

Planning Committee

Date: **Friday, 14th December, 2007**

Time: **10.00 a.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES	5 - 18
To approve and sign the Minutes of the meeting held on 28th September, 2007.	
5. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
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To receive the attached report of the Northern Area Planning Sub-Committee meetings held on 17th October, 2007 and 14th November, 2007.	
7. CENTRAL AREA PLANNING SUB-COMMITTEE	21 - 22
To receive the attached report of the Central Area Planning Sub-Committee meetings held on 26th September, 24th October and 21st November, 2007.	
8. SOUTHERN AREA PLANNING SUB-COMMITTEE	23 - 24
To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 10th October, 7th November and 5th December, 2007.	

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| 9. | LOCAL GOVERNMENT OMBUDSMAN REPORT - COMPLAINT NO: 06/B/14891 – PUDDLESTON, LEOMINSTER | 25 - 26 |
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| | To note the Development Control performance in the first six months of 2007/08. | |
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| | For: CNG Developments Ltd per Mr L F Hulse, 19 Friars Gardens, Ludlow, Shropshire, SY8 1RX. | |
| | To consider a planning application which has been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to refuse it, contrary to policy and officer recommendations. | |
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| | For: Halo Leisure per Property Services, Herefordshire Council, Franklin House, 4 Commercial Road, Hereford HR1 2BB. | |
| | To consider an application which involves Council owned property. | |
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14. **DCCW2007/2057/F - VARIATION OF CONDITION 2 OF PLANNING CONSENT DCCW2006/3153/F TO ALLOW SALE OF THE PROPERTY (IF NECESSARY) TO ANOTHER TRAVELLING FAMILY AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU** 55 - 60

For: Mr. R. Jones, The Birches Stables, Burghill, Hereford, HR4 7RU.

To consider a planning application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it, contrary to policy and officer recommendations.

Ward: Burghill, Holmer & Lyde

15. **CCE2007/2467/RM AND [B] DCCE2007/2469/F - LAND AT VENNS LANE, ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB** 61 - 80

[A] The erection of 81 no. dwellings with associated parking and landscaping.

[B] Variation of condition 10 of planning permission DCCE2006/0099/O to allow the construction of 81 affordable and open market residential units.

To consider planning applications referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse them, contrary to policy and officer recommendations.

Ward: Aylestone

16. **DCCE2007/3194/F - SITING OF WOODEN CABIN TO ACCOMMODATE NEEDS OF DISABLED PERSON. LAND ADJACENT 'OLD VICARAGE', PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE** 81 - 88

For: Miss S Davies, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD

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.

Ward: Hagley

17. **DCSE2007/2435/F - PROPOSED SINGLE STOREY LINK BETWEEN DWELLING AND DOUBLE GARAGE TO ACCOMMODATE GROUND FLOOR STUDY/BEDROOM AND EN-SUITE FACILITY AND FORM REAR EXTENSION, LAND ADJACENT TO THE OAKS, BANNUTTREE LANE, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ** 89 - 94

For: Mr R Rogers per The Design Partnership, 41 Millbrook Street, Hereford, HR4 9LF

To consider a planning application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to refuse it, contrary to policy and officer recommendations.

Ward: Llangarron

- 18. DCSE2007/2898/F - 3 DWELLINGS FOR RENT COMPRISING 2 NO. 2 BED & 1 NO. 3 BED HOUSES, ADJACENT TO NO. 4 MARTINS CLOSE, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4QS** 95 - 102

For: Festival Housing Group per JBD Architects, Mortimer House, Holmer Road, Hereford, HR4 9TA.

To consider a planning application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to refuse it, contrary to policy and officer recommendations.

Ward: Old Gore

- 19. DCSW2007/2978/O - OUTLINE PLANNING APPLICATION FOR TWO DWELLINGS, BROOKVIEW, CLEHONGER, HEREFORD, HR2 9TJ** 103 - 108

For: Mr & Mrs CA Gardiner, Brookview, Clehonger, Hereford, HR2 9TJ.

To consider a planning application which has been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve it, contrary to policy and officer recommendations.

Ward: Valletts

- 20. DATES OF FUTURE MEETINGS**

18th January, 2008
29th February, 2008
11th April, 2008

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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, 28th September, 2007 at 10.00 a.m.

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

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

In attendance: Councillors KG Grumbley, KS Guthrie and RH Smith

36. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor DC Taylor.

