved; and**
- (c) **the Officers be instructed to submit further responses to the Department of Communities and Local Government on operational questions and issues raised in the various papers, in consultation with the Cabinet Member (Environment and Strategic Housing)**

11. REORTS OF HEAD OF PLANNING SERVICES

The Committee considered the following planning applications and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary

12. DCNC2006/3364/F - PROPOSED TEMPORARY MOBILE HEALTH FACILITIES (TEMPORARY FOR SEVEN YEARS) AT BROAD STREET CAR PARK, LEOMINSTER, HEREFORDSHIRE.

The Development Control Manager said that the application had been deferred at the meeting of the Committee on 19th January 2007 for more information about the alternative sites which had been investigated that could be used to locate the facility. He outlined the alternatives that had been considered and explained why the NHS still wanted to use the Broad Street car park in Leominster.

Councillor Mrs JP French welcomed the initiative but was still concerned that because of the size of the mobile unit there would be the loss of a large number of key town centre car parking spaces for long periods and an adverse affect upon the local economy and tourism. She felt that further investigation should be made into a more suitable location in the town that did not have the same drawbacks, such as the Local Enterprise Park. Whilst recognising the importance of the proposal, the Committee shared the views of Councillor Mrs French and decided to refuse the application.

RESOLVED

That the application be refused and that the applicants be requested to investigate a more suitable location.

13. DCNC2007/0586/O - SITE FOR DWELLING FOR A RURAL ENTERPRISE AT THE OLD BLACKSMITH'S SHOP, DOCKLOW, LEOMINSTER, HEREFORDSHIRE

The Development Control Manager reported the following update:

ADDITIONAL DOCUMENTATION

There has been an exchange of correspondence between the Agent for the application and the Development Control Manager which re-states their respective views as set out in the report.

The Inspector's decision on the previous appeal on the site is attached for Members' information.

OFFICER COMMENTS

The relevance of the policies remains as set out in the report.

The Development Control Manager advised that the Northern Area Planning Sub-Committee at its meeting on the 29th May 2007 was mindful to approve the application contrary to recommendation. The Sub-Committee had given weight to benefits to the rural economy of the business. The applicant repaired agricultural machinery and frequently did so at short notice and at unsociable hours, thereby benefiting local agriculture. The Sub-Committee felt that this justified approval under policy H8 of the Herefordshire Unitary development Plan (UDP) on the basis that it was in connection with a rural business.

In accordance with the criteria for public speaking, Mr Hanson of Docklow & Hampton Wafer Parish Council and Mr Hill the applicant, spoke in favour of the application.

Councillor KG Grumbley the Local Ward Member said that the applicant ran a twenty-four hour breakdown service to deal with the problems which were encountered by the local agricultural community with their farming equipment. He needed to be on site in order to respond quickly to emergencies and at present he had to travel from Pembridge to his workshop to collect tools and replacement parts, and then onto a client. This often involved a round-trip of over forty miles and during times of heavy demand such as harvesting, this was proving to be increasingly difficult. The applicant also had stated that he needed a permanent presence on site to receive parts deliveries, security for the storage of those parts and to have an on-site office which was currently lacking. Councillor Grumbley felt that there was flexibility within Policy H8 of the Herefordshire Unitary Development Plan (UDP) to

help with assisting small but essential agricultural businesses such as this one. He also felt that the point had been reached where there was a danger of losing the business if permission was refused and that this would be to the considerable detriment of the agricultural community. Granting the application would enable the applicant to achieve greater security and allow modest growth of the business.

The Development Control Manager advised that Policy H8 was intended to cover circumstances such as livestock farming where there was a clear need for day-to-day supervision and care of the animals. It was not intended to cover situations such as this whereby a business was located in the countryside but had no connection with the land. Essentially, the principal benefits of a house on the site would be to reduce the commuting distance from the applicant's current home and provide him with greater security.

Having considered all the facts regarding the application, the Committee felt that there was sufficient flexibility to grant the application for what they considered to be an essential rural business.

RESOLVED

that the application be approved subject to any appropriate conditions felt to be necessary by the Head of Planning Services and subject to the building being tied to the business.

14. DCNC2007/0667/O - SITE FOR THE ERECTION OF AN ADDITIONAL BUILDING FOR PROVISION OF CARE TO THE ELDERLY MENTALLY INFIRM AT PENCOMBE HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL

The Development Control Manager reported the following updates:

ADDITIONAL INFORMATION

On 11th July 2007 the following statement was received from **Diane Topham, Commissioning Manager, Mental Health and Sue Bennison, Operational Manager, DMHOP** in respect of the current provision of care facilities for the elderly in Herefordshire.

Current Provision

There are currently a number of homes within Herefordshire that are registered for Dementia, over 65 years of age (DE) nursing beds. The majority of these homes are however registered for a number of categories. It is not generally appropriate that services for older people with complex psycho-behavioural disorders are integrated with other client groups in shared facilities and hence comparatively few of these places are utilised for DE provision. There are only two homes (Broomy Hill and Holmer Care Centre) that are registered purely for older people with a mental disorder. The significance of this is that these two homes have built up a knowledge base and expertise in working with people with complex presentations characterized by psycho-behavioural disturbance.

These two homes provide 89 beds, of which 23 are block purchased and 1 spot purchased by the PCT for people assessed as meeting full NHS continuing care, and 3 for respite care. Herefordshire Council currently spot-purchase a further 35 beds in these two homes.

The Council is also spot-purchasing within Herefordshire a further 20 nursing placements in homes registered for DE and 39 placements in general nursing homes for

people over 65 years of age with a mental disorder.

There are also 22 people currently placed out of county due to;

- Lack of capacity within Herefordshire.
- lack of appropriate beds in an emergency
- Personal choice, e.g. no appropriate nursing homes in particular areas - people in the Ledbury or Bromyard areas choose homes in Gloucestershire and Worcestershire.
- Personal choice – to be close to family and/or friends
- Top-up issues

There is currently no provision of nursing beds registered for DE within the areas of Bromyard or Ledbury.

Total registered nursing beds, number of beds registered for Dementia, over 65 years of age (DE) in Herefordshire.

Area	Total (DE) Nursing Places**	Total registered Nursing Places	Current (DE) nursing placements funded by HPCT and HC	Total nursing placements for older people with mental disorder funded by HPCT and HC
Bromyard	0	28	0	6
Hereford	89	293	65	89
Kington	53	127	8	9
Ledbury	0	36	0	1
Leominster	84*	115	2	9
Ross on Wye	45	103	7	7
Total	271	702	82	121
Out of County	-	-	22	22

**Beds in both the homes in Leominster are dual registered for residential and nursing beds – there is no indication of total number of EMI nursing places available –total beds have been included within nursing category*

***There are 265 beds registered for dementia, over 65 years of age (DE) however the majority of these beds are also registered and used by other service groups, i.e. Old age, not falling within any other category, which reduces the actual availability of DE nursing beds.*

Future need

The needs analysis for older people conducted in 2006 anticipated the need for an extra 25 mental frailty nursing care placements funded by social care between 2007-2011.

Future Provision

It is anticipated that social care will provide an extra 10 nursing beds for people with dementia, over 65 years of age (DE) via their block-contracted beds in Autumn 2008. The extent to which out of County placements are influenced by current availability is

not fully understood but it is likely that the needs of some of these individuals could have been better met through local provision.

Within the experience of Herefordshire mental health services, there is a shortage of residential and nursing beds for older people with complex psycho-behavioural disorders. It is not generally appropriate that they are managed with other client groups and the potential to make better use of beds also registered for general nursing is therefore currently limited both by this and the level of demand for general nursing care places.

OFFICER COMMENTS

The new information updates the information in the report which gave the overall picture in respect of specific current needs for “EMI” beds in the county. Whilst the new information gives more detail of the complexity of the different types of specialist care it does not identify a need for 70 EMI (i.e. the existing 30 plus the 40 new ones proposed) in or near Pencombe. Consequently there is no overriding need for this development in this location and the application proposals remain in conflict with Unitary Development Plan policy.

The Development Control Manager reported that at its meeting on the 27th June, 2007 the Northern Area Planning Sub-Committee was mindful to approve the application contrary to recommendation. He advised that the proposal represented the provision of a new residential care facility in an open countryside location where new residential development would be unacceptable. Its location was unsustainable because of its remoteness from public transport facilities and services. The applicant had failed to demonstrate that there were sufficient material planning considerations to outweigh these factors and the proposal was contrary to Policies S1, DR2 and CF7 of the Herefordshire Unitary Development Plan 2007 and the guidance in Planning Policy Statement 7 – Sustainable Development in Rural Areas.

In accordance with the criteria for public speaking, Mr Tilling an objector spoke against the application and Mr Jolly the applicant’s agent spoke in support.

One of the Local Ward Members, Councillor B Hunt felt that there was merit in the Committee undertaking a site inspection and the Committee concurred with this view.

RESOLVED:

that a site inspection be held for the following reasons:

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

15. DCNW2007/1271/F - PROPOSED REPLACEMENT DWELLING INCLUDING GARAGE AT SOUTHVIEW, WINFORTON, HEREFORD, HEREFORDSHIRE, HR3 6EB

The application had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it was from a relative of a Member.

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 - E16 (Removal of permitted development rights)

Reason: In order to clarify the terms under which this permission is granted.

4 - G04 (Landscaping scheme (general))

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

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

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

6 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

7 - No demolition works shall be carried out on site between the 1st March and 31st August inclusive in any year, unless otherwise approved in writing by Herefordshire Council. Prior to demolition works, a report detailing an assessment of and mitigation measures for nesting birds present shall be submitted to and approved in writing by Herefordshire Council. Works should avoid disturbance to the nests, young, eggs, adults and nesting area."

Reason:

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation.

8 - A watching brief should be kept during the works for the presence of bats. If found to be present during the work, operations should cease, Herefordshire Council and Natural England informed, and an ecologist licensed by Natural England for bat surveys should be engaged to determine the species, populations and impact of the works together with mitigation and compensation measures."

Reason

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 within the UDP.

16. DCNE2006/3998/F - RECONFIGURATION OF EXISTING DWELLING INTO 3 UNITS AND ASSOCIATED WORKS TO INCLUDE A NEW VEHICULAR ACCESS AT STANLEY HILL COURT, BOSBURY, LEDBURY, HEREFORDSHIRE HR8 1HE

The application had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it was from a Member of the council.

The Development Control Manager reported the receipt of the following updates:

AMENDED PLANS

The applicant has submitted further revised plans which change the position of the access to one which has been the subject of earlier objection. The new plans have, accordingly been made the subject of re-consultation with parties who had previously expressed views on the application. The re-consultation period does not expire until 24th July 2007.

OFFICER COMMENTS

The application should not now be determined until all parties have had the opportunity to comment on the revised plans. The position of the access now submitted by the applicant takes the proposed new access further away from the junction with the B4214 and an existing oak tree close to the site frontage, but will require extensive engineering works due to level changes and will have a detrimental impact on the landscape quality of the lane at this point. There is, therefore, a balanced judgement to be made between which of the access options is the better.

In accordance with the criteria for public speaking, Mr. Clutterbuck an objector spoke against the application and Dr G Swinburne the applicant spoke in support.

The Committee decided to approve the application and concurred with the view of the Development control Manager that he be given delegated powers to determine it at the end of the consultation period.

RESOLVED

that the officers named in the scheme of delegation to officers be authorised to determine the application on the expiry of the latest consultation period on 24th July 2007, subject to no new material planning matters being raised during the consultation period and 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 - C05 (Details of external joinery finishes)**

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

3 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

4 - H08 (Access closure)

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

5 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

6 - H04 (Visibility over frontage)

Reason: In the interests of highway safety.

7 - H03 (Visibility splays) (B road 2.4 x 60 to north and 2.4 x 90 to south)

Reason: In the interests of highway safety.

8 - H05 (Access gates)

Reason: In the interests of highway safety.

9 - 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.

10 - G01 (Details of boundary treatments)

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

11 - G04 (Landscaping scheme (general))

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

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

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

13 - Prior to the commencement of development details of a non-invasive method of driveway construction within the Root Protection Area of the oak tree adjacent to the vehicular access from the C1152 shall be submitted to and approved in writing by the local planning authority.

Reason: In order to protect this important specimen in the wider interests of visual amenity.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt

17. DCSE2007/0852/F - CHANGE OF USE OF FARM BUILDING TO B1 USE WITH TREATMENT PLANT AND ANCILLARY WORKS AT EVERSTONE FARM, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LH.

The Development Control Manager reported the receipt of the following updates:

ADDITIONAL DOCUMENTATION

An email has been received from one of the objectors pointing out that his domestic curtilage comes to within 25 metres of the building and, on that basis, the objector considers that the officer's report understates the likely impact of the commercial use on his domestic property.

OFFICER COMMENTS

There is an open area between the building which is the subject of the application and the nearest dwelling. Part of this area is given over to private gardens. Paragraph 6.2 of the report correctly points out that "... the building is about 47 metres from the nearest residential dwelling..". This is the critical distance in terms of likely impact of, for example, an office use on the amenities of the nearest dwelling. The analysis in the report is not changed by this.

The Development Control Manager advised that the Southern Area Planning Sub-Committee at its meeting on the 29th May 2007 was mindful to refuse the application contrary to recommendation. The Sub-Committee had given weight to objections received from residents of adjoining barn conversions, especially regarding their concerns over traffic likely to be generated by the use. It considered that the proposal was unacceptable on highway safety grounds and that a residential conversion was preferable, notwithstanding the policy objection to such use and the recent appeal history. It also considered that any form of "Industrial" use would have an adverse impact on residential amenities, notwithstanding the definition of B1 use. In particular it was felt that a mixed use of residential on one part of the farm complex and B1 use on another part would be inappropriate. The objections of the Traffic Manager that there was inadequate car parking for the proposed use was also taken into consideration.

The Development Control Manager said that refusal of permission would be difficult to sustain in the event of an appeal, and that the Sub-Committee's preference for residential development would be inappropriate for the following reasons:

1. a highway safety objection could not be defended on appeal given the acceptance of the Highways Agency for the access arrangements. The access to the A49 already existed and was acceptable for the proposed use. The Traffic Manager's concerns about car parking provision could be satisfied by providing more on-site parking;
2. the residential amenity objection would not be possible to sustain on appeal because the proposed use, use class B1, was compatible with residential use; and
3. residential use would be contrary to Herefordshire Council's policies for the

re-use of rural buildings and would also fail to take account of the recent appeal decision to dismiss a proposal for the use of these same buildings for residential holiday lets.

In accordance with the criteria for public speaking, Mr. Howells an objector spoke against the application and Mr Griffin the applicants agent spoke in support.

Councillor J.A. Hyde confirmed felt that the application was contrary to policy HBA12 of the Unitary Development Plan and should therefore be refused contrary to the officers recommendation. She also felt that the mix of B1 and residential use was not acceptable and cited highway safety as a further ground for refusal. She said that holiday accommodation would have been be more suitable on the site but noted that this had previously been refused and lost on appeal. The Committee agreed with her view that the B1 usage would have an unacceptable impact on the local residents and the local road network.

Having discussed all the aspects of the application, the Committee noted the objections that had been raised but did not feel that there were sufficient grounds to support a refusal if it went to appeal.

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 G04 (Landscaping scheme (general))

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

3 G05 (Implementation of landscaping scheme (general))

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

4 G01 (Details of boundary treatments)

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

5 B01 (Samples of external materials)

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

6 E06 (Restriction on Use)

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

7 E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

- 9 No process shall be carried out and no goods, equipment or material shall be stored except within the units hereby permitted.**

Reason: To protect the visual amenities of the area.

- 10 F14 (Time restriction on music)**

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

- 11 H15 (Turning and parking: change of use – commercial)**

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

- 12 H29 (Secure parking provision)**

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

INFORMATIVES:

- 1 N19 - Avoidance of doubt**
- 2 N15 - Reason(s) for the Grant of Planning Permission**

18. DCSE2007/0995/F - PROPOSED 4 NO. FOUR BEDROOM DETACHED DWELLINGS, LONG ORCHARD, THE LEA, ROSS-ON-WYE, HR9 7JY.

The Development Control Manager advised that the Southern Area Planning Sub-Committee at its meeting on the 29th May 2007 was mindful to refuse the application contrary to recommendation. The Sub-Committee had given weight to the objections from Lea Parish Council and local residents who were concerned about highway safety and felt that the application should be refused on those grounds. He said that a highway safety objection could not be defended on appeal given the support of the Highways Agency for the access arrangements. Furthermore, the scheme fully met the standards for visibility splays.

Having discussed all the points raised about the application, the Committee noted that it complied with the Herefordshire Unitary Development Plan and that the objections raised by the Sub-Committee could not be supported as reasons for refusal.

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. **H03 (Visibility splays)**

Reason: In the interests of highway safety.

4. **H11 (Parking - estate development (more than one house))**

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

5. **No development within the application site shall be undertaken until the proposed site access shown on drawing number 21829 _ 1A May 2007, including any subsequent revisions resulting from the implementation of the Road safety Audit, has been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.**

Reason: As directed by the Highways Agency and in the interests of highway safety.

Informative(s):

1. **The highway proposals associated with this permission involve works within the public highway, which is land over which you have no control. The Highways Agency therefore requires you to enter into suitable legal agreement to cover the design and construction of the works. The applicant should contact Mr Jon McCarthy of the Highways Agency's Area 9 S278 team, at an early stage to discuss details of the highways agreement, his contact details are as follows, telephone number 0121 678 8742 or C4/5 Broadway, Broad Street, Birmingham, B15 1BL**
2. **N19 - Avoidance of doubt**
3. **N15 - Reason(s) for the Grant of Planning Permission**

19. **DCSE2007/1018/F - CONVERSION OF LEISURE BUILDINGS TO A RETIREMENT DWELLING WITH GARAGING AND ANNEX AND WITH NEW ACCESSES TO THE HIGHWAY, WYE LEA COUNTRY MANOR, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6PZ.**

The Development Control Manager advised that the Southern Area Planning Sub-Committee at its meeting on the 29th May 2007 was mindful to approve the application contrary to recommendation. The Sub-Committee was of the view that

the re-use of the building for commercial purposes would be unlikely to be viable and that a residential use would be compatible with the rest of the site. It also felt that traffic conditions would be improved rather than made worse by the proposals and that satisfactory measures could be taken to protect the trees. The Development Control Manager advised that the proposal conflicted with the UDP.

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

Councillor J.A. Hyde, the Local Ward Member, felt that the application should be approved contrary to the officer's recommendation. She felt that there would have been higher levels of traffic on the site when it was operating as a leisure complex. She also felt that the site could not be referred to as an isolated location as it was in the centre of a retirement complex surrounded by residential dwellings.

Having discussed all the aspects of the application, the Committee the Committee decided that it should be approved.

RESOLVED

that planning permission be granted subject to any conditions felt to be necessary by the Head of Planning Services

The meeting ended at 5.08 p.m.

CHAIRMAN

PLANNING COMMITTEE

24TH AUGUST, 2007

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 25th July, 2007

Membership:

Councillors: Councillor J.W. Hope M.B.E (Chairman)
Councillor P.M. Morgan (Vice-Chairman)
LO Barnett, WLS Bowen, RBA Burke, ME Cooper, JP French,
JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James,
P Jones CBE, R Mills, RJ Phillips, A Seldon, RV Stockton, J Stone,
JK Swinburne, PJ Watts

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 10
 - (b) applications refused as recommended – 0
 - (c) applications refused contrary to recommendation but not referred to Planning committee – 1
 - (d) applications minded to approve contrary to recommendation and referred to Planning Committee – 2
 - (a) applications minded to refuse contrary to recommendation and referred to Planning Committee – 2
 - (b) applications deferred for further information - 1
 - (c) number of public speakers – 1 Parish Council; 4 objectors and 9 supporters

PLANNING APPEALS

2. The Sub-Committee received an information report about 4 appeals received, 1 dismissed and 2 upheld.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 25th July-, 2007**

PLANNING COMMITTEE

24TH AUGUST, 2007

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 1st August, 2007

Membership

Councillors:

JE Pemberton (Chairman)
GA Powell (Vice-Chairman)

PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward.

PLANNING APPLICATIONS

1. The Sub-Committee has met once and dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 1
 - (b) applications refused contrary to recommendation - 2
 - (c) applications deferred for site inspection - 2
 - (d) applications deferred for further discussions - 1
 - (e) number of public speakers - 6 (parish - 2, objectors – 3, supporters - 1)

PLANNING APPEALS

2. The Sub-Committee received information reports about 4 appeals that had been received and 2 that had been determined (1 dismissed and 1 upheld).

JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS – Agenda for the meeting held on 1st August, 2007**

PLANNING COMMITTEE

24TH AUGUST, 2007

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

Meetings held on 18th July and 15th August, 2007

Membership:

**Councillors: Councillor G Lucas (Chairman)
Councillors PD Price (Vice-Chairman)**

**CM Bartrum, H. Bramer, PGH Cutter, MJ Fishley, A.E. Gray,
TW Hunt (Ex-officio), JA Hyde, JG Jarvis TMR McLean, RH Smith,
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 - 7
 - (b) applications minded to refuse 3
 - (c) applications minded to approve 1 (1 referred to Planning Committee)
 - (d) number of public speakers – 2 Parish Council; 3 objectors and 4 supporter.

PLANNING APPEALS

2. The Sub-Committee received information reports about 6 appeals received and 4 determined (3 Dismissed, 1 Upheld).

**G. Lucas
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 18th July and 15th August, 2007.**

TARRINGTON PARISH PLAN

Report By: Forward Planning Manager

Wards Affected

Backbury Ward

Purpose

To consider the Tarrington Parish Plan for adoption as further planning guidance to the adopted Herefordshire Unitary Development Plan (UDP).

Background

The Government's White Paper 'Our Countryside, the Future' (2000) proposed that all rural communities should develop 'Town, Village and Parish Plans' to identify key facilities and services, to set out the problems that need to be tackled and to demonstrate how distinctive character and features could be preserved. The Department of Food and Rural Affairs (DEFRA) currently supports Parish Plans through the Rural Social and Community programme. The programme aims to develop the capacity of the rural voluntary and community and parish council sectors to help shape the communities that they serve and includes the former Countryside Agency's Vital Villages Parish Plans grant scheme. Parish Plans should address the needs of the entire community and everyone in the parish should have an opportunity to take part in its preparation. Local Planning Authorities are encouraged to adopt the planning components of Parish Plans as further planning guidance.

Herefordshire Council has now adopted its UDP and is preparing its Local Development Framework (LDF) in accordance with the requirements of the Planning and Compulsory Purchase Act 2004. During this transitional period (UDP to LDF), Parish Plans are to be adopted as further planning guidance to the UDP, since old style supplementary planning guidance (SPG) can no longer be formally adopted. The further planning guidance should, however, be afforded the same weight by both the Herefordshire Council and the Government's Planning Inspectors since it will be produced in the same way as former SPG.

Adoption by Herefordshire Council

Parish Plans will not have any statutory powers. They will however be a definitive statement about local character and issues. For a Parish Plan to be adopted as further planning guidance, it must be consistent with planning policy and prepared in wide consultation with the community and interested parties. Only elements of Plans relevant to land use and development can be adopted as further planning guidance.

Adoption will enable the Parish Council and local community to draw the attention of the Local Planning Authority and others to its context whenever it is pertinent to planning decisions within the village/parish. The Parish Plan will be used as a material consideration in the determination of planning applications and be of assistance at their earlier compilation and pre-application stages.

The adoption of Parish Plans as further planning guidance will confirm their status in the Council's overall planning policy framework alongside the UDP. This is also consistent with the former Countryside Agency guidance which still applies.

This Parish Plan is the fourteenth to be presented to the Council for consideration as further planning guidance.

Tarrington Parish Plan

The Tarrington Parish Plan began early 2005 with a public meeting agreeing that work should start on a Parish Plan with a Steering Committee set up with regular monthly meetings. The Steering Committee then organised a 'Planning for Tarrington' event which asked parishioners to identify what were the major issues that needed to be addressed in the Parish. 125 adults and young people attended this event expressing in total 248 separate issues.

Following on from this, a questionnaire based on the 248 issues identified was drafted with the assistance of the Council's Research Team. Questionnaires for adults and a tailor made one for young people were hand delivered to every household in the Parish during December 2005. The same questionnaires were again collected by volunteers. These efforts resulted in an 80% response rate from adults and a 90% response rate from young people. This assisted the preparation of a draft Plan which was made available for comment. Amendments were made and a final version of the Plan agreed. The Council have now been requested to adopt the planning elements of this final Plan.

A particular aim of the document is to identify measures by which the community can improve and enhance the quality of the built environment and to provide a mechanism to inform and influence the decisions of statutory bodies about community priorities and local needs.

Key recommendations are included within the Parish Plan on traffic and transport, environment, planning, community facilities, health, youth and crime and safety.

