

# A G E N D A

## Planning Committee

Date: **Friday, 28th September, 2007**

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Time: **10.00 a.m.**

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

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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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<p>1. <b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p>2. <b>MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 24th August 2007.</p>	1 - 10
<p>3. <b>NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>4. <b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>5. <b>CHAIRMAN'S ANNOUNCEMENTS</b></p> <p>To receive any announcements from the Chairman.</p>	
<p>6. <b>NORTHERN AREA PLANNING SUB-COMMITTEE</b></p> <p>To receive the attached report of the Northern Area Planning Sub-Committee meeting held on 22nd August, 2007 and 19th September, 2007.</p>	11 - 12
<p>7. <b>CENTRAL AREA PLANNING SUB-COMMITTEE</b></p> <p>To receive the attached report of the Central Area Planning Sub-Committee meeting held on 29th August, 2007.</p>	13 - 14
<p>8. <b>SOUTHERN AREA PLANNING SUB-COMMITTEE</b></p> <p>To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 15th August, 2007 and 12th September, 2007.</p>	15 - 16
<p>9. <b>EDGAR STREET GRID DESIGN FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT</b></p> <p>To consider comments received to the Draft ESG Design Framework Supplementary Planning Document (SPD) and appropriate changes.</p> <p>A copy of the SPD with highlighted changes is enclosed separately for Members.</p>	17 - 20
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| <p><b>10. CONSULTATION ON PLANNING APPLICATION REQUIREMENTS</b></p> <p>To consider proposed changes to planning application procedures and the consultation arrangements.</p> <p>Wards Affected: County-wide</p>  | <p>21 - 24</p> |
| <p><b>11. 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</b></p> <p>For: Mr N Williams per Wall, James &amp; 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 further information.</p> <p><b>Ward: Bromyard</b></p>                 | <p>25 - 34</p> |
| <p><b>12. 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</b></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. Consideration of the application was deferred at the last meeting for more information.</p> <p><b>Ward: Hampton Court</b></p> | <p>35 - 46</p> |
| <p><b>13. DCNW2007/2326/F - PROPOSED AREA FOR THE DISPLAY OF DECORATIVE GARDEN PRODUCTS AT THE OAKS, MARSTON, PEMBRIDGE, HEREFORDSHIRE HR6 9HZ</b></p> <p>For: Mr &amp; Mrs A Davies per McCartneys, 7 Broad Street, Leominster, Herefordshire HR6 8BT.</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><b>Pembridge &amp; Lyonshall with Titley</b></p>  | <p>47 - 52</p> |

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| 14. | <p><b>DCCE2007/2237/F - REPLACEMENT DWELLING AND CONTINUED TEMPORARY USE OF EXISTING OUTBUILDING AS FULL RESIDENTIAL ACCOMMODATION. (ALTERNATIVE SITING OF APPROVED DWELLING UNDER CE2002/1868/F). SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE</b></p> <p>For: Mr A Gregory, per Mr P.H. Bainbridge, Stone Cottage, Duke Street, Withington, Hereford, HR1 3QD</p> <p>To consider a planning application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations.</p> <p><b>Ward: Hagley</b></p> | 53 - 62 |
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| 17. | <p><b>DCCW2007/2160/F - INSTALLATION OF 2.5KW WIND TURBINE AND PHOTOVOLTAIC ROOF PANELS AT MARDEN PRIMARY SCHOOL, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EW WIND TURBINE MARDEN</b></p> <p>For: Marden Primary School per Andrew Osbaliston, 19 Orchard Green, Marden, Hereford, HR1 3LD</p> <p>To consider a planning application in respect of Council owned premises.</p> <p><b>Ward: Sutton Walls</b></p>  | 79 - 84 |
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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, 24th August, 2007 at 10.00 a.m.**

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

Councillors: PA Andrews, PGH Cutter, GFM Dawe, DW Greenow, JW Hope MBE, B Hunt, P Jones CBE, RI Matthews, R Mills, JE Pemberton, PD Price, AP Taylor, WJ Walling, PJ Watts, JB Williams and JD Woodward

**In attendance:** Councillors KG Grumbley, MD Lloyd-Hayes, AT Oliver and JK Swinburne

**20. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors ACR Chappell, Mrs H Davies, G Lucas and DC Taylor.

**21. NAMED SUBSTITUTES (IF ANY)**

The following named substitutes were appointed:-

<b>MEMBER</b>	<b>SUBSTITUTE</b>
Mrs H Davies	Mr PA Andrews
G Lucas	PD Price
DC Taylor	JB Williams

**22. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**23. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 13th July, 2007 be approved as a correct record and signed by the Chairman

**24. CHAIRMAN'S ANNOUNCEMENTS**

**Revised Code of Conduct**

The Head of Legal and Democratic Services said that its meeting on 27 July, Council had decided to adopt the revised Code of Conduct. He explained what the changes were for Members regarding personal and prejudicial interests and that Members in such a position were able to speak in such circumstances but not to participate in the debate or to vote.

**Polytunnels**

The Team Leader Local Planning outlined the progress that was being made in connection with the preparation of a Supplementary Planning Document to control the use of polytunnels within the County.

**Referred Planning Application**

On the suggestion of the Chairman, the Committee agreed to hold a site inspection on 4th September, 2007 in advance of an application being submitted to the Committee for a site at Upper Newton Farm, Newton St. Margarets, Vowchurch.

**25. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 25th July, 2007 be received and noted.

**26. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 1st August, 2007 be received and noted.

**27. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 18th July and 5th August, 2007 be received and noted.

**28. TARRINGTON PARISH PLAN**

A report was presented by the Team Leader Local Planning about the Tarrington Parish Plan which had been prepared to provide further planning guidance to the Herefordshire Unitary Development Plan. He said that the aim of the document was to identify measures by which the community aimed to 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 were included about transport and traffic, environment, planning community facilities, health youth and crime and safety.

The Committee expressed its appreciation for the hard work undertaken by the local community in helping to prepare the document.

**RESOLVED:** 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 to the Herefordshire Unitary Development Plan and as an expression of local distinctiveness and community participation.

**29. REPORTS OF THE 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

**30. 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**

Consideration of the application had been deferred at the previous meeting for a site inspection.

The Development Control Manager reported the following updates:

letter from the Nunwell Surgery, Bromyard, stating:

“As Councillors are aware, the proposal is to provide accommodation for 40 persons suffering from dementia. What Councillors may not be aware of is that besides mental frailty, the majority of the residents will be elderly and have physical problems requiring much medical and nursing input. This nursing is currently provided by the District Nursing Service which is currently on a tight budget, with no extra funding for the foreseeable future. Therefore the extra nursing time needed at Pencombe Hall will have to come from spreading the service more thinly for other patients in the local community. I am not able to speak for the PCT, but I would urge that it be consulted before permission is granted for this new facility”.

#### **OFFICER COMMENTS**

This letter further underlined the speculative nature of development which has not come forward as a result of a study of local needs and may even put additional strains on other health services in this part of the County.

In view of the letter from Nunwell Surgery, the Committee decided to defer consideration of the application until the views of the PCT were known.

**RESOLVED: That consideration of the application be deferred for the views of the Primary Care Trust to be obtained about the proposal.**

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

The Development Control Manager said that at its meeting on 25th July 2007 the Northern Area Planning Sub-Committee was mindful to grant planning permission contrary to officer recommendation and Council policy.

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

Councillor R Mills and RV Stockton the Local Ward Members were of the view that the proposed dwelling was ancillary accommodation to the main dwelling and that because of its design and location, it did not detract from it or have an adverse impact on the rural setting. They felt that Suitable conditions could be imposed which tied it to Blackhill. The Development Control Manager explained why the application did not comply with the Council's Planning Policies and that there was a danger that if permitted, the dwelling could be sold separately from Blackhill.

A motion that the application should be refused as recommended was lost and a subsequent motion to grant permission for the application with appropriate conditions was carried.

#### **RESOLVED:**

**That planning permission be granted subject to conditions about materials, landscaping and tying the dwelling to Blackhill, and any further conditions felt to be necessary by the Development Control Manager.**

**32. 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**

It was reported by the Development Control Manager that the 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 recommendation. He also reported on the contents of a further letter of objection received from a local resident

In accordance with the criteria for public speaking, Mr Bradford of Ledbury Town Council and Mr Stone an objector, spoke against the application.

Councillor Mrs K Swinburne one of the Local Ward Members had a number of reservations about the application and was of the view that the size and design of the proposed building was totally out of keeping with the area and against the design principles of CABE. She was concerned that there had been no community involvement by the applicants when preparing the scheme or assessment of the impact that it would have on the Ledbury Conservation Area. She also felt that the large expanse of glass on the frontage of a three-storey building in an elevated position would be highly visible for some distance, particularly when the sun was striking it. Councillor PJ Watts another Local Ward Member shared the concerns of Councillor Swinburne and felt that because of their close proximity to the petrol station, the dwellings would suffer from fumes, and disturbance from its late-night opening.

The Committee discussed the merits of the application and was of the view that the height of the building was inappropriate; the design was unsympathetic to the surroundings; parking provision was inadequate and that footpath provision would be adversely affected. Overall it was felt that the scheme would have a considerable impact on a medieval town and its conservation area. Notwithstanding the advice of the officers, the Committee had reservations about the proposals because of the concerns raised and felt that whereas it may not be too visible from under the petrol station canopy it would be highly visible from elsewhere.

**RESOLVED:**

**That the application be refused on the grounds of design and the impact on residential amenity.**

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

The Development Control Manager reported the contents of a letter received from Mr M Kimberly a local resident who objected to the proposal. He also provided the Committee with the following update:

Since the report had been drafted there had been further correspondence between the applicant's agent and the legal representatives of the developer and the Council. A Section 106 planning obligation was close to being finalised. Further work may be required to fine tune the agreement but the principles were as follows:

- the scheme would provide for four new dwellings to be sold at a discounted cost to people with a local connection;
- if no suitable purchasers could be found the properties would be sold to the Marches Housing Association who would take on the responsibility for their disposal but they must maintain the discounted value;
- detailed provisions were to be finalised to ensure that a discounted price also applied to all subsequent sales of the properties in line with the method for calculating the discount as set out in the Affordable Housing Supplementary Planning Guidance.

Whilst the final wording of the Agreement had not been fully agreed between the legal representatives, the principles had been agreed along with the written agreement of Marches Housing Association to their involvement.

### OFFICER COMMENTS

With reference to the 7 criteria of policy H.10, the situation was:

1. the proposal could be regarded as “intermediate housing” for the purposes of PPS3;
2. Planning Officers still have some doubt whether a genuine need existed for the four houses in Risbury, although the Strategic Housing officers were satisfied that the Housing Need Survey had demonstrated sufficient need and there was a reasonable chance of finding suitable residents for the houses;
3. the size and character was acceptable;
4. assuming that the Section 106 agreement could be finalised, the retention of the houses at a discounted price should be possible in perpetuity (although it should be noted that this has not been successfully achieved elsewhere in the County hitherto.);
- 5 the site was remote from services and facilities and remained, in the officers’ opinion, an unsustainable location;
6. the site was not a mixed development;
7. the proposal remained for four dwellings and not one, as was required by policy H.10.

In the light of the above comments, and recognising that considerable progress that had been made with the draft Section 106 Agreement, planning officers remained concerned that this development was not a response to local need but a proposal to redevelop a redundant barn for residential use in a location where residential development would not normally be permitted. Policy H10 provided an exception to the normal policy of housing restraint but did so only for single dwellings to meet a specific identified need. Policy H10 was not therefore complied with in this case.

The draft Section 106 Agreement proposed that all four houses such be built to full “Joseph Rowntree Lifetime Homes” standards. The standards would be expensive to achieve on all four houses and may make it difficult to achieve the development of the site within the discounted price needed to comply with the

Supplementary Planning Guidance document. The applicant had agreed to provide one of the dwellings to the full standard but not all four.

The Housing Needs & Development Manager said that although the applicant was prepared to provide one dwelling to the Joseph Rowntree standard, the view of the Strategic Housing Section was that all four needed to meet this criteria for the scheme to proceed. The Committee felt that there was a need for the officers to hold more discussions with the applicants about the issues that had been raised and decided that the matter should be deferred to allow this.

**RESOLVED:**

**That consideration of the application be deferred for the officers to hold further discussions with the applicants about the issues that had been raised**

**34. 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**

The Development Control Manager reported the following update:

**ADDITIONAL REPRESENTATIONS**

Letter from Councillor Oliver stating that the Central Area Sub Committee refused the application on the basis of Policy H18 of the UDP. In his view the site was too small for the number of units proposed and did not include sufficient private amenity space.

**OFFICER COMMENTS**

Policy H18 related to domestic extensions rather than the creation of new residential development. The site contained an area of communal garden which, in the context of city living, was not unusual and was in line with other permitted developments of flats/apartments in and around the city.

In accordance with the provisions of the revised Code of Conduct adopted by Council on 27th July 2007, Councillor Mrs M Lloyd Heyes a Local Ward Member, spoke against the application on the grounds of highway safety, density and the lack of amenity space. She then withdrew from the meeting.

Councillor WJ Walling, a Local Ward Member, commented that he had reservations about the original scheme because it had also included two one-bedroomed bungalows, but he felt that the deletion of these in the revised scheme made it more acceptable.

Councillor AP Taylor, also a Local Ward Member, welcomed the alterations but expressed concerns about the access and egress and related highway and pedestrian safety considerations, particularly when children were travelling to school.

Councillor DW Greenow felt that the scheme for six dwellings was acceptable and that the design would blend in with the street scene. He was of the opinion that there would not be any significant highway safety issues associated with the scheme. Councillor PGH Cutter shared this view. Councillor Mrs PA Andrews was not entirely satisfied with the proposals but took the view that there were insufficient grounds to refuse it. Councillors Mrs JE Pemberton and PD Price had some concerns about vehicles entering and exiting the site at the same time and the Development Control Manager said that this would be dealt with by appropriate



conditions.

Having considered all the details about the application, the committee decided that it should be approved.