37. MINUTES

RESOLVED: That the Minutes of the meeting held on 24th August, 2007 be approved as a correct record and signed by the Chairman

38. NAMED SUBSTITUTES (IF ANY)

Councillor JB Williams was appointed named substitute for Councillor DC Taylor

39. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

40. CHAIRMAN'S ANNOUNCEMENTS

DEVELOPMENT CONTROL PERFORMANCE

The Development Control Manager said that a report on performance in the first six months of the year would be completed after the end of September. He advised that the provisional Best Value Performance figures were as follows

Best Value performance figures for processing planning applications were:

April to mid September 2007	Performance	Target
Major applications in under 13 weeks	61%	60%
Minor applications in under 8 weeks	80%	65%
Other applications in under 8 weeks	91%	80%

This meant that all three BV 109 targets were being met.

BV 204 - Appeals

In the period April to mid-September 2007, **33** appeals against refusals of planning permission had been determined of which **10** had been upheld (**30%**). There was no national target for this figure, but the national average for last year was **34%**.

A full report on Development Control Performance for the first six months of 2007/08 would be presented to the next meeting of the Planning Committee on 23rd November, 2007.

PLANNING TRAINING DAYS

The Head of Planning Services said that the planning training day recently held for Members had been very successful and that the next one would be held on 12th October, 2007.

41. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 22nd August and 19th September, 2007 be received and noted.

42. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 29th August, 2007 be received and noted.

43. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 15th August and 12th September, 2007 be received and noted.

44. EDGAR STREET GRID DESIGN FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT

The Team Leader Local Planning presented the report of the Forward Planning Manager about appropriate changes to the Draft Edgar Street Grid Design Framework Supplementary Planning Document (SPD) arising from the comments received during the recent consultation process. He advised that the document was included within the Council's Local Development Scheme and was produced as part of Herefordshire's Local Development Framework. He said that the aim of the SPD was 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; and
- ensure delivery of a comprehensive, coordinated and sustainable development for the Grid area.

The Team Leader Local Planning summarised the comments that had been received and outlined the changes proposed to the SPD arising from these. He confirmed that the ESG Company had also been forwarded a summary of the comments received and informed of the intended response. He said that the amendments would relate to a significant redrafting which would greatly improve the document and its usefulness. He felt that the exercise had emphasised the role and importance of consultation in the preparation of planning documents.

The Committee discussed the proposals and asked questions about the document. Councillor R Mills asked if the principles of the SPD would apply throughout the County. The Team Leader Local Planning said that it was centred on guidance for the development of the Edgar Street Grid but that many of the principles could well apply to other areas within the County. Councillor RI Matthews was pleased to note that cycle routes would be included within the scheme which he felt to be a very important aspect. Councillor W Walling had some concerns about traffic flows around the grid, particularly the Commercial Road/Aylestone Hill area. The Head of Planning Services outlined the work that was being undertaken on a Traffic Master Plan which included the impact of the grid on the immediate vicinity and routes such as the A49 and would involve the cooperation of the Highway Agency.

RESOLVED

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

45. CONSULTATION ON PLANNING APPLICATION REQUIREMENTS

A report was presented by the Development Control Manager about changes to planning application procedures and proposed consultation arrangements. He said that the Government had decided to introduce a National Standard Planning Application form which would be mandatory from April 2008. He provided the Committee with details of the new requirements which also included arrangements for local planning authorities to set their own local requirements, known as Planning Application Requirements (Local) or PAR(L). He explained the consultation arrangements involved which 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; and
- written consultation with a selection of non-statutory consultees taken from the list in the Council's Statement of Community Involvement, to include those with County-wide interests and who comment most frequently on planning applications.

The Development Control Manager 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 to consider the final version of the PAR(L). Councillor JB Williams welcomed the new proposals which he felt would engage local councils more in the planning process. Councillor GFM Dawe felt that the new process should include more to encourage sustainability and making provision to deal with climate change.

RESOLVED

THAT the consultation process proposed in the report of the Head of Planning Services regarding changes to the planning application procedures be approved.

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

The Development Control Manager said that at the previous meeting the Committee had deferred consideration of the application to enable the views of the Primary Care Trust to be obtained about the proposals. He said that a letter has been received from the Agent acting for the applicants asking for the following matters to be taken into account.