The status of Tarrington as a main village within the UDP is acknowledged in the introductory paragraph of the Parish Plan on page 22. As such development in principle is allowed within the settlement boundary provided other UDP policies are met. The Parish Plan does however make clear that the majority of parishioners are opposed to further development. It therefore seeks to discourage further development especially executive homes and infill out of character with surrounding development. The Parish Plan confirms that if new housing is to occur then it is to be within the settlement boundary, single or small scale, preferably 'brownfield'/conversion, using materials in keeping with rural nature of the parish. New housing should also take into account those who have expressed an interest in some form of low cost housing. The planning related elements of this Plan are contained on page 11 and 22 – 24.

RECOMMENDATION

THAT It be recommended to the Cabinet Member (Environment and Strategic Housing) that the planning elements of the Tarrington Parish Plan be adopted as further planning guidance as an expression of local distinctiveness and community participation.

Background paper
Tarrington Parish Plan

Tarrington Parish Plan 2007



1. School Lane – the original main road



3. The Church of St Philip & St James



2. Badminton – a Community Hall activity



4. Calor Herefordshire Village of the Year 2006



5. Planning for Tarrington event



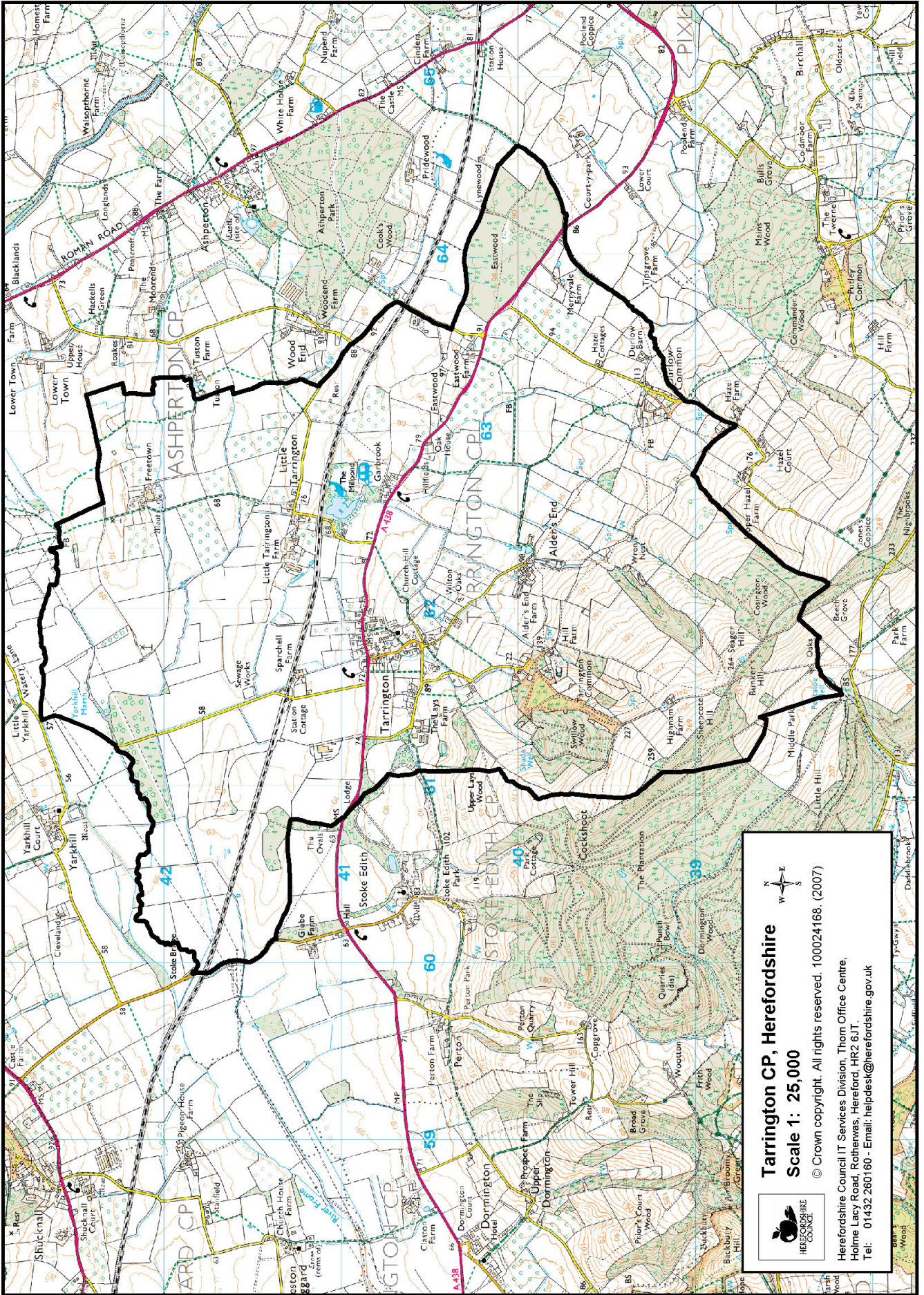
7. The Leys – a sympathetic barn conversion





6. Traffic on the A438



8. Barrs Orchard Street Party




Tarrington CP, Herefordshire
Scale 1: 25,000
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FOREWORD - WHY BOTHER WITH A PARISH PLAN?

When the idea of a Parish Plan for Tarrington was first mooted in early 2005, there were many people (there may still be) who were fairly sceptical whether it was worth the effort – “will anybody take any notice”, it was said.

Now that the Steering Committee has been through two years of fairly intensive consultation with the village, with relevant outside Authorities and with the Parish Council, and have looked carefully at what all those people have said, we can say that the Parish Plan will benefit Tarrington in two ways, which we might call the external and internal ways.

The external one is the traditional justification for a Parish Plan – that it will give us strong evidence of the consensus of the village on those vital issues - e.g. housing, traffic, public amenities – where we need outside bodies to do what we want, or at least take our views into account. It will give Tarrington “Vital Village” status and make it easier for the Parish Council, and other bodies within the village, to access grants and get approvals for actions backed by the Plan.

No less important, we feel, is the internal benefit – one may almost call it the hidden benefit – of the Plan. It has given us a unique opportunity to take a long, hard look at this community, see what we are getting right (we think quite a lot) and also what we’re doing wrong (a bit of that too). In the process we’ve found that some of the common assumptions about what people want here are wrong. We’ve also found that, in some cases, what we thought was happening, and were complacent about, hasn’t been. We’ve found that what we had thought was a fairly inclusive community actually excludes some significant elements. The process has made us realise that a lot that’s both good and not so good in the Parish doesn’t in fact need much outside help to maintain or put right. The biggest need is for us to recognise it and do it ourselves. We have the knowledge (we think): what we need now is the energy and initiative (which means volunteers!) to complete the job.

We hope you enjoy reading the Parish Plan. Being the work of Man (even worse, of a Committee), it’s not perfect. Certainly not everyone’s views have been converted into Actions in the Action Plans. Everyone’s views have been listened to, however, and whenever there has been a consensus on any point, or even a significant minority view, it has been faithfully reflected in the Plan. It should be stressed that the views set out in the Plan are those of the village and not necessarily of the Steering Committee.

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1. TARRINGTON PARISH

The Parish of Tarrington is situated on the A438 approx midway between Ledbury and Hereford. It is an example of a village whose centre has “moved” in that prior to the 18th century the main road from Hereford to Ledbury ran along the line of the present School Lane – thus many of the older houses in the village, and the Church, are along the line of this Lane and this area is now a quiet backwater of the main village (see **photo 1**).

The earliest written record of Tarrington is in the Domesday Book of 1086 (see inside back cover) where it is referred to as Tatintune and its ownership and value assessed. The manor of Tarrington then passed through the hands of various Norman lords (including Edmund de la Barre, from whom the name Barrs Court derives) and eventually into those of the Bodenham, then Lingen families. The Lingen's estates were confiscated from them after the Civil War (the Lingen's being fervent Royalists), restored to them at the Restoration but soon purchased by the rising Foley family.

The Foleys subsequently acquired much of Tarrington and became the main employers of village people. It is interesting that in 1851, the population of Tarrington was 534 (slightly more than it is today), including 11 farmers, 2 masons, 2 wheelwrights, a blacksmith, a cooper, 2 shoemakers, a builder, a rate-collector, a plumber and glazier, a butcher, 2 shopkeepers, a publican, a schoolmaster and mistress, a doctor and the vicar. We could do with some of these occupations in the village today!

In the early 20th century, death duties and the depression in farming obliged the Foley family (like many other landed families across the country) to break up much of their estates and the Foleys sold much of their land in Tarrington to individual ownership. Still for many years village people were employed very largely on local farms or in agricultural related activities. This of course has greatly changed since the Second War and now very few villagers are so employed. The village remains however surrounded by farm land and its rural nature (and especially its peaceful rural “heart” round the Church, Church Lane, School Lane, Aldersend Rd and the Common Rd) are much valued by parishioners.

The 2001 census showed that Tarrington Parish contained 506 persons, of which 95(19%) were under 18 and 110 (22%) were 65 or over. 218 persons between the age of 16 and 74 were in full or part-time employment including 55 self-employed persons; unemployment stood at 4%. 7% of employed persons worked in agriculture or horticulture; the employment sectors of the remainder included health, social work, education, business and manufacturing industries (almost entirely outside the Parish). 15% of employed persons worked at or from home whilst 78% travelled by road to work outside the Parish.

The Parish has in excess of 200 properties, concentrated largely on either side of the A438 and between that road and the Parish Church, and with scattered settlements along School Lane, Aldersend Rd and the Common Rd. Outlying hamlets at Little Tarrington, Garbrook, Eastwood and Durlow also form part of the Parish. The majority of the Parish is still farmed land and there remain several working farms within the Parish. There are also a number of small businesses, largely carried on from home. The only housing estate of significant size is Barrs Orchard/Pound Close just north of the Church.

The Village School closed in 1986, and therefore the young people of the Parish travel outside to school. The Doctor's Surgery closed in 2000, the Post Office/Village Store in 2001 and the Parish lost its resident Rector in 2005. These of course are familiar developments in villages country-wide.

On the more positive side, the Parish has retained a well-patronised pub/restaurant, has a new Community Hall (converted from the former Village School with the aid of funds from a variety of sources) which is extremely busy with a variety of activities/clubs (see **photo 2**) and a play group. The Parish also has an active Church (see **photo 3**). It is a fairly close-knit community which a number of volunteers work hard to provide with a range of social, recreational and spiritual activities during the course of the year. Its success as a community has been recognised by twice winning (in 2005 and 2006) a Silver Award in "Britain in Bloom" and being the Herefordshire winner of the Calor Village of the Year Competition in 2006 (see **photo 4**). In the latter competition the judges told us that "*You certainly gave us the impression that people in Tarrington care about their local community and that it is a lively place to live!*"

2. THE CONSULTATION PROCESS

In March 2005 the Parish Council organised a public meeting at the Tarrington Arms to propose to the Parish that work should start on a Parish Plan. It was explained what a Parish Plan was and its advantages for the Parish. The meeting was well attended (130 parishioners) and the proposal was greeted with some enthusiasm. In no time at all a Steering Committee ("SC") of 22 members was formed and held its first meeting. Thereafter, SC Meetings were held monthly till the completion of the Plan. The average attendance was approx 12 persons, which maintained the momentum of the project.

The SC decided that the first step in the Plan process was to organise a "Planning for Tarrington" ("PFT") event in the Community Hall, held in July 2005. For this purpose, large scale maps of the Parish were prepared together with flags and pins enabling parishioners to identify what for them were the major issues needing to be addressed in the Parish – whether in terms of traffic/transport, community facilities, housing, the environment, crime and safety, young people's interests or otherwise. Again, there was a very good response to this event – a total of 125 adults and young people attending. Altogether 1444 expressions of view representing 248 separate issues were raised (see **photo 5**). In organising and structuring this event, a great deal of help was received from Angela Downing at Community First and Lynda Wilcox at Hereford Assoc. of Local Councils.

The PFT event not only confirmed that there was a lively interest in the village as to how quality of life here can be improved but also gave the SC the essential raw data regarding the nature of the issues that concern people. This enabled it to proceed to the second phase of consultation – a Questionnaire for every adult in the Parish to complete, with a separate tailor-made one for young people. The 248 issues raised at the PFT event were consolidated into 76 questions divided into 6 topic areas for the Adult Questionnaire and a further 11 questions for the separate Youth Questionnaire. Both Questionnaires were drawn up with the help of the Research Group at Herefordshire Council ("HC") and hand delivered to every house in the Parish in November/December 2005. We were determined to try to achieve the highest possible level of response from the Parish so our brave volunteers agreed not only to deliver to every house but, after giving two weeks or so for people to complete the forms, to collect as well. By virtue of this, we received completed Questionnaires from almost 80% of adults and over 90% of young people – a result we felt pretty pleased with!

By early February 2006, the Questionnaire results had been analysed by the Research Group at HC. The SC then divided into Working Groups (“WGs”). Each WG took one of the topic areas that the PFT event and Questionnaire returns had highlighted and considered literally every comment and answer entered by each person on the Questionnaire. The topic areas were Environment, Community Facilities, Crime & Safety, Traffic & Transport, Young People’s Interests, Health and Planning. The WGs had not only to consider all the comments/answers in the Questionnaires but to discuss the issues raised with, and seek appropriate guidance from, those external “service providers” whose co-operation would be crucial to implement Action Plans addressing those issues – e.g. the Police for crime & safety issues and Hereford Council Forward Planning Unit for planning issues.

By the end of September all the WGs had fully considered the issues raised by the Parish and held their consultations with the key outside bodies. They were able therefore to draft individual Action Plans (“APs”) seeking to address the issues in a realistic and achievable way. These APs were reviewed and approved by the Parish Council in November 2006. They are obviously the real heart and substance of the Parish Plan and are set out in full below. The Planning AP was separately reviewed by the Forward Planning Unit of HC who advised that it is in principle suitable for adoption by HC as a Further Planning Guidance document, which will give it extra weight.

HC reviewed the final draft of the full Plan in May 2007 and raised several valuable comments and suggestions. These were incorporated into the Plan in June 2007, at which stage the Plan took on its final form.

The final step in this process of consultation and formulation of the Plan was the delivery to every household of a copy of the finished Plan followed shortly thereafter by a further public meeting at the Community Hall for the formal launch of the Plan and the request for volunteers to help implement it.

3. SUMMARY OF PROPOSED ACTIONS

The heart of the Parish Plan is the section of Action Plans that follows. The Plans are detailed since they address quite a large number of issues raised by the exceptionally high response rate of the Questionnaires and the PFT event. To avoid becoming too confused by the multiplicity of issues in these Plans, we thought it useful to try to summarise the significant issues – what really matters to the residents of this Parish?

In both the Adult and Youth Questionnaires, we asked people to list three issues most important to them. The top three issues in the Adult Questionnaire were Road Safety/Traffic/Speeding; Environmental Issues and Planning. Other issues in order of importance were footpaths; a village shop/post office; health; lighting; parking and dog fouling. In the Youth Questionnaire the most important issue was lack of a village shop followed by concern for environment and traffic. Boredom was also an issue. Past experience and soundings by the Youth WG disclosed a sense of alienation on the part of some of our youngsters.

Let's then just summarise what the Action Plans propose to do on all these issues:-

Traffic and Transport – detailed recommendations to maintain pressure for lower speed limits and safer junctions, to monitor traffic speeds, to install speed warning lights, to request a Review of Accident Record and Pedestrian Survey, to implement a publicity/education campaign and to ensure that , where appropriate, “low-noise” tarmac is used in future. Lighting safety issues to be considered. Parking changes not generally favoured.

Environment – improve access to and maintenance of footpaths, create circular walks, deal with dog fouling and litter, improve recycling, monitor polytunnels, maintain/enhance appearance of Parish.

Planning – discourage further development, especially executive homes and infills out of character with surrounds. Any further development to be within Settlement Boundary, not estates, and in harmony with rural nature of the Parish. Minority views in favour of low cost housing to be taken into account.

Community Facilities – wider Community use of Church, establish Working Group for Village Shop/PO and alternatives, explore additional outdoor and indoor facilities at Community Hall, try to get more post boxes, improve village website and TV reception.

Health – more volunteers for transport to Surgeries, prescription collection scheme, spread awareness as to how to contact services

Youth – shop issues, environment and traffic are dealt with in other Plans so the focus was youth boredom and alienation from the rest of the community. A very successful “pilot” scheme of summer activities has pointed the way to more long-term arrangements. A permanent kickabout/playing area is a priority for investigation.

Crime & Safety – it is good that this was not highlighted as a priority concern. However, the Action Plan envisages frequent publicised visits by the Community Support Officers, Police Surgeries, better awareness of Police contacts and an overhaul of the Neighbourhood Watch Scheme.

This then is a summary of what the Parish Plan hopes, and expects, to achieve. In all, 61 actions are proposed of which 57 are totally within the control of the Parish, the balance needing some form of external help/authority. If half is done, the Plan will have been worthwhile but there is no reason at all why all, or practically all, cannot be achieved. The only projects that raise major issues of external approval/funding are the shop, potential Community Hall playing field, and possible speed warning lights. The other proposed initiatives are relatively low or no cost ones. The traffic initiatives will however require Highways Authority implementation.

To appreciate fully the job in hand, now read the full details of the Plans.

4. ACTION PLANS

4.1 Traffic and Transport Action Plan

Introduction

Consideration of transportation issues in the Parish is dominated by the main road (A438) running through the Parish between Hereford and Ledbury. It divides the Parish in physical terms and also attracts divided opinions regarding speed limits and the hazards it presents (see **photo 6**).

Many people rely almost entirely on their cars for work, shopping and services such as healthcare. For those who do not have access to a car (particularly the young and elderly), public transport, in the form of buses, provides a limited service during the daytime to Hereford and Ledbury, but this is inadequate for access to other locations (such as the Fownhope Surgery). Supplementary facilities such as the Ledbury Ring and Ride service and dedicated school bus services compensate to some degree, but leave little scope for flexibility for the individual.

Unfortunately, the other major form of Public Transport – Rail – simply passes through the Parish with no access available to residents. The potential costs of providing a “Halt” in Tarrington are so high that it seems extremely unlikely that the extra revenue generated would justify its expenditure. Consequently no rail-related actions are proposed for the AP.

Likewise, no actions are proposed for cycle lanes on the main road as there is clearly insufficient space for them and mixed support from Questionnaire respondents.

The Issues

Speeding

This was described as a problem by almost three quarters of the survey respondents, with various locations along the A438 being identified by many as needing a lower speed limit. (Specifically Tarrington Village, Garbrook, Hillfield to the Durlow junction).

Opinions regarding the solutions were less clear-cut, with about half supporting improved enforcement of existing limits and a similar number supporting improved warning signs. The more aggressive approach of using traffic calming and/or traffic cameras attracted roughly equal support and opposition.

Discussions with a Hereford Council (“HC”) representative suggest that, currently, introduction of new limits (in addition to the 30 MPH limit in the village centre, which is already implemented) is likely to take a significant time and be subject to strict criteria regarding the number of access points per km (gateways or side roads). However, the WG believes that 2 stretches of road would satisfy these criteria and actions to implement limits are recommended in the AP.

A recent review of speed limits by the Department of Transport (published early in August 2006) may force Hereford Council to review its guidelines and make it possible to impose lower limits. However the review places strong emphasis on influencing driver behaviour rather than simply imposing reduced speed limits, which would suggest that improved hazard warning signs and active speed limit indicators would be favoured before traffic cameras or lower limits.

Introduction of any speed warning devices would have to follow a phased process:-

- a) Monitor speeds and demonstrate a problem,
- b) Utilise temporary warning lights and check whether they were effective,
- c) Install permanent warning lights

Location of the warning lights may be problematic in some places, due to the narrow verges in a number of areas. There is also a cost element to be considered.

Public Transport

A significant minority of respondents (38%) stated that they had no experience of using public transport, though many also anticipated increased dependency in the future. A similar percentage felt that the current service was adequate. An improved bus service and bus stop facilities, particularly near the Tarrington Arms, was requested by a third of respondents. Car-sharing was not heavily favoured (19%), but it is suggested that the Parish Council should consider the preparation of a contingency plan to organise a co-ordinated scheme in the event of fuel shortages or significant fuel price rises.

Pedestrian Facilities

This falls into the Traffic and Transportation section, in so far as pedestrian safety is significantly affected by traffic and road layouts.

Provision of a pedestrian crossing in the village centre was the one of the most common comments in the free-form section of the Questionnaire responses. Difficulty in crossing the main road was also frequently cited as an issue by respondents to the Youth Questionnaire. Closely related to the issue of speed through the village, it is a concern for many. An integrated approach, which slows traffic into the village, moves / improves the bus stop facilities and provides a pedestrian crossing, preferably light-controlled, would be very popular. An accident, in August 2006, highlighted the issue, when a young man was knocked over, just after he got off the bus from Hereford.

Other issues affecting pedestrians, which have been raised by the Questionnaire, include provision of a footpath between the village and the Community Hall and of lighting at key junctions (entrance to Barris Orchard, A438 junction by the Tarrington Arms & School Road). However it should be noted that almost half all respondents opposed more lighting and bearing this in mind, it is recommended to explore lighting schemes which minimise light pollution. Installation and running costs would probably fall on the Parish Council. Any proposal would be scrutinised closely by HC to ensure the result was safe for all road users.

Specific Road Safety Concerns

In the section of road between the Durlow junction and Garbrook, there have been a number of major accidents, so far without fatalities. This is the narrowest and most winding section of the A438 between Ledbury and Hereford. Many Parishioners will be aware of these, having been involved in the aftermath of these incidents, and the local residents regularly have to “pick up the pieces” after the events. They are naturally very concerned to see action taken urgently to prevent the accidents continuing. They are strongly in favour of a 40 MPH limit being imposed and all other possible measures taken to improve the road in this area. Likewise, concern was expressed about the dangerous right angle bend in Little Tarrington and action on both of these issues is recommended in the AP. Most junctions of side roads with the A438 were identified as danger spots and action is recommended in the AP. HC are planning re-surfacing work in this section of the A438, during the summer of 2007, aimed particularly at improving adhesion in wet conditions.

General Road Safety Concerns

Changes to parking provision, or introduction of parking restrictions, were generally not favoured, though difficulties were identified in a couple of specific areas – Barrs Orchard and by the Tarrington Arms junction. Discussions with an HC representative suggested that, without a strong enforcement regime, additional restrictions would be ineffective. In Barrs Orchard, the residents should discuss their needs with Elgar Housing as HC would not intervene.

Introduction of a vehicle weight limit in the village was favoured by 25% but opposed by 37%. The underlying concern, regarding fast, heavy vehicles, would probably be alleviated by introduction / enforcement of lower speed limits. No other action is recommended.

There were a number of comments regarding lack of traffic-awareness by young pedestrians/cyclists, particularly at the entrance to Barrs Orchard and along School Road. The WG does not believe there are physical measures that can be reasonably introduced to restrict either vehicles or the young people. It needs to be dealt with by education/publicity to influence residents of all ages to be more aware of the hazards.

Impact of Traffic Noise

There were a number of comments regarding extension of the use of low-noise tarmac surface to reduce the intrusive noise from traffic. Having discussed this with HC, it is clear that this is unlikely to be adopted generally, because such a surface has lower skid-resistance and worse wear properties. It is normally applied only to speed-limited roads. Its use can also have the effect of increasing speeds – due to drivers judging their speed by the noise level.

Issue	Traffic & Transportation Action Plan	Timescale	Responsibility	Partners	Cost/ Resources
Speeding on A438: Village centre	<p>Request monitoring of traffic speeds following introduction of new speed limit.</p> <p>Request utilisation of temporary speed warning lights to support new limit, if monitoring demonstrates need.</p>	<p>Immediate</p> <p>1 year</p>	<p>PC</p> <p>PC</p>	<p>HC / West Mercia Police</p> <p>HC / West Mercia Police</p>	<p>To be investigated</p> <p>Approx. £400 per location pad, at least £3500 per temporary warning unit</p>
Speeding on A438: Durlow to Garbrook	<p>Request formal Review of Accident Record and road design along this section of road, with particular emphasis on the Durlow / Wood End junction to Hillfields section.</p> <p>Use Review and public opinion to support request for reduced speed limit, and/or other safety measures such as warning signs, along this section of road. Access count could justify limit.</p> <p>Implement "near miss" reporting scheme.</p>	<p>Immediate</p> <p>Immediate</p> <p>6 months</p>	<p>PC</p> <p>PC</p> <p>PC</p>	<p>HC / West Mercia Police</p> <p>HC / West Mercia Police</p> <p>"Tattler" editor / HC / West Mercia Police</p>	<p>None</p> <p>None</p> <p>None</p>
Speeding: Little Tarrington	<p>Request review of speed limit in settlement area and of improved warning signs for the right angle bend. Access count from Millpond (Stocks Cottage) to Glenshee could justify speed limit.</p>	<p>Immediate</p>	<p>PC</p>	<p>HC / West Mercia Police</p>	<p>None</p>
Speeding: Village side-roads	<p>Implement publicity / education campaign to persuade "locals" to slow down</p>	<p>6-12 months</p>	<p>PC</p>	<p>HC / West Mercia Police</p>	<p>None</p>

Issue	Traffic & Transportation Action Plan (continued)	Timescale	Responsibility	Partners	Cost/ Resources
Dangerous exits – School Lane (west), Station Road, Village Road, Little Tarrington – all with A438	Request review of options to improve safety at all these junctions.	Immediate	PC	HC / West Mercia Police	None
Young cyclists and pedestrians showing poor road-sense	Implement publicity / education campaign to raise awareness levels at all ages	6 months – but on-going	PC	HC / West Mercia Police	Resources offered by HC Road Safety Group
Difficult for pedestrians to cross A438, in village, due to traffic speed and density	Request Pedestrian Survey, with a view to having pedestrian crossing installed, near Tarrington Arms.	Immediate	PC	HC	None
Street lighting poor at several junctions and non-existent in the majority of the village, leading to safety concerns for pedestrians	Parish Council to consider for areas where there are specific safety issues (particularly for pedestrians) whether additional low-level lighting is feasible as a compromise; improving safety, whilst satisfying those strongly opposed to street-lighting on the grounds of light pollution and loss of “village character”.	Medium-term	PC	HC / West Mercia Police	Additional lighting installation and running costs may fall on PC
Improve maintenance of footways.	Ensure School Road and A438 from Village to Little Tarrington footways are maintained regularly.	Immediate and continuing	PC Footpath Officer	HC	None
Review location and design of bus-stop at Tarrington Arms	Approach HC to request that the bus-stop be moved away from the Village road junction and for a lay-by to be provided. (To be done in conjunction with pedestrian crossing ?)	12 months	PC	HC	None
Improve number of footways	Ensure that any road improvement schemes include provision for footways	Medium-term	PC	HC	None
Road noise	Ensure that any road schemes utilise “low-noise” tarmac surface, where appropriate and practical.	Long-term	PC	HC	None

4.2 Environment Action Plan

The majority of the Parish is farmed land that includes arable crops, livestock and apple orchards. Hop growing, once a major crop in the Parish, is now almost non-existent. There is very little industry in the Parish.