**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 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.**

**35. 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**

The Development Control Manager reported the following update:

A letter had been received from Cllr Oliver stating that, in his view, the development is contrary to policies H13, H14 and H18 of the UDP. He considered that the scheme would result in a reduction in amenity space and privacy for existing flats, inadequate amenity for the new dwelling, the relocation of the food preparation area may result in deliveries from Acacia Close impacting on safety and security of existing residents, and the original dwelling will no longer be the dominant feature.

A further letter had been received from Mr and Mrs Cound of 4 Acacia Close pointing out that all the residents of Acacia Close object to the scheme and that they were concerned about delivery traffic in Acacia Close, the hours of operation and litter associated with the use.

**OFFICER COMMENTS**

There would be a loss of some of the existing garden is to provide off street parking for the existing flats and proposed dwelling however, the Planning Inspector found this to be a benefit of the previous proposals. The new dwelling would have a commensurate area of private garden with communal garden retained for the existing flats. The scale of physical development on the site would not be significantly increased. Part of the food preparation area would be relocated from the single storey garage on the Peregrine Close side of the building to an enlarged kitchen and preparation area on the Acacia Close frontage but was not significantly increased overall. The principal front elevation of the development to Peregrine Close would remain the dominant feature, albeit that the current single storey garage would be slightly enlarged to accommodate one additional (single storey) dwelling.

With regard to the letter from Mr and Mrs Cound, the difficulty was that the hot food takeaway already existed without any conditions on times of operation or deliveries. It would therefore be unreasonable to apply hours of use conditions to the extension when they could not be applied to the main use itself. A condition to require deliveries through the front door of the shop only would not be practical to enforce. A delivery vehicle could lawfully use any part of the public highway.

It should be noted that final details of extraction equipment, which should be an improvement on the current facilities, had yet to be received. Consequently the recommendation in the report remained one of seeking delegated approval to issue the permission, but only after satisfactory details of the extraction equipment had been received.

In accordance with the criteria for public speaking Mr. Rogers the agent acting for the applicant spoke in support of the application.

Councillor GFM Dawe was of the view that the proposal would have a harmful impact on the character and amenity of the area and that it should be refused. The Committee noted the concerns that had been expressed by the Local Ward Members and the Central Area Planning Sub Committee, but questioned whether there were defensible grounds for refusal given that a number of issues had been addressed since the previous application was refused. It was therefore decided that the application should be approved.

#### **RESOLVED**

**That 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.**

The meeting ended at 11.59 a.m.

**CHAIRMAN**

PLANNING COMMITTEE

28TH SEPTEMBER, 2007

## REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 22nd August & 19th September, 2007

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### 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 – 15
  - (b) applications refused as recommended – 0
  - (c) applications refused contrary to recommendation but not referred to Planning committee – 0
  - (d) applications minded to approve contrary to recommendation – 3 (referred to Planning Committee – 1)
    - (a) applications minded to refuse contrary to recommendation – 0
    - (b) applications deferred for further information - 1
    - (c) number of public speakers – 4 Parish Council; 3 objectors and 6 supporters

### PLANNING APPEALS

2. The Sub-Committee received an information report about 13 appeals received, 8 dismissed and 0 upheld.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 22nd August & 19th September, 2007**



PLANNING COMMITTEE

28TH SEPTEMBER, 2007

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 29th August, 2007

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### 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 - 7
  - (b) applications minded to approve contrary to recommendation – 1 (referred)
  - (c) applications refused contrary to recommendation – 1 (not referred)
  - (d) applications deferred for site inspection - 1
  - (e) applications deferred - 1
  - (f) number of public speakers - 7 (parish - 1, objectors – 3, supporters - 3)

### PLANNING APPEALS

2. The Sub-Committee received an information report about 1 appeal that had been determined (dismissed).

**JE PEMBERTON  
CHAIRMAN  
CENTRAL AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meeting held on 29th August, 2007**





PLANNING COMMITTEE

28TH SEPTEMBER, 2007

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

Meeting held on 12th September, 2007

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**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 minded to refuse 1
  - (b) applications minded to approve 1 (1 referred to Planning Committee)
  - (c) number of public speakers – 3 (1 Parish Council; 1 objector and 1 supporter)

**PLANNING APPEALS**

2. The Sub-Committee received information reports about 2 appeals received.

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

- **BACKGROUND PAPERS – Agenda for the meeting held on 12th September, 2007.**



## **ESG DESIGN FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT**

**Report By: Forward Planning Manager**

### **1 Wards Affected**

Central

### **2 Purpose**

- 2.1 To inform members of the comments received to the Draft ESG Design Framework Supplementary Planning Document (SPD) published for consultation purposes earlier this year and to consider appropriate changes. This document is included within the Council's Local Development Scheme and is being produced as part of Herefordshire's Local Development Framework. It will provide a more detailed design concept for the regeneration of the area, encouraging and enabling the delivery of schemes to make a positive statement and giving more certainty to developers and the market on what is expected from future schemes.

### **3 Financial Implications**

- 3.1 The costs of preparing and producing this document are being met from the Planning Delivery Grant.

### **4 Background**

- 4.1 The Grid represents a unique opportunity to develop an under-utilised area of land to the north of the city centre, strengthening the role of Hereford as a sub regional shopping centre and ensuring the city plays a full role in the wider rural economy.
- 4.2 The SPD will expand and add further detail to the policies and accompanying text contained in the Herefordshire Unitary Development Plan (UDP). This is mainly provided within UDP Chapter 7 Town Centres and Retail, paragraphs 7.7 – 7.7.49 and policies for the following areas or 'quadrants' within the Grid:

- TCR 20 Eign Gate regeneration area
- TCR 21 Canal basin and historic core
- TCR 22 Hereford United Football Club/Merton Meadow
- TCR 23 Civic quarter

### **5 Role of the SPD**

- 5.1 The SPD is to make clear the Council's design requirements for ESG developments. Once adopted it will become a material consideration in the determination of planning applications alongside the ESG Masterplan which it has helped inform. The

Masterplan being the guide to the physical regeneration of this area over the next 20 years.

5.2 The role and purpose of the SPD is to:

- Establish an urban design framework for the Edgar Street Grid area in a positive and enabling manner providing a design concept early on in the process which will be used to guide landowners, developers and the community on the form development proposals should take
- Address and supplement with additional information the policies contained within the UDP
- Provide greater certainty for the market on what is expected from future schemes
- Ensure delivery of a comprehensive, coordinated and sustainable development for the Grid area.

## 6 SPD in outline

6.1 The SPD has been drafted as follows:

- Introduction and Scene Setting
- Design Challenges
- General Design Guidance
- Specific design issues for UDP quadrant areas.
- Conclusion

6.2 The draft SPD has been informed by a Sustainability Appraisal and has based its design guidance around a number of sustainability objectives derived from the appraisal.

## 7 Consultation

7.1 Initial consultation on the SPD took place late last year and focussed around a seminar at the Courtyard Theatre in Hereford, where 90 people from businesses, interest groups, landowners and residents gave their opinions on design issues facing the Grid. Such comments helped inform the preparation of a draft document which was presented to Planning Committee (20<sup>th</sup> April) and subsequently agreed for consultation purposes by the Cabinet Member for the Environment. The draft SPD was accompanied by a Sustainability Appraisal and a Consultation Statement. Consultation on the draft took place over a six week period 24<sup>th</sup> May to 6<sup>th</sup> July 2007 and was undertaken in accordance with the Council's Statement of Community Involvement.

7.2 Consultation on the draft document was heralded by public notice and included a second seminar at the Courtyard Theatre, exhibitions at Maylords Orchards and at Hereford Sixth Form College and a press release. Consultation on the SPD has been deliberately kept separate from the ESG Masterplan process. Documents were

made available at all Info Centres and Libraries and on the Forward Planning website.

## 8. Comments received

8.1 A total of 38 organisations and individuals made a response. Of those 38 responses approximately one third replied to the questionnaire. Most respondents made specific comments which along with a Council response is set out in a schedule which will be included in the Consultation Statement.

8.2 The following provides a summary of the comments received to the draft SPD.

### General Comments:

- Document should provide clearer design advice
- More emphasis on heritage led regeneration.
- Clarify role of this SPD and ESG Masterplan and consultation
- Improve presentation particularly graphics to make easier to understand
- Address sustainability issues more clearly
- General support for document in what it is trying to achieve

### Specific Comments:

- Clarify link to sustainability appraisal
- Improve guidance on views
- Provide encouraging guidance on role of contemporary design
- Clarify position on planning obligations
- Clarify redevelopment proposals around football ground
- Clarify the road hierarchy and how ESG transport study relates
- Concern over compatible uses, residential amenity and disturbance to existing businesses
- Add new design challenges. (Climate change, infrastructure and utilities)
- Provide new information on urban characterisation as context for new proposals.

8.3 As a number of comments made are likely to be as relevant to the draft ESG Masterplan, a schedule of all comments received (and Council's response) has being forwarded to ESG Herefordshire Ltd for their consideration of any changes to the Masterplan. As a result any further comments from the company to SPD changes will be reported verbally to Committee Members.

## 9. Proposed amendments

- 9.1 Attached (Appendix 1) is a tracked change version of the SPD which is intended to be used as a basis for the changes that are proposed to be made. In summary and highlighting the main changes this will involve:
- General improvements to text, use of jargon, clarification/improvements to maps/diagrams, introduction of new photographs to assist text, improved diagram for views
  - Include new sub-sections entitled 'Climate change' and 'Infrastructure and utilities' as further design challenges
  - Include new 'characterisation' section to provide a historical development context to guide new development proposals
  - Delete Appendix 4 as a result of new characterisation section and include more encouraging regeneration advice elsewhere and throughout document that focuses upon historic assets, contemporary design and the 'Hereford Effect' (Hereford is developing an excellent tradition of good modern design in historic settings)
  - More specific design advice/clarification around the football ground, the road hierarchy and consultants studies, views, disturbance to existing businesses and residential amenity
- 9.2 In total the amendments will relate to a significant redrafting which will greatly improve the document and its usefulness. Such amendments emphasise the role and importance of consultation in the preparation of planning documents.

## RECOMMENDATION

**THAT the Cabinet Member (Environment and Strategic Housing) be recommended to agree the changes to the Draft ESG Design Framework SPD as identified in this report and for the document to be adopted as part of the Councils Local Development Framework.**

## Background papers

Local Development Scheme (January 2007)  
Statement of Community Involvement (Adopted March 2007)  
Herefordshire Unitary Development Plan (Adopted March 2007)

## **CONSULTATION ON PLANNING APPLICATION REQUIREMENTS**

**Report By: Head of Planning Services**

### **Wards Affected**

County-wide

### **Purpose**

1. To inform members about changes to planning application procedures and to confirm consultation arrangements accordingly.

### **Financial Implications**

2. None.

### **Background**

- 2.1 The Government has decided to introduce a National Standard Planning Application form which will be mandatory from April 2008. It is known by the project title "1-APP". In association with 1-APP the Government has set out minimum standards for planning application submissions which must be met by applicants to form a valid planning application. There will be national minimum standards, to be known as Planning Application Requirements (National). The government has also provided for local planning authorities to set their own local requirements, known as Planning Application Requirements (Local). In order for these local requirements to be enforceable they must be publicised and consulted on before being brought into use. The government has specified that the consultation period must be at least six weeks in duration, and the programme for consultation must be agreed by an appropriate Committee of the local planning authority. If a properly prepared set of Planning Application Requirements (Local) have not been published by April 2008 then applicants will only have to meet the national standards in order to submit a valid planning application.
- 2.2 There will be benefits in having a suitably prepared set of Planning Application Requirements (Local). At present, legally, applicants only have to submit fairly basic details with a planning application in order to make it valid. Additional items such as wildlife surveys, tree surveys and a wide range of other essential information can be requested before a decision is made – but can not always be demanded at the start of the process. This frequently leads to delays. The basic concept is to raise the standard of planning application submissions at first submission.
- 2.3 In theory, at least, this will benefit the local planning authority because the "rules" for what constitutes a valid application will be made more clear and it gives local planning authorities the ability to demand high standards of planning application submissions.

- 2.4 It is, however, important to stress that the creation of a set of Planning Application Requirements (Local) will not prejudice the decision of the local planning authority on a planning application once submitted.

**3 Proposals**

- 3.1 It is proposed that the Planning Application Requirements (Local) should cover all the matters listed in the appendix to this report.
- 3.2 It is proposed that the consultation process should include:
- Presentation of the draft PAR(L) to an Agents' Forum
  - Written consultation with City, Town and Parish Councils
  - Written consultation with normal statutory consultees on planning applications
  - Written consultation with a selection of non-statutory consultees taken from the list in the Council's Statement of Community Involvement, i.e. to include those with County-wide interests and who comment most frequently on planning applications
- 3.3 It is further proposed that the consultation period should take place during October and November 2007 with the outcome of those consultations being reported back to Planning Committee in January 2008 for agreement to the final version of the PAR(L).
- 3.4 Because this matter is a procedural one it is not necessary for it to be referred to Cabinet

**RECOMMENDATION**

**THAT;**

**The consultation process outlined above be approved.**



**Planning Application Requirements (Local) – Appendix to Planning Committee Report**

**Draft List of Local Requirements (not all will apply in every case)**

- **Affordable Housing Statement**
- **Air Quality Assessment**
- **Biodiversity Survey and Report**
- **Daylight/Sunlight Assessment**
- **Drainage/Sewerage Assessment**
- **Environmental Impact Assessment**
- **Flood Risk Assessment**
- **Heritage Statement (including, archaeological, architectural and historic assets)**
- **Land Contamination Assessment**
- **Landfill Statement**
- **Lighting Impact Assessment**
- **Noise Impact Assessment**
- **Open Space/Recreational Needs Assessment**
- **Retail Impact Assessment**
- **Transport Assessment (including parking and access arrangements)**
- **Travel Plans**
- **Plans, Photographs and Photomontages**
- **Planning Obligation Agreement – Draft Heads of Terms**
- **Planning Statement**
- **Regeneration Statement**
- **Retail Impact Assessment**
- **Site Waste Management Plans**
- **Statement of Community Involvement**
- **Structural Surveys**
- **Tree Surveys/proposals**
- **Utilities Statement**
- **Ventilation/Fume Extraction Details**



**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 29<sup>th</sup> May 2007 when it was deferred for a Committee site visit. The site visit took place on 14<sup>th</sup> June 2007. The application was then reported back to the Northern Area Planning Sub-Committee on 27<sup>th</sup> 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 27<sup>th</sup> 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 13<sup>th</sup> July 2007, in order that members of the Main Planning Committee could make a further site visit. Following this, it was again deferred on 24<sup>th</sup> August due to the receipt of a letter from a Dr Spicer who queried whether the PCT had been consulted on the application and suggested that nursing would have to be provided by the District Nursing service and, with no additional funding likely to be available in the foreseeable future, these resources would be spread more thinly.