- Let there be no mistake, demographically, an increasingly ageing population is inevitable and Herefordshire (being presently the second “oldest” County) will bear more than its fair share of this growth.
- Dementia, too, is demonstrably on the increase, hence the Mayor of Hereford, Cllr Chris Chappel’s Special Charity Project reported in last week’s Times. He tells us that there are already 2,575 people suffering from Alzheimer’s in Herefordshire, set to rise by 57% by 2021.
- Diane Topham (Commissioning Manager for Mental Health) at the PCT confirms beyond any doubt (her letter of 10 August) that there is a lack of EMI beds in Herefordshire and that additional capacity *“in a choice of locations is required to address this need”*.
- That acknowledged need had already been identified and reinforced by your own Head of Adult and Community Services when he responded to the original consultation as follows: -

“There are an insufficient number of care homes registered for the provision of EMI care in the County and this development if approved would provide an extremely valuable and additional resource in the Bromyard area.”

- The letter which caused last month’s deferment and which purported to represent the views of the partners of Bromyard’s Nunwell Surgery was not only a “red herring” but was actually written by one Doctor who has since retracted what he said. His only purpose in writing (see his letter of 04 September) was to ensure that the PCT had been consulted (which they had). He states that his original letter should not have been used as the reason for deferment.
- With regard to the suggestion that undue pressure would be placed on the District Nursing Service, Paul Ryan, overall Head of Commissioning for the PCT, has now responded (10 September) that *“we would NOT (our emphasis) have anticipated that the development of these beds would result in significant additional demands being placed on the District Nursing Service”*. This is because a Registered Nursing Home, as Paul Ryan acknowledges, would have its own fully qualified nurses on site and therefore not need to call upon the services of the local District Nurses in the first place.

- The supplemental updates to the July Meeting of the Main Planning Committee gave incorrect information about the number of beds. Emphatically, this application is for 40 new nursing beds only. The existing 30 beds at Pencombe Hall are for residential care and not EMI nursing. Furthermore, this application is no more “speculative” than any other that comes before you. As is evident, it addresses a very specific need for which provision (as the Joint Commissioning Plan 2007 states) can only be made by improving relationships with private sector providers. That Plan, to which Herefordshire Council is a partner, particularly notes “*a shortage of beds for people with mental health problems*”.
- Officers do not consider that there is any problem in relation to landscape, visual or design issues and there is no objection from the Council's Transportation Department.

In view of all the above, we believe that this proposal provides an opportunity to be grasped, it does not infringe specific policies relating to Nursing Homes and is a case where a genuine and overriding need has been shown.

The Development Control Manager said that key issue was not the increasing number of elderly people in the County, or the current distribution of EMI beds, but the logic behind extending a current facility for 30 beds with a further 40 beds in a location which was remote from services and was not being done in response to an identified local need at or near the site. The Council's own document “Growing Older in Herefordshire” (August 2007) was referred to the Agent in earlier representations to Committee. This document concluded with the sentence “All areas of policy are emphasising that the individual is at the centre of service design and delivery, rather than them having to adjust to services”. In this case a facility would be created in a location where there was no demand and to which residents would have to be moved to, the exact opposite of the policy intention of the Council towards elderly people. Staff and visitors would also have to travel from centres of population along narrow country lanes where there was no provision of public transport or any practical alternative to travel by private car. The appropriate place for a facility of this nature was in one of the County's urban areas with easy access to related health facilities and where the need to travel by private transport could be minimised for staff and visitors.

Councillor B Hunt one of the Local Ward Members said that he fully supported the policies within the UDP but felt that there was scope for each case to be considered on its merits and that permission could be granted in exceptional circumstances. He said that the proposal represented the provision of specialist nursing EMI accommodation and facilities adjacent to an established elderly care home, which was in a totally secluded countryside location. He was of the view that the applicant and other health professionals had demonstrated an increasing need for this facility which was underprovided in Herefordshire. He was of the view that the site was sustainable by the virtue of its self-contained nature, on-site services and the expansion of the existing skilled personnel which would be run by the existing management. The adjoining road network was adequate to serve the low level increase in traffic and he felt that the applicant has adequately demonstrated that there were sufficient material planning considerations to outweigh arguments against it and that it therefore satisfies policies (S1.DR2.CF7) of the Herefordshire UDP 2007 and the guidance in planning policy statement ‘sustainable development in rural areas’ and the Herefordshire Community Strategy ‘care for the elderly’. He proposed that outline planning permission be granted with all detailed matters to be reserved and any other conditions considered appropriate by the officers.