The Parish has changed in recent years with farms consolidating into larger units, fewer workers being employed in agriculture and related industries, farm buildings and related properties being converted for residential use, new housing developments and an influx of residents who show a strong interest in retaining the rural nature of the Parish. Successful participation in the "Britain in Bloom" campaign has enhanced the appearance of the Parish. There is a diversity of wildlife habitats including ponds, meadows, hedgerows and woodland.

Several factors will likely combine to change the face of farming around Tarrington in the coming years. A significant reduction in farm subsidies resulting from reform of the Common Agricultural Policy, Government incentives to grow crops for fuel and power generation and global warming may all induce farmers to consider different crops from those of today.

The issues

Footpaths

The majority of residents know the location of the footpaths in the Parish and consider them well signposted. However a significant number raised concerns about ease of access – mainly overgrown stiles and footpaths. Other issues raised were difficulty with access to footpaths over stiles and requests for circular walks. As regards the first point, we have investigated the legal position and it appears that the Parish can install, at its cost, more user friendly access to footpaths (e.g. kissing gates) but only with the permission of the landowner.

Cycle Tracks

A minority of residents requested recreational cycle tracks for children. No action is proposed on this issue partly due to the inability to identify any off-road tracks (e.g. bridleways suitable for this purpose) and partly due to 50% of the residents opposing cycle tracks. However there is a Herefordshire Council initiative to explore the feasibility of a cycle track from Hereford through Tarrington to Ledbury and we have expressed our interest in participating in this project.

Dogs

There were very many comments concerning dog fouling in specific areas of the Parish. Other issues were lack of places to exercise dogs and problems with dogs not being kept under control. No action is proposed in respect of exercising dogs because the Parish has very many lanes and footpaths suitable for this purpose.

Plants and Trees

Opinions were divided over whether the Parish is in need of more flower boxes, plants and trees and whether tidying up of particular properties, trees and hedges is necessary.

Recycling

Many residents were unaware of the current recycling facilities located behind the Community Hall. There were numerous requests for additional recycling facilities for cardboard and clothes. Following discussions with HC, we understand that textile recycling is easy to arrange but cardboard is more difficult to implement because a large skip will not fit through the gates of the Community Hall. We also looked at the possibility of making a large skip available twice per year for general recycling but this could be difficult due to legal obligations, health & safety and location issues. HC have suggested the Parish Freighter Scheme as an alternative. HC have also volunteered to provide recycling information for publication in the Tatler.

Litter/Fly Tipping

Fly tipping did not register as a significant problem in the Parish. Casual litter was felt by many to be a problem and there were suggestions for litter bins and regular litter patrols

Important Features

Woodlands, orchards, ponds, meadows and listed buildings were all felt to be important features of the environment.

Polytunnels

42% of the respondents opposed the siting of polytunnels in the Parish, 21% supported their use and 29% expressed no opinion. HC have noted these views and have informed us that polytunnels now require planning permission.

Other Issues

Some of the issues raised in the Environment section of the Questionnaire were transferred to the Traffic and Transport WG since they involved contact with the Highways Department – road noise, road signs, street lighting and cycle lanes on the A438. These are addressed in the Traffic & Transport AP.

Issue	Environment Action Plan	Timescale	Responsibility	Partners	Cost/ Resources
<p>Poor maintenance/ difficult access to several footpaths</p>	<ol style="list-style-type: none"> 1. Erect "Right to Roam" signpost to the footpaths accessing Tarrington Common. 2. Communicate via Tatler and notice boards "Right to Roam" land and the responsibilities of rambblers 3. Organise a team of volunteers to maintain clear access to stiles on public footpaths. 4. Check that all footpaths are signposted and remedy as necessary. 5. Organise walks twice per year 	<p>Short term</p>	<p>PC</p>	<p>None</p>	<p>Cost will be borne by PC</p>
<p>Stiles make it difficult to access some footpaths</p>	<p>Investigate the possibility of making access to footpaths more user friendly (e.g. kissing gates).</p>	<p>Short term</p>	<p>PC</p>	<p>Landowner</p>	<p>To be determined</p>
<p>Circular footpaths</p>	<ol style="list-style-type: none"> 1. Identify circular walks based on current footpaths and roads 2. Organise a team of volunteers to walk and record each of the routes. 3. Permanently place the walking routes on the Parish notice boards. 	<p>Short term</p>	<p>Volunteer</p>	<p>None</p>	<p>None</p>
<p>Dog Fouling</p>	<p>Identify locations in Tarrington village and other places susceptible to dog fouling and install both disposal bag dispensers and bins.</p>	<p>Immediate</p>	<p>PC</p>	<p>HC</p>	<p>No cost to Tarrington PC. HC have offered support.</p>
<p>Dogs not kept under control</p>	<p>Publish regular reminders in the Tatler concerning the responsibilities of dog owners.</p>	<p>Immediate</p>	<p>PC</p>	<p>None</p>	<p>No cost – already implemented.</p>
<p>Maintain the appearance of the Parish.</p>	<p>Parish Council to ensure that any proposals for new developments include trees/verges etc in keeping with the appearance of the Parish.</p>	<p>Ongoing</p>	<p>PC</p>	<p>HC</p>	<p>None</p>

Issue	Environment Action Plan	Timescale	Responsibility	Partners	Cost/ Resources
Improved recycling facilities	<ol style="list-style-type: none"> 1. Communicate the existing facilities to all residents – repeat articles in the Tatler and Parish notice boards. 2. Make a case for the collection of recyclable waste from homes along with the black bin bags. 3. Determine if it is possible to add recycling of textiles and cardboard to the current facilities. 4. Determine the feasibility of making a large skip available twice per year. 	Short term	Volunteer	HC	None
Litter	<ol style="list-style-type: none"> 1. Organise regular patrols (or "adopt a road") to collect litter dropped from cars. 2. Install a litter bin at the entrance to Barr's Orchard 	Short term	PC	HC	HC can provide litter picking kits for volunteers HC
Polytunnels	Parish Council to make Herefordshire Council aware of the views of the parishioners concerning polytunnels	Immediate and ongoing	PC	HC	None
Make environmental information on a range of issues readily available to parishioners.	<p>Information is required for :</p> <ul style="list-style-type: none"> • The route of footpaths and circular walks • The location of Right to Roam land • The location of recycling facilities <p>Make known the procedures for :</p> <ul style="list-style-type: none"> • Requests for footpath maintenance • Reporting of unsightly properties • Reporting overgrown verges and hedges. 	Short term	PC	None	None

4.3 Planning Action Plan

Introduction

Tarrington is considered a “main village” under the Herefordshire Unitary Development Plan (“the UDP”) and for our Planning AP to be effective it must be “adopted” by the Herefordshire Council (“HC”) Planning Authorities. For this to happen the AP must be consistent with the policies of the UDP. Accordingly the Planning WG has met with the concerned officials at the HC and we believe that our AP is fully consistent with the UDP policies, whilst at the same time reflecting the wishes of the village community as expressed in the PFT event, the Questionnaire and the various representations made to the WG in its meetings open to the public.

The Issues

Parish Planning is as much about identifying what’s right in the village, and should be preserved, as what’s wrong and should be changed. This was certainly brought out in our Planning consultations.

4. 1. A clear majority of the Parish (55% representing 180 persons) believe there should be no further housing development and that the present mix of homes is right (64%, 209 persons). Most (20%, 66 persons) of the 27% of the respondents who were in favour of further development wanted some form of low cost housing (homes for couples/small families, retired people, people with disabilities, flats/small houses, sheltered housing, affordable houses to buy or rent). There was very little support (3%) for building executive homes.
2. One third (106) of the respondents registered views either approving and/or disapproving of previous housing developments. The remaining two-thirds did not register a view. Most of the approvals related to barn/farm conversions (11) (see **photo 7**), the Millpond fishing/caravan site (3) and the use of materials in keeping with the surroundings. The majority of disapprovals related to executive homes (37), infilling on sites of insufficient size (38) and the use of materials not in keeping with the surroundings.

3. It is accepted that, as a "main village" under the UDP, development will in principle be permitted within the existing Settlement Boundary but the view of the village is that any further development should :-
 - i. only be within the present Settlement Boundary
 - ii. be single dwellings or small groups and not estates
 - iii. be sensitive to the real concern over the loss of the rural/peaceful character of the village. The Parish agrees with the UDP that priority in any development should be "brownfield"/conversion of existing buildings and not on "greenfield" land
 - iv. be in harmony with its surrounds, whether in terms of style, use of local materials, good design etc. Thus developments not in keeping with the surroundings (eg red-brick suburban style homes) are out but sensitive barn conversions retaining rural character are in. This reflects UDP policy.
4. There is, finally, general support for the encouragement of small businesses (provided they meet the above criteria and benefit the village/village people) but the majority were against small industrial workshops. Opinions were evenly balanced for and against encouraging tourism, possibly influenced by the desire to maintain the rural character of the Parish.

Issue	Planning Action Plan	Timescale	Responsibility	Partners	Cost/ Resources
Housing/ Development	<p>1 Discourage new buildings, especially executive homes, buildings on sites of insufficient size/out of character with surrounding buildings and the use of materials not in keeping with the rural nature of the Parish.</p>	Ongoing	PC	HC Planning	None
Housing/ Development	<p>2 It is accepted that despite the clear majority of the parishioners being opposed to further development, as a "main village" Tarrington is liable to further development. If this occurs, the same should:-</p> <ul style="list-style-type: none"> i be within the present Settlement Boundary, ii be single dwellings or small groups, preferably "brownfield"/conversion of existing buildings iii utilise materials in keeping with the rural nature of the Parish iv take into account the 20% minority (66 persons) who expressed an interest in some form of low cost housing. 	Ongoing	PC	HC Planning	None
Business Development	<p>3 Encourage small businesses provided that they meet the above criteria and be in proportion to the village and its economic requirements, whether in the form of local employment or services</p>	Ongoing	PC	HC Planning	None
Adoption of the above issues	<p>4 Ensure that the Parish's wishes as set out above are "adopted" by Herefordshire Council and then implemented by it and the Parish Council.</p>	Short term and Ongoing	PC	HC Planning	None

4.4 Community Facilities Action Plan

Introduction

Tarrington's present main Community Facilities consist of the Parish Church and the Lady Emily Community Hall (an important further facility is the Tarrington Arms pub but that did not feature in the Parish Plan consultation process). There was a small village shop in the Parish until 5 years ago but it was closed on grounds of commercial viability. The issue of health care facilities is considered in the Health and Social Services section of the Plan.

Both the Community Hall and (to a lesser degree) the Church are well used by the Parish, and by many visitors from outside, and the main focus of the Community Facilities consultation process was to try to see how these two facilities can be enhanced – and what additional facilities can be bolted on to them or separately added.

Both the Church and the Community Hall are accessible to wheelchairs and therefore no further action needs to be taken concerning wheelchair access.

The Issues

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The Church - Regarding the Church there was strong support for the re-installation of a resident vicar, for the installation of a toilet and a kitchen. All these issues are dealt with in the Plan, together with the broader question of trying to make the Church more available to the community at large. More comfortable/movable seating was also an issue but there was not a sufficiently clear opinion one way or the other to justify any action.

Village Shop/Post Office – This was undoubtedly the most difficult issue we had to address. There was strong support for the opening of a village shop/Post Office but the questions of how that can best be done and its long-term viability are complex. Some of the relevant issues are:

- Is the demand for a shop sufficient for it to be a viable concern?
- How have other Parishes fared with similar projects?
- Where should a shop be located (on the main road to catch passing traffic?)
- Is a post office viable or would a post shop be more appropriate?
- How would it be owned, managed and run?
- Should additional facilities such as conference/training room be included?
- What are the funding implications?

A certain amount of preliminary feasibility study was done but it became clear that a great deal more must be done before any informed decision whether or not to attempt such a project can be made. The AP accordingly suggests the formation of a Working Group to take this further forward. Some alternatives to the full village shop/PO project to provide a limited range of services are also considered.

Community Hall – There was quite a bit of support for more indoor and outdoor activities at the Hall and the AP provides for the Hall Committee to take these ideas further. The issue of walking groups is included in the Environment AP. Many suggestions in this context are dependent on the availability of suitable land and will require the cooperation of local landowners.

Communications – Generally speaking, people thought that communications with and inside the Parish were very good. There was a high level of awareness of the contents of the Parish Notice Boards and the village magazine (the “Tarrington Tatler”), with the latter coming in for particular praise. However, we have identified certain respects in which Parish communication could be further improved and the AP contains a number of ideas here.

Issue	Community Facilities Action Plan	Timescale	Responsibility	Partners	Cost/ Resources
Increase community use of Church Facilities	<p>The Parochial Church Council (PCC) to initiate a meeting with the Parish Council, Village Hall Committee (LECH) and the wider community with the objective of forming a Development Group to determine the feasibility of:</p> <ul style="list-style-type: none"> • the installation of toilets • a kitchen • a café • Internet access • holding concerts • a meeting place for singing groups. 	ASAP	PCC	LECH, PC, Wider Community	None initially
Re-instate a resident vicar in the Parish	Discuss with the Diocese whether the Rectory could be a House for Duty (with a Vicar). (The PCC has already agreed in principle).	ASAP	Chairman of the PCC	Diocese	Potential cost for PCC
Village Shop/Post Office	Establish a WG of interested parties to investigate the viability of establishing a village shop/post office/post shop	ASAP	PC	Royal Mail	TBD
Explore alternatives to a Village Shop	Investigate the provision of some of the facilities requested in the Parish Plan - Newspaper collection, milk, bread in an alternative location.	To be run in parallel with the village shop project	PC	Unknown	Unknown
Day Nursery	Review the actual demand for a day nursery serving the village and determine the appropriate course of action	ASAP	Current leader of the playgroup or alternate	HC	None
Additional Outdoor facilities associated with the Community Hall	<p>Conduct a feasibility study to determine the realistic demand for the following facilities:</p> <p>Tennis Court Cricknet Pitch Playing Field Bowling Green Gardening Club</p> <p>If positive, investigate the availability of land in the Parish (possible link with Village Shop).</p>	ASAP.	Study: LECH To implement: LECH or new Sports Group	Study: PC To implement: Lottery funding etc	For the study, minimal cost, but several people's time. In excess of £50K to implement

Issue	Community Facilities Action Plan (cont.)	Timescale	Responsibility	Partners	Cost/ Resources
Additional Indoor facilities at the Community Hall	Investigate the feasibility of introducing the following activities and an assessment of the likely real demand:- Youth Club (already implemented) Access to Copier/printer Café Ballet Classes Internet Access Discos/Village Hops (The request for Ballroom Dancing has been actioned). Note that some of these activities may require liaison with other Groups e.g. Youth and some may be more appropriate in venues other than the Community Hall.	ASAP	LECH	PCC, PC, Hereford Youth organisations Private teachers (ballet)	For study, minimal cost, but several people's time. To implement: Internet/copier etc ~£5k Café cost depends on final location. Youth club – initial (set-up) cost ~£2K. Annual running cost ~£1-2K
Additional post boxes	Discuss with Royal Mail the provision of two extra post boxes in Village (outside Barrs Orchard and Garbrook).	ASAP	PC	Royal Mail	Nil
Poor TV Reception	Provide residents with information on how to access better reception.	ASAP	PC	OFCOM / J Tallis	Test equipment up to £5k
Parish Website	Ensure that the Parish website is improved and kept up to date and awareness built. (The website was completed in June 2006 and the need now is to build awareness)	Ongoing	PC	LECH, PCC, Tarrington Arms, Other organisations in village	Annual running cost of £500
Parish notice boards	Replace existing open notice boards at Durlow and Little Tarrington with enclosed glass fronted notice boards resistant to the weather to allow the posting of permanent notices.	ASAP	PC	None	£200-500 each, depending on size / quality

4.5 Health and Social Services Action Plan

Introduction

The Health and Social Services WG had a series of meetings, and where appropriate contacted the agencies/organisations involved. These were (a) Community Transport Herefordshire/Community Voluntary Action; (b) Primary Care Trust surgeries at Fownhope and Ledbury as well as the associated chemists (Briggs and Boots); (c) the Project Managers for Children and Adults from the Social Services.

The Issues

- ◆ The main issue raised was the **transport** difficulty of some residents to and from the doctors' surgeries. This problem arose because there is no longer a doctor in Tarrington, and those people registered with the Tarrington surgery were mainly transferred to the Fownhope surgery about 6 miles away (as Ledbury surgeries were fully subscribed) with no public transport to that village. Of the adult residents who filled in the Questionnaire, there are approximately 208 residents registered at the Fownhope surgery, 77 with Ledbury surgeries, and 23 at Hereford, plus a few with other surgeries. 17 residents found it 'often' difficult and 53 'occasionally' difficult to travel to a doctor's surgery. There is public transport to both Ledbury and Hereford.
- ◆ Related to the main issue was **prescription collection** – again difficulty with transport, especially to Fownhope. In the Adult Questionnaire, 42 people found it difficult to collect medicine on prescription, 37 of whom were registered at the Fownhope surgery, 3 at Ledbury surgeries and 2 from other surgeries. Fownhope surgery is hoping to establish a prescription delivery service but at present space constraints make this difficult.
- ◆ With regard to **doctors' surgeries**, in the Questionnaire 55 people classed themselves as 'having a disability, long-term illness or infirmity'. Some people had difficulties with the surgery hours and booking appointments. All the local surgeries have a system of block bookings for same-day, as well as advance bookings. When these appointments have been filled, sometimes patients will have to have an appointment the following day. Home visits by doctors were also mentioned – however this is always at the discretion of the doctor's assessment of the need of the patient. The possibility of a doctor or nurse doing a surgery at the Community Hall in the village was raised. It was felt that, with a steep staircase, and no suitable private rooms downstairs the Community Hall would not be appropriate, except for general flu jabs etc.
- ◆ Several people mentioned the problem of registering with an **NHS dentist** within a reasonable distance.
- ◆ Other points raised were:
 - (a) The long waiting time at the **A&E Hereford** (which we understand to be a maximum time of 4 hours, which is standard);
 - (b) **Counsellors** for young people and this has been forwarded to the Youth WG;
 - (c) Comments about difficulties of **wheelchair access** around the village, and this has been passed on to the Community Facilities WG.

Issue	Health & Social Services Action Plan	Timescale	Responsibility	Partners	Cost/Resources
Transport to and from Drs' Surgeries, and for all other requirements to and from village, including outings for shopping etc.	Ring-&-Ride, Community Voluntary Action covers Tarrington. More volunteer drivers required. Advertise in Tarrington Tatler	ASAP	Tarrington people in conjunction with Reg Taylor of Ring-&-Ride	N/A	No cost to PC
Prescription Collection from (a) Fownhope (b) Ledbury	Maurice Smith (plus A N Other for MS to arrange when he is away) in conjunction with Fownhope surgery. As there is public transport to and from Ledbury, it was felt unnecessary to organise a prescription collection scheme from Ledbury.	Immediate	Fownhope Surgery in conjunction with Maurice Smith and other Tarrington residents.	NHS	No cost to PC
Visit to village by doctor or nurse	There is a national scheme in the pipeline by the Department of Health to manage long-term illnesses by 'community' matrons in order to avoid hospital treatment. This would entail home visits to those suffering from chronic illness.	Two Community Matron posts have been set up in Hereford City. We are not aware of the timescale for further posts, but understand that they are envisaged nationwide.	Primary Care Trust	NHS	No cost to PC
NHS Dentist – difficult to find General lack of how to contact services GP registration	NHS Dental Access Centres are in Hereford, Ross, and Ledbury. Dental Helpline 01432 363 971 NHS Direct – 0845 4647 Ring-&-Ride (Community Transport) – 01531 635503 GP surgery info – 01432 363972	These exist now. Future Tarrington Tatlers could have permanent feature of these 4 tel. Nos. to help new people to the area.	NHS Primary Care Trust Editor of Tarrington Tatler	NHS N/A	No cost to PC No cost to PC

4.6 Young People's Interests

Introduction

Currently few specific facilities are provided in the Parish for young people. There is Sunday football, the children's playground behind the Community Hall and the Nature Club. There is also the opportunity to join in all-age activities such as cricket (over the summer), badminton and bowls.

A Youth Survey (supplemental to the Adult Questionnaire) was given to all children in the village aged 4 – 18 years. 78 forms were returned; more than 90% of the total! The split between male and female was 46% to 54%. Under 14s accounted for 80% of the total.

The Issues

The young people who responded to the Questionnaire spend much of their time watching TV, visiting friends and riding bicycles. About a third play computer games and football. Small numbers enjoy Brownies, skateboarding, Nature Club, horse riding, swimming and rugby.

On further questioning, it becomes clear that many children have any number of planned activities (often school related) on most weekday evenings. The gaps relate to informal things to do locally and to holiday times. It is these gaps that our AP is designed to fill.

Most rely on family members to travel to Hereford or Ledbury. A third use the bus sometimes.

Nearly all feel that Tarrington is a quiet, safe village with friendly people and pleasant countryside. However, they are critical of the lack of sporting and youth facilities and concerned about bad behaviour.

Key concerns identified in the Questionnaire were:

- Speeding traffic/main road crossing/signage/footpaths/cycle paths
- Boredom
- Environment (dog mess and litter)
- Bullying and anti-social behaviour
- Lack of village shop

A detailed analysis of the responses to the question "What would make Tarrington a better place" identified the following issues as the most important and well ahead of all others;

1st priority: a shop/PO

2nd priority: a pedestrian crossing on the A438

3rd priority: (all equal) cycle lanes, youth club/disco, and kickabout/play area

Road and Traffic related issues, Environment issues and Shop/PO fall more directly under the scope of other WGs (Traffic & Transport, Environment and Community Facilities respectively) and are addressed in their APs.

Accordingly we placed our focus on the remaining issues of Kickabout/Play area (and related activities) and youth club/disco.

We also decided to address another issue that was raised on a number of occasions during our discussions: "Bringing together areas of the village and age-groups that haven't traditionally mixed".

The issue of counselling for young people was referred to us by the Health and Social Services WG but we did not feel that this was either appropriate or needed at this time.

Young People Action Plan

Summer "Pilot" Schemes

We have approached the central issue of youth activities in two phases. We felt that it was important for us to launch a number of "pilot" projects over the summer of 2006 both to find out in more depth what were the needs and interests of the young people in Tarrington and secondly to gauge how much support and experience we had in the village to operate such schemes successfully.

The "pilot" schemes we operated over the summer were football, cricket, tennis, badminton, cooking, gardening, fishing, first-aid, drama, cycling and skate-boarding. Football, cricket, tennis, badminton and cooking proved great successes. First-aid and gardening were reasonably well supported but cycling, fishing and skate-boarding were not so well attended. However, it is too early to dismiss any of these projects for the future and our present intention is to run them all again next summer. It is hoped in fact that we may be able to run them, or some of them, over other holidays as well (e.g. Christmas). We don't of course rule out adding more project areas if we feel there is an interest there.

It's to be noted that one welcome spin-off of these projects has been that several youngsters have now joined on a regular basis some of the permanent sports groups in the village (e.g. the Badminton Club at the Community Hall).