Your Officers can advise that the PCT have been consulted throughout the course of this application and have been asked to comment on the letter from Dr Spicer. Their comments are as follows:

*"Herefordshire PCT now understands that the proposal for the development of 40 beds at Pencombe Hall relates to EMI nursing beds. As, such, as part of the registration procedure, Mr. Williams would need to demonstrate that sufficient numbers of adequately trained nursing staff were retained by Pencombe Hall to meet the nursing needs of patients occupying the proposed EMI nursing beds. As such, additional demands may be placed on GPs within the area but we would not anticipate that the development of these beds would result in significant additional demands being placed on the District Nursing service and we have received assurances from Mr. Williams to this effect."*

Dr Spicer has also submitted further correspondence stating that the intention of his original letter was simply to ascertain whether the PCT had been consulted on the application. He also advises that he has since spoken to the applicant who has confirmed to him that the PCT are aware of his proposals.

The applicant has also forwarded a copy of a letter that he has received from the PCT in relation to his proposals that reads as follows:

*"I can confirm that experience of mental health services has shown that there is a lack of EMI nursing beds (nursing beds for older people with mental health problems) in Herefordshire.*

*Local demographics clearly tell us that this shortage will get worse in the next few years; therefore additional capacity in a choice of locations to offer greater choice to service users and families is required to address this need.*

*However, as you are aware, we are not able at this time to guarantee to spot purchase beds from you or any other provider within the County."*

Your officers conclude that, although the PCT do not explicitly state whether they are in favour of a provision in this particular location, there is a need for additional EMI bed spaces in the County.

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
<b>Total</b>	<b>271</b>	<b>702</b>	<b>82</b>	<b>121</b>
<b>Out of County</b>	<b>-</b>	<b>-</b>	<b>22</b>	<b>22</b>

*\*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 27<sup>th</sup> 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.**

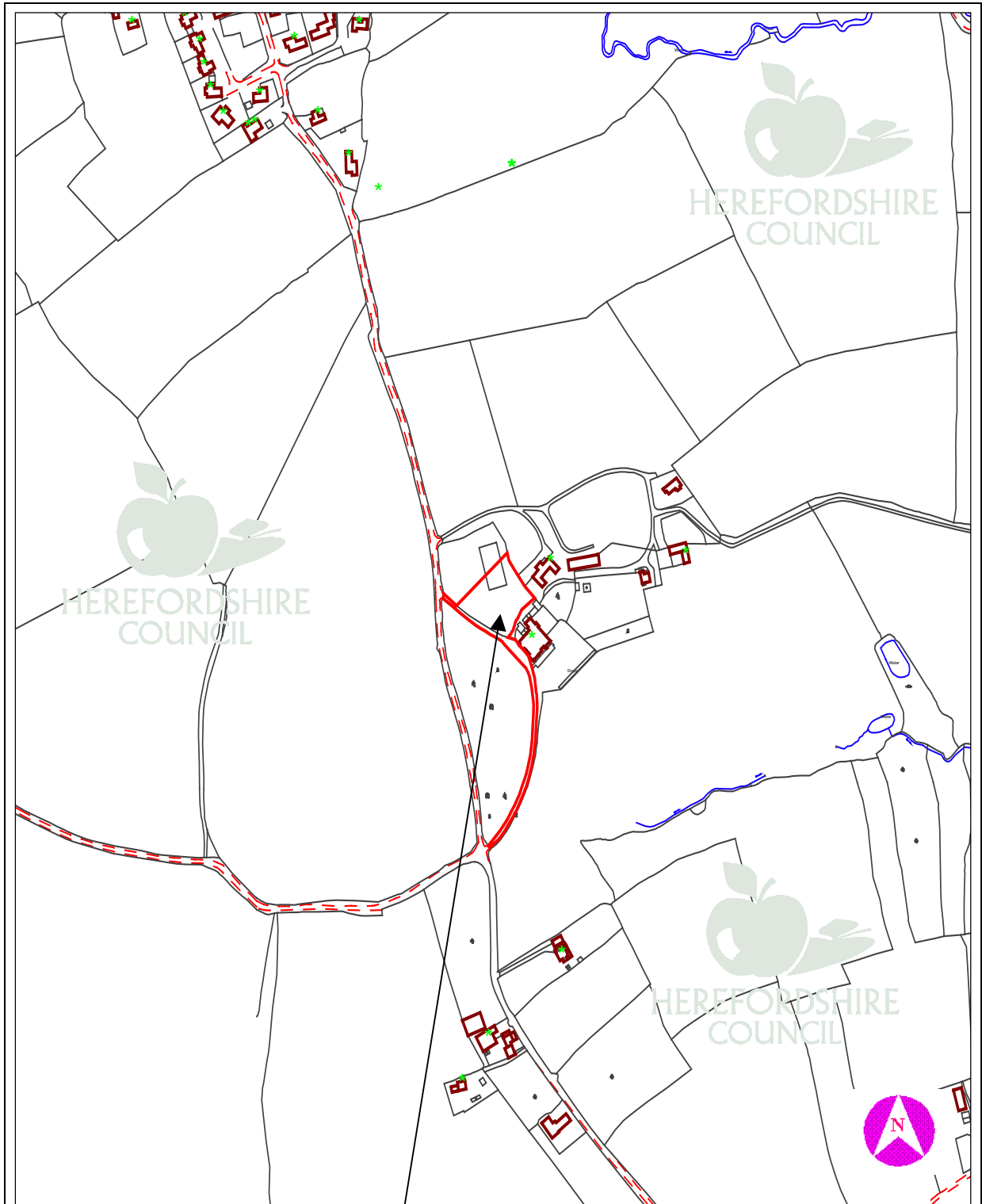
Decision: .....

Notes: .....

.....

**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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**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.

The application was then deferred by Main Committee who requested clarification on part of the Section 106 Agreement in relation to the provision of the dwellings to Lifetime Homes Standards. It was originally stated that all four of the dwellings would be built to this standard, but Officers were advised shortly before the meeting that only one of the dwellings would actually be built to it. The Strategic Housing Officer had commented that this would not be acceptable due to the isolated location of the dwellings and that they should be built to Lifetime Homes Standards.

Further negotiations have taken place and the applicant is now agreeable to building the dwellings to Lifetime Homes Standards with the exception of the following:

1. There will be no bedroom hoists
2. There will be no covered area over front doors
3. Only two car parking spaces will be capable of being enlarged to allow for disabled drivers.

Amended plans have been submitted to reflect these changes and the Strategic Housing Officer has confirmed that this is acceptable.

In light of the fact that the dwellings are to be built to Lifetime Homes Standards and are to be discounted, Officers have also repeated a request that the scheme is costed in order that it can be demonstrated that it is capable of being built within the financial constraints that are to be imposed. The applicant's agent has declined to do this and stated that the dwellings will be offered at a price in accordance with the Council's SPG and that he does not need to produce a detailed costing to support this.

Without a detailed breakdown of the cost of the development it is difficult to understand how the applicant can give such an assurance.

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 31<sup>st</sup> 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
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.

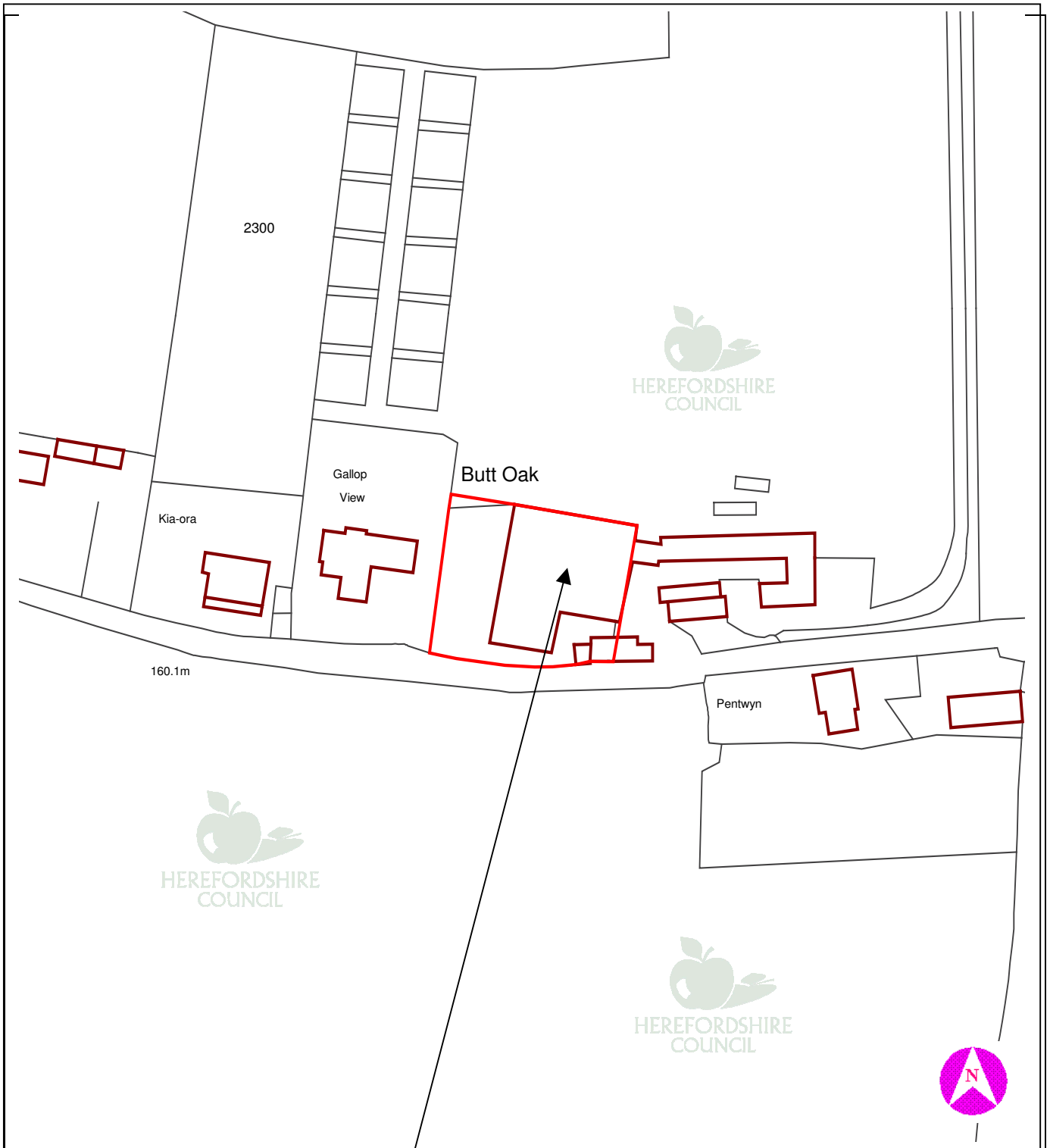
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**Background Papers**

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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**DCNW2007/2326/F - PROPOSED AREA FOR THE  
DISPLAY OF DECORATIVE GARDEN PRODUCTS AT  
THE OAKS, MARSTON, PEMBRIDGE,  
HEREFORDSHIRE HR6 9HZ**

**For: Mr & Mrs A Davies per McCartneys, 7 Broad  
Street, Leominster, Herefordshire HR6 8BT**

**Date Received:**  
18th July 2007

**Ward:**  
Pembridge &  
Lyonsall with Titley

**Grid Ref:**  
36559, 57297

**Expiry Date:**  
12th September 2007

Local Member: Councillor RJ Phillips

This application was considered by the Northern Area Planning Sub-Committee at its meeting on the 22<sup>nd</sup> August 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 22<sup>nd</sup> August 2007 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

**The proposed development represents a form of unsustainable development in a rural location, unlikely to be accessed by modes of transport other than private motor vehicles. Furthermore the proposal will also have a detrimental impact on the landscape character of the surrounding area by means of its domestic nature. Therefore the proposal is contrary to policies S1, S2, DR2, DR3, DR4, E11 and LA2 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7, Sustainable Development in Rural Areas.**

In the debate the members of the Area Sub-Committee gave weight to the concept of farm diversification and the need to encourage businesses in rural areas. They felt that the road access to the site was adequate given the low level of traffic currently using the lane and the existence of four passing bays.

It was resolved to grant planning permission with the following restrictions:

- A temporary three year trial period
- Restrictions on nature of use and delivery times
- Restriction on hours of business
- Restrictions on any lighting for the site
- Landscaping conditions
- Re-instatement of the site in the event that the business ceases

The application raises the following issues:

1. The site is currently a relatively small paddock with planning permission for a stable. What is proposed is quite suburban in character with ornamental features such as feature paving and pathways. The basic appearance of the site will thereby change

from something quite rural in character to something very suburban in character. This will conflict with landscape policy as pointed out by the Landscape Officer

2. The site is remote from centres of population and is, effectively, only accessible to customers by means of private transport. The proposed business use has no connection with any other nearby enterprise. It is therefore unsustainable in the sense referred to in the Sustainability policies of the Unitary Development Plan.
3. The number of conditions proposed by the Sub Committee rather emphasises the point that such a use may give rise to a number of concerns. The proposed trial period indicates some doubt as to whether the development is acceptable.

In the light of the above it can be seen that the proposal conflicts with the development plan policies which seek to restrict urban/suburban development in the open countryside in the interests of protecting the County's landscape character, and to direct development to sustainable and accessible locations. Consequently, the application is referred to this meeting of the Planning Committee for further consideration.