The Head of Planning Services reiterated that the application did not satisfy the requirements of Policies S1, DR2 and CF7 of the UDP and the guidance in Planning Policy Statement 7 – Sustainable Development in Rural Areas. It was therefore necessary for the Committee to decide if there were sufficient material planning considerations to outweigh these factors. Having discussed all the aspects of the application, the Committee concluded that there were sufficient grounds for approval to be granted.

RESOLVED

THAT outline planning permission be granted with all detailed matters to be reserved and any other conditions considered to be appropriate by the officers.

47. 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 said that at the previous meeting the Committee had decided that there was a need for the officers to hold more discussions with the applicants about the issues that had been regarding a planning obligation under Section 106 of the Town and Country Planning Act and decided that the matter should be deferred to allow this. He advised that Additional representations had been received, on 26th September 2007, from Mrs White of Pentwyn, Risbury as follows:

As stated in previous correspondence concerning this case Risbury is not the place for social/affordable house as there is no amenities for the type of people these houses are planned for, Risbury is served by a very inadequate public transport service no post office no shop no pub if people require to drink, no facilities for out of school activities, the roads are very inadequate to take the possibility of another 8 vehicles with access whatever works are carried out, you cannot get away from the fact it will be on the brow of a hill on a bend and the road is very narrow. These people would be coming to a completely different type of life in a very rural area from one that sure they have come from the town where they have most things on hand It is very hard for original villagers who have been born and bred in Risbury and reared a family and wish to build either in their gardens or land they own accommodation for their children to avoid them leaving the environment they have been brought in being refused permission, and we get someone like Mr Kelsall wanting to build on yet another money making scheme, and we all know of the recent ongoings of Mr Kelsall, so why should he be allowed to build for profit and villagers refused no wonder feelings are running high in Risbury

We ask with all respect that the meeting on 28th September will go along with what we all in Risbury want and that is a refusal and show that they will support us all in this matter.

Representations have also been received on 27th September 2007 from Mr Shelley of The Birches Farm as follows:

1. I believe the applicant - Mr Kelsall - is renowned in the area for flouting the planning system and abusing planning concessions. In the recent past he applied to build equine dwellings for stable workers in connection to alleged stables near the site, then not long after he got the permission he changed his mind (despite local objections) and applied to build executive

dwellings instead. Not long after that he got the equine tie removed from the executive dwellings and sold the properties on the open market for maximum profit. These facts - all on your records - seem to show a pattern of non-genuine intent and I believe that Mr Kelsall is trying the same tactic again and has made a non-genuine application which he intends to change once permission has been obtained. Thus he would have deliberately abused concessions and made a mockery of the planning policies that are supposed to protect the locality.

2. The site is immediately next door to Gallop View which is a luxury private dwelling occupied by a family who have recently bought it. Prior to this, Mr Kelsall and his family owned and lived at the property. It is understood that Mr Kelsall applied to have the affordable dwellings built when he himself owned and lived at Gallop View. The affordable dwellings would have then been right on his doorstep, and severely blighted his home, but that didn't matter to him because he was reaping the profit and he was planning to move away. It is understood that when Mr Kelsall moved away and sold Gallop View to the current occupants he did NOT reveal to the agents or to the buyers that planning had been applied for the 4 affordable dwellings. Apparently the application failed to show up on searches made by the current owner/occupants of Gallop View prior to them buying the house. The current owners would not have wanted to live in a supposedly luxury home when 4 affordable dwellings were being built right on their doorstep. It may be that some underhanded tactics have occurred so that the application was 'hidden' from anyone looking? This is very fishy!

3. Risbury is a middle class village containing luxury homes that house retired, professionals, solvent and financially sound people. It would be detrimental to the locality to build affordable dwellings which by their very name suggest they would house disadvantaged people and in turn would blight the current tone of the village. There is no public transport serving the area and no local shops or public facilities nearby to serve the area. People who buy affordable housing are usually people lower down the social ladder who would require bus services, shops and facilities and as there are none in Risbury it is foolish to build affordable housing there. There are eight 'housing association' houses four miles along the road (eastbound) at Sparrington. These houses contain several families on DSS benefit. Said families complain about 'no bus service', and 'no shops'. Some of these people are often seen hitch-hiking along the lane. Also, the houses are a blot on the landscape because there are abandoned vehicles strewn around outside, and caravans in the front gardens containing other occupants. You can see this for yourself if you go and look. These houses were originally built as farm workers cottages, one cottage for each of the local farms, but personal greed of the farmers saw them selling the properties on the open market. The Housing Trust bought them and filled them with disadvantaged families. This is not a suitable place to house people who are not solvent or comfortably off. Neither is Risbury or anywhere else around the locality. Affordable housing built in the locality is detrimental to the locality and its occupants.