Barbecue and Fun Day in Barrs Orchard

On 27 August 2006 we organised a barbecue and street party with various activities in Barrs Orchard. This was very well attended and we think a great success – especially in bringing out and together areas of the village and age-groups that haven't traditionally mixed (see **photo 8**). Our intention is to repeat this exercise again next year. Consideration will also be given, in conjunction with the PC, to whether it's feasible to run similar events for other areas of the parish (e.g. Garbrook, Durlow, Eastwood) that perhaps are a little isolated from main village activities.

Youth Club

It has always been acknowledged that there is a need for a Youth Club in Tarrington. Following the successful pilot schemes, a feasibility study was commissioned consulting young people from Tarrington, as well as the neighbouring parishes of Stoke Edith and Dormington. This study supported the immediate establishment of a Youth Club to serve these three parishes. A Committee was established to do this, and on 16 February 2007 the Youth Club was launched with a disco. The Youth Club has been given a grant from the Hereford Youth Opportunities Fund and so it is now able to invest in equipment to use in its weekly sessions on Thursday evenings. The Youth Club Committee will continue to work with the youngsters in developing the Club as a social attraction and as a place where youth can thrive.

Kickabout/Play Area for Youngsters

We certainly believe that the young people of the village need and deserve their own dedicated places to gather and play.

There are currently three available play areas for children – but only one is in use:

- The area behind the Community Hall (currently in use). This area is also used as a football pitch and for cricket nets.
- The green areas within Barr's Orchard (the play equipment has been removed by Elgar Housing)
- The public green space in front of Church View owned by the PC (not currently in use)

Further analysis is required to determine the best use and suitability of these facilities.

Both the Planning for Tarrington event and the Adult Questionnaire showed a high level of interest in additional outdoor activities such as Tennis Court, Cricket Pitch, Playing Field and these activities form part of the Community Facilities Action Plan. These facilities would also be available to the young people of the Parish and the LECH will bear this in mind as they conduct a feasibility study (ref Community Facilities Action Plan p. 27).

Timescale

The timescales for our above initiatives are implicit in what we've said. However, in essence:-

Summer schemes

Summer 2007 and hopefully future summers.

Barrs Orchard Event

August 2007

Youth Club

Already up and running.

Kickabout/Play Area

Feasibility studies to start immediately

Responsibility

We have already formed a Youth Steering Committee which will formally take over responsibility for driving forward Youth Activities from the present Youth WG of the Parish Plan Steering Committee once the latter is dissolved on completion of the Parish Plan. The Youth Club will be run by a separate Committee which will work with the main Youth Steering Committee. The Lady Emily Community Hall Committee will take responsibility for both these Committees.

4.7 Crime & Safety Action Plan

Introduction

The Crime & Safety WG had a series of meetings and reviewed the data on this issue collected by the Planning for Tarrington (PFT) and the Questionnaire. Representatives of the village Neighbourhood Watch scheme (“the NW”) and the local Community Support Officer (“the CSO”) were involved in all discussions and West Mercia Police were also consulted on the issues and the proposed AP. The AP is approved by the CSO and West Mercia Police and has their full support.

The Issues

Thankfully, crime is clearly not a major issue in Tarrington. In the PFT event, only two flags relating to crime issues were placed and in the Questionnaire only 5% of respondents said they felt unsafe in the Parish because of crime.

Having said this, it is clear from the answers to the other crime & safety questions in the Questionnaire that a significant number of people felt that safety from crime in the village could be improved in a number of ways. Several people voiced the wish to have a Police person based in the Parish or one here on an almost daily basis. This was discussed with the Police but it has to be accepted that setting Tarrington’s extremely low crime rate against the resources available to the Police to combat much higher rates of crime elsewhere, this is just not appropriate. However, the Police did accept that there is real concern in the Parish with (a) a lack of Police visibility (especially in some outlying areas) (b) uncertainly how to contact the Police or the CSO when needed. We have tried to address these issues, with the support of the Police and the CSO, in the AP. An extra CSO is to be made available to implement the Plan.

It was also clear from the Questionnaire that although most people felt that the Parish’s NW scheme worked quite well, quite a lot could be done to improve it – in terms of increasing its membership, geographical cover, knowledge of who to contact, having more regular meetings etc. Again, the AP addresses these points, with the enthusiastic support of the NW scheme.

A third issue raised by several people was anti-social behaviour, largely amongst some young people in the community. This topic was clearly one of central importance to the Youth WG so the views raised by people on this topic were relayed to that Group and have been taken into account in forming the Youth AP.

One final point. Although, as has been said, the concerns of the Parish regarding safety due to crime are fairly limited, there were many more comments made, both at the PFI event and in the Questionnaire, about safety due to traffic and poor lighting. These issues were dealt with by the WG dealing with Traffic & Transport and are addressed in their AP.

Issue	Crime & Safety Action Plan	Timescale	Responsibility	Partners	Cost/ Resources
Lack of police visibility	<p>More frequent and better publicized visits by CSO to Parish</p> <p>Quarterly Police Surgery events in Parish</p>	<p>Immediate</p> <p>Immediate</p>	<p>CSO</p> <p>CSO/Local Police Officer</p>	<p>West Mercia Constabulary</p> <p>West Mercia Constabulary</p>	<p>None</p> <p>None</p>
Lack of awareness how to contact police	<p>Police awareness contact campaign e.g.</p> <ul style="list-style-type: none"> • Parish notice boards • Tatler • Parish web site <p>Increase membership</p>	<p>Immediate</p>	<p>CSO/Local Police Officer/NW</p>	<p>West Mercia Constabulary</p>	<p>None</p>
Overhaul Neighbourhood Watch Scheme	<p>Ensure full coverage of Parish</p> <p>Ensure that each NW co-ordinator is known by all in his/her zone</p> <p>Ensure full availability of Newsbeats</p> <p>Hold regular meetings with Police open to all village and regular NW co-ordinators' meetings</p>	<p>Immediate</p>	<p>NW coordinators</p>	<p>West Mercia Constabulary</p>	<p>None</p>

5. CONCLUSIONS

At the end of the Adult Questionnaire we asked people whether they thought that the Parish had become a better or worse place to live over the past two years. 40% said that they saw no change. However, 27% thought it had become better as against 9% worse. For those who thought it was better, the main improvements seem to be the range of activities/facilities offered, the Pub, the tidying-up of the village, the influx of new people/ideas, better intra-village communication and generally increased community spirit. For those who thought the Parish had become a worse place to live, the loss of the shop/PO and Doctor's Surgery was the main complaint, followed by increased traffic and noise, inappropriate new housing, litter and bored youth.

Another question at the end of the Questionnaire asked for general comments or suggestions concerning the Parish. Many of these duplicated the answers to the previous questions. However, some gave pause for thought. On the positive side, there is strong feeling that Tarrington is a wonderful place to live, because of both the natural and human environment. Less positively, some outlying areas of the Parish feel left-out of Parish activities and some newcomers find it difficult to join in. There is also a feeling that Tarrington is "run" by a relatively small body of people.

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The aim of the Plan is to build on and take further what people think is already good about the Parish and to try to address and correct those areas where things are clearly less than perfect. As we have said previously (p 12), not all these areas are within our control but a surprising number are (over 90% according to our analysis), or can be made to become so.

We should also recognise that the Plan is a living document. As some of its proposed actions are completed, the need for other actions, as yet unforeseen, may emerge. Some actions may even be rendered unnecessary by events. Consequently this document needs to be constantly reviewed and updated and we suggest that the Parish Council carries out a review and update every 6 months.

Ultimately, of course, a happy, integrated and successful community does not depend on plans, theories or bits of paper at all. It depends on the energy and good-will of all of us here. As will have been seen, a very large number of the initiatives set out in the Plan fall to the Parish Council to implement. They will therefore need quite a number of enthusiastic volunteers and continuing support from the Parishioners. These will also be needed for the various special Working Groups suggested in the APs. However, separate from that, all of us can set ourselves targets, from what we have learned in the Plan, to improve the lives of everyone.

The future really is in all our hands.

6. ACKNOWLEDGEMENTS

The preparation of the Parish Plan has involved quite a large number of people in the Parish (which is as it should be). Some of those have given up a fairly sizeable amount of spare time. In no particular order of merit, thanks (and congratulations!) must go to:-

The Steering Committee (* = PC member)	Public Bodies
<p>Mike Axe Helly Barber Anne, Anthony* & Richard Bush Dr John Dalziel Mary Fieth Graeme Forrester (Minute Secretary) Jeannette Forrester Mary Fox Steve Frazer* Stuart Fryer* (Vice Chairmen) Sue Hallett Peter Hammersley Robert* & Veronica Hodges Vivien Kouzeleas James & Sandra Langford Margaret Lockwood Margaret McLeod Richard Price (Chairman) Maurice Smith* Angela Stock* John Tallis* Edwin & Sharon Turnbull Sally Willmott</p>	<p>Linda Wilcox – HALC Angela Downing – Community First Siobhan O’Dwyer – Hereford Council Forward Planning Unit Steve Bell – Hereford Council IT Group Tony Cramp – Hereford Council Research Group Alison Dore & Russ Winfield – West Mercia Police Dave Tristram – Hereford Council Small Grants Group Shane Smith – Community Regeneration Support Officer Rosie Davidson – Herefordshire Voluntary Action (HVA)</p> <p>And not forgetting:</p> <p>Phil & Sian of the Tarrington Arms who provided a room for the Steering Committee meetings and much appreciated refreshments.</p> <p>Herefordshire Council who provided a grant of £1,000 from the Small Grant Fund for the Questionnaire project. This included the purchase of a colour laser printer that was used to print both the Questionnaire and this document, saving us several thousand pounds.</p>

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7 q' uob' ire potest. Ibi dimid' hida geld. In dño ē una
cap' 7 un' bord' 7 iii. serui. Valuit v. sol. modo. vi. sol.

.xxi. **TERRA ANSTRIDI DE CORMEL.** In Radelas bord'.
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tenuer' p' ii. m. 7 quo uob' ire potest. Ibi. iii. hids geld.
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iiii. hoes sunt ibi nil redditas. 7 una cap' adhuc posses. ē. Ibi.
Ibi. iii. serui 7 iii. ancille.
I. k. t. uob'. ē. x. solid. 7 post. iii. lib. modo. vi. lib.

Tarrington (Tatintune) in the Domesday Book - 1086

**DCNC2007/0667/O - SITE FOR THE ERECTION OF AN
ADDITIONAL BUILDING FOR PROVISION OF CARE TO
THE ELDERLY MENTALLY INFIRM AT PENCOMBE
HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE,
HR7 4RL**

**For: Mr N Williams per Wall, James & Davies 15-23
Hagley Road Stourbridge West Midlands DY8 1QW**

**Date Received:
2nd March 2007**

Ward: Bromyard

**Grid Ref:
60224, 52072**

**Expiry Date:
27th April 2007**

Local Members: Councillor A Seldon and Councillor B Hunt

Introduction

The application was reported to the meeting of the Northern Area Planning Sub-Committee on 29th May 2007 when it was deferred for a Committee site visit. The site visit took place on 14th June 2007. The application was then reported back to the Northern Area Planning Sub-Committee on 27th June 2007. At that meeting the Sub-Committee resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 27th June 2007 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

The proposal represents the provision of a new residential care facilities in an open countryside location outside locations where new residential development would be acceptable. Its location is unsustainable by virtue of its remoteness from public transport facilities and services and the development would thereby increase the need to travel by private transport. The applicant has failed to demonstrate that there are sufficient material planning considerations to outweigh these factors and therefore the proposal is contrary to Policies S1, DR2 and CF7 of the Herefordshire Unitary Development Plan 2007 and the guidance in Planning Policy Statement 7 – Sustainable Development in Rural Areas.

In the debate the members of the Area Sub-Committee discussed the likely future demand for accommodation for the frail elderly including "EMI" units and concluded that there was a need for this facility. They considered that policy CF7 was directed to new developments and not extensions of existing facilities. They also felt that the site was well run and that the development would not be unduly prominent in the landscape.

It was resolved to grant planning permission.

The proposal raises the following issues:

1. The site is in a highly unsustainable location, remote from services and public transport facilities. Development here was well outside any suitable location for new residential development and consequently the site failed the tests set out in policy CF7.
2. The extension of the use was to provide a new building for 40 bedrooms. The existing facility has only 30. Consequently the proposal is of a much greater scale than would normally be implied by the term "Extension". It was, in effect, a substantial new development in open countryside (for which there is no established need).
3. Whilst the Northern Area Planning Sub-Committee gave significant weight to the argument that there is an increasing need for facilities for the frail elderly, it was pointed out in the debate that there is currently no shortage of EMI beds in Herefordshire. There is a shortage in Worcestershire and Shropshire and therefore, if this scheme goes ahead, it is quite likely to serve the needs of those two counties initially. There is no proven need for such a facility in Herefordshire at the moment and, if there were, this would not be the most suitable place for it. The proposals do not relate to the needs of Pencombe and the surrounding countryside. If a need arises in the future in Herefordshire as a whole then that can be addressed through the emerging LDF and/or other policy initiatives. At present there is no need for this facility.
4. The lack of adverse impact on the wider landscape does not overcome the objection, in principle, to this type of development in a remote countryside location.
5. Given the absence of public transport links, and the absence of a sizeable local population from which to recruit staff, any additional employment will inevitably give rise to increased commuting by car. The remoteness of the site will also require visiting professional and visitors to the patients to travel by private transport – to the detriment of the Council's policies on sustainable development and sustainable transport.

In the light of the above arguments it can be seen that the proposal conflicts with the development plan policies which seek to restrict new development in the open countryside without special justification. Consequently, the application has been referred to this meeting of the Planning Committee for further consideration.

The application was again deferred at the meeting of the 13th July 2007, in order that members of the Main Planning Committee could make a further site visit.

Detailed comments have been received from colleagues in Adult and Community Services and these are as follows:

Current Provision

There are currently a number of homes within Herefordshire that are registered for Dementia, over 65 years of age (DE) nursing beds. The majority of these homes are however registered for a number of categories. It is not generally appropriate that services for older people with complex psycho-behavioural disorders are integrated with other client groups in shared facilities and hence comparatively few of these places are utilised for DE provision. There are only two homes (Broomy Hill and Holmer Care Centre) that are registered purely for older people with a mental disorder. The significance of this is that these two homes have built up a knowledge base and expertise in working with people with complex presentations characterized by psycho-behavioural disturbance.

These two homes provide 89 beds, of which 23 are block purchased and 1 spot purchased by the PCT for people assessed as meeting full NHS continuing care, and 3 for respite care. Herefordshire Council currently spot-purchase a further 35 beds in these two homes.

The Council is also spot-purchasing within Herefordshire a further 20 nursing placements in homes registered for DE and 39 placements in general nursing homes for people over 65 years of age with a mental disorder.

There are also 22 people currently placed out of county due to:

- Lack of capacity within Herefordshire.
- lack of appropriate beds in an emergency
- Personal choice, e.g. no appropriate nursing homes in particular areas - people in the Ledbury or Bromyard areas choose homes in Gloucestershire and Worcestershire.
- Personal choice – to be close to family and/or friends
- Top-up issues

There is currently no provision of nursing beds registered for DE within the areas of Bromyard or Ledbury.

Total registered nursing beds, number of beds registered for Dementia, over 65 years of age (DE) in Herefordshire.

Area	Total (DE) Nursing Places**	Total registered Nursing Places	Current (DE) nursing placements funded by HPCT and HC	Total nursing placements for older people with mental disorder funded by HPCT and HC
Bromyard	0	28	0	6
Hereford	89	293	65	89
Kington	53	127	8	9
Ledbury	0	36	0	1
Leominster	84*	115	2	9
Ross on Wye	45	103	7	7
Total	271	702	82	121
Out of County	-	-	22	22

**Beds in both the homes in Leominster are dual registered for residential and nursing beds – there is no indication of total number of EMI nursing places available –total beds have been included within nursing category*

***There are 265 beds registered for dementia, over 65 years of age (DE) however the majority of these beds are also registered and used by other service groups, i.e. Old age, not falling within any other category, which reduces the actual availability of DE nursing beds.*

Future need

The needs analysis for older people conducted in 2006 anticipated the need for an extra 25 mental frailty nursing care placements funded by social care between 2007-2011.

Future Provision

It is anticipated that social care will provide an extra 10 nursing beds for people with dementia, over 65 years of age (DE) via their block contracted beds in Autumn 2008. The extent to which out of County placements are influenced by current availability is not fully understood but it is likely that the needs of some of these individuals could have been better met through local provision.

Within the experience of Herefordshire mental health services, there is a shortage of residential and nursing beds for older people with complex psycho-behavioural disorders. It is not generally appropriate that they are managed with other client groups and the potential to make better use of beds also registered for general nursing is therefore currently limited both by this and the level of demand for general nursing care places..

Additional comments have also been received:

I would add to this that, at present, this planning application appears to offer the best current opportunity to enhance the supply of EMI beds in the County. It may not be the ideal location and the scale of the development may also be more than we might want. There is indeed no guarantee that we would either require such numbers at this location or in fact be able to secure any capacity we did need at an affordable rate (the PCT would be spot purchasing places at prices to be negotiated). I have no real understanding of what falls within the definition of "planning gain" and guess that seeking agreement on "price" or, perhaps preferably, "eligibility through locality of potential residents", may not be permissible. It would be very nice if it was.

In an ideal world we (with and through the PCT) would be encouraging and commissioning smaller numbers of appropriate beds at strategic locations across the County however this is unlikely to be readily available to us, in a sustainable manner, in the foreseeable future.

The report to the 27th June Northern Area Planning Sub-Committee follows.

1. Site Description and Proposal

- 1.1 Pencombe Hall is a large Victorian house that is currently in use as a 30 bed care home for the elderly. It is an impressive building of stone construction with a slate roof, set within landscaped grounds with a number of mature specimen trees surrounding. The land slopes down to the north-west to a tennis court and is bounded to the south west by the Little Cowarne to Pencombe road, onto which the property has two points of access. The former coach house lies to the north-east and is now occupied as an entirely independent dwelling.
- 1.2 The property occupies a raised position in the landscape with extensive views to the north towards Pencombe village.
- 1.3 The application is made in outline with all matters reserved for future consideration and is for the erection of a building for the provision of care for elderly and mentally infirm people. The application is accompanied by indicative plans which suggest the erection of a split level single/two storey building to be located to the north west of the existing building, partly on the site of the tennis court. The building will provide 40 bedroom accommodation and also incorporates facilities such as medical areas, staff rooms and day rooms for residents.

2. Policies

2.1 Herefordshire Unitary Development Plan

- S1 – Sustainable development
- DR1 – Design
- DR2 – Land use and activity
- LA2 – Landscape character and areas least resilient to change
- LA3 – Setting of settlements
- LA5 – Protection of trees, woodlands and hedgerows
- CF7 – Residential nursing and care homes

3. Planning History

None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager – No objection subject to conditions

4.3 Environmental Health and Trading Standards Manager – No objections

4.4 Forward Planning Manager - The application should be assessed against policy CF7 of the UDP. The proposed care home is a new development and is considered to fall within the category of a residential use. Pencombe is a rural open countryside location where there are strict controls on new residential development as far as the UDP is concerned. Policy CF7 states that proposals for the provision of residential nursing and care homes will be permitted in areas where new residential development is acceptable. Therefore policy H7 is applicable and this application does not meet any of the set criteria in this policy. The proposal is contrary to policy.

Conservation Manager

4.5 Historic Buildings - This appears to be the right place to site an extension being set down at the back of the house. It is however of a significant size and its essentially linear shape makes it stretch out into the countryside, fronting onto public footways. It might have been preferable to set it round an enclosed courtyard and reduce its size so that it is clearly subservient to the main house reading more as a group of ancillary buildings rather than a major building in its own right, which competes with the main house, particularly when viewed from the north.

4.6 Landscape - None of the trees on or adjacent to the site are protected by a TPO and the proposed application would have no direct impact on trees within or adjacent to the site.

4.7 I am concerned that the proposed development would result in a dramatic increase in the volume of building in the area. The proposal dramatically extends the building into the lawned element of the site and would visually encroach into open countryside. The landscape character (Timbered Plateau Farmlands) surrounding the site is defined by

wooded valleys and dingles and distinct boundary hedges and would generally be considered unable to accommodate significant development. The settlement pattern in this landscape is of dispersed farmsteads and hamlets and the clearly defined enclosure pattern relates to the historic integrity of this landscape.

- 4.8 Whilst not an old or listed building the historic and cultural relationship of Pencombe Hall to the village should be considered important. I consider the development overly large and intrusive in relation to the existing buildings, landscaped grounds and the relationship of the hall to the nearby village.
- 4.9 I would recommend the application be refused as contrary to policies DR1 and LA2 of the UDP.

5. Representations

- 5.1 Little Cowarne Parish Council – Raise concerns regarding poor water supply and in respect to the treatment of sewerage. Conclude that as the proposal is within the existing grounds there is no objection to the siting of the new building.

- 5.2 Three letters of objection have been received from the following:

Mr P. Mitchell, Gable Cottage, Bredenbury

Mr & Mrs Tilling, Glebe House, Pencombe

B.G. Potter, The Coach House, Pencombe

In summary the points raised are as follows:

1. A large building would detract from the setting and importance of Pencombe Hall.
 2. The property is in a rural area and is not accessible and would be better placed in a town.
 3. The increase in traffic would have an adverse impact on the road network.
 4. No access to mains sewers. The existing septic tank is inadequate and causes a nuisance.
- 5.3 One letter of support has also been received from Mrs Williams, The Finches, Wellington, whose father is presently a resident at Pencombe Hall. She is concerned that he continues to receive a high level of care and is concerned that he would have to move to another home if his condition continues to deteriorate.
- 5.4 The application is supported by a statement submitted on behalf of the applicant by his agent. This advises of the need for specialist elderly mentally infirm (EMI) in light of the fact that Herefordshire has the second oldest population in England.
- 5.5 It goes on to say that a report published by Herefordshire Council in conjunction with the NHS Primary Care Trust notes “*a shortage of beds for people with mental health problems.*” And, in addition that there appears to be a shortage of Nursing/EMI places.

- 5.6 The applicant has a particular interest in this type of care and Pencombe Hall already has a high reputation in this field. One of the advantages of locating a new specialist unit at Pencombe Hall is that residents would be able to transfer from a home providing residential care to one providing nursing care without enduring the disturbance of moving at a time of greatest need.
- 5.7 The statement concludes that the advantages of the proposal would be that it would:
- a) make a significant contribution and investment to counter the shortfall in this type of care.
 - b) Go hand in hand with the established facilities at Pencombe Hall.
 - c) Represent a sensitive addition to the existing facilities which would blend comfortably with the architectural design of Pencombe Hall.
- 5.8 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. Officer's Appraisal

- 6.1 The key consideration with this proposal is whether it is acceptable as a matter of principle. Policy CF7 of the UDP refers specifically to residential nursing and care homes and states that:

Proposals for the provision of residential nursing and care homes will be permitted in areas where new residential development is acceptable or where they involve the environmentally acceptable conversion of existing buildings..."

- 6.2 The site lies in an area of open countryside where there would be a presumption against further residential development and therefore the proposal fails the policy test. Consequently it falls to be considered whether there are any other material planning considerations that outweigh the policy.
- 6.3 The applicant's agent has identified the lack of specialist EMI care and the fact that Pencombe Hall already has a background in providing it, and this forms the basis of their exceptional justification for the proposal.
- 6.4 It remains the case that Pencombe is only identified as a smaller settlement and that the application site is some way outside of the village. It does not represent a sustainable location in terms of access to services or in terms of minimising people's need to travel. Policies such as S1 and DR2 reinforce the principle of sustainable development and this is a key theme of the UDP.
- 6.5 For a site on the fringes of a larger settlement with access to services and/or public transport, there may be greater justification for setting aside the provisions of CF7. However, this application site is so remote that the issues of sustainability cannot be set aside and therefore are not outweighed by the material considerations described by the applicant's agent.
- 6.6 The indicative plans give an idea of the scale of the proposal. The Historic Buildings Officer has opined that the site is appropriate, but raises some reservations over the form of the new building. It is considered that this could be addressed at the reserved matters stage through negotiation and an informed design. The changes in levels across the site would assist in reducing the perceived scale of any development and the siting of the proposal also takes advantage of this.

- 6.7 The Landscape Officer considers that the scheme would have an unacceptable visual impact on its surroundings. However, the site is well screened by the mature trees that surround the site and his comments acknowledge that the scheme would have no impact upon these. It is your Officer’s opinion that the proposal would have a limited visual impact. An assessment has been made of this in the wider area and the site is not at all prominent from Pencombe village. The retention of surrounding trees would help to ensure that this remains the case, as would a design that makes full use in the changes in levels across the site. The proposal could therefore be considered to be acceptable in its visual impact.
- 6.8 Matters relating to existing drainage problems and inadequacy of an existing septic tank are addressed by the submission which includes details of a replacement to serve the new development.
- 6.9 Overall, however, the proposal is contrary to the UDP policy which seeks to direct new residential development to main settlements, and avoid new housing in isolated locations such as this one. The site has no public transport links and is only accessible along small country lanes. In that regard it is highly unsustainable. Any increase in activity on the site will inevitably lead to additional journeys by private transport for visitors and staff alike. The fact that there is an existing establishment on the site, and the extent to which detailed concerns over drainage and design can be addressed do not of themselves outweigh the over-riding policy objection. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

The proposal represents the provision of a new residential care facilities in an open countryside location outside locations where new residential development would be acceptable. Its location is unsustainable by virtue of its remoteness from public transport facilities and services and the development would thereby increase the need to travel by private transport. The applicant has failed to demonstrate that there are sufficient material planning considerations to outweigh these factors and therefore the proposal is contrary to Policies S1, DR2 and CF7 of the Herefordshire Unitary Development Plan 2007 and the guidance in Planning Policy Statement 7 – Sustainable Development in Rural Areas.