The original report to the Northern Area Sub-Committee was drafted before letters of objection had been received and, consequently, they were reported verbally to the meeting. One letter of objection, in particular, was countersigned by 13 residents of Marston. Their objections were submitted with the following headings and the comments made are summarised below:

*Impact on the natural environment* Marston is a small, rural hamlet where the only commercial activity is farming and/or work relating to farming. The application proposes a commercial use not relating to any other activities in Marston. There will be an increase in noise, disturbance and loss of amenity.

*Highway Infrastructure.* The lane through Marston is single track and is unsuited to the kind of commercial traffic which would be created by the proposed use.

*Benefit to the local community* There is no such perceived benefit. Much of the custom for the new use is anticipated to come from distant locations.

*Incremental development.* The applicant's long term aspirations for the site are unclear and an approval at this stage may lead to pressure for further intensification of the use subsequently.

*Unsustainability* There is no gas or electricity supply to the site and further development will be require to sustain the proposed business

*Views of Local Residents* The representations which have been received in support of the application do not come from the residents of Marston itself.

Pembridge Parish Council do not object.

Since the meeting on 22<sup>nd</sup> August four further letters of objection have been received from residents of Marston (who also signed the objection letter referred to above). They are still concerned that the development would be an inappropriate commercial development on a greenfield site, it would damage the character and setting of the rural hamlet of Marston, it would introduce commercial traffic on a lane unsuitable for such traffic, and the changes to the site to provide paving, fencing etc. etc. would be out of keeping with the rural character of the site and its surroundings.

Having considered all the representations which have been received the recommendation remains one of refusal for the reasons recommended to the Northern Area Planning Sub-Committee on 22<sup>nd</sup> August 2007. The report to that Sub-Committee follows.

## **1. Site Description and Proposal**

- 1.1 The application site is a green field located in open countryside adjacent to a stable block and yard. Access to the site is obtained from an unclassified public highway (91418) that adjoins the western boundary of the application site.
- 1.2 The application proposes an ornamented landscaped area for the display of decorative garden products, consisting of a series of paths constructed with different sized and colour decorative gravels to allow potential customers to view a variety of garden products. Also, forming part of the application, is a proposal for a gazebo to provide an office facility.
- 1.3 The application is accompanied by an accountant's letter, explaining that the proposal has a prospect of being a viable business given adequate facilities. Also, accompanying the application are 6 supporting letters from members of the public and potential customers, as well as a petition signed by 8 local residents.

## **2. Policies**

2.1. Planning Policy Statement 7: Sustainable Development in Rural Areas.

2.2. Herefordshire Unitary Development Plan

- S3 - Sustainable development
- S2 - Development requirements
- S3 - Employment
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- E8 - Design standards for employment sites.
- E11 - Employment in the smaller settlements and open countryside.
- E15 - Protection of green field land.
- LA2 - Landscape character and areas least resilient to change.
- LA5 - Protection of trees, woodlands and hedgerows.

## **3. Planning History**

- 3.1. NW0711279/F - Proposed area for the display of decorative garden products - Refused 15th June 2007.
- 3.2. NW04/2545/f - Timber stable block - Approved 3rd September 2004.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2. The Public Rights of Way Manager raises no objections.
- 4.3. The Transportation Manager objects to the application, if total projected trips to the site exceed 10 per day, because of highway safety and sustainability.

**5. Representations**

- 5.1. Pembridge Parish Council - A verbal report will be presented on their response.

**6. Officer's Appraisal**

- 6.1 The main issues of concern in relationship to this application are:-

- sustainability
- public highway access
- impact on landscape character

6.2. Sustainability

The site is located in open countryside, outside a designated settlement boundary and forms part of a green field site with no buildings upon it.

- 6.3 Policy S1: emphasises how development proposals must protect and enhance the natural environment, respect local landscape character, regenerate previously developed land, direct new development to sites that best meet the appropriate sustainable development criteria, while reducing the need to travel, making use of different modes of transport from that of personal motor transport.
- 6.4 The site for the proposed development is in open countryside on a green field site with no existing buildings and served by an unclassified public highway (U9141P) with no evidence of access by alternative modes of transport.
- 6.5 The application proposes the creation of a business to display decorative garden products along with a gazebo for use as an office and, therefore, very domestic in appearance on a site in open countryside, and hence not respecting the local landscape's distinctive character. Neither does the proposed use have any functional relationship with any nearby use. No audited accounts have been submitted to support the viability of the business. For these reasons the application does not comply with Policy S1: Sustainable Development of the UDP or the relevant criteria of Planning Policy Statement 7: Sustainable Development in Rural Areas.
- 6.6. Policy E11: Employment in the smaller settlements and open countryside emphasises that development proposals in locations such as this will not be permitted, unless it is an operation of agriculture, forestry or mining of minerals, represents a form of farm diversification or re-use of a rural building in accordance with Policies HBA12 and HBA13. The proposal does not meet these criteria and consequently does not comply with Policy E11.

6.7 Public Highway Access

The Transportation Manager has recommended refusal to the application if total projected trips to the site exceed 10 per day, on the grounds of highway safety and sustainability.

6.8 The applicants, in their Design and Access Statement, have stated that it is anticipated that, during the summer, opening times will be 9.00 am until 5.30 pm Tuesday – Saturday and 10 am until 4.00 pm on Sundays, with more limited opening hours during the winter months, to allow for darkness. The statement further states that there will be at least one member of staff on site at any one time, along with one or two part-time staff.

6.9 Anticipated vehicles movements to and from the site are difficult to predict. However, in order for the business to be viable, in consideration of its opening hours and staffing arrangements, visitor traffic, along with vehicle movements to service the site, is likely to exceed 10 on many days.

6.10 Impact on Landscape Character

The application proposes ornamental garden development in the open countryside, completely divorced from any domestic habitations such as dwelling houses, with no essential need for locating to this specific site. The proposal, therefore, will have an adverse affect on the overall character of the landscape, with no demonstration provided as to why the landscape character has influenced the design, scale, nature and site selection of the proposal. Therefore, the application is also contrary to Policy LA2 – Landscape Character and Areas Least Resilient to Change of the UDP.

6.11 Therefore, in consideration of sustainability issues and impact on landscape, this application does not conform with relevant national and local policies, and cannot be supported.

**RECOMMENDATION**

**That planning permission be refused for the following reason:-**

**The proposed development represents a form of unsustainable development in a rural location, unlikely to be accessed by modes of transport other than private motor vehicles. Furthermore the proposal will also have a detrimental impact on the landscape character of the surrounding area by means of its domestic nature.**

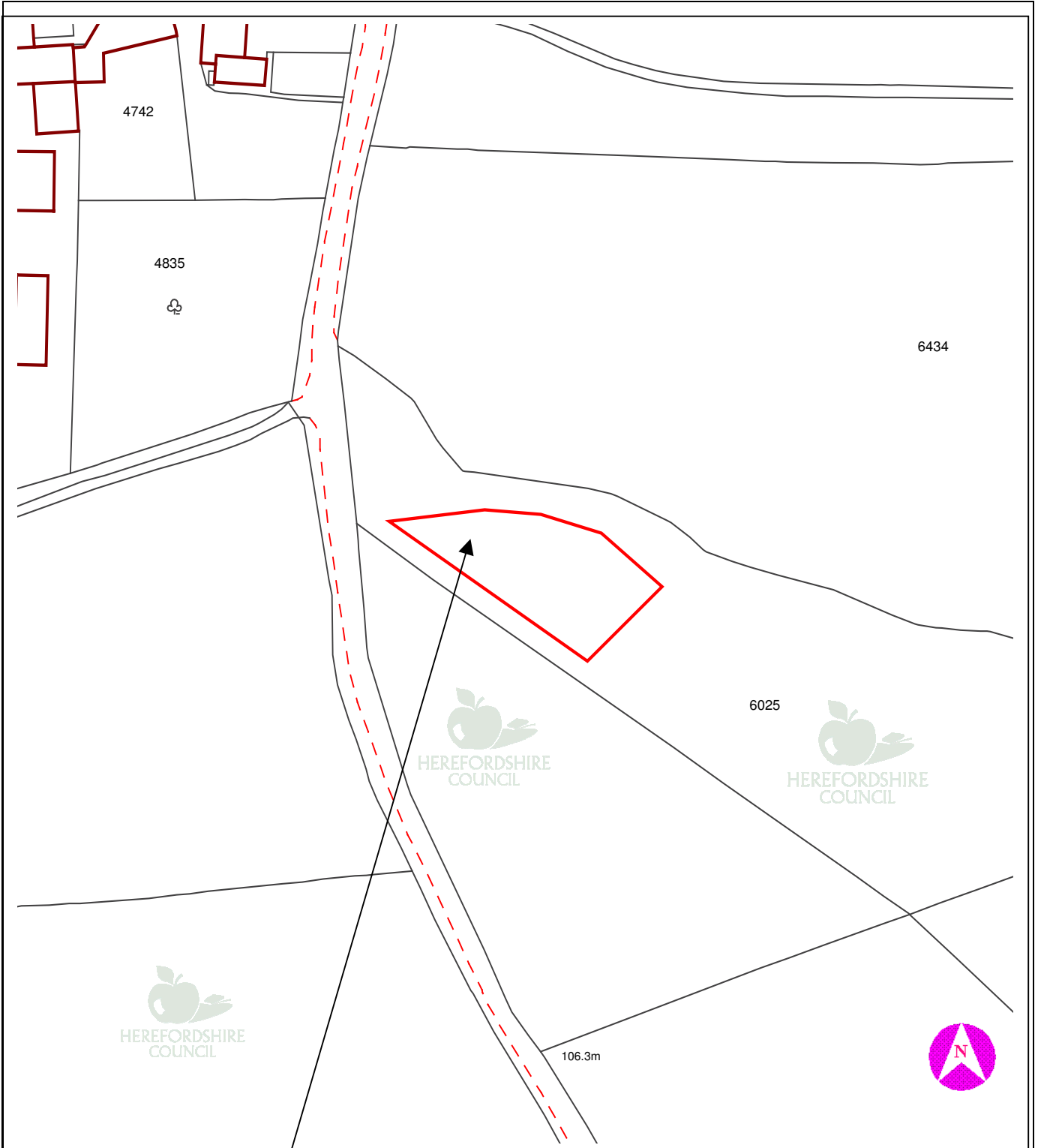
**Therefore, the proposed development is contrary to policies S1, S2, DR2, DR3, DR4, E11 and LA2 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 Sustainable Development in Rural Areas.**

Decision: .....

Notes: .....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2007/2326/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Oaks Marston Pembridge Herefordshire HR6 9HZ

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**DCCE2007/2237/F - REPLACEMENT DWELLING AND CONTINUED TEMPORARY USE OF EXISTING OUTBUILDING AS FULL RESIDENTIAL ACCOMMODATION. (ALTERNATIVE SITING OF APPROVED DWELLING UNDER CE2002/1868/F). SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE**

**For: Mr A Gregory, per Mr P.H. Bainbridge, Stone Cottage, Duke Street, Withington, Hereford, HR1 3QD**

**Date Received: 23rd March, 2007    Ward: Hagley    Grid Ref: 56367, 42370**

**Expiry Date: 18th May, 2007**

Local Member:    Councillor D. Greenow

#### Introduction

This application was considered by the Central Area Planning Sub-Committee at its meeting on the 29<sup>th</sup> August 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 29<sup>th</sup> August 2007 the Central Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

- 1. The proposed site for the dwelling is not on the same site as the existing dwelling (now demolished) and therefore the development is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site occupies an exposed location within the open countryside and the proposed development would detract from the landscape character of the area. As such the development is contrary to the Policies S1, S2, S7, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.**

In the debate the members of the Area Sub-Committee gave weight to the fact that planning permission already exists for a replacement dwelling on part of the site and consequently, in their view, this case did not raise any new point of principle. They felt that the siting proposed was acceptable provided that the removal of the existing planning permission and the removal of the current residential structure on the site was secured through a Section 106 agreement. They appreciated the desire of the applicant to have a siting which was further away from the railway line and the site of the proposed passenger station and park-and-ride site at Whitestone. They also noted that the applicant has the full support of the Parish Council.

It was resolved to grant planning permission subject to a Section 106 agreement, the details of which were to be subject to further discussions between the applicant, officers, ward councillor and Chairman.

The application raises the following issues:

1. The overall area of land available to the applicant is extensive. Planning permission has been granted for a replacement dwelling close to the site of the now demolished original building on the site. Planning permission has also been refused for an alternative siting remote from the original site. In order to comply with policy H7 a replacement dwelling needs to be on the same site as the building being replaced. An acceptable compromise position needs assessing against the landscape qualities of the site and the extent to which the new dwelling will intrude into open countryside. In the opinion of both landscape and planning officers the current proposal is remote from the site of the original (now demolished) dwelling resulting in the encroachment of residential development into adjoining paddock and therefore does not comply with policy H.7 paragraph 4 as a matter of principle and policies S1, S2, S7, DR1 and LA2 in relation to landscape impact.
2. There is a substantial structure on the site which is fully serviced and currently occupied as a residential dwelling. The applicant intends to keep this as "Ancillary accommodation" as per the original planning permission but, if it is retained, it clearly has the potential to continue in residential use. The new proposed siting for the replacement dwelling is too far away (65 metres) for this structure to be reasonably operated as truly ancillary to the new dwelling. The Area Sub-Committee sought to resolve this by requiring the applicant to demolish this structure. The applicant has not agreed to this. Indeed, the description of development makes it clear that he wants to retain this structure. The effect of both the new dwelling and the retention of this structure would result in two dwellings on the site in open countryside. The lack of agreement to demolish this structure also means that the Area Sub-Committee's resolution cannot be implemented.
3. The critical policy principle at stake here is the question of how close to the original siting must a replacement dwelling be. The siting now proposed is 50 metres away from the original dwelling and will be conspicuous in the landscape – it is therefore contrary to policy. The ameliorative measures required by the Area Sub-Committee are not currently acceptable to the applicant.

The proposal conflicts with the development plan policies, which seek to restrict new housing in the open countryside without special justification. This conflict exists on three levels: firstly, the replacement dwelling is not on the site of the original dwelling, secondly, the proposed siting will detract from the landscape qualities of the site and, thirdly, the applicant intends to retain the structure on the site which is currently occupied residentially. There is no agreement to remove this dwelling and even if it is adapted to a non-residential use it clearly has the potential to be brought back into residential use in the future.