He also advised that there had been further correspondence between the applicant's solicitors and the Council to secure an agreed draft Section 106 Agreement to control the "Low Cost" nature of the houses and the means of securing that in perpetuity

He said that the view of the Officers was that the matters raised by the letters of objection above had already been covered where they raised material planning issues in the report. The scheme had the tentative support of the Strategic Housing

Team subject to final details of the draft Section 106 agreement to ensure that not only are the houses marketed at "Affordable" levels when first built, but that they are also pegged at below market rates for any subsequent sales. This may require a supplementary agreement with every subsequent sale. If this could be achieved then the scheme would deliver four low cost houses which fell within the definition of "Intermediate houses" in PPS3, Housing and therefore could be accepted as Affordable Houses. This was a significant change from the proposals as reported to both the Northern Area Sub-Committee and the Planning Committee at previous meetings. He advised that the conflict with UDP Policy H10 was restricted to two issues:

1. Officers remained concerned that the site was not a sustainable location for affordable houses because of its remoteness from services and facilities. The Housing Needs Survey has identified a needs in the group of parishes but it would be better satisfied in the larger settlements such as Bodenham or Stoke Prior rather than in Risbury. There was therefore conflict with criterion 5 of the Policy.
2. Criterion 7 of the Policy specified that in cases such as this only one affordable house would be appropriate. The proposal was for four houses.

He said that In the light of the continued conflict with criteria 5 and 7 of Policy H10 the recommendation remained one of refusal.

In accordance with the criteria for public speaking, Mr Vidler the Agent acting on behalf of the applicant spoke in favour of the application.

Councillor KG Grumbley the Local Ward Member said that the Housing Needs Survey had identified a requirement for 16 affordable homes in the Group Parish which he felt that this scheme would be ideal to contribute to. The applicant would enter into a legal agreement to retain the dwellings for social housing in perpetuity and would construct them to a high standard. He therefore requested that the Committee consider granting permission with appropriate conditions about vehicular access and drainage.

Notwithstanding the views of the Officers, several Members agreed with the Local Ward Councillor that it was difficult to provide suitable accommodation in the rural areas and that an exception could be made to the planning policies within the UDP.

RESOLVED:

1. **that the Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms to be prepared by the Officers in respect of affordable housing and incorporating any additional matters he considers appropriate.**
2. **upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**
 - (i) **vehicular access**
 - (ii) **disposal of foul and surface water drainage**

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

The Development Control Manager said that at its meeting on 22nd August 2007 the Northern Area Planning Sub-Committee was mindful to approve the application on the following grounds:

- 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; and
- reinstatement of the site in the event that the business ceases

In the debate the members of the Area Sub-Committee had given weight to the concept of farm diversification and the need to encourage businesses in rural areas. It felt that the road access to the site was adequate given the low level of traffic using the lane and the existence of four passing bays. It had been recommended that the application be refused because it failed to comply with a number of policies within the UDP.

In accordance with the criteria for public speaking, Mr Locke and Mr Beaumont Spoke against the application and Mr Davies the applicant spoke in favour.

Having discussed details of the application, the Committee concurred with the views of the Officers that the proposal constituted a commercial use in open countryside, divorced from any business and was of no benefit to the local community.

RESOLVED

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.

49. 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

The Development Control Manager said that at its meeting on 29th August 2007 the Central Area Planning Sub-Committee was mindful to approve the application contrary to a number of planning policies. The Area Sub-Committee gave weight to the fact that planning permission already existed for a replacement dwelling on part of the site and took the view that the application did not raise any new point of

principle. It was 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. Discussions with the applicant since then revealed that he was not prepared to demolish the existing structure and the application was therefore recommended for refusal.