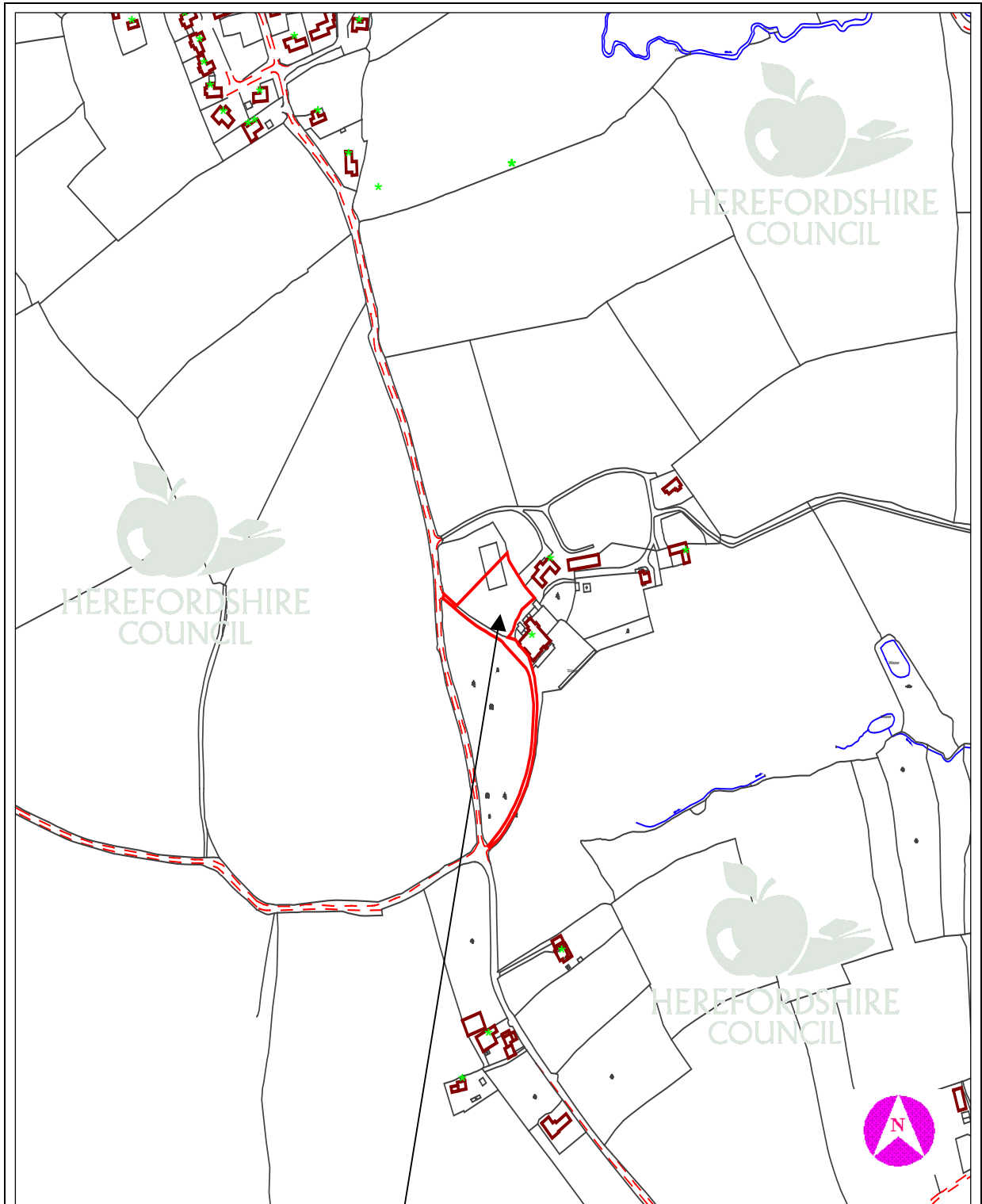
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNG2007/0667/O

SCALE : 1 : 5000

SITE ADDRESS : Pencombe Hall, Pencombe, Bromyard, Herefordshire, HR7 4RL

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**DCNE2007/1224/F - PROPOSED TWO STOREY
DWELLING FOR ANCILLARY ACCOMMODATION AT
BLACK HILL, BRITISH CAMP, MALVERN,
HEREFORDSHIRE, WR13 6DW**

**For: Mr & Mrs Potts per Mrs V Greenhouse, Vanessa
Greenhouse, 54 Doctors Hill, Bournheath,
Bromsgrove, B61 9JE**

Date Received:

20th April 2007

Expiry Date:

15th June 2007

Ward: Hope End

Grid Ref:

76546, 40572

Local Members: Councillor RV Stockton and Councillor R Mills

This application was considered at the Northern Area Planning Sub-Committee at its meeting on 25 July 2007 when Members resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 25 July 2007 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

1. The proposed development, by virtue of its scale and visual prominence would fail to either protect or enhance the natural beauty and amenity of the area. The development is thus contrary to policies LA1 and S7 of Herefordshire Unitary Development Plan.
2. The development is tantamount to the erection of a new dwelling in open countryside. The application does not accord with any of the exception criteria set out in policy H7 of the Unitary Development Plan and there are considered to be no other material considerations to justify the setting aside of adopted rural restraint policies.

In the debate the quality of the existing dwelling was discussed there being no point of dispute upon this. Furthermore it was generally agreed that the most appropriate way to provide ancillary accommodation was by way of a detached building rather than extension to the existing dwelling.

Members commented that the new build was on the footprint of an existing building to be replaced. This appeared to constitute the justification for the development. There was little or no debate upon the impact of the development upon the visual amenity or quality of the AONB.

The proposal raises the following issues:

1. The accommodation sought is clearly somewhat greater than what would normally be regarded as ancillary accommodation, it provides a fully functional 2 bedroom dwelling, with no reliance at all on (nor physical attachment to) the main house.

Consequently the proposal is tantamount to a new dwelling in open countryside. Policy H7 refers to such dwellings, however the proposal does not satisfy any of the acceptable exceptions thereto.

Having reviewed the facts of the application I am clear that this proposal would present a clear conflict with established UDP policies intended to protect the AONB from unnecessary development.

In light of the above it can be seen that there is a clear conflict with policy H7 in terms of the principle of the development in open countryside. Furthermore the issue of the impact of the development upon the AONB does not appear to have been addressed.

The report to the meeting of 25 July follows:

1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of a two-storey building comprising living accommodation and garaging at Blackhill, British Camp, Colwall. The existing dwelling is believed to date from 1917 and does not appear to have been extended historically. Faced predominantly in stone, with brick quoins, window surrounds and some brick noggin in the gables, the dwelling appears to be a very good quality example of its type. Fenestration and chimney detail are also of interest.
- 1.2 The dwelling occupies an elevated position within the Area of Outstanding Beauty, accessed via a track taken from the Blackhill visitor car park. It is isolated and set in the lea of the Shire Ditch Schedules Ancient Monument. Overall, the setting is extremely attractive and characterised by common ground, large mature trees and a network of undulating footpaths.
- 1.3 This application follows two unsuccessful attempts to secure planning permission for the extension of the dwelling. The previous applications to build a two storey extension from the north facing elevation have been withdrawn on the advice of officers owing to the perceived adverse impact that this approach would have upon the form of the existing dwelling. Although not listed, it is thought that Blackhill may be worthy of listing in the future. English Heritage has been asked to advise in this regard.
- 1.4 In the absence of an obvious means of extending the existing dwelling, the current application to create additional accommodation within a new building is put forward as an alternative
- 1.5 The scheme involves the retention and conversion to a kitchen of a small brick built outbuilding located 2.5m from the north elevation of the dwelling. This building appears contemporaneous with the dwelling. From the rear of this it is proposed to create a glazed link containing a staircase to the new two-storey building, which would house two garage spaces and a living room at ground floor and two bedrooms with a bathroom at first floor. The building would be sited upon the footprint of existing dilapidated garaging and it is understood that the replacement garaging incorporated within the scheme would be for use of the occupants of both the main dwelling and the annex.
- 1.6 The building would have a simple rectangular form and a footprint measuring 6.6m x 9.7m. Height to the ridge would be 8m. The design mimics some of the architectural traits exhibited by the existing dwelling, including exposed rafter feet, but is deliberately understated so as not to compete with the dwelling.

2. Policies

2.1 Herefordshire Unitary Development Plan

- S1 – Sustainable development
- S2 – Development requirements
- S7 – Natural and historic heritage
- DR1 – Design
- H7 – Housing in the countryside outside settlements
- LA1 – Areas of outstanding natural beauty

3. Planning History

- 3.1 NE06/3627/F – Proposed two-storey extension. Withdrawn 7th February 2007
- 3.2 NE06/2923/F – Proposed two-storey extension. Withdrawn 6th November 2006
- 3.3 NE06/0752/F – Proposed granny annex. Refused 5th May 2006

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage (Consulted owing to the proximity to the Shireditch Scheduled Ancient Monument): No objection

Internal Council Advice

- 4.1 Traffic Manager: No objection
- 4.2 Conservation Manager (Landscapes): Recommends refusal on the basis that the development would be visually intrusive and does not meet the exception criteria for development within the AONB as described by policy LA1. Reference is made to the unique setting, which must be preserved.
- 4.3 Conservation Manager (Building Conservation): No objection subject to the agreement of and finish to external materials. The officer is satisfied that the proposal provides a more acceptable solution to the protection of the main house than the earlier proposed extensions.
- 4.4 Conservation Manager (Archaeology): No objection

5. Representations

- 5.1 Colwall Parish Council: “Council objects to this application as it is Council’s policy to do so if new dwellings are outside of the settlement boundary. If Herefordshire Council is mindful to grate this application then the new dwelling should remain as a Coach House to the main dwelling and should not be sold separately to it.”
- 5.2 Malvern Hills Area of Outstanding Natural Beauty (AONB): Objection on the basis that the development would be prominent within and detrimental to the Area of Outstanding

Natural Beauty. The building would compete with the main dwelling and has not been justified as rural exception housing.

- 5.3 Campaign to Protect Rural England: Objection. The development is essentially a two-storey dwelling in sensitive open countryside. It would detract from both the wider landscape and the setting of the dwelling. Concern is also raised at car parking arrangements.
- 5.4 Natural England: No objection. The development would not appear to affect the Malvern Hills Site of Special Scientific Interest.
- 5.5 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The key issues in the determination of this application can be summarised as follows:
- The principle of development within the open countryside and AONB;
 - The impact of the proposed scheme upon the setting of the existing dwelling and the wider landscape.
- 6.2 The application seeks permission for what is intended as ancillary accommodation to the main dwelling. However, notwithstanding the close proximity of the building to the property the building is of a scale that would enable occupation entirely independent of Blackhill. In short, there is an absence of co-dependence that one would expect to find between principal dwelling and ancillary, or incidental accommodation.
- 6.3 It is acknowledged that the application results from pre-application discussion and that the approach is taken in preference to a traditional extension, discounted in order to preserve the dwelling in its current form. However, in this context it is considered that the harm to the wider landscape would outweigh the benefit of maintaining the house as existing.
- 6.4 The application is also considered contrary to Unitary Development Plan policy LA1 in that it is considered that the development would fail to either protect or enhance the natural beauty and amenity of the area in the national interest and would prove detrimental to the intrinsic natural beauty of the area.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed development, by virtue of its scale and visual prominence would fail to either protect or enhance the natural beauty and amenity of the area. The development is thus contrary to policies LA1 and S7 of Herefordshire Unitary Development Plan.**
- 2. The development is tantamount to the erection of a new dwelling in open countryside. The application does not accord with any of the exception criteria set out in policy H7 of the Unitary Development Plan and there are considered to be no other material considerations to justify the setting aside of adopted rural restraint policies.**

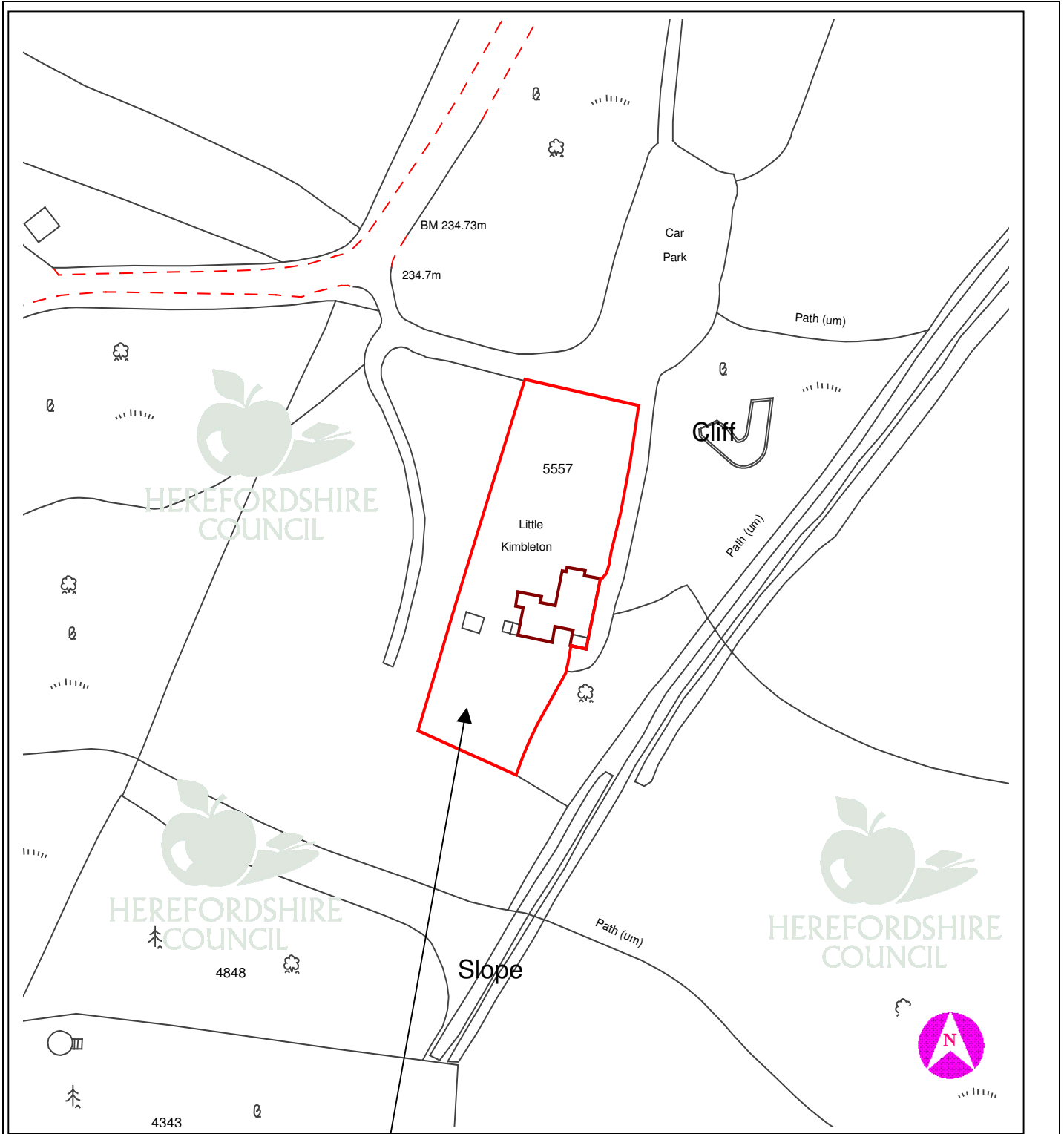
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/1224/F

SCALE : 1 : 1250

SITE ADDRESS : Black Hill, British Camp, Malvern, Worcestershire, WR13 6DW

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DCNE2007/0966/F - PROPOSED THREE STOREY BUILDING TO PROVIDE 13 APARTMENTS, WITH 18 PARKING SPACES AND ASSOCIATED CYCLE PARKING AT LAND REAR OF HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1DS

**For: Refined Petroleum Ltd per Matthews & Goodman,
196 Deans Gate, Manchester, M3 3WF**

**Date Received:
26th March 2007**

Ward: Ledbury

**Grid Ref:
70969, 38252**

**Expiry Date:
25th June 2007**

Local Members: Councillors ME Cooper, PJ Watts & K Swinburne

This application was considered at the Northern Area Planning Sub-Committee at its meeting on 25 July 2007 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 25 July 2007 the Northern Area Planning Sub-Committee was recommended to approve this application.

In the debate the Area Sub-Committee considered the design of the building in relation to its immediate and wider setting. Despite the mix of styles and scale of buildings in the near vicinity, Members considered the development to be inappropriate both in terms of the character of the area and upon wider visual amenity, being visible on long views approaching the town. The presence of the large petrol filling station canopy did not convince them that it would have a limited impact and visual amenity from the main road.

Density issues were discussed, the site having a density of approximately 104 units per hectare. They recommended refusal of the application based on the following concerns.

1. Inappropriate drainage locally.
2. Wider impact upon visual amenity.
3. Density.

The proposal raises the following issues:

1. PPS1 advises local planning authorities to reject obviously poor design, whilst the design is out of the ordinary for Ledbury it is not of itself poor design.
2. The site does not lie within the Conservation Area and benefits from no other special designation.
3. Policy H15 provides advice on amenity issues, however the recommended densities contained therein refers to sites of 1 hectare or above. Consequently the density issue in its own right is not contrary to policy. Despite the case officer's reference to 'harm', no harm was identified as a direct result of the density of the development.

In light of the above considerations it is considered that it would be very difficult to sustain a reasonable reason for refusal at appeal.

The report to the meeting of 25 July follows:

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Homend Crescent. The site has an area of some 0.118 hectare. The site comprises a private car park and an area of vacant land. The site is set at a materially lower ground level than Homend Crescent itself. To the rear of the site itself (along the western boundary) is a retaining wall of approximately 3.6 metres in height. The other side of this retaining wall (to the west) is a petrol filling station including a car wash facility, which is set against the aforementioned retaining wall. There is an existing pedestrian link from the application site to the petrol filling station via a steel staircase. This is a private pedestrian route and not a public right of way, although local residents have been utilising this pedestrian route.
- 1.2 To the south of the application site is Dawes Court a part two-storey and part three-storey residential development. To the east of the application site on the opposite side of Homend Crescent, set at a materially higher ground level, is a pair of semi-detached dwellings (3 & 5 Homend Crescent) and a terrace of four dwellings (5-8 Homend Crescent). To the north of the application site is a detached two-storey house known as 'Castlebridge'. Homend Crescent has a completely varied series of developments in terms of their era, size, age, scale and design. It does not have a single uniform character or any real degree of homogeneity. There is a footway on the eastern side of Homend Crescent only.
- 1.3 The site has few trees and little vegetation upon it. None of these trees are of any significant amenity value.
- 1.4 The proposal is to erect a three-storey building that would accommodate thirteen apartments. Seven of these apartments would be one-bedroomed and six would be two-bedroomed. The building would have a mono-pitch roof as opposed to a flat roof. The building would be set at a materially lower ground level than Homend Crescent. Indeed it would be sited such that the highest point of the building would be set down 22cm lower than the ridge line of the two storey dwelling at number 8 Homend Crescent. The second floor of the building would be inset by 1.5 metres from the main eastern elevation and by 2.5 metres from the main western elevation.
- 1.5 The building has been designed such that the main habitable rooms of the apartments face east (away from the petrol filling station) with balconies provided to the first and second floor flats facing Homend Crescent. The ground floor apartments would have frontage gardens. The second floor apartments would also have outdoor amenity spaces facing west.
- 1.6 Secure cycle parking storage would be provided beneath the rear of the building for 19 bicycles. To the west of the building eighteen car parking spaces would be provided (including one space for disabled persons) together with a refuse store. The vehicular means of access onto Homend Crescent would be towards to north of the eastern boundary.

- 1.7 The pedestrian route through the site to The Homend through the existing Petrol Filling Station would be maintained as a permissive footpath.
- 1.8 In terms of materials to be used it is envisaged that the first and second floors be stretcher bond red brick. In this respect a light red stock brick is envisaged. The first floor elevations would be timber clad with horizontal boarded Douglas Fir. The roof would be an aluminium roof with a standing seam roof. The colour of the roof would need to be agreed. It is considered that a slate grey colour would be appropriate.

2. Policies

- 2.1 Central Government advice
Planning Policy Statement 1 – ‘Delivering Sustainable Development’
Planning Policy Statement 3 – ‘Housing’
Planning Policy Guidance Note 13 – ‘Transport’

- 2.2 Herefordshire Unitary Development Plan
S1 - Sustainable Development
S2 - Development requirements
DR1 - Design
DR2 - Land use and activity
DR3 - Movement
DR5 - Planning Obligations
DR13 - Noise
H1 - Housing in the market towns
H13 - Sustainable residential design
H14 - Re-using previously developed land and buildings
H15 - Density
H16 - Car Parking
H19 - Open Space Requirements
T6 - Walking
T7 - Cycling
T11 - Parking Provision
RST3 - Standards for Outdoor playing and public open space

3. Planning History

- 3.1 DCNE2004/4098/F – Erection of 6 town houses with garaging – Withdrawn
Upon part of the application site (the northern extreme) that previously formed part of the curtilage of the dwelling known as ‘Casterbridge’ an outline permission was granted for a dwelling under reference DCNE/2004/2663/O on 30/09/2004.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water has no objections subject to the imposition of an appropriate condition.

Internal Council Advice

- 4.2 The Public Rights of Way Section has no objections to the proposed development.

- 4.3 The Transportation Section has no objection to the proposed development. The adequacy of the local highway network, particularly Knapp Lane has been considered. The Transportation Section considers that the increase in traffic along Knapp Lane will be marginal and that Knapp Lane will not reach saturation. It is considered that there will be a small increase in delay, but within nationally acceptable limits. The maintenance of the pedestrian link is welcomed. It makes walking trips to the Town Centre, the food supermarket on the western side of The Homend and the train station easy. This helps to reduce the need for private car trips, including many along Knapp Lane.
- 4.4 The Building Control Section has no objection to the proposed development.
- 4.5 The Environmental Health Section has no objection to the proposed development subject to the imposition of conditions.

5. Representations

- 5.1 Occupiers of twenty-one dwellings in the vicinity have objected on the following summarised grounds: -
- excessive number of dwellings;
 - the local highway network is of an insufficient standard to cater with the additional traffic that the proposal would generate;
 - the building is too high;
 - the proposal would obstruct views;
 - the proposal does not provide for any affordable housing;
 - flat roofs are out of keeping with the vicinity;
 - loss of light to neighbouring dwellings;
 - the proposed development is too close to the petrol filling station for health & safety reasons;
 - the pedestrian link to The Homend should be maintained;
 - the land may be unstable;
 - concern as to emergency access to Dawes Court for emergency vehicles;
 - loss of privacy to the occupier(s) of dwelling(s) opposite;
 - the education system has insufficient capacity;
 - the refuse store is too close to the driveway of 'Casterbridge' and obstruct visibility;
 - loss of privacy to the occupiers of 'Casterbridge';
 - the pedestrian link from the application site to the Homend should be replaced by a more appropriately graded slope so that the pedestrian link can be utilised by persons with mobility problems;
 - the proposal would devalue existing property prices;
- 5.2 The Council to Protect Rural England (Herefordshire) are concerned at the design of the proposal, the noise levels to the occupiers of the proposed apartments from the Petrol Filling station and the lack of affordable units.
- 5.3 The Ledbury & District Civic Society object to the proposed development upon the following summarised grounds: -
- The height of the building is inappropriate;
 - The design of the building is unsympathetic to its surroundings;
 - The parking provision is inadequate;

- The footpath through the site is to be removed. This is a much needed facility given the lack / inadequacy of alternative pedestrian routes;
- The density of the proposal is unacceptable.

5.4 The Ledbury Area Cycle Forum welcomes the suitably designed and numerous cycle storage facilities that are imaginatively designed.

5.5 Ledbury Town Council state: -

“Members strongly object to the proposed design of the building and consider it inappropriate for an historic Market Town. A three storey flat roofed building would be out of keeping with the street scene. The pedestrian access from The Homend appears to lead to the parking area, which members believe would be contrary to pedestrian safety. This walkway is well used by school children and is also a well used access to the local supermarket.

The proposal also raises Health and Safety issues concerning the proximity of the Petrol Station’s tank vents and noise pollution from the car washer.