In the light of the conflict with the Council's policies the application is referred to this meeting for further consideration.

The original report to the Central Area Planning Sub-Committee follows incorporating updates reported verbally to the Central Area Committee. Also appended to this report is a Section 106 Heads of Terms in line with the Central Area Sub-Committees recommendation. The applicant has not agreed to part 2 of the Heads of Terms.



## 1. Site Description and Proposal

- 1.1 The site is located on the western side of the C1130 road which links Withington to Bartestree, south west of Whitestone Business Park. The site is an agricultural field bounded to the south by the railway line. The remainder of the site remains relatively open with the exception of boundary hedgerows and trees. The applicants existing property lies on the southern edge of the site adjacent to the railway line and is served by a vehicular access completed approximately 2 years ago. The site falls outside of the settlement of Withington as identified in the Herefordshire Unitary Development Plan 2007 and therefore falls within the open countryside.
- 1.2 Planning permission was approved on the 23rd August, 2002 for a replacement dwelling and temporary use of existing outbuilding (with added conservatory) as residential accommodation incorporating a new vehicular access. The vehicular access has been constructed and the pre-commencement conditions have been discharged therefore the planning permission has been lawfully implemented and remains extant.
- 1.3 Planning permission was refused by the Central Area Planning Sub-Committee on 4<sup>th</sup> July 2007 for the re-siting of the approved replacement dwelling to the western boundary of the field adjoining the applicants existing accommodation and 160 metres from the C1130. Planning permission is now sought for the re-siting of the approved replacement dwelling from a site 35 metres west of the C1130 to a new site 93 metres west of the C1130 within the adjoining agricultural field. The existing track would be extended to provide vehicular access to the site and foul drainage via a septic tank and reed bed system.

## 2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S7	-	Natural and historic heritage
DR1	-	Design
H7	-	Housing in the countryside outside settlements
H13	-	Sustainable residential design
LA2	-	Landscape character and areas least resilient to change
T3	-	Protection and development of the rail network
T1	-	Public transport facilities

## 3. Planning History

- 3.1 None on site but development history on adjoining site:

CE2007/0951/F - Replacement dwelling and temporary use of existing outbuilding as full residential accommodation. (Alternative siting of approved dwelling under CE02/1868/F) Planning permission refused 4<sup>th</sup> July 2007. The reasons for refusal were:

- 1) The proposed site for the dwelling is not on the same site as the existing dwelling (now demolished) and therefore, the development is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007.

2) The site occupies an exposed location within the open countryside and the proposed development would detract from the landscape character of the area. As such the development is contrary to Policies S1, S2, S7, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

CE2002/1868/F - Replacement dwelling and temporary use of existing outbuilding (with added conservatory) as full residential accommodation. Planning permission approved 23rd August, 2002.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 Network Rail: No objection.

##### Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Conservation Manager (Landscape):

The proposed development is in my opinion in 'open country' and would result in a further reduction in the quality and character of the landscape in this area. The pattern of settlement in the 'Principal Settled Farmlands' landscape type (as defined in the Herefordshire Landscape Character Assessment) is one of dispersed farmsteads and hamlets, usually distributed closely along roads and lanes, retaining the most productive land for agricultural production.

This pattern of settlement has, in more recent times been undermined by infilling of gaps and development into the wider landscape, avoiding the traditional association with access. Whilst the landscape type certainly retains some capacity for development the historic settlement pattern should be acknowledged and further departures from this pattern avoided. In many areas within this landscape type development has eroded and undermined the traditional settlement pattern, degrading the quality and character of the landscape; this should be resisted in this instance.

4.4 Head of Environmental Health:

Whilst I have no objection to the proposal I would question if the increased separation from the railway or any future station and park and ride scheme due to the proposed relocation of the dwelling will provide appreciable reductions in noise levels and the introduction of barriers etc might provide better protection.

#### **5. Representations**

5.1 Lugwardine Parish Council: We support this application and feel the planning authority should grant an exception to normal planning policy due to the blight caused by the inclusion of a Park and Ride facility in the UDP.

There are other properties in the locality so it cannot really be called open countryside.

5.2 Withington Parish Council: Withington Parish Council has sympathy with the applicant because of the station/park and ride site identified alongside his land. For this reason, Withington P.C. does not object to the existing premises being moved to the new location.

5.3 Two letters of objection has been received from C Hunt of Holmleigh, Whitestone and Mr P Foster of Sunnyside, Whitestone. The main points raised are:

- The revised location still occupies a large portion of pasture land.
- The applicant has already built a new house, which he now wants to call an annexe. Only one property should be allowed to replace the original Swiss Cottage.
- Re-location of the site further eastwards would have less visual impact.

5.4 A further letter from J and A Allen, Railway House, Whitestone has been received, the main points raised are:

- We have no objection to the development providing the annexe is not used for any residential accommodation as soon as the new house has been built. We would add that the new entrance to the site does not lend itself to any more vehicular traffic.

5.1 A letter has been provided by the applicants agent in support of the application. The main points raised are:

- There is no reference in the 2002 application file to possible changes in the rail network or its impact on the proposal at that time. If the allocation were in place at the time, it must be seriously questioned whether planning permission would have been granted on the approved site as it could now prevent implementation of the new rail station
- The applicants have objected to the allocation throughout and in February 2004 requested the re-siting of the approved dwelling.
- The new rail station and park and ride allocation extends along 130 metres of the applicants land adjoining the railway line.
- If a platform is required on both sides of the track as indicated in the rail study it will encroach on the applicants land.
- The revised siting excludes over 50% of the adjoining pasture land within the applicants ownership.
- The revised siting will enable a tree screen to be planted
- The applicant has tried to sell the property but not offers were made prior, during or after the auction.
- The extant permission can be revoked and the applicants existing accommodation changed to ancillary accommodation in accordance with the current approval.
- The council has no plans within its capital programme to develop the station
- The relocation of the dwelling will ensure that one major objection to the allocated rail station and park and ride is removed.
- The applicants are happy to provide a legal agreement rescinding their existing permission if this application is approved.

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. Officers Appraisal

6.1 The site of the approved dwelling and site of the proposed dwelling submitted under this application fall within the open countryside where there is a presumption against

any new residential development. One exception permitted under Policy H7 of the Herefordshire Unitary Development Plan 2007 is a replacement of an existing dwelling with established residential use rights. However, this policy requires that the replacement dwelling be on the same site as the existing building. The proposed site for the dwelling is 50 metres (165 feet) away from the site of the permitted replacement dwelling. The proposal therefore fails to satisfy the requirements of Policy H7 of the Herefordshire Unitary Development Plan 2007 and is therefore unacceptable for this reason alone.

- 6.2 The proposed site for the replacement dwelling is within an agricultural field with no residential development in the immediate locality. Whilst the site now proposed under this application is considerably closer to the approved site than with the recently refused proposal, it is still very exposed within the landscape and would not appear integrated with any other built development. Policy LA2 of the Herefordshire Unitary Development Plan 2007 requires proposals to demonstrate that landscape character has influenced the location of the development. In this instance, the introduction of the new residential use with the associated ancillary residential development such as garages, hardstanding, fences, sheds, greenhouses, washing lines etc will significantly detract from the character and appearance of the landscape contrary to Policy LA2.
- 6.3 The applicants reasoning for wishing to re-site the dwelling is due to the land allocated south of the railway line as a possible passenger railway station and park and ride area. If implemented, the proposed rail station and park and ride would inevitably generate some additional vehicle movements and potential noise. However, the approved site for the dwelling is 40 metres away from the railway line, the proposed site for the railway station and existing mature trees and vegetation providing some screening. Further planting could be undertaken to minimise any overlooking.
- 6.4 In terms of noise, there is already a high degree of background noise emanating from both the railway line and the adjacent C1130 road and Whitestone Business Park beyond. Furthermore, the applicants have not provided any evidence to demonstrate that the potential or existing noise exceeds acceptable thresholds or that satisfactory amenity could not be safeguarded with the approved siting. Therefore, it is not considered that the amenity of the occupants of the approved dwelling would be harmed to such an extent as to warrant supporting this application, which is clearly contrary to Development Plan policies.
- 6.5 There is also a concern regarding the future use of the building currently occupied by the applicant. The applicant states that their existing accommodation would become 'ancillary' to the new dwelling as required by the current permission. However, the footprint of the existing accommodation is larger than the proposed new dwelling containing all the normal facilities associate with an independent dwelling. Allied with the distance now proposed between the existing accommodation and proposed dwelling its is difficult to see how the accommodation could be ancillary. In effect, two potentially independent dwellings would be created.
- 6.6 The supporting information indicates that the applicant has been seeking to sell the property with planning permission but advises that the rail station allocation in the UDP is affecting the saleability of the land and/or the price that can be obtained. This ultimately is not a material planning consideration. Furthermore, the proposals to allocate the land for a railway station and park and ride were in the public domain through early consultations on the Unitary Development Plan prior to the applicant obtaining planning permission in 2002 for the current siting of the dwelling.

6.7 Therefore, notwithstanding that the siting now proposed brings the dwelling nearer to the approved siting, there are not considered to be any other material planning considerations to warrant approving a development which is contrary to a number of adopted Unitary Development Plan policies.

**RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1 The proposed site for the dwelling is not on the same site as the existing dwelling (now demolished) and therefore, the development is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007.**
- 2 The site occupies an exposed location within the open countryside and the proposed development would detract from the landscape character of the area. As such the development is contrary to Policies S1, S2, S7, DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.**

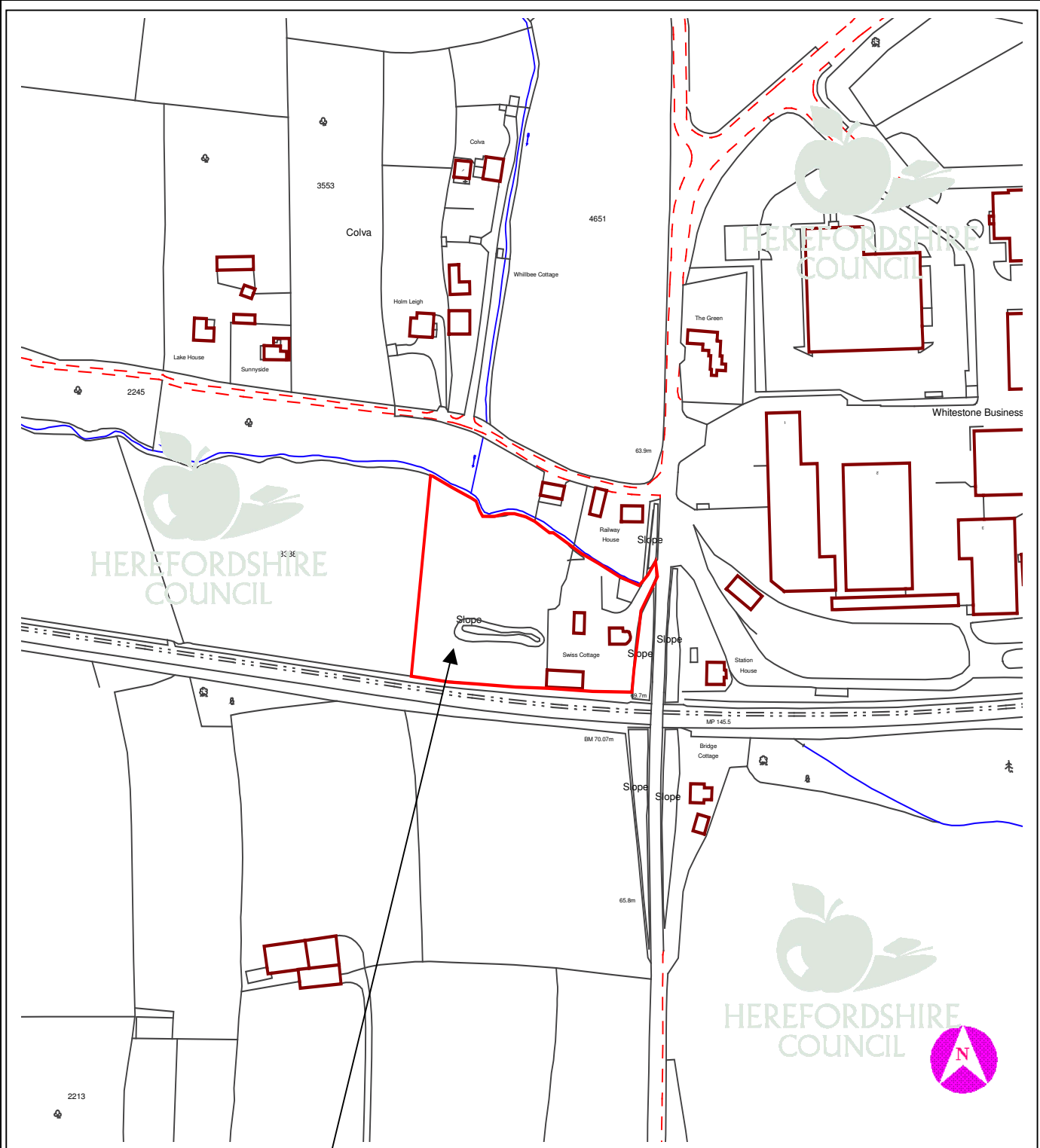
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2007/2237/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Swiss Cottage, -, Whitestone, Hereford, Herefordshire, HR1 3SE

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

Planning Application – DCCE2007/2237/F

- Re-siting of approved replacement dwelling

At Swiss Cottage, Whitestone, Hereford, HR1 3SE

1. The developer covenants with Herefordshire Council to permanently cease all further works in association with planning permission reference CE2002/1868/F upon commencement of planning permission DCCE2007/2237/F.
2. Within 1 month of first occupation of the dwelling approved under planning permission DCCE2007/2237/F, the existing building marked on the location plan scale 1:1250 as 'temporary accommodation' and coloured red shall be permanently demolished and the land restored to its former condition through the levelling and seeding the area with grass.
3. Not to seek or claim any costs compensation or other financial sums whatsoever from the Council arising from or in connection with the restrictions and obligations in the Deed.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Russell Pryce - Principal Planning Officer

14<sup>th</sup> September 2007





**DCSW2007/2010/F - ERECTION OF A FARM DWELLING WITH DOUBLE GARAGE, UPPER NEWTON FARM, NEWTON ST. MARGARETS, VOWCHURCH, HEREFORDSHIRE, HR2 0QU**

**For: Mr M Powell per Mr D Cave, Sychar Cottage, The Downs, Bromyard, Herefordshire, HR7 4NU**

**Date Received: 26th June 2007**

**Ward: Golden Valley  
South**

**Grid Ref: 33370, 32910**

**Expiry Date: 21st August 2007**

Local Member: Councillor J. B. Williams

### **Introduction**

This application was considered by the Southern Area Planning Sub-Committee at its meeting on the 15<sup>th</sup> August 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 15<sup>th</sup> August 2007 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

- 1. Having regard to Policies H.7 and H.8 in the Unitary Development Plan 2007 the proposed dwelling is considered to be unacceptable. The proposal constitutes development in open countryside, divorced from any settlement and there is considered to be insufficient justification such that an exception should be made to these policies. This is also with regard to the need to utilise existing buildings in preference to new development. In addition the erection of a dwelling in this location would be contrary to the provisions of Planning Policy Statement 7, Sustainable Development in Rural Areas, which seeks to protect the countryside for its own sake from unwarranted development.**
- 2. The proposed means of access provides insufficient visibility in a southerly direction such that increased use of the existing point in the unclassified road would be detrimental to highway safety. Therefore the proposal is contrary to the provisions of Policy DR3 of the Unitary Development Plan 2007.**

In the debate the members of the Area Sub-Committee gave weight to the nature of the farm and the family circumstances of the applicant, who currently lives 9 miles away, and his parents who currently live in the existing farmhouse. They considered that the needs of the farm were sufficient to justify a second dwelling and that the existing barns on the site were not suitable for conversion. They also considered that, given the low level of traffic, the highways objection was not one they could support. They also noted that the applicant has the full support of the Parish Council.

It was resolved to grant planning permission with an agricultural occupancy condition on the new dwelling, but not the current farmhouse.

The application raises the following issues:

1. The site has been visited by the County Land Agent who has considered very carefully the circumstances of the applicant, his family and the farming enterprise itself. He has concluded that there is sufficient justification for one dwelling on the farm holding but not a second. In his view the functional test for a second dwelling has not been met and, therefore, he did not support the application.
2. There are outbuildings on the farm in the form of traditional stone barns which appear to be capable of conversion if a functional and financial test could be passed.
3. The highways objection remains unresolved in the opinion of the Traffic Manager.
4. The proposed new dwelling would be a substantial 4 bedroomed property, with integral double garage, which is proposed to be sited on the farm holding but quite separate from the main group of farm buildings currently on the site. It would, thereby amount to a new dwelling in open countryside on a previously undeveloped site.

The proposal conflicts with the development plan policies which seek to restrict new housing in the open countryside without special justification. Consequently, the application is referred to this meeting for further consideration.

Since the application was referred the Committee has visited the site, traffic survey figures have been submitted, and a new statement submitted concerning the functional and financial requirements of the holding to establish that there is a need for more at least two full time workers on the holding.

The further observations of the Traffic Manager in response to the new traffic figures was not available at the time of drafting this report. A verbal update will be given at the meeting to confirm whether the traffic objection still stands.

The County's Land Agent has been asked to comment on the latest submitted figures and his conclusion will also be confirmed at the meeting.

The principal issue is whether there is a need for a second dwelling on the holding, i.e. one new one in addition to the existing farmhouse. Subject to the further observations of the County Land Agent my view is that there is enough work on the holding for two people to be employed, but that does not add up to a justification for a second dwelling on the holding in the terms of either Policy H.8 of the Unitary Development Plan or Planning Policy Statement 7, Sustainable Development in Rural Areas. It would pass the tests for the establishment of one dwelling on the site, but, of course, the existing farmhouse satisfies that need.

If, on the facts of the case, Members take the same view as the Area Sub-Committee, that a second dwelling on the site is justified then policy H.8 requires that such a dwelling should... "make use wherever possible of existing buildings in preference to new development". Members may have made their own assessment on the site visit of the potential of the stone barns on the site to be converted to residential development. A proposal to create a second dwelling on this basis would require a new planning application which is not before the Committee to determine and any issues such an application would raise would need to be considered separately. However, the policy gives a clear indication that a conversion of this nature should be considered first, before considering the option of building a new property in open countryside.

If, notwithstanding the recommendation for refusal and the opportunities presented by the stone barns, Members resolve to grant planning permission for the new detached house then consideration should be given to applying an agricultural occupancy condition to both

the new house and the existing farmhouse. This is necessary in order to be consistent with the argument that two dwellings are required for this holding and to prevent the original farmhouse and (and any potential dwellings in the barns) becoming available for unrestricted residential occupation (which would, in turn, leave the farm holding with only one dwelling available for occupation by agricultural workers).

The original report to the Southern Area Planning Sub-Committee follows.

## **1. Site Description and Proposal**

- 1.1 Upper Newton is reached off the western side of the u/c 74205 road that leads south skirting Lower Maescoed and then onto the eastern fringes of Longtown. The unclassified road leads north to Middle Maescoed and St. Margarets. The farmstead comprising farmhouse, modern and traditional farm buildings has panoramic westward views across the Escley Brook Valley. It is proposed to erect a dwelling, some 110 metres south-east of the main farmstead. There is a line of established hedging and trees just outside the western boundary of the roughly square plot.
- 1.2 It is proposed to erect a 4 bedroom dwelling with integral double garage. The dwelling will be faced in random rubble local stone together with a render finish on the rear and side or gable elevations, under a dark grey coloured fibre cement tile roof.
- 1.3 The farm has 135 acres, together with 80 acres of long term rental land, a total of 215 acres. The enterprise is one of 29 single suckler cows and 400 sheep. It is proposed to increase sheep numbers to 500, and cattle to 30 single sucklers.

## **2. Policies**

### **2.1 Planning Policy Guidance**

PPS.7 - Sustainable Development in Rural Areas

### **2.2 Herefordshire Unitary Development Plan 2007**

Policy H.7 - Housing in the Countryside Outside Settlements  
Policy H.8 - Agricultural and Forestry Dwellings and Dwellings Associated  
With Rural Businesses

## **3. Planning History**

- 3.1 None identified.

## **4. Consultation Summary**

### Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

### Internal Council Advice

- 4.2 Traffic Manager recommends objection given limited visibility achievable in a southerly direction at the junction of the access road with the unclassified road.
- 4.3 The Council's Property Services Manager makes the following main points:

- the farm is well run and the stock appear to be in good condition. Buildings adequate for more cattle
- lambing is done outside, there are adequate buildings for putting sheep in
- land suitable for stock rearing not arable farming
- farmhouse is adequate for one person only
- there are two traditional stone barns, one is close to the cattle yards and the other could be converted even though it is closer to farm track and farmhouse
- it is a typical small upland farm which provides a living for one family, but not productive enough for 2 livings at its present size
- the farm is suitable for one family providing approximately one living
- neither the financial test nor the SMD (Standard Man Days) are passed at present and the tests have to be as at the present time rather than in the future
- there is a need for a full time person on site but not two. No allowance can be made for the age or fitness of the applicant(s) under planning guidance.

## 5. Representations

5.1 Newton Parish Council's observations are awaited.

5.2 In a Design and Access Statement that accompanied the application the following main points are made:

- 215 acre holding plus some rented land. Farmed by Mr. J. D. & Mrs. M. M. Powell, together with their married son, Mr. Mark Powell, whom lives 9 miles away in rented accommodation at Kentchurch. Farmhouse too small, extending not an option either, given proximity to farm buildings. Farmhouse also base for catering business.
- Site for dwelling in corner of field. Applicant needs to live on farm for emergencies, particularly for lambing and calving, and be on hand otherwise.
- PPS.7 relevant
- Need to expand enterprise.
- Mr. J. Powell able to undertake some tasks, but not strenuous tasks. Therefore his son needs to be on site.
- Farm enterprise established for over 40 years, as regards requirements for 3 years in PPS.7.
- Farm income estimated (end of March 2007) is 21,008. The appraisal stated a need for second dwelling to meet requirements of security, supervision and comply with animal health and welfare standards.

5.3 An Agricultural Appraisal accompanied the application, it comprised a functional appraisal and a financial appraisal.

- 135 acre holding, plus tenants for further 80 acres
- some 230 metres above sea level. Farm almost entirely permanent pasture
- range of traditional stone buildings, plus steel framed modern buildings
- grass based, suckler herd of 29 cows and replacement heifers. Cattle sold as stores in Jan/Feb at 20/24 months old
- sheep enterprise: 400 ewes, intends to expand it further
- Mark Powell undertaking all physical work on the farm due to father's incapacity
- farm adversely affected by Foot and Mouth outbreak
- new perspectives for EU Rural Development supports agriculture in remote regions, and the need for promoting the quality of life in rural areas (endorsed in guiding principles in Unitary Development Plan)

- current Standard Man Day is 1.4 labour units will increase to 1.64 as livestock numbers increase
- farming business will recoup reduction in income from Common Agricultural Policy (CAP) by joining Entry Level Environmental Stewardship Scheme
- farm accounts show it has been profitable for 3 years
- dwelling can be financed without being a drain on the farm's resources
- there are no other dwellings on the holding. No redundant farm buildings either or suitable tied dwellings for sale in area
- siting well related to farmstead. Can be no highway objections
- enterprise is economically viable
- dwelling proposed is commensurate with the established financial requirements
- proposal satisfies requirements of UDP Policies H.7 and H.8. Agricultural and financial appraisals submitted demonstrate this.

5.4 8 letters of support accompanied the application from the CLA, R G & R B Williams (Chartered Surveyors). 4 letters from residents in area, including a Parish Councillor, local Vicar and veterinary surgeon.

- need to keep young farmers in countryside. Maintains social structure, economy, environment and landscapes in marginal rural areas
- farm suffered during Foot and Mouth outbreak
- applicant's father has a serious health problem
- very good quality of stock sold in our market
- younger generation of farmers will be lost if provision not made
- not on for farmhouse to be passed on by parents, given existence of established catering business run from it
- enterprise to be expanded to 500 ewes to maintain economic viability
- close supervision required particularly at lambing and calving time
- applicant spent long hours in last few years on farm, in addition to milking job.

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

## 6. Officer's Appraisal

6.1 It is incumbent upon planning authorities to carefully scrutinise applications for dwellings in the open countryside. Applications for agricultural dwellings need to satisfy functional as well as financial criteria. This is set out in Annex A to PPS.7 – Sustainable Development in Rural Areas. The relevant local planning policy is H.8 contained in the Unitary Development Plan (UDP).

6.2 It has to be established that there is an essential requirement for a second dwelling. It is evident that there is a need for a dwelling on the site given the case advanced; this requirement for the proper functioning of the enterprise is met by the existing farmhouse. It is not essential for two dwellings to provide accommodation for key workers. The application needs to satisfy a functional requirement as set out in PPS.7 and Policy H.8 in the UDP. The functional requirement, determined usually by the SMD (Standard Man Days), is less than 2 which equates to less than the equivalent of two key workers. Therefore the application fails to satisfy this fundamental benchmark. It is evident that the applicant is carrying out a lot of work on the farm given the poor health of his father. It is not made clear whether or not this situation will continue as currently, i.e. the applicant's father will not be undertaking the strenuous tasks on the farm. This places the application in the possible category of providing what could be a retirement property in the existing farmhouse even though it is

incumbent upon the local planning authority to impose an agricultural tie on the existing farmhouse as set out in Government advice in PPS.7 and in Policy H.8 in the UDP.

- 6.3 The second related issue is the need to establish whether or not the enterprise is financially viable. There is also a need to satisfy criteria such as the siting and size of the dwelling. The Council's Property Services Manager advises that on the evidence available the enterprise does not generate sufficient income for two key agricultural workers wages. Therefore, the enterprise is not viable as determined by the criteria set out in PPS.7 and UDP Policy for agricultural workers dwellings. Applications need to satisfy this key requirement. It is not sufficient to argue that an agricultural enterprise could expand more were there to be two key workers living on the site. The planning authority can only determine applications on the basis of the needs of the enterprise, i.e. how much labour is required to manage the enterprise effectively and secondly that the enterprise is economically viable.
- 6.4 It is considered that the siting for the dwelling is acceptable given the known problems with drainage in the vicinity of the site. The site utilises trees and hedges on the western side of the site as a backdrop. The dwelling is of a size commensurate with the needs of the enterprise were this site to be approved. However, it is considered that in accordance with the provisions of Policy H.8 in the UDP it has not been sufficiently established why at least one of the stone buildings to the west of the farmhouse could not be utilised. It is stated in the case submitted that they are not redundant, however the nearest barn is only used, it is understood, partly as a kennel, with the first floor being used for fodder storage. Given that the building nearest to the farmhouse could be reasonably utilised it is considered that the application fails to satisfy one of the criteria of Policy H.8 in the UDP.
- 6.5 The final issue relates to the objections raised by the Transportation Manager. This is as regards the visibility achievable at present for vehicles joining the unclassified road (u/c 74205). Whilst visibility is satisfactory to the north it is very poor in a southerly direction. Northbound vehicles would not be visible to vehicles leaving the farm nor vice versa. Therefore, this is a further matter that constitutes a reason for refusal.