The recommendation to refuse planning permission has been taken with regard to the following policies:-

- Malvern Hills District Council Ledbury Housing Policy 1 (b) scale, character and density (c) unsatisfactory vehicular and pedestrian access (d) would adversely affect neighbouring properties, result in overlooking, and loss or residential amenity.
- Malvern Hills District Council Housing Policy 17 (a) layout and design (c) siting and detailed design is unsympathetic to the character of neighbouring buildings and to the locality.
- Unitary Development Plan H13 3.11 sustainable residential design.
- Unitary Development Plan Transport Policy Traffic Impact 8.13.1
- Unitary Development Plan H14 1.2 Re-Using previously developed land and buildings.”

5.6 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. Officer’s Appraisal

6.1 The application site lies within the settlement boundary of Ledbury. Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within the settlement boundary of the market towns, including Ledbury. The density of the proposal is high. In the long-term by making the most efficient use of land within towns, reduces the pressure to release green field sites in the open countryside for housing development. Therefore there is no objection to the principle of the development. It is the detail that requires further examination.

6.2 It is considered that whilst Homend Crescent is a pleasant residential street, it has no defining characteristic or architectural form. In fact there are a range of buildings (e.g. bungalows, houses, flatted developments) of various eras with no consistent architectural style or design. It must be stressed that the site is not within the Conservation Area nor does it adjoin the Conservation Area. The proposed building is of a contemporary design. It’s siting on land at a materially lower ground level than Homend Crescent itself ensures that the height of the resultant building does not exceed the ridge height of number 8 Homend Crescent or the ridge height of the house

to the north known as 'Castlebridge'. Therefore I consider the height of the building to be acceptable. By "stepping back" / inseting the second floor the apparent mass of the building is effectively reduced. The proposed roof is not a flat roof but a mono-pitched sloping roof.

- 6.3 The extent and height of the petrol filling station to the west means that the proposed development would not be readily visible from The Homend. One's line of sight from both sides of The Homend would be obscured by the underside of the canopy of the Petrol Filling Station. A glimpse would be obtained in the gap between the Petrol Filling Station and Dawes Court. However, it is considered that its design and appearance would be acceptable.
- 6.4 In terms of the external appearance of the building the proposed material finish is considered to be appropriate. The use of a quality light red stock brick on the ground and first floor would assist in integrating this contemporary structure within the wider area whilst the use of horizontal timber cladding to the second storey will assist in reducing any apparent mass.
- 6.5 The distance between the proposed building and the front of the dwellings at numbers 5-8 Homend Crescent opposite would be 27 metres. This is well in excess of the 21 metre privacy distance one would normally attempt to secure between habitable room windows. Similarly given the distance involved and the fact that the proposed building is no higher than number 8 Homend Crescent there would not be any undue loss of daylight or sunlight to those properties.
- 6.6 No habitable room windows are proposed in the southern flank elevation and as such there would be no loss of privacy to habitable room windows within the Dawes Court flatted development. The height of the building and the respective distances would also ensure that there would be no undue loss of daylight to habitable room windows within the Dawes Court flatted development. Whilst habitable room windows are proposed in the northern flank elevation the distance to the house known as 'Castlebridge' would be some 34 metres, well in excess of the recommended 21 metre privacy distance.
- 6.7 Therefore it is considered that there would be no undue loss of privacy, daylight and / or sunlight to neighbouring residential properties.
- 6.8 In terms of the amenities of the occupiers of the proposed flats, significant effort has been made through the design process to ensure that the main habitable room windows face east away from the noise and odour source of the petrol filling station that is set at a lower ground level. Similarly the outdoor amenity areas in the form of balconies and gardens face east towards Homend Crescent away from the noise and odour source. This is considered to represent good practice in terms of the design process, with the constraints of the site informing the design. The Environmental Health Section have been consulted with regard the issue of noise and odour and are satisfied that the occupiers of the proposed apartments would enjoy a satisfactory level of amenity.
- 6.9 The Building Control Section has been consulted with regard the issue of the stability of the land and do not raise objections. Similarly the issue of land contamination has been addressed. The Environmental Health Section has considered this matter and do not raise any objections.
- 6.10 With regard the transportation matters, the Transportation Section consider that the local highway network has sufficient capacity to cater with the additional traffic that the proposed development would generate. With regard the car parking provision,

eighteen car parking spaces are proposed to be provided. The policy of Herefordshire Council is that to reduce reliance upon the private motor vehicle the supply of car parking spaces should be reduced. The policy of Herefordshire Council is that a maximum of 1.5 spaces per dwelling should be provided. The Highways Development Design Guide suggests a maximum of one car space per one bedroomed unit and a maximum of two car parking spaces per two bedroomed unit. This would equate to 19 car parking spaces. However, the Council's policy is that the provision should be less than the maximum where the site has easy access to facilities by modes of transport other than the private motor vehicle. The application site is in a highly sustainable location as far as Ledbury is concerned. It is within easy walking distance of the Town Centre, the railway station and the food supermarket on the western side of The Homend.

- 6.11 Following extensive negotiations the applicant has agreed that the private right of way (not a public right of way) through the site be retained as a permissive route.
- 6.12 The provision for cyclists in terms of cycle storage facilities is of a very high design standard and accords with the Council's policy.
- 6.13 There would be space along the frontage between Homend Crescent and the frontage gardens for landscaping that could be secured by way of condition.
- 6.14 Whilst it is considered that the proposal includes sufficient amenity space for the future occupiers of the proposed development in the form of balconies and front gardens, there is still a need to address the issue of children's play equipment and youth / adult sports provision. In this respect the applicant's have agreed to make the following commuted sums: -
- £1,500 (index linked) towards the provision / enhancement of children's play space / equipment within the Ledbury area; and
 - £8,190 (index linked) to the provision / enhancement of sports facilities within the Herefordshire Council area.

This provision accords with the policies of the Herefordshire Unitary Development Plan and is considered to be acceptable by the Leisure and Countryside Section.

- 6.15 In terms of impact upon the wider infrastructure the applicant's have agreed to provide the following other commuted sums: -
- £26,000 (index linked) towards education provision; and
 - £19,500 (index linked) towards sustainable transport initiatives within the Ledbury area.

Both of these provisions fully meet the requests of both the Education Section and the Transportation Section.

- 6.16 The policies within the Unitary Development Plan only require the provision of affordable housing within the market towns on developments of 15 dwellings (or more) or sites of more than 0.5 hectare. Neither threshold is reached in this case.
- 6.17 The proposed refuse store would be set back some 5 metres from Homend Crescent. As such visibility from the driveway of the dwelling known as 'Castlebridge' would not be prejudiced. The entrance to the refuse store would be to the south of the building and it would be located some 18 metres from 'Castlebridge' itself. As

such it is considered that the amenities of the occupiers of 'Castlebridge' would not be adversely affected.

- 6.18 In terms of matters of potential air and ground pollution arising from the adjoining Petrol Filling Station this matter is controlled under separate legislation (Environmental Protection Act 1990). In terms of the issue of explosive risk from the adjoining Petrol Filling Station, the management of such facilities is controlled under separate legislation (i.e. Safety Regulations made under the Health and Safety at Work etc Act 1974 and a Petroleum Licence issued by the Authority with licence conditions under the Petroleum (Consolidation) Act 1928)). Such facilities are then inspected annually by the Council's Petroleum and Explosives Officer to ensure compliance.. Indeed modern technology ensures that when fuel is delivered no vapour is released into the atmosphere. It is recovered back into the delivery tanker.
- 6.19 The matters of views from existing dwellings and property prices are not material planning considerations.
- 6.20 In conclusion, it is considered that the principle of the proposed development is acceptable; the scheme itself represents a high standard contemporary development that would integrate satisfactorily within the immediate environment, which has a mixed character and appearance.

RECOMMENDATION

- 1. 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 deal with any other appropriate and incidental terms, matters or issues;**
- 2. Upon completion of the above-mentioned planning obligation officers named in the Scheme of Delegation 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 - Prior to commencement of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved materials and thereafter maintained as such.**

Reason: To ensure a satisfactory external appearance to the development.

- 3 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using**

indigenous species. The submitted scheme of landscaping must include details as to the location of all planting, the species, their size and the density of planting.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 4 - All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 5 - Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring area(s) for vehicles and secure cycle storage facilities shall be implemented. Thereafter these areas and facilities shall be kept available for such use.

Reason: In the interests of highway safety and to encourage the use of modes of transport other than the private motor vehicle.

- 6 - Prior to commencement of the development hereby permitted full details of all boundary treatments (i.e. walling, fencing, gates or other means of enclosure) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 7 - Prior to commencement of the development hereby permitted full details of a scheme of insulation against noise shall be submitted to the Local Planning authority for their written approval. The submitted scheme of glazing and passive ventilation shall be provided which achieves or exceeds the level of performance described in paragraph 5 of the noise assessment: SLR REF: 402.0525.00006. The approved scheme shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: To ensure that the occupiers of the dwellings hereby permitted enjoy a satisfactory level of amenity.

- 8 - Prior to commencement of the development hereby permitted full details of drainage, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to the Local Planning Authority for their written approval. The approved scheme shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: To ensure that the development is provided with a satisfactory means of drainage.

- 9 - 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 and adjacent 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) identified unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. 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.

Reason: In the interests of human health.

- 10 - The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt

DRAFT HEADS OF TERMS**Proposed Planning Agreement****Section 106 of the Town and Country Planning Act 1990 (as amended)**

Planning Application: - DCNE2007/0966/F

Proposed three storey building to provide 13 apartments with 18 parking spaces and associated cycle parking at land rear of Homend Service Station, The Homend, Ledbury, Herefordshire HR8 1DS

1. The developer covenants with Herefordshire Council to provide a pedestrian link across the land prior to the occupation of any of the dwellings hereby permitted and its future maintenance without obstruction or impediment. The ability of the general public to pass and re-pass along this route at no financial cost;
2. The developer covenants with Herefordshire Council, to pay a commuted sum of £3,000 towards the provision / enhancement of the children's play space / equipment within the Ledbury area prior to the first occupation of any of the dwellings;
3. In the event of Herefordshire Council does not for any reason use the said sum in clause 2 within 10 years from the date of this agreement, the Council shall repay 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 a commuted sum, of £8,190 towards the provision/enhancement of sports facilities within the Herefordshire Council area prior to the occupation of any of the dwellings.
5. In the event of Herefordshire Council does not for any reason use the said sum in clause 4 within 10 years from the date of this agreement, the Council shall repay 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 a commuted sum of £26,000 towards education provision within the Ledbury area prior to the occupation of any of the dwellings;
7. In the event of Herefordshire Council does not for any reason use the said sum in clause 6 within 10 years from the date of this agreement, the Council shall repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
8. The developer covenants with Herefordshire Council, to pay a commuted sum of £19,500 towards sustainable transport initiatives within the Ledbury area prior to the occupation of any of the dwellings;
9. In the event of Herefordshire Council does not for any reason use the said sum in clause 8 within 10 years from the date of this agreement, the Council shall repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.

10. The sums referred to in paragraphs 2, 4, 6 and 8 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

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

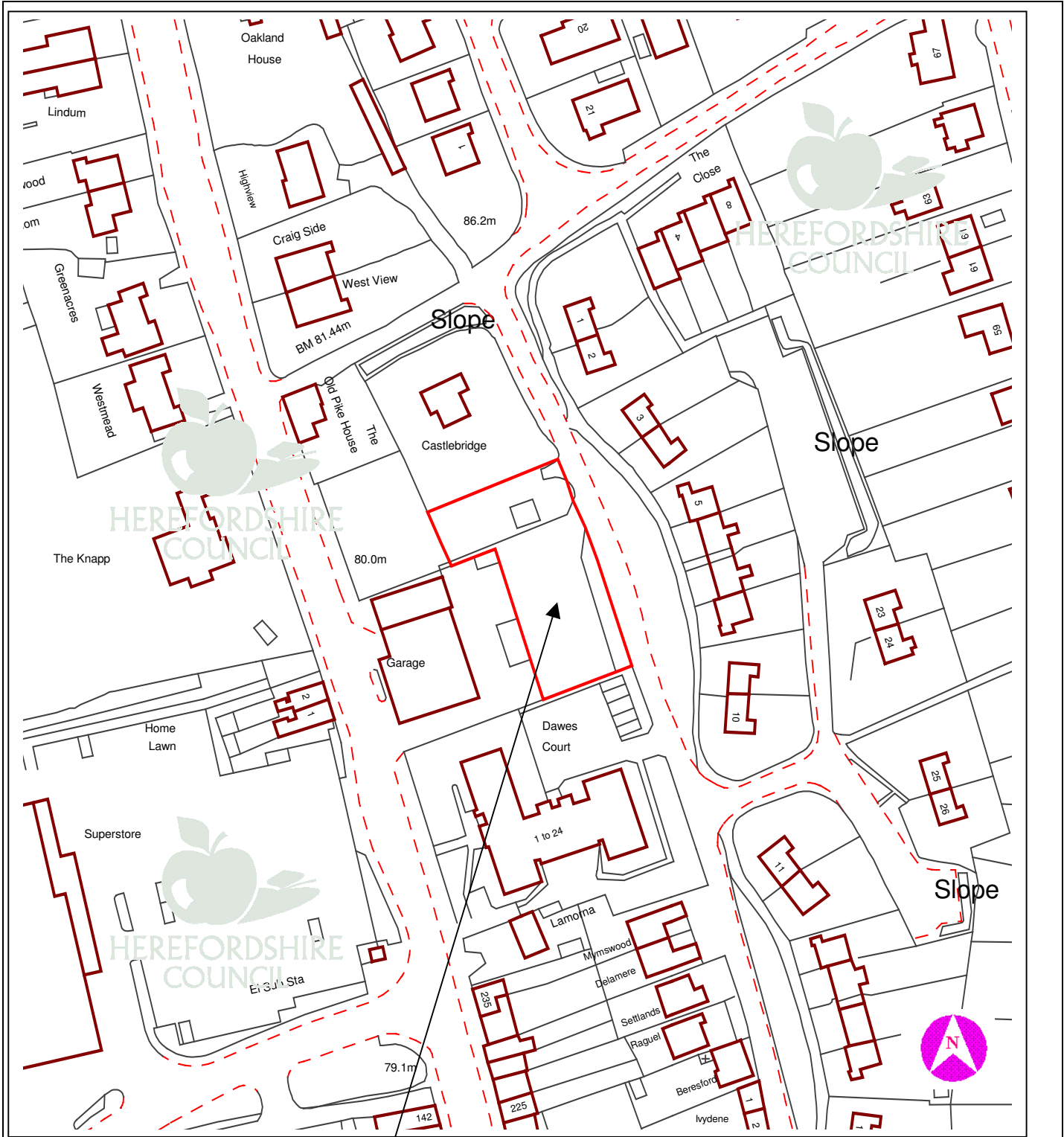
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/0966/F **SCALE :** 1 : 1250

SITE ADDRESS : Land rear of Homend Service Station, The Homend, Ledbury, Herefordshire HR8 1DS

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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

For: Mr P Kelsall per Linton Design, 27 High Street, Bromyard, Herefordshire. HR7 4AA

Date Received:
11th December 2006

Ward: Hampton Court **Grid Ref:**
55289, 54941

Expiry Date:
5th February 2007

Local Member: Councillor KG Grumbley

Introduction

This application was reported to the Northern Area Planning Sub-Committee on 31 January 2007 where it was deferred to allow a housing needs survey to be carried out and to investigate an appropriate mechanism through S106 to ensure that, if approved, the development provide affordable housing in perpetuity. Consequently the matter was reported again on 25 July with a recommendation for refusal as set out below. This decision was accordingly referred to Head of Planning Service to determine if it should be reported to planning committee for further consideration.

The proposal represents development in the open countryside, beyond any recognised settlement boundary, and in an unsustainable location. The applicant has failed to demonstrate that there are exceptional circumstances to warrant a departure from the policy considerations and, therefore, the application is contrary to Policy H10 of the Herefordshire Unitary Development Plan.

In the debate Members of the Area Sub-Committee considered the findings of the local housing needs study, and that a local need existed. They considered that despite the lack of local services or facilities the site was a suitably sustainable location. They also concluded that the need for 4 local affordable dwellings was of sufficient weight that the difficulties in arriving at a suitable S106 agreement should be worked through, and that criteria 7 of policy H10 which restricts such dwelling to single plots, should be overridden.

It was resolved to grant planning permission.

The proposal raises the following issues:

1. Risbury does not benefit from any local services. The nearest schools are at Stoke Prior and Bodenham.
2. The nearest shop/surgery is at Bodenham. Job opportunities within Risbury are very limited, probably to domestic work and agricultural. Anyone living in Risbury will be dependant upon the car for transport to such facilities.
3. As the proposal is for 4 houses it is clearly contrary to criteria 7 of that policy.

4. The difficulties of ensuring affordable dwellings in perpetuity.

In light of the above it can be seen that the proposal conflicts with policy H10 of the UDP and raises serious implications for ensuring that any housing remains affordable in perpetuity.

Following the Northern Area Planning Sub-Committee's decision to approve this application and its subsequent referral to Main Committee, work has continued to try to provide a satisfactory form of words for a Section 106 Agreement. A draft Agreement has been prepared by the applicant's solicitor and is attached as an appendix to this report. An extract from the applicant's solicitor's accompanying correspondence reads as follows:

"... the purpose of my presentation of the first Draft 106 Agreement was simply to demonstrate my clients' agreement to the basic principle of an onward sale of the proposed Affordable Housing Units to local residents at a discounted price and with a fallback position that they could sell those Units to the Marches Housing Association if no appropriate sale could be effected directly by them to a local resident."

Colleagues in the Council's Legal Services Department have studied the detail of the Agreement and have identified a number of areas where its wording will need to be altered to address the concerns that Officers have continued to raise and are referred to in the original report to the Northern Area Planning Sub-Committee. Discussions are continuing over the wording of the Agreement in order that an appropriate form of words might be agreed. It is noted that Marches Housing Association have agreed to be the 'beneficiary' of a situation where the resultant dwellings cannot be sold to local residents.

Your Officers remain concerned that, notwithstanding the fact that the proposal is clearly contrary to policy, the proposal will not actually deliver what is intended, that being discounted open market housing at a level that is truly affordable to local people. The evidence is quite clear that, even where similar schemes have been the subject of a Section 106 Agreement, they have failed to deliver the original intention. This again is detailed in the original report to the Northern Area Planning Sub-Committee. Whilst a form of words may eventually be agreed such fears have not been allayed and therefore the original recommendation remains unchanged.

The report to the meeting 25 July follows:

1. Site Description and Proposal

- 1.1 The application site is located on the eastern fringe of the village of Risbury. It is currently occupied by a large vacant agricultural building that has previously been used in connection with a racing stables. The village has a linear form with little depth to development on either side of the road. Residential dwellings lie to either side of the site.
- 1.2 The site is flat but at a significantly lower level to the road and the open countryside to the north continues to fall away, giving extensive views across the wider landscape.
- 1.3 The existing building sits quite close to the road, behind a mature native species hedgerow. A separate building is located on the roadside boundary further to the east.
- 1.4 The application is made in full and seeks to erect fair low cost open market dwellings with associated vehicular access and parking. It is accompanied by a draft Section 106 Agreement that is intended to ensure that the dwellings remain as Discounted Low

Cost Housing and that they are made available for Herefordshire residents to purchase.

- 1.5 The dwellings are arranged as two pairs of three bed semi detached properties, with a shared parking and turning area to the front. The access remains in the same position as exists at present, with the existing hedge removed and a new one replanted further back behind the visibility splay. The building on the road frontage will be removed to the boundary of the applicant's land to maximise visibility in an easterly direction.
- 1.6 The plans indicate that the dwellings would be simply designed, finished in red brick with tiled roofs and a lean-to porch to the front. Drainage is shown to be via a bio-disc discharging to a series of soakaways located on an adjoining field that is also owned by the applicant.

2. Policies

Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 - Sustainable Development
- S2 - Development requirements
- DR1 - Design
- DR5 - Planning obligations
- H6 - Housing in smaller settlements
- H9 - Affordable housing
- H10 - Rural exceptions housing
- H13 - Sustainable residential design.

Leominster District Local Plan

- A2 - Settlement hierarchy
- A24 - Scale and character of development
- D48 - Affordable housing for local needs in rural areas.

3. Planning History

NC00/2791/0 - Proposed erection of three detached dwellings - dismissed on appeal 11th July 2001.

The Inspector upheld the Council's reasons relating to a lack of exceptional justification for redevelopment of the site for residential development in the open countryside, but attached little weight to the loss of an employment generating site.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Consultations

- 4.2 Transportation Manager -

"Whilst the visibility "y" distances are around 35m, the speeds are lowish, and it is debateable if four dwellings would generate more traffic than the racing stables, so intensification is difficult to argue. The proposal actually improves the visibility by resiting the hedge, and further improves the access by regrading the driveway adjacent to the carriageway to no more than 1 in 12. On balance, we consider that, whilst the "y" distances do not meet standards fully, the proposal is a significant improvement over the existing access, and doubt if a refusal would be robust enough to succeed if appealed. It is, therefore, recommended that conditions are imposed if planning permission is forthcoming."

4.3 Strategic Housing –

Further to the information provided on 31st January 2007, a local housing needs survey has been undertaken for the Group parish of Humber, into which Risbury falls.

Housing Needs Survey

The survey identified the need for 16 affordable houses across the Humber group with 5 preferring Risbury itself and 8 would be willing to consider anywhere within the parish group.

The type of affordable housing required is detailed on the table below.

Therefore, the Housing Needs Survey appears initially to support a small development to meet local housing need within the Humber Group, although no income details are provided to ensure that those seeking low cost market housing can afford to purchase.

Where	Type of household	tenure required	Registered with Homepoint	Type of dwelling required	beds req	Weekly rent that can afford	Afford to buy
anywhere	Existing households	rent from housing assoc.	yes	house,bungalow	4	up to £90	
		rent privately,shared ownership,rent from Housing Association	yes	house	3	don't know	
	Emerging households	rent privately, rent from Housing Association	no	flat/apartment	2	up to £60	
		rent from Housing Association, pegged	yes	house	3	up to £70	
		rent privately,shared ownership,rent from Housing Association	yes	house	3	don't know	don't know
		rent privately, rent from Housing Association	no	flat/apartment	1	up to £50	
		shared ownership	no	flat/apartment	1	don't know	don't know
	Returning households	other tenure required: whichever is financially practical. Interested in low cost self build on parents property within Parish.	no	house	2	up to £100	
Risbury	Existing households	pegged	no	house	3		up to £150000
	Emerging households	pegged	no	house			up to £150000
		rent privately, rent from Housing Association, pegged		house,bungalow, flat/apartment	2	up to £70	up to £120000
Risbury or Stoke Prior	Emerging households	pegged	no	house	3		up to £150000
		pegged	no	house	3		up to £150000

Section 106 requirements

Having considered the option of Low Cost Market the concern remains that the properties will not be delivered to affordable levels as outlined in the SPG Provision of Affordable Housing i.e. 3 bed - £110,000.

The concerns arise from experience on negotiating low cost market housing on other sites throughout Herefordshire, where developers, both local and national, have identified that they would be unable to deliver at the levels indicated in the SPG. On these occasions the developer has opted to provide additional rented houses or shared ownership, without the requirement for grant funding.

In addition to this, where houses have been provided for low cost market by way of discount e.g. 30 or 40%, off the open market value, due to high house prices at the present time, this level of discount is not sufficient to enable local people to purchase as it exceeds their earnings.

For example, 6 low cost market properties were provided by a private developer at £113,000 for a 2 bed and £140,000 for a 3 bed which received planning permission based on a

discount of 30%. The open market value of the properties were £160,000 for a 2 bed and £205,000 for a 3 bed and even with the discount compared to what local people could afford, this was not affordable by £19,755 and £40,805 respectively and the properties have been sold to people not considered as a high priority on the Homepoint Register and who may have otherwise been able to afford to purchase outright. This was due to the fact that local people were unable to purchase and the properties were sold as an exception to the S106 agreement.

Also, where a 30% discount has been set previously on a large scale development in Hereford City, this discount is not sufficient in today's market to permit local people to purchase. Therefore, it is possible that through a local Housing Association, a request may be received to transfer these to rented units, but with some grant funding.

Whilst I understand that no information to date has been received in terms of the build costs, the proposals for 4 x 3 beds have been considered and at today's values it is likely that the open market value would be approximately £180,000 – £200,000. Therefore a discount would be required in the region of 45% for the initial and subsequent sales to meet the affordable housing requirements for the county.

However, it must be noted that there is a risk that, as the property values increase at a considerable rate, that, if a discount of 45% is set at today's values, in six or twelve months time when the development has been completed and ready for sale, the values may have increased, which would result in the 45% discount on the open market values exceeding the affordable limits of the county.

There is a risk whether a private developer would be able to deliver affordable housing at affordable levels for the county and, therefore, should the application be approved, the properties should be sold at no more than the affordable housing levels referred to in the SPG provision of affordable housing.

5. Representations

5.1 Humber Parish Council - Recommends refusal

Whilst recognising the need for affordable housing in the area, the Council does not consider that it is the correct place for such housing, because of the lack of facilities and the minimal public transport.