## RECOMMENDATION

**That planning permission be refused for the following reasons:**

- 1. Having regard to Policies H.7 and H.8 in the Unitary Development Plan 2007, the proposed dwelling is considered to be unacceptable. The proposal constitutes development in open countryside, divorced from any settlement and there is considered to be insufficient justification such that an exception should be made to these policies. This is also with regard to the need to utilise existing buildings in preference to new development. In addition, the erection of a dwelling in this location would be contrary to the provisions of PPS.7 that seeks to protect the countryside for its own sake from unwarranted development.**
- 2. The proposed means of access provides insufficient visibility in a southerly direction such that increased use of the existing point on the unclassified road would be detrimental to highway safety. Therefore, the proposal is contrary to the provisions of Policy DR.3 in the Unitary Development Plan 2007.**

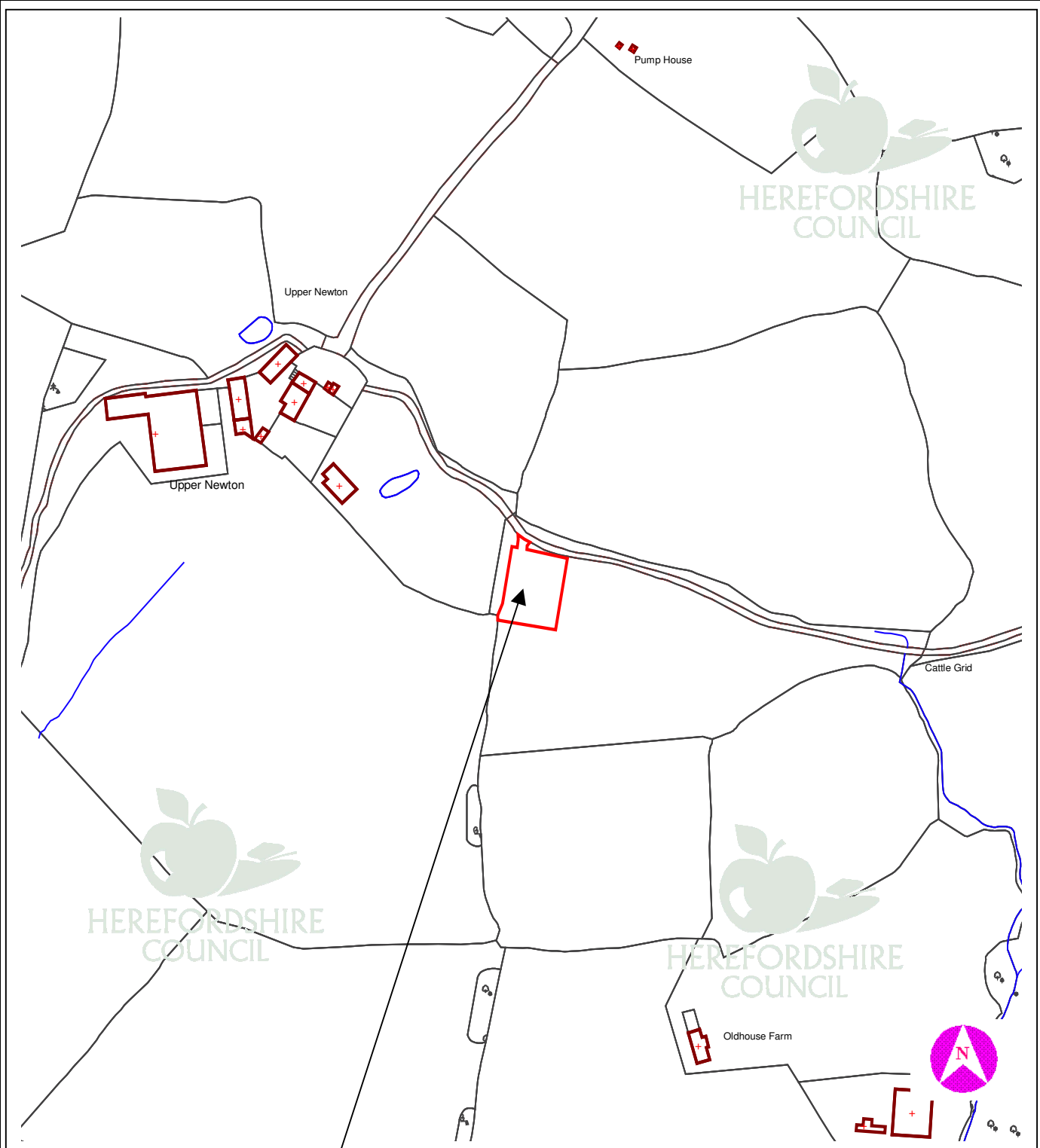
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2007/2010/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Upper Newton Farm, Newton St. Margarets, Vowchurch, Herefordshire, HR2 0QU

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**DCSW2007/2543/O - SITE FOR NEW DWELLING IN GARDEN OF SANDRIDGE, BARRACK HILL, KINGSTHORNE, HEREFORDSHIRE, HR2 8AY**

**For: Mr R Poole & Mrs G Phillips per Mr C Goldsworthy  
85 St Owens Street, Hereford, HR1 2JW**

**Date Received: 3rd August 2007**

**Ward: Pontrilas**

**Grid Ref: 50429, 32276**

**Expiry Date: 28th September 2007**

Local Member: Councillor R. Smith

### **Introduction**

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 12<sup>th</sup> September 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 12<sup>th</sup> September 2007 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

- 1. The site does not form part of the smaller settlement of Kingsthorne, as defined by policy H.6 of the Herefordshire Unitary Development Plan 2007 and as such it lies within open countryside. The proposal does not satisfy any of the exceptional criteria allowing for housing in the open countryside and it is therefore contrary to policy H.7 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7, Sustainable development in Rural Areas.**

Policy H.6 of the Unitary Development Plan is:

#### H6 Housing in smaller settlements

In the following settlements, proposals for residential development on plots arising from the infilling of small gaps between existing dwellings within the settlement will be permitted, where:

1. the dwelling size is limited to a habitable living space of 90 sq m (3 bedroom house) or 100 sq m (4 bedroom house);
2. the plot size is limited to a maximum area of 350 sq m; and
3. the infill gap is no more than 30 metres frontage.

In considering such planning applications priority will be given to applications on previously developed land.

Developments on an appropriate infill plot larger than 30 metres frontage will be permitted for affordable housing where a proven local need has been successfully demonstrated.

Planning permission for the extension of dwellings approved under this policy will not be permitted. Planning permissions will be subject to a condition removing permitted development rights for the conversion of an ancillary garage into habitable accommodation, or for erection of any extension or detached buildings within the curtilage.

Proposals should be compatible with the housing design and other policies of the Plan and respect the character and scale of the settlement concerned.

Ashperton	Monkland
Bishopstone	Mordiford
Brampton Bryan	Much Birch
Bredenbury	Much Marcle
Bredwardine	Pencombe
Burley Gate	Peterstow
Dorstone	Pontrilas
Fromes Hill	Preston-on-Wye
Garway	Richard's Castle
Holme Lacy	Stoke Lacy/Stoke Cross
Hope under Dinmore	Stoke Prior
Kimbolton	Stretton Sugwas
Kings Caple	Swainshill
Kingsthorpe	Upton Bishop
Lingen	Wellington Heath
Llangrove	Woolhope
Longtown	Winforton

In the debate the Members of the Area Sub-Committee expressed the view that the cluster of houses on Barrack Hill could be properly regarded as being within the settlement of Kingsthorpe, and therefore the site should be considered as an appropriate form of infill development. In particular there are existing houses to north, south, east and west of the site. They felt that a strict application of the "30 metre" criterion was not appropriate in this case. They also noted that the applicant has the support of the Parish Council and the application had given rise to no objections other than from planning officers.

It was resolved to grant planning permission

The application raises the following issues:

1. Kingsthorpe is a "Smaller settlement" in the UDP for which there are no defined boundaries. However, the main body of the village lies to the south of this site, which is physically separated from the rest of the village by an open field. It is therefore reasonable to regard the group of houses on Barrack Hill as a separate group of houses to which policy H.6, Housing in Smaller Settlements, does not apply.
2. Even if the above argument is not accepted, then the proposal does not meet the requirement of policy H.6 because the proposed building plot is not in a "small gap of no more than 30 metres within the built up area of the settlement" as specified in the policy. This has been interpreted by officers, and supported on appeal, as meaning a 30 metre gap between buildings; not plot boundaries. The frontage to Barrack Hill is formed by a substantial hedge, and the houses to north and south do not create an effective built frontage to the road. Indeed, the proposed new property would effectively not front on to Barrack Hill at all and may not even be visible from Barrack

Hill. The proposed house plot cannot meet the criterion set by policy H.6 for infill development.

3. The applicants made representations to the Area Sub-Committee to point out that the purpose of the dwelling is to provide alternative accommodation for the single elderly person who is physically infirm and, following a bereavement, now lives alone in Sandridge. One member questioned whether this would count as the kind of local need allowed for by policy H.10 for rural exception housing. The proposal does not meet the policy tests of policy H.10.
4. Overall the proposed new dwelling would be a 4-bedroomed property, which is not in the main body of Kingsthorpe, and, even if policy H.6 is applied, cannot meet the specific criterion of that policy which deals with infill development. It would, thereby amount to a new dwelling outside a settlement and contrary to the Council's policies for housing in rural areas.

Overall, an approval in this case would effectively "stretch" policy H.6 to allow the concept of the Smaller Settlements to apply groups of houses that are near such settlements rather than actually in the main body of the village. This was not the intention of the policy. Furthermore, the concept of infill in Smaller Settlements is described in Policy H6 as "Residential development on plots arising from the infilling of small gaps between existing dwellings within the settlements". There is no built frontage to Barrack Hill at this site and the "gap" between the nearest dwellings is over 50 metres. The new house would actually front onto Eden Lane and in that case current the gap between buildings is also over 50 metres. This is not, therefore, a marginal case of policy interpretation.

In the light of the above it can be seen that the proposal conflicts with the development plan policies which seek to restrict new housing outside settlements in the rural parts of the County without special justification. Consequently, the application is referred to this meeting of the Planning Committee for further consideration.

The original report to the Southern Area Planning Sub-Committee follows.

## **1. Site Description and Proposal**

- 1.1 The proposal site is reached off the western side of Barrack Hill. It comprises an arbitrary area of garden area to the east of Sandridge, a modern bungalow. Sandridge is at the entrance of a cul-de-sac of development of various dwelling types and materials, i.e. stone, render, slate and concrete tiles, mostly standing in large gardens.
- 1.2 Sandridge fronts onto the unadopted driveway (Eden Lane). A double garage, just under 6 metres away, will remain with the property. The existing access serving the property will also be utilised by the proposed new dwelling. Indicative plans submitted provide for a two-storey four bedroom dwelling with 99.34m<sup>2</sup> floor area and angled towards the north-west, i.e. at an angle to Barrack Hill. The rear or southern boundary is of evergreen hedging, the eastern roadside boundary is a post and rail one well supplemented by trees and hedging. There is a low stone rubble wall on the northern boundary which provides open views across the otherwise well screened site.
- 1.3 This is a planning application for which only the means of access, i.e. the existing one is to be determined at this stage. The remaining reserved matters or details will be determined at a later stage in the event that planning approval were granted for the principle of developing the site.

**2. Policies**

**2.1 Planning Policy Statement**

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

**2.2 Herefordshire Unitary Development Plan 2007**

- Policy S.2 - Development Requirements
- Policy H.7 - Housing in the Countryside Outside Settlements

**3. Planning History**

- 3.1 DCSW2006/3917/O New dwelling in garden - Refused 05.02.07
- DCSW2007/1087/O New dwelling in garden - Refused 14.05.07

**4. Consultation Summary**

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager's recommendation is awaited.

**5. Representations**

- 5.1 The applicants' agent has submitted a Design and Access Statement. The following main points are raised:

- daughter wishes to move to Sandridge to be near her independent and elderly mother
- design of house will be as eco-friendly as possible
- site is flat, bounded by Barrack Hill and private road. Two yew trees at corner of plot will be retained
- garage will be retained
- small 4 bedroom house proposed, two parking spaces and garden area to front and rear
- floor area (99.4m<sup>2</sup>) consistent with Policy H.6 in the UDP
- percolation tests undertaken
- designed to be life-time home, i.e. 3 bedrooms on first floor and fourth on ground floor for future use
- landscaping, little alteration required.

- 5.2 In a further letter, a copy of which has been sent to all Members, the following main planning issues are raised:

- evident site is in Kingsthorpe, as it was previously
- neither of the previous applications have attracted any objections and the Parish Council fully support the proposal

- policies are for guidance, with regard to 30 metres infill gap and 30 metres infill plot, referred to in Policy H.6 have substantial differences in meaning
- the 30 metres requirement relates to frontage and must be considered in general terms as it cannot be site specific (the site has two frontages)
- each of nine properties (in cul-de-sac) fronts onto the road and not all squeezed into a gap between properties fronting onto Barrack Hill

comments on notes to Policy H.6:

- given client cannot afford dwelling in Kingsthorpe, therefore need and low cost requirements are established (5.4.60)
- states development permissible in the form of small infill opportunities (5.4.61)
- the plot sits comfortably within proposed limitations (5.4.62) meets needs of local people and contributes to housing targets, i.e. making best use of land (PPG.3) (5.4.63) based on assessment of community sustainability better to be larger than smaller, be near facilities described in section 5.4.63
- proposal falls within the remit of policies, for this essential and worthy application.

### 5.3 The Parish Council's observations are awaited.

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

## 6. Officer's Appraisal

### 6.1 The main issue relates to the policy framework relating to Kingsthorpe.

6.2 There are not issues of highway safety nor the infringement of amenity of residents in the vicinity. The site is also comparatively well screened from view. Kingsthorpe is the name of a settlement but which does not relate to a parish of that name. It comprises two parishes, Much Dewchurch and Much Birch. Much Dewchurch is on the western side of the C1263 road, the main thoroughfare, and indeed the only classified road in Kingsthorpe. Much Birch which contains the proposal site also has a cluster of dwellings along the A49(T) road and is named in Policy H.6, along with Kingsthorpe, as being a smaller settlement. Development in smaller settlements, as defined in Policy H.6, is limited to infill plots of no greater than 30 metres between dwellings which are in built up frontages. The objective of the policy is to provide limited infilling in gaps in established frontages for prescribed dwellings, such that those dwellings will provide more affordable dwellings than in the larger settlements.

6.3 These smaller settlements as defined in Policy H.6 in the Unitary Development Plan do not have delineated settlement boundaries, as is the case for the larger settlements. Therefore, it is not sufficient for the purposes of what is current Development Plan policy to have regard to the previously identified settlement boundary. The main cluster of dwellings follows the C1263 road on the western side and then follows the Wrigglebrook Valley. The unclassified roads that lead off eastwards and then both turn south-eastwards following the declining topography from the boundaries to the north and south of the sprawling settlement. The proposal site is within a distinct and separate cluster of dwellings that starts some 175 metres from the bottom of Barrack Hill. This cluster of dwellings is separate enough visually to be recognised as the Barrack Hill area which has the village hall in the northern area. It is not considered that this group of dwellings primarily fronting onto Barrack Hill, or just sited off it, as is the case with Sandridge, are within the distinct entity of Kingsthorpe.

- 6.4 The second issue relates to the interpretation of Policy H.6 which requires that new plots are no more than 30 metres in frontage and between existing dwellings. It is not possible for this plot to meet this criterion, which has been tested on Appeal to the Secretary of State. Sandridge has no dwelling to the east of it, only Barrack Hill. It is not sufficient to state that there are dwellings across the cul-de-sac entrance to the north-east (Elland Cottage) and south-west (Anfield House). Policy H.6 is clear in not encouraging corner plots; the cornerstone of the policy is the identification of plots between existing dwellings, which in turn are in frontages.
- 6.5 The proposal plot is not within the main cluster of dwellings of Kingsthorpe, it is within a distinct and separate grouping of dwellings located around Barrack Hill, therefore the development constitutes development in open countryside as it falls outside the identifiable limits of an identified settlement.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

- 1. **This site does not form part of the smaller settlement of Kingsthorpe, as defined by Policy H.6 of the Herefordshire Unitary Development Plan 2007 and as such it lies within open countryside. The proposal does not satisfy any of the exceptional criteria allowing for housing in the open countryside and it is therefore contrary to Policy H.7 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7, Sustainable Development in Rural Areas.**

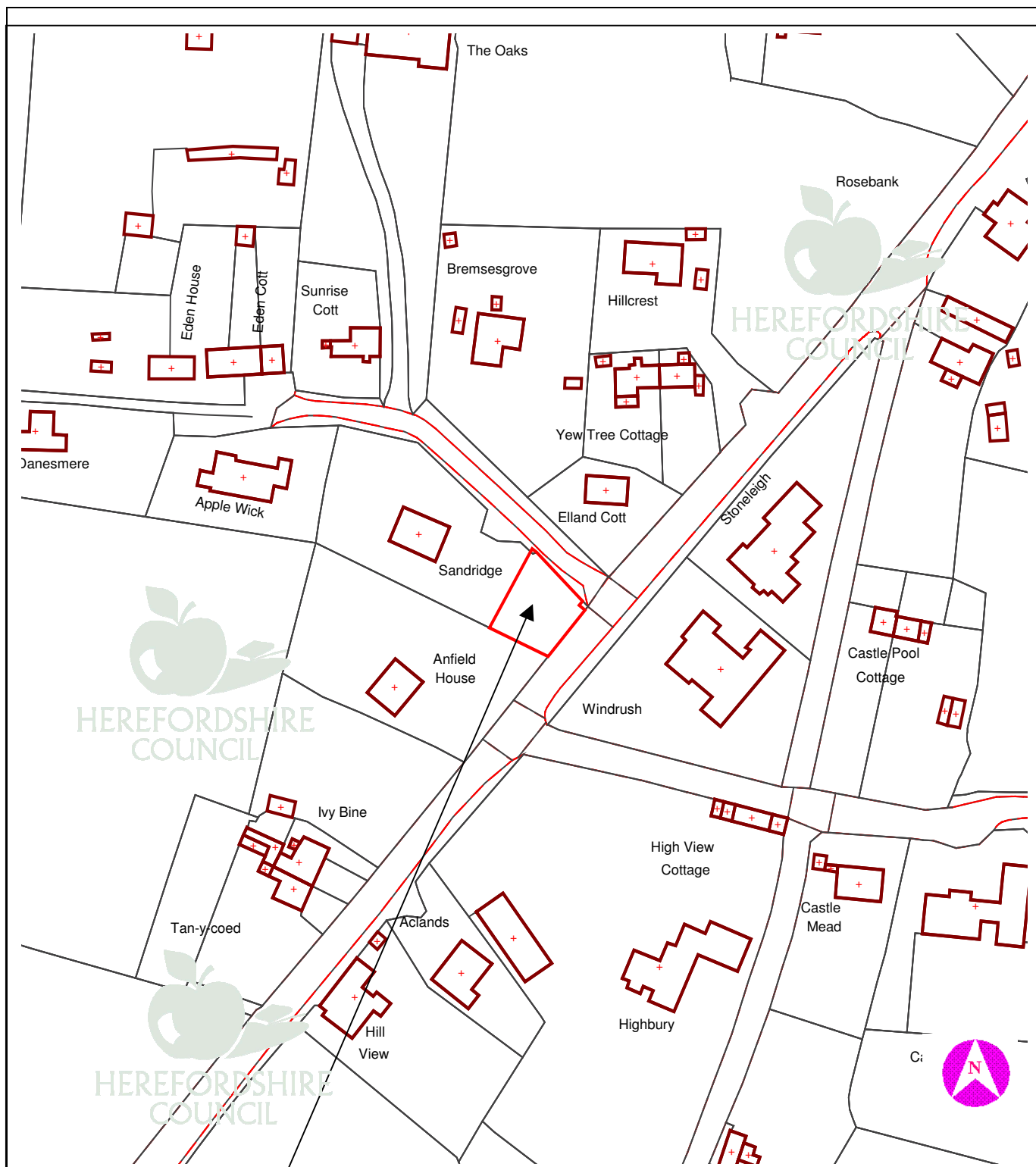
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSW2007/2543/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Sandridge, Barrack Hill, Kingsthorne, Herefordshire, HR2 8AY

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**DCCW2007/2160/F - INSTALLATION OF 2.5KW WIND TURBINE AND PHOTOVOLTAIC ROOF PANELS AT MARDEN PRIMARY SCHOOL, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EW**

**For: Marden Primary School per Andrew Osbaliston, 19 Orchard Green, Marden, Hereford, HR1 3LD**

**Date Received: 6th July 2007**      **Ward: Sutton Walls**      **Grid Ref: 52499, 47541**  
**Expiry Date: 31st August 2007**  
 Local Member: Councillor K Guthrie

### **1. Site Description and Proposal**

- 1.1 Marden School is located on the southern edge of Marden off the C1124 Sutton St. Nicholas to Bodenham road opposite Walkers Green.
- 1.2 The proposal is to erect a wind turbine at the rear of the school. The mast will be 11 metres high excluding the 2.5 kilowatt turbine with a three blade rotor. (Total height of wind turbine 14.5 metres). In addition photovoltaic (PV) roof panels are also proposed on part of the south facing slope of the roof.

### **2. Policies**

#### 2.1 National:

PPS22	-	Renewable Energy
PPG24	-	Planning and Noise

#### 2.2 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR4	-	Environment
Policy DR13	-	Noise
Policy CF4	-	Renewable Energy

### **3. Planning History**

- 3.1 SH930819F      Extension to school to provide additional classroom. No objection 7th July 1993.
- 3.2 CW2001/2739/F      Classroom and staff room single storey extension. Approved 10th December 2001.
- 3.3 DCCW2006/2571/F      Extension in rear courtyard to provide ancillary school accommodation. Approved 19th September 2006.

#### 4. Consultation Summary

##### Statutory Consultations

4.1 None.

##### Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Head of Environmental Health & Trading Standards: Comments awaited.

#### 5. Representations

Marden Parish Council: "Marden Parish Council supports this application in principle and fully supports the installation of the photovoltaic cell. The Parish Council would like to see the site for the wind turbine moved to a different location, either behind the higher part of the school building, or further back within the school grounds. This would reduce the visual and noise impact of the turbine on the private residences on the opposite side of the road at the front of the school."

5.2 Three letters of objection have been received from J. Dade, 18 Walkers Green, Marden; H.A. Webb, 20 Walkers Green, Marden and J. Wareham, 19 Walkers Green, Marden.

The main points raised are:

1. The complete structure of the wind turbine will be in full view of properties opposite the school.
2. The prevailing wind direction is from the west which would enable the turbine to be moved without detriment to its efficiency.
3. The proposal is of a physical scale that creates a significant change to the outlook of the area and is not in keeping with associated buildings.
4. It should be re-sited 50 metres south.
5. Install a unit with a shorter hub height.
6. Ensure noise levels and especially noise frequency is acceptable in a quiet area.

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 main issues are considered to be the benefit of the renewable resource provided by wind and solar power and the impact of the mast on residential and visual amenity.

##### Renewable Energy

6.2 PPS22 sets out a number of key principles relating to the promotion of renewable sources of energy. Two of these are of particular relevance in this proposal. Firstly,

renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily and secondly, small scale projects can provide a limited but valuable contribution to overall output of renewable energy and to meeting energy needs both local and nationally. Therefore, although the contribution to the school energy use is minor, it is still recognised as an important contribution towards the Government targets.

#### Impact of the Mast on Noise and Visual Amenity

- 6.3 The Head of Environmental Health and Trading Standards is currently assessing the application and his conclusion will be reported to the meeting although it is anticipated, due to the distances involved and based on recent similar proposals, that noise will not be an issue warranting the refusal of planning permission. The technical data identifies that at 10 metres the noise level will be 50 dBA. At 40 metres the noise drops to 38 dBA which is considered acceptable. The nearest dwelling is approximately 45 metres away.
- 6.4 The siting of the mast has now been confirmed as behind the school building which in the position proposed will screen approximately 6 metres of the 11 metre mast. This leaves the final 5 metres and the 3.5 metre rotor blades visible.
- 6.5 In this respect they will be seen from the street and dwellings on Walkers Green against the skyline. However, it will be seen as part of the overall complex of buildings and structures at the school and is therefore not considered to be so visually intrusive or isolated so as to sustain a reason for refusal.

#### Conclusion

- 6.6 Subject to the Head of Environmental Health and Trading Standards confirming no objections, the visual appearance is considered acceptable as part of the complex at Marden School and is therefore considered acceptable.
- 6.7 No objections have been raised to the solar panels which occupy a relatively small proportion of the roof in an unobtrusive location.

### **RECOMMENDATION**

**Subject to the Head of Environmental Health and Trading Standards raising no objections to the application, the Officers named in the Scheme of delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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. The wind turbine and associated equipment shall be kept in a good decorative order and maintained in accordance with the manufacturer's specification until removed.**

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

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

**Reason: In the visual interest of the locality.**

**Informatives:**

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

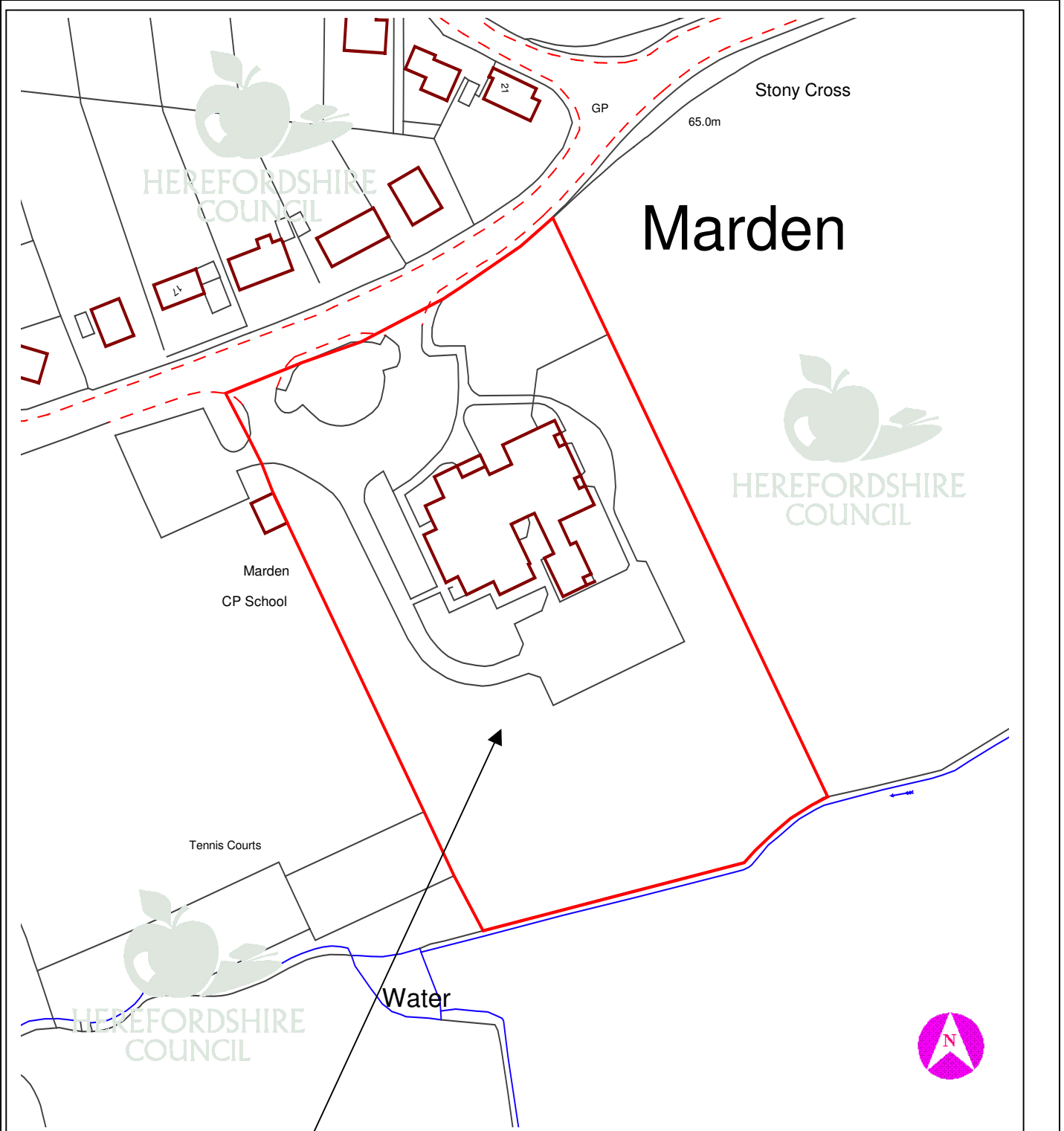
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2007/2160/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Marden Primary School, Marden, Hereford, Herefordshire, HR1 3EW

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