5.2 Letters of objection have been received from the following:-

M. J. White, Pentwyn, Risbury
Mr. and Mrs. White, New Pentwyn, Turning Ways, Risbury
Mr. D. Shelley, The Birches Farm, Pencombe
Ms. C. Davies, The Birches Farm, Pencombe
Mr. M. Warlock, The Birches Farm, Pencombe
Mr. S. Thompson, Kia-Ora, Risbury

In summary the points raised are as follows:-

1. The proposal is contrary to policy.
2. The vacancy of other dwellings built by the applicant demonstrates that there is not a need for further property in the area.

3. Concerns about highway safety and access out of the site.

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

6. Officer's Appraisal

6.1.1 These matters must be given careful consideration along with the criteria based policy of H10 which form the basis for the assessment of this application.

6.2 Policy H10 reads as follows:

Exceptionally, affordable housing may be permitted on land within or adjoining an established rural settlement which would not normally be released for development, provided that:

- 1. the scheme will contribute to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. In the case of a single affordable dwelling, clear evidence of a long-term local need will be required;**
- 2. it is evident that local housing conditions could not otherwise satisfy the need;**
- 3. the scheme respects both the character and size of the settlement concerned and the identified scale of need;**
- 4. arrangements are made to ensure that the benefits of affordable housing, for single dwellings as well as larger schemes, will be enjoyed in perpetuity by subsequent occupants in local need as well as by the initial occupiers;**
- 5. the site's location affords reasonable access to facilities and where possible public transport;**
- 6. proposals do not involve mixed developments consisting of open market housing to offset the lower return on affordable housing on the same site; and**
- 7. in settlements other than Kington (policy H2), the main villages (policy H4) or smaller settlements (policy H6) the proposal is limited to the construction of a single affordable dwelling which does not exceed the dwelling and plot size limits set in policy H6 unless clear evidence is provided to indicate a need exists for a larger dwelling.**

The report will explore each of these criteria in turn to consider whether the proposal complies with them.

1. Local Need

A Housing Needs Survey has now been completed and this concludes that:

The survey found **16 households with a potential affordable need within Humber, Ford & Stoke Prior Group Parish**. These households are broken down as follows.

- 2 households are currently renting from a Housing Association and wish to change properties within the Parish – 1 wishes to move into larger Housing Association rented property and the other wishes to move to cheaper rented Housing Association property.
- 3 households wish to undertake discounted purchase and have been classed as “borderline affordable needs”,
- Of the remaining 11 households, 8 wish to rent from a Housing Association, or have included this among their tenure options, 3 have included shared ownership among their options and 3 have included purchasing a property whose sale price is pegged at below market price by legal covenant.

The definition of affordable housing contained within Planning Policy Statement 3 – Housing (PPS3) reads as follows:

The Government is committed to providing high quality housing for people who are unable to access or afford market housing, for example, vulnerable people and key workers as well as helping people make the step from social-rented housing to home ownership. This section should be read together with the Government's Affordable Housing Policy Statement.18. The Government defines affordable housing as including social rented and intermediate housing.

The final sentence is key. The term ‘intermediate housing’ is taken to mean shared ownership and not low cost or discounted open market housing which is referred to elsewhere in the document. Your Officer’s opinion is that this proposal does not reflect this description and therefore cannot be considered to be ‘affordable’.

2. Local Housing Conditions

Like the majority of Herefordshire’s smaller rural settlements, house prices are way beyond the means of the average local person living in Risbury and there are not sufficient properties within the village to meet the potential demand identified by the Housing Needs Survey. What is most important to consider is whether this need should be being met in Risbury at all.

3. Size and Character of the Settlement

The proposal reflects the linear form of the village and is generally considered to be of an acceptable scale and character. It is noted that no objections have been raised to the scheme in respect of its design.

4. Retention of affordable housing in perpetuity

It is clear from the comments received from the Council’s Strategic Housing Team that there is a fundamental doubt as to whether housing can be delivered at a discounted level that makes it affordable to the average local person.

Colleagues in Legal Services have attempted to draft a form of words for a Section 106 Agreement to address all of the issues raised in the comments from Strategic Housing with limited success. An Agreement would have to work on the premise that the applicant must sell the four 3 bed dwellings at a fixed price of £110,320 to persons with a local parish

connection. If there are no buyers after three months for any/all of the dwellings, the owner must sell them to a Registered Social Landlord (RSL) at the same price.

The RSL is required to sell at £110,320 within a further three month period to a person with a local parish connection.

If at the end of this period if the RSL cannot sell to a local person, the RSL can apply to the Council to retain and lease the properties under a shared ownership scheme. It is presumed that occupiers under shared ownership would have to be local and would not be able to acquire more than 80% equity in any dwelling.

The problems arise where either the owner or the RSL are able to sell on to a local person at the fixed amount. It is difficult to come to a satisfactory conclusion as to the mechanism for setting the subsequent sale price and what would happen if the then owner is unable to sell at that price to a local person. Property could be advertised through Homepoint, but this is no guarantee that it will be successfully sold. The examples highlighted by Strategic Housing show this to be the case.

The Council has in the past agreed to a limited number of schemes where the discount was expressed as a percentage of the open market value at the date of sale. In this proposal, the initial price is determined by reference to the SPG. It may be possible that resale figures could be expressed as a percentage figure that equates to the SPG figure above, (i.e. if £100,320 is 60% of the open market value then a 60% discount applies on all subsequent sales).

There may be other mechanisms, such as earnings related, but they may prove too complex to calculate in the future. Such mechanisms would also need to ensure that they do not conflict with the initial price so that the first residential owners are not penalised by having to sell at less than the price they paid in real terms. Any such discounted housing scheme will need to include a measure of Council involvement to ensure that local demand is met at the correct discounted price.

There is also the question of mortgagees in possession clauses. Mortgagees are unlikely to prove funding unless they have the right to take possession in the event of mortgage arrears. They normally require the S106 to contain an exemption clause so that in the event of possession they can sell on the open market free of the discounted / local connection requirements.

In conclusion, there is some doubt as to whether a Section 106 Agreement can adequately address all of the variables that might arise to secure the provision of discounted open market housing in perpetuity.

5. Sustainability

Risbury has not been identified as a smaller settlement for a reason. It has no facilities and poor public transport links. Hence, it is not considered to be a sustainable location for further residential development. The framework for the provision of affordable housing is set by other policies in the UDP and settlements where it will be accepted, due to the existence of services and facilities, are identified. Risbury is not a sustainable location and, therefore, the application fails this policy test. This has very recently been endorsed by an appeal decision at 2 Cross Cottages in Risbury where the Inspector said:

"In the interests of the promotion of sustainable development, there is now a significant restraint on new housing in such settlements. This policy is carried forward in Policy H7 of

the Herefordshire Unitary Development Plan. I agree with the council that the appeal proposal would conflict with the content and purpose of these policies.”

6. Mixed development

Policy H10 expects developments to be affordable in the sense that they are applications made for rented or shared ownership dwellings. The proposal does not accord with this part of the policy, as it is entirely for open market housing, albeit at a discounted level.

7. Single affordable dwellings

This part of the policy allows for developments of single dwellings outside of the main villages and smaller settlements. In effect, this will be for local needs housing on a case by case basis. The application is for four dwellings and does not comply with this part of the policy.

Other material planning considerations

It may be argued that the proposal allows the re-use of previously developed land and that the site does not have an alternative use. Therefore, it is appropriate to consider its redevelopment.

The site is occupied by an agricultural building and falls within a predominantly rural area. The circumstances of such a building adjacent to residential dwellings is not uncommon across Herefordshire. It does not cause undue harm to the amenity of dwellings within the vicinity. It is your officer's opinion that this does not offer sufficient justification to override the Policy H10.

Conclusion

To summarise, the site is in an unsustainable location, where there is a presumption against further residential development, both open market or affordable. In any event the Policy H10 of the UDP would only permit a single affordable dwelling, not four as is proposed.

Your officers are not satisfied that a Section 106 Agreement can be satisfactorily worded to address all of the potential variables that could arise to secure the development as discounted open market housing in perpetuity.

The proposal does not propose a mixed development of open market to subsidise affordable housing. However, in light of the description of what actually constitutes affordable housing as defined by PPS3, your Officer's opinion is that this proposal does not reflect this description and therefore cannot be considered to be 'affordable'

The proposal therefore fails to meet a number of the criteria defined by Policy H10 of the UDP and fails on policy grounds. Accordingly it is concluded that the proposal represents development in the open countryside and without exceptional justification is recommended for refusal.

RECOMMENDATION

That planning permission be refused for the following reason:

1. **The proposal represents development in the open countryside, beyond any recognised settlement boundary, and in an unsustainable location. The applicant has failed to demonstrate that there are exceptional circumstances to warrant a departure from the policy considerations and, therefore, the application is contrary to Policy H10 of the Herefordshire Unitary Development Plan.**

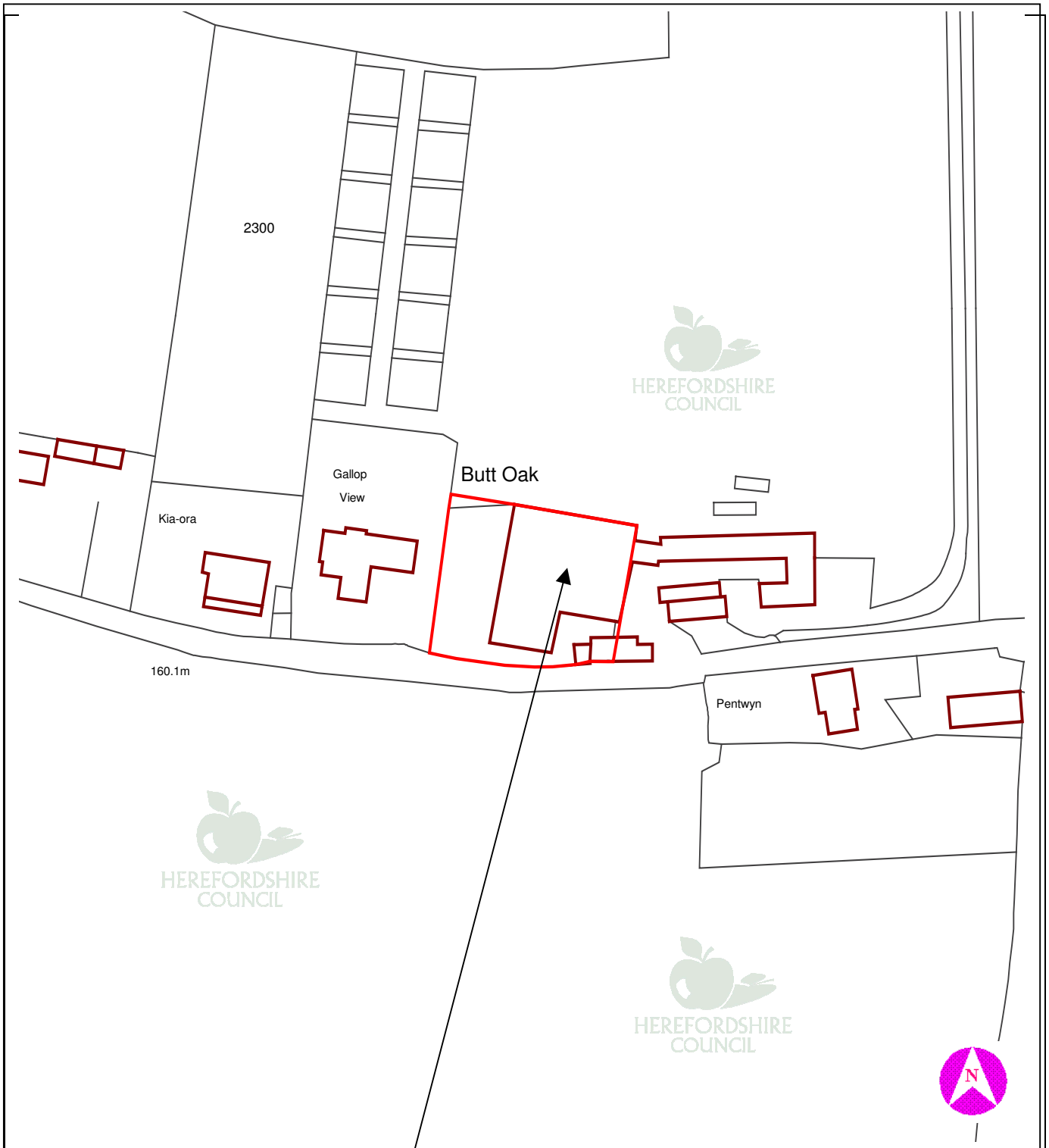
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3893/F

SCALE : 1 : 1250

SITE ADDRESS : Risbury Racing Stables, Risbury, Leominster, Herefordshire, HR6 0NQ

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relevant for the purposes of giving validity hereto or facilitating the enforcement of the obligations herein contained with the intent to bind the Land and **WITNESSES** as follows:-

1. Words and Expressions

In this Deed the following words and expressions shall where the context so admits have the following meanings:-

- 1.1 The expressions the “Owner” and the “Council” shall include their respective successors in title and assigns.
- 1.2 Words importing the singular number only shall include the plural number and vice versa and words importing the one gender includes the other gender and where there are two or more persons included in the expression “the Owner covenants” such covenants expressed or implied made by the Owner shall be deemed to be made by such persons jointly and severally.
- 1.3 All references in this deed to a person or persons shall include corporations and unincorporated associations and all other legal entities.
- 1.4 Words denoting an obligation on a party to do any act include an obligation to procure that it be done.
- 1.5 Words placing a party under a restriction include an obligation not to permit infringement of that restriction.
- 1.6 References to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force.
- 1.7 “The Development” means the development of the Land as authorised by the Planning Permission.
- 1.8 “The Plan” means the plan annexed to this deed.

- 1.9 “Affordable Housing” shall have the meaning in paragraph 2 of the Council’s Supplementary Planning Guidance entitled “Provision of Affordable Housing” dated March 2001 updated November 2004 which defines Affordable Housing as “housing provided for rent or sale at a price level which can be sustained by local people in housing need where households are unable to access existing markets”.
- 1.10 “Affordable Housing Units” shall mean the four residential units and ancillary areas that comprise the Development.
- 1.11 “Commencement of Development” means to commence the Development pursuant to the Permission by the carrying out of a Material Operation.
- 1.12 “Material Operation” has the meaning given by Section 56(4) of the Act.
- 1.13 “Planning Permission” shall mean the planning permission subject to conditions issued by the Council permitting the Development pursuant to the Application and the expression Planning Permission shall include all reserved matter approvals granted thereunder
- 1.14 “Registered Social Landlord” shall mean a registered social landlord as defined in Part 1 of the Housing Act 1996 who is registered with the Housing Corporation under Section 3 of that Act and has not been removed from the register pursuant to Section 4 of that Act or any statutory provision amending consolidating or replacing it for the time being in force and being a preferred development partner registered social landlord listed (or intended by the Council for listing) in Appendix 1 of the Council’s aforementioned Supplementary Planning Guidance.

2. Covenants

The Owner for the purposes of Section 106 of the Act with the intention of binding the Land agrees and covenants with the Council to observe the restrictions and perform the obligations set out in the Third Schedule hereto.

3. Reservations

Nothing in this deed shall prevent the Council from exercising any of its statutory powers or functions in relation to the development of the Land.

4. Local Land Charge Provisions

This deed is a local land charge and shall be registered as such.

5. Costs

Upon completion of this deed the Owner shall pay to the Council its reasonable and proper costs in the preparation and completion of this deed.

6. Agreement and Declarations

IT IS HEREBY AGREED AND DECLARED that:-

- 6.1 The restrictions and obligations in the Third Schedule to this deed are planning obligations enforceable by the Council in accordance with the provisions of Section 106(3) of the Act against the Owner and his successors in title to the Land.
- 6.2 With the exception of paragraphs 4 and 5 of this deed which have effect on the date of this deed none of the terms or provisions of this deed will have operative effect unless and until the date that the Planning Permission is issued by the Council and the Commencement of Development.
- 6.3 If the Planning Permission shall expire before Commencement of Development or shall at any time be revoked this deed shall forthwith determine and cease to have effect but without prejudice to the validity of anything done or payments or contributions made whilst this deed is in force.
- 6.4 Nothing in this deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this deed.

- 6.5 If any provision in this deed shall be held to be invalid illegal or unenforceable the validity legality or enforceability of the remaining provisions hereof shall not in any way be deemed to be affected or impaired.
- 6.6 The Owner shall not be entitled to any costs or compensation whatsoever from the Council arising from the agreement restrictions and obligations contained in this deed.
- 6.7 A person who is not a party to this deed has no right under the Contracts (Rights of Third Party) Act 1999 to enforce any term of this deed but this does not affect any right or remedy of a third party which exists or is available apart from such act.
- 6.8 No person shall be liable for a breach of a covenant contained in this deed after parting with all interest in the Land or the part of the Land in respect of which such breach occurs but without prejudice to liability for any subsisting breach of covenant prior to parting with such interest.
- 6.9 The headings in this deed are for convenience only and shall not be taken into account in the construction and interpretation thereof.

7. Notices

A notice under this deed is valid only if:-

- 7.1 It is given by hand sent by recorded delivery or document exchange or sent by fax provided that a confirmatory copy is given by hand or sent by recorded delivery or document exchange on the same day, and
- 7.2 It is served
- 7.2.1 at the address shown in this deed for the receiving party (and in the case of the Council is marked for the attention of the Head of Planning Services quoting reference DCNC2006/3893/F or at any address specified in a notice given by that party to the other parties.

7.3 A notice

7.3.1 sent by recorded delivery is to be treated as served on the second working day after posting if sent by first class post on the third working day after posting if sent by second class post

7.3.2 sent through a document exchange is to be treated as served on the first working day after the day on which it would normally be available for collection by the recipient

7.3.3 sent by fax is to be treated as served on the day on which it is successfully sent or the next working day where the fax is sent successfully after 1600 hours or on a day that is not a working day whenever and whether or not the confirmatory copy is received unless the confirmatory copy is returned through the Royal Mail or the document exchange undelivered.

8. Waiver

No waiver (whether express or implied) by the Council or any breach or default by the Owner in performing or observing any of the obligations or other terms of this deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the obligations or other terms of this deed or from acting upon any subsequent breach or default in respect thereto by the Owner.

9. Arbitration

In the event of any dispute or difference arising out of this deed between the parties (other than a dispute or difference relating to a matter of law or concerning the meaning or construction of this deed) which is not resolved within 14 days such dispute or difference shall at the request of any party be referred for arbitration under the Arbitration Act 1996 to a sole arbitrator to be agreed between the parties or in the absence of agreement within fourteen days after any party has given to the other(s) a

THIRD SCHEDULE

1. To construct or procure the construction of the Affordable Housing Units in accordance with the Planning Permission and to current Housing Corporation scheme development standards and to the Joseph Rowntree “Lifetime Homes” standards.
2. The Affordable Housing Units shall be occupied as a sole residence only by a person or in the case of two or more persons one of whom has a local connection with the parish of Humber Ford and Stoke Prior Group Parish or in the event of there being no person having a local connection to the parish of Humber Ford and Stoke Prior Group Parish a person with a local connection to the adjoining parishes of

or in the event of there being no person with a local connection with any of the preceding parishes any other person ordinarily resident within the administrative area of the Council.
3. For the purposes of paragraph 2 of this Schedule “local connection” means having a local connection to one of the parishes specified above because that person:

is or in the past was normally resident there and that residence is or was of his own choice; or

is employed there; or

has a family association there; or

shows a proven need to give support to or receive support from family members; or

can show special circumstances;

and for the purposes of this paragraph 3:

“normally resident” shall be established by twelve months prior residence in one of the parishes specified in paragraph 2 of this Schedule

“employed” shall mean in the employ of another not being of a casual nature but shall not exclude part-time employment of 16 hours or more per week or self-employment

“family association” shall mean where a person or a member of his household has parents, adult children, brothers or sisters currently residing in one of the parishes specified in paragraph 2 above and who have been resident for a period of at least one year and that person indicates a wish to be near them

“support” shall mean a proven need to provide or receive personal and physical care to enable a person or a family member to live independently in the community

“special circumstances” shall not normally apply but amount to circumstances which in the view of the Council may give rise to a local connection.

4. The Owner further covenants with the Council that in the event of a disposal of any one or more of the Affordable Housing Units (and in this Agreement the expression “disposal” or “disposed of” shall mean the completion of any transaction for the sale of the freehold or leasehold or any assignment of any terms created by a lease conferring a right to occupy such dwelling residentially) then such disposal shall not take place except in accordance with the following provisions:-
 - 4.1 such disposal shall not take place other than to a person or persons who intends to occupy the Affordable Housing Unit as his only or principal home and satisfies all or any of the criteria set out in paragraphs 2 and 3 of this Schedule and
 - 4.2 notice of intended disposal together with full sales particulars and details of the intended purchasers together with the circumstances whereby the intended purchasers satisfy the criteria set out in paragraphs 2 and 3 have been satisfied shall have been served by the Owner or any subsequent owner on the Council and
 - 4.3 the Council has within 28 days of receipt of the notice referred to in 4.2 confirmed in writing to the Owner that the disposal can proceed subject to the price for such disposal being determined in accordance with the provisions of paragraph 5 hereunder
5. The purchase price applicable to the disposal or any subsequent disposal shall be:
 - 5.1 the open market value of the Affordable Housing Unit discounted in accordance with the provisions of the Supplementary Planning Guidance entitled “Provision of

- Affordable Housing” dated March 2001 and updated November 2004 or any subsequent modification thereof and in force at the time of the relevant disposal and where
- 5.2 the open market value of the Affordable Housing Unit is the value of the dwelling with vacant possession if sold on the open market in good faith by a willing seller and disregarding the obligations in this deed and which shall be the mean of the total of two valuations obtained by the Owner from two independent RICS qualified valuers practising within 20 miles of the Development.
6. If within a period of six months following the date of practical completion of the Development (and for this purpose practical completion shall be determined by the issue of a Practical Completion Certificate by the Council’s Building Control Officer) any one or more of the Affordable Housing Units has not been disposed of or occupied by a person or persons satisfying the criteria set out in paragraphs 2 and 3 of this Schedule then the Owner shall be at liberty to dispose of any one or more of the Affordable Housing Units not so occupied or disposed of to the Marches Housing Association a Registered Social Landlord approved by the Council and at a price determined in accordance with the provisions of paragraph 5 hereof.
7. The Owner agrees so as to ensure compliance with the provisions of this deed that on the first and each and every subsequent disposal of any one or more of the Affordable Housing Units to apply to the Registrar of the Land Registry to enter a Restriction on that part of the Owner’s Registered Title number HE22694 comprising the Development and described in Schedule 1 hereto in the following terms:-
- “No disposition of the registered estate forming or previously forming part of Title Number HE22694 is to be registered except on the filing at the Land Registry of a certificate by the registered proprietor’s solicitor or licensed conveyancer that the covenants contained in the Third Schedule of a Deed made pursuant to Section 106 of

the Town and Country Planning Act 1990 (as amended) and made between the County of Hereford District Council of the one part and Peter Roy Kelsall and Annette Rita Kelsall of the other part dated the day of 2007 have been complied with and notice thereof has been given to the Head of Planning Services, County of Hereford District Council Brockington 35 Hafod Road Hereford HR1 1SH reference DCNC2006/3893/F”

EXECUTED AS A DEED when)
THE COMMON SEAL of THE)
COUNTY OF HEREFORDSHIRE)
DISTRICT COUNCIL was)
hereunto affixed BY ORDER)

Authorised Officer

SIGNED AS A DEED by the said)
PETER ROY KELSALL in the)
presence of:-)

Witness signature:

Name:

Address:

Occupation:

SIGNED AS A DEED by the said)
ANNETTE RITA KELSALL in)
the presence of:-)

Witness signature:

Name:

Address:

Occupation:

DATED

2007

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

and

MR PETER ROY KELSALL
and MRS ANNETTE RITA KELSALL

DEED OF PLANNING OBLIGATION
made under the provisions of
Section 106 Town and Country Planning Act 1990 (as amended)
relating to freehold land situated at Risbury, Leominster
and forming part of Title Number HE22694

Beaumonts
Beaumont House
Offa Street
Hereford
HR1 2LH

SN(CA)/Kelsall PR 28321/10

DCCE2007/1209/F - RESIDENTIAL DEVELOPMENT TOGETHER WITH ALTERATIONS TO 10 LEDBURY ROAD TO PROVIDE 6 RESIDENTIAL UNITS AT 10 LEDBURY ROAD, HEREFORD, HEREFORDSHIRE, HR1 2SY

For: Williams Bros per JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA

Date Received: 17th April, 2007 Ward: Tupsley Grid Ref: 51760, 39633

Expiry Date: 12th June, 2007

Local Members: Councillors Mrs M. Lloyd-Hayes, W.J. Walling and A. Taylor

INTRODUCTION

This application was deferred at the Central Area Planning Sub Committee on the 6th June 2007 to allow members to undertake an inspection of the site and was deferred again at the Central Area Planning Sub-Committee meeting on 4th July 2007 to allow further consultation on amended plans. The amendment being that the proposed two one-bedroom bungalows to the rear of the site have been deleted from the scheme thereby reducing the number new residential units to be created to 6.

The application was considered by the Central Area Planning Sub-Committee at its meeting on 1st August where Members resolved to refuse planning permission contrary to the recommendation of the report.

Members were particularly concerned that the proposal represented an overdevelopment of the site to the detriment of highway safety.

The Traffic Manager has assessed both the original submission for eight units and the revised application for six units and in both instances, considers that the development will have no adverse impact on highway or pedestrian safety, that a safe access will be created and that adequate parking is being provided on site all in accordance with the adopted Unitary Development Plan policies. In making this assessment, they have also examined the local accident record and considered the cumulative impact alongside other on-going developments along Ledbury Road.

There are therefore not considered to be any substantive highway reasons for refusal that could be defended on appeal. Consequently, the application is referred to this meeting of Planning Committee for further consideration.

1. Site Description and Proposal

- 1.1 The site is located on the eastern side of Ledbury Road, approximately 70 metres north of the junction with Eign Road and just south and opposite the junction with Templars Lane. No 10 is a semi-detached brick and pitched slate roof property with an existing vehicular access off Ledbury Road. The front garden is enclosed by a low stone wall, the rear and side boundaries are enclosed by a mixture of fencing and a

wall. North and south of the site are semi-detached and terraced properties all fronting Ledbury Road which are of similar design and period as number 10. The site lies within an Established Residential Area as identified in the Herefordshire Unitary Development Plan 2007.

- 1.2 Planning permission is sought for the demolition of an existing garage and conservatory and construction of a residential development comprising two 2 bedroom flats and four 1 bedroom flats with parking and turning area for 10 vehicles, associated cycle and refuse storage area. The six flats are to be provided through conversion and extension of the existing property with the existing vehicular access widened serving the parking area to the rear.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy

3. Planning History

- 3.1 CE2003/0601/O - Proposed residential development. Approved 21st April, 2003.
- 3.2 CE2006/4015/F - Residential development together with alterations to 10 Ledbury Road to provide 8 residential units. Application withdrawn 24th January, 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objections subject to conditions.

Internal Council Advice

- 4.2 Traffic Manager:

The proposed access to the development is of sufficient width to allow a vehicle entering to pass a vehicle waiting to leave the access. The visibility achievable from the access to the east from 2.4m setback achieves 43m which is adequate for compliance with stopping sight distances in Manual for Streets for 30mph, and from a 2.0m setback (which is more suited to established urban situations due to width of footway) 52m is achievable, which equates to speeds of around 35mph. Due to the on street parking on the north side of the road to the east of the site, 85 percentile vehicle

speeds are around 30mph. To the west, approaching vehicles can be seen to the corner at the junction with Eign Road (around 70m).

I also enclose a summary of the accident record for the full length of Ledbury Road from the signalled junction with St Owen Street to the roundabout at Bodenham Road. This shows that there have been 13 recorded personal injury accidents within this length within the 5 year period from May 2002 to April 2007 inclusive. Of these accidents, 3 involved serious injury and 10 slight injury with a total of 14 casualties. 10 of the accidents were in areas of high turning movements, namely at the two petrol stations (6 of which 2 involved serious injury), Central Avenue junction (3) and Eign Road junction (1).

The remaining 3 accidents were within 75m of the proposed development and are summarised below:-

20/9/05 Outside No 1 Ledbury Road

Moped leaving car park at No 1 is struck by vehicle entering. Slight injury to rider

29/9/05 40m S/W of Templars Lane

Car reversing into driveway clips wall which collapses, slightly injuring a pedestrian on the footway

21/4/07 22m N/E of Templars Lane

Vehicle loses control and veers across road, striking parked vehicle and then collides with oncoming vehicle and overturns. Serious injury to driver of overturned vehicle

This information has been taken into account in my recommendation.

I am satisfied that the proposed access is acceptable for the proposed development in terms of geometry and visibility. The internal layout proposed and level of parking provision is also acceptable.

My recommendation is therefore that the application should be approved with conditions.

In response to the amended proposals – The reduction in the number of units will be beneficial in terms of reducing vehicle movements to and from Ledbury Road and my recommendation of approval remains unchanged.

5. Representations

- 5.1 Hereford City Council: Recommend refusal on the grounds of over intensive development of the site with deficient access onto a busy highway

The City Council maintain their objection to the amended proposal as the amendments have not addressed their concerns.

- 5.2 Eleven letters of objection have been received including a petition with 52 signatures. The main points raised are:

1. Ledbury Road is already a very busy residential street where there have been a number of recent accidents. The proposal will lead to further congestion and danger to highway safety.
2. The access is unsafe.

3. The development will lead to further pressure for parking which is already at a premium in the area partly due to the number of multi-occupancy dwellings in the locality.
4. A number of recent large developments have been approved in the area which will further exacerbate the highway and parking problems.
5. Any increase in traffic would lead to further danger to pedestrians and children accessing local schools.
6. It would be impossible to create 10 parking spaces on site.
7. The development will generate increased noise in the locality.
8. The design is out of character with the area.
9. The design will be an invasion of neighbours privacy.
10. Over development of the site,
11. Abuse of existing residents parking restrictions and illegal parking reduces visibility at local junctions, on street parking creates a pinch point in the road and no space for buses to pick up/drop off and proximity of the access to existing busy junctions all leading to increased danger to highway and pedestrian safety
12. Over 150 dwellings have been approved in the locality over the last year or so and residential development along Ledbury Road has reached saturation point
13. The loss of a further green space in the city will further reduce urban wildlife
14. The parking area will reduce the enjoyment of neighbouring gardens.
15. The development is contrary to Herefordshire's Community Strategy, which states that it will 'Put People First'

One further letter in response to the consultation on the amended plans received from 16 Ledbury Road. They re-iterate previous comments in relation to unsafe access, inadequate parking. Also comment that the development will overlook their property, will result in increased noise from the use of the balconies, the construction may affect the stability of the neighbouring property and its basement and that the bungalows were the least offensive element of the scheme

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

6. Officers Appraisal

- 6.1 The proposed site is large enough to accommodate some form of residential development and indeed, planning permission was granted in 2003 for a single dwelling on site. As such the principle of residential development is considered acceptable.
- 6.2 The proposed scale of the built development will largely follow that of the existing properties fronting Ledbury Road and will not appear disproportionate with the size of the site. A traditional design is proposed for the elevation fronting Ledbury Road incorporating flat roof dormers, bay window, sash windows elsewhere and constructed from brick; all in keeping with neighbouring properties. A more contemporary approach has been taken to the rear elevation. This has been achieved through use of a different palette of materials, predominantly Larch timber cladding, modern balcony and fenestration detailing and the form of the first and second floors is partly curved to create additional interest.
- 6.3 As such the scale, design and materials proposed, whilst being somewhat different from what presently exists in the locality, will complement the local vernacular.

Furthermore, the removal of the 'backland' element of this proposal reduces the extent of development and the consequential impact on the character of the area.

- 6.4 A parking area for 10 vehicles is to be created along with the necessary cycle and refuse storage to the rear of the new accommodation. The Traffic Manager confirms that this is acceptable to serve the number of units proposed and essentially amounts to one space per unit with four visitor spaces (a ratio of 1.5 spaces per unit). This level of provision essentially accords with Policy H16 of the Herefordshire Unitary Development Plan which requires new housing development to provide an average maximum off-street car parking provision of not more than 1.5 spaces per dwelling. A number of the flats will have some outdoor amenity space provided by balconies or enclosed patio areas, which in itself is considered acceptable and the deletion of the bungalows also enables a usable area of communal garden along with additional soft landscaping to be created for the benefit of the future occupants.
- 6.5 The Traffic Manager confirms that the visibility and safety of the access is acceptable to serve the development and number of units proposed. The development will undoubtedly lead to an intensification in the use of the site including an increase in the number of vehicle movements although this will now be reduced through the removal of the two bungalows. Given the comments of the Traffic Manager and the level of off street parking proposed the development is considered acceptable.

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 B01 (Samples of external materials)

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

3 E05 (Restriction on delivery and construction hours)

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

4 E18 (No new windows in specified elevation)

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

5 E19 (Obscure glazing to windows)

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

6 W01 (Foul/surface water drainage)

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

7 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.

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

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

9 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

10 G01 (Details of boundary treatments)

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

11 H02 (Single access - footway)

Reason: In the interests of highway safety.

12 H06 (Vehicular access construction)

Reason: In the interests of highway safety.

13 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.

14 H27 (Parking for site operatives)

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

15 H29 (Secure cycle parking provision)

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

INFORMATIVES:

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

2 N19 - Avoidance of doubt

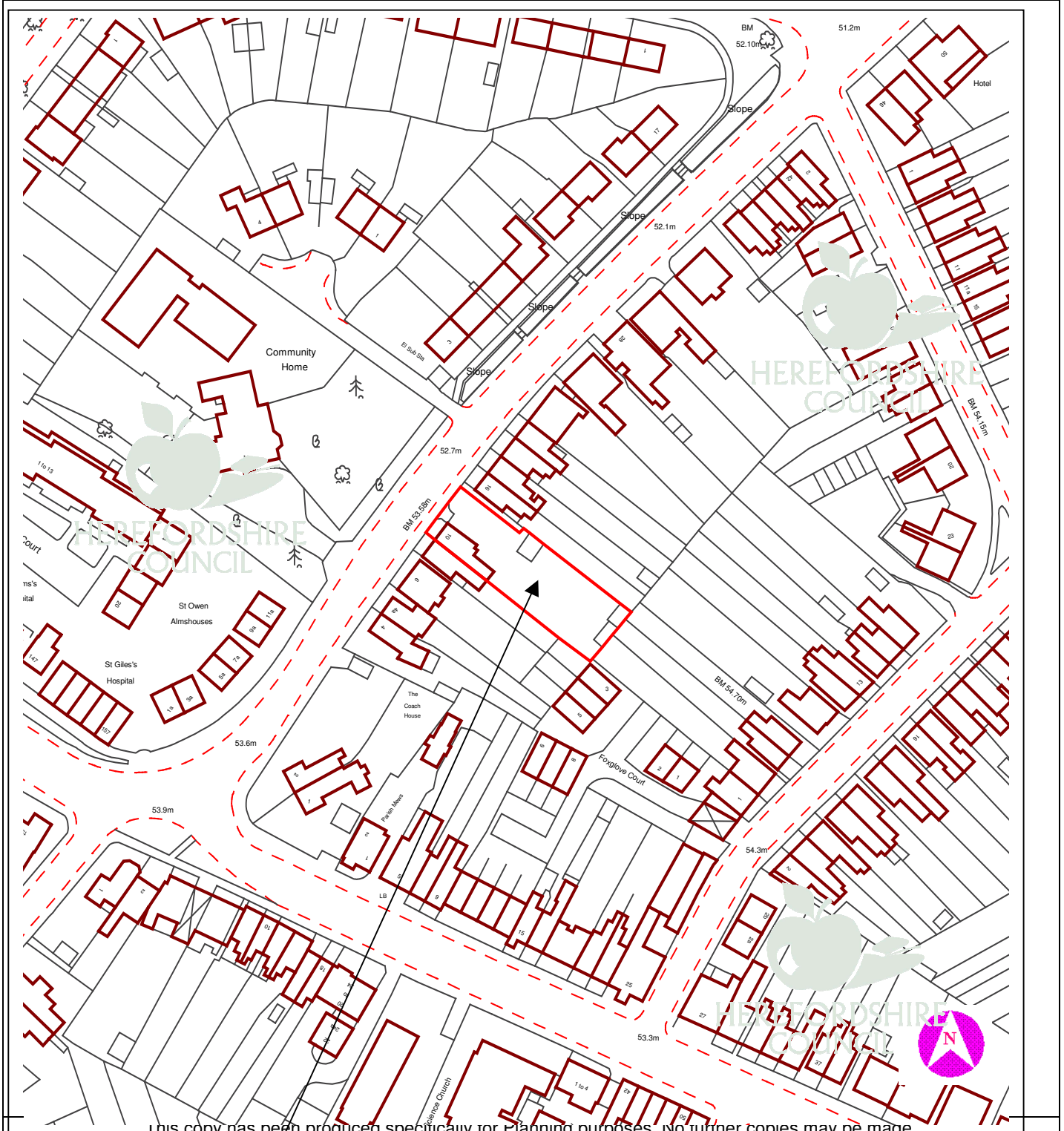
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1209/F

SCALE : 1 : 1250

SITE ADDRESS : 10 Ledbury Road, Hereford, Herefordshire, HR1 2SY

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DCCE2007/1961/F - CONVERSION AND EXTENSION OF GARAGE/PREPARATION AREA TO SINGLE STOREY DWELLING AND EXTENSION OF TAKE-AWAY PREPARATION AREA. FORMATION OF PARKING AREA FOR EXISTING FLATS AT 1-3 PEREGRINE CLOSE, HEREFORD, HEREFORDSHIRE, HR2 6BS

For: Pacemark Properties Limited, per Malcolm Rogers, Dixon Rogers Designs, Highfields, Stanford Road, Great Witley, WR6 6JG

Date Received: 19th June 2007 Ward: St. Martins & Hinton Grid Ref: 51442, 38606

Expiry Date: 14th August 2007

Local Members: Councillors Mrs. W.U. Attfield, A.C.R. Chappell and A.T. Oliver

INTRODUCTION

The application was considered by the Central Area Planning Sub-Committee at its meeting on 1st August where Members resolved to refuse planning permission contrary to the recommendation of the report.

Members were concerned about the impact of the development on the character and residential amenity of the area and highway safety.

Planning permission for the re-arrangement of the existing four flats to create three two storey mews houses, a first floor flat along with the construction of a further two cottages and extension of takeaway was refused on 26th July 2006 and an appeal dismissed on 2nd March 2007.

The proposal for consideration under this application is now for the creation of only one extra property through the conversion and modest extension of the existing garage. No works are proposed to the existing four flats and the size of the existing takeaway is not to be increased. Off street parking is also proposed to serve the existing and proposed accommodation to which the Traffic Manger raises no objection. Furthermore, the Planning Inspector in dismissing the appeal considered the creation of off street parking would be a highway gain and this assessment was made against a larger and a higher number of units. The juxtaposition of the existing and proposed accommodation has been changed to ensure that satisfactory amenity standards are maintained and the proposed accommodation and the food preparation and cooking elements of the takeaway have now been segregated to which the Environmental Health Manager raises no objection.

It is therefore considered that the revised proposals address all the issues raised by the Planning Inspector in dismissing the appeal on 2nd March 2007 including the proximity of the proposed accommodation to the takeaway; the design of the

development; amenity standards, the extent of garden and the overall impact on the character of the area.

There are therefore not considered to be any substantive reasons for refusal that could be defended on appeal. Consequently, the application is referred to this meeting of Planning Committee for further consideration.

1. Site Description and Proposal

- 1.1 The site occupies a corner position bordering Hinton Road to the west, Acacia Close to the north and Peregrine Close to the south. A detached two storey brick and slated pitched roof building occupies the northern half of the site with an attached single storey garage running along the western boundary. This building is presently subdivided into two one bedroom flats and a fish and chip shop/Chinese takeaway at ground floor with one two bedroom and one one bedroom flat at first floor. The southern part of the site is largely set out to lawn and the curtilage is enclosed by a 1.5 metre high block wall. The site is largely surrounded by existing properties including bungalows to the north, two storey dwellings to the east and south and a detached timber framed two storey property to the west which is Grade II Listed. The site lies within the flood plain designated as both Flood Zone 2 and 3.
- 1.2 Planning permission is sought for the extension and conversion of existing single storey building presently used as a food preparation/storage area in association with the adjoining takeaway to create a two bedroom residential unit and construction of a single storey extension and a takeaway off the northern elevation at ground floor to provide a new storage and food preparation area. Part of the existing garden is to be changed to hardstanding to create five off street parking spaces with a further single space for the operators of the takeaway proposed along Acacia Close.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S2	-	Development Requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood Risk
DR13	-	Noise
H13	-	Sustainable Residential Design
H14	-	Using Previously Developed Land and Buildings
H15	-	Density
H16	-	Car Parking
HBA4	-	Setting of Listed Buildings

3. Planning History

- 3.1 HC960077PF - Erection of external extraction ducting. Approved 8th May, 1996.

- 3.2 DCCE2006/1277/F - Conversion of 4 flats to 3 no. two storey mews houses and one first floor flat, demolition of outbuildings and development of two no. cottages and extension to existing takeaway. Planning permission refused 26th July, 2006.

Reason for refusal was:

The proposal due to its cumulative scale and the intensification of development will have a harmful impact on the character and amenity of the area. As such the development is contrary to Policies ENV14, H3, H12, H14, H21 of the Hereford Local Plan and Policies S1, S2, DR1, DR2, H13, H14 and H17 of the Herefordshire Unitary Development Plan.

Appeal dismissed 2nd March, 2007.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager: No objections subject to conditions relating to the construction of the new parking area and enhanced cycle storage.
- 4.2 Environmental Health and Trading Standards Manager: No objection.
- 4.3 Conservation Manager: No objection.

5. Representations

- 5.1 Hereford City Council: Recommend the application be refused as it is inappropriate development in an established residential area.
- 5.2 Seven letters of objection received to date, the main points raised are:
1. The proposal will lead to further congestion on narrow roads.
 2. The takeaway has no dedicated off street parking.
 3. The storage area for the takeaway is being moved to Acacia Close which is not suitable for heavy vehicles.
 4. We are concerned about the location of refuse storage associated with the accommodation and takeaway.
 5. Further congestion will make it difficult for emergency vehicles to access.
 6. The current application does not overcome previous concerns regarding vehicular activity, and access obstruction caused by the takeaway business.
 7. The local highway network and associated junctions are not suitable for accommodating further traffic associated with the development.
 8. Existing pavements in the area are already used to park vehicles and the proposal will aggravate the problem.
 9. The deeds for all properties on Acacia Close forbids any business activities.
 10. The parking proposed is inadequate and does not take account of visitors.
- 5.3 The consultation period is yet to expire and therefore any further representations received between the time of writing this report and Committee will be reported in writing and orally on the day of the Committee.

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

6. Officers Appraisal

- 6.1 The proposal the subject of this application amounts to the extension and conversion of an existing garage/food storage area to create a new single storey two bedroom unit and construction of a single storey extension to the north elevation to provide a replacement food storage area. No alterations are proposed to the existing flats. Neither is the size of the takeaway to be increased.
- 6.2 The footprint and height of the existing building is to be slightly increased but the overall mass of the building will be comparable to the existing building and the design is considered to be an enhancement. As such these alterations will have minimal impact locally or on the setting of the adjoining Listed Building. Similarly, the single storey extension off the north elevation will follow the form of the existing single storey additions on the west elevation and is considered acceptable in terms of its design and materials. The impact of the physical alterations to the property are therefore acceptable.
- 6.3 No off street parking presently exists to serve the existing flats and therefore the applicants propose to address this deficiency through the provision of five off street parking spaces, one per unit. A further parking space for the operator of the takeaway is also proposed off Acacia Close. This will be an improvement on the existing situation in parking and highway safety terms and will relieve the pressure for on street parking in the locality. This is confirmed by the Traffic Manager who raises no objection.
- 6.4 A small area of communal garden is proposed along with a further private garden to serve the new additional unit and secure cycle and bin storage. Although modest, this again will provide a usable area of garden for barbecues and informal recreation.
- 6.5 The Head of Environmental Health raises no objection to the introduction of a further residential unit in terms of its relationship with the adjoining takeaway. This issue was a particular concern of the Inspector in dismissing the appeal but under this application, the existing situation will remain unchanged and the activities such as food preparation and cooking which are most likely to have an impact on the amenity of the new dwelling are located on the opposite side of the building. As such the amenity of the occupants of the existing and proposed accommodation will not be adversely affected by the operation of the takeaway. Nevertheless, further details are required of the replacement extraction equipment for the takeaway and this information is awaited
- 6.6 The predominant concerns of local residents relates to the creation of an additional unit and resultant intensification in the use of the site in terms of parking and vehicle movements in particular. It is considered that the proposed creation of one additional unit will not change the existing situation to such an extent as to warrant refusal of the application. The Planning Inspector in dismissing the recent appeal commented that although the existing situation is not ideal, with the proposed off street parking it was deemed acceptable and this conclusion was based upon larger properties and an additional unit over what has now been proposed. As the applicants have addressed the other issues raised by the Planning Inspector including the proximity of the proposed dwelling to the takeaway; the design of the development; amenity standards and the extent of garden, it is considered that the previous reasons for refusal have now been addressed and therefore the application is considered acceptable.

RECOMMENDATION

Subject to submission and approval of the takeaway extraction equipment, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

- 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. H06 (Vehicular access construction).

Reason: In the interests of highway safety.

- 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. H29 (Secure covered cycle parking provision).

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

- 6. G01 (Details of boundary treatments).

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

- 7. E16 (Removal of permitted development rights)

Reason: In order to safeguard the character and amenities of the locality.

- 8. Finished floor levels shall be set no lower than 52.6 AOD unless otherwise agreed in writing with the local planning authority.

Reason: To protect the development from flood risk.

Informatives:

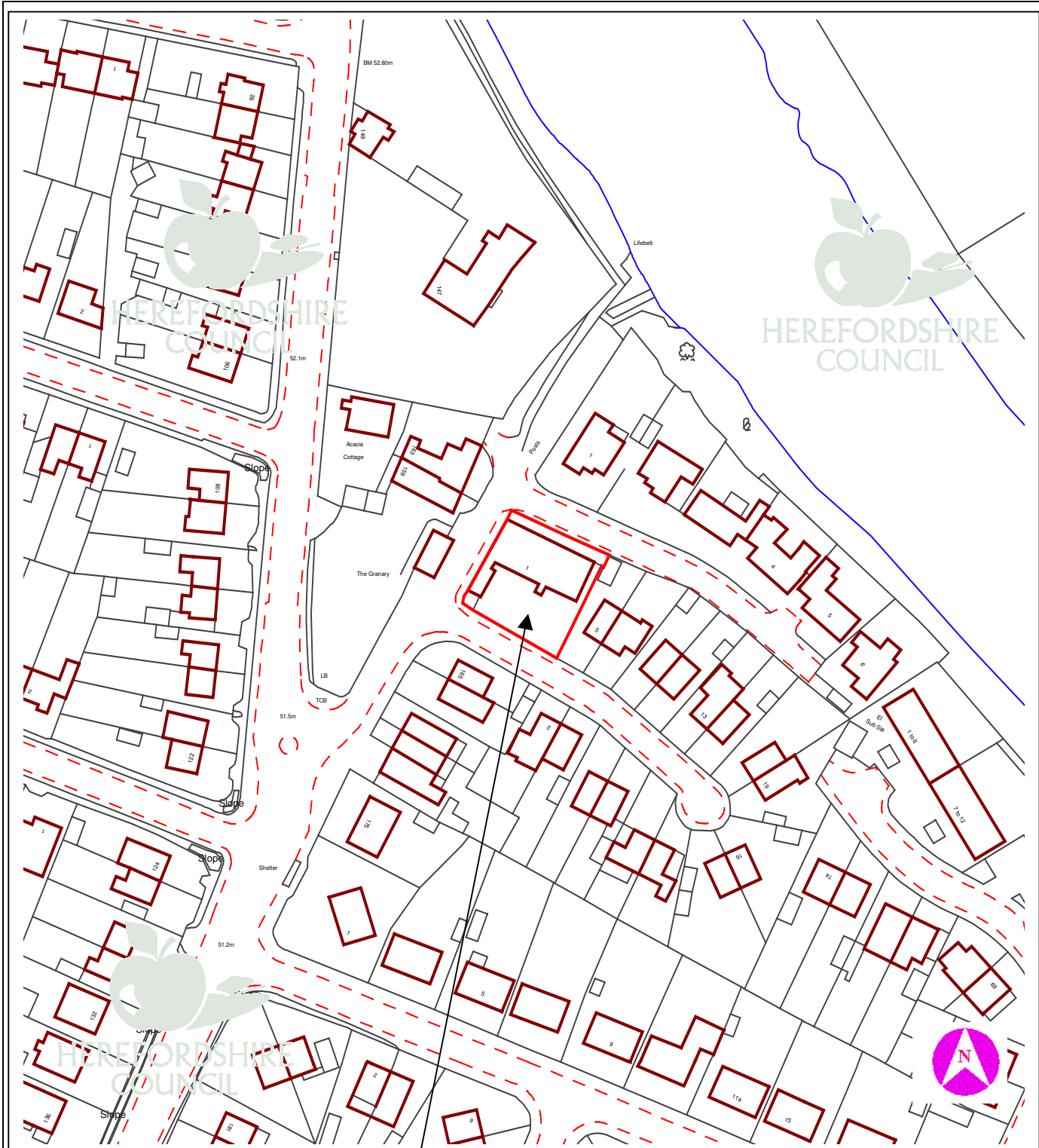
- 1. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 2. N19 - Avoidance of doubt.

Decision:

Notes:
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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/1961/F

SCALE : 1 : 1250

SITE ADDRESS : 1-3 Peregrine Close, Hereford, Herefordshire, HR2 6BS

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