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

Councillor DW Greenow sympathised with the position of the applicant and, subject to appropriate landscaping and screening, felt that there would be minimal impact on the landscape character of the area. He commented on the apparent blight caused by allocation of land south of the railway line as a possible passenger railway station and park and ride area in the UDP. It was noted that no objections had been raised by the Traffic Manager, Lugwardine Parish Council or Withington Parish Council. Given these considerations, he felt that the application should be supported. He felt that appropriate conditions could be imposed to ensure that the existing residential structure could be used as a gym and workshop ancillary to the new dwelling by the applicant but no longer for residential purposes or sold or let separately. Having considered all the facts, the Committee was agreeable to the application on this basis.

RESOLVED: That

planning permission be granted subject to the condition listed below and any further conditions felt to be necessary by the Officers:

- 1. A S106 Agreement or other appropriate mechanism to enable the rescinding of the extant permission for a replacement dwelling and the existing annex accommodation being used ancillary for a workshop/gymnasium but not to be used for residential purposes or sold or let separately.**

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

The Development Control Manager said that at its meeting on 15th August 2007 the Southern Area Planning Sub-Committee was mindful to approve the application contrary to a number of planning policies. The Sub-Committee had given weight to the nature of the farm and the family circumstances of the applicant who lived nine miles away and his parents lived 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 that could be supported. They also noted that the applicant had the full support of the Parish Council. The Sub-Committee favoured granting planning permission with an agricultural occupancy condition on the new dwelling, but not the existing farmhouse.

The Development Control Manager presented the following updates:

The Traffic Manager has considered the recently submitted traffic survey

figures and comments as follows:

The development would intensify the vehicle movements and I feel the information provided for vehicle movements along the U74205 does not change my recommendation, improvements to the visibility would need to be undertaken.

The information suggests concentration of vehicles between 8:00 and 9:00 am, this may well increase outside school holidays and could conflict with farm traffic especially during school runs.

It follows that the highway safety reason for refusal remains as part of the recommendation.

The County Land Agent has considered the updated agricultural appraisal and confirms that the figures can justify 2 full time workers rising to 2.15 depending on the future development of the farming practice.

The Officers were of the view that the total amount of labour needed to manage and maintain the farming enterprise was not disputed. However, there was an existing farmhouse on the site and the need for additional labour could therefore be satisfied without the construction of a new dwelling. The highways objection has not been resolved and both reasons for refusal remained relevant. If, however, Members took the view that a second dwelling on the site is acceptable then consideration needs to be given three further issues:

1. the scope of existing structures on the site to be converted to residential use
2. the need to apply occupancy conditions to both the existing farmhouse and any new dwelling (to be consistent with the view that the holding justifies two dwellings)
3. any measures necessary to overcome the highways objection

In accordance with the criteria for public speaking, Mr Herdman of Newton Parish Council and Mr Howie the applicant's agent spoke in favour of the application.

The Committee discussed details of the application and had a great deal of sympathy for the circumstances facing the family and the practicalities of farming with the distances having to be travelled by the applicant and the father having difficulty with the physical work. The practicalities of converting existing buildings were examined and it was noted that whereas there would be some drawbacks, this would be possible. Councillor JB Williams the Local Ward Member felt that the layout of the farm was such that conversion would be costly, there would be a need to provide alternative barns for storage and the driveway would need to be re-routed to avoid any safety issues arising from agricultural vehicles. He did not agree that a highway safety issue would arise in the approach roads to the farm where traffic was very light. A proposal that permission should be granted was however lost and the application was subsequently refused by the casting vote of the Chairman.

RESOLVED

That planning permission be refused for the following reason:

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.

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

The Development Control Manager said that at its meeting on 15th August 2007 the Southern Area Planning Sub-Committee was mindful to approve the application contrary to a number of planning policies. The Sub-Committee had expressed the view that the cluster of houses on Barrack Hill could be properly regarded as being within the settlement of Kingsthorne, and therefore the site should be considered as an appropriate form of infill development. In particular there were existing houses to north, south, east and west of the site. They felt that a strict application of the "30 metre" frontage 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.

In accordance with the criteria for public speaking, Mrs. Phillips, the applicant, spoke in support of the application.

Councillor RH Smith the Local Ward Member was of the view that the application had arisen from a genuine need to help with the care of a family member. He felt that without the benefit of a defining boundary or envelope within the UDP it was not easy to determine where the application site lay but that it could be seen from adjoining properties that it fell within Kingsthorne. He also felt that it met all the criteria of Policy H6 which had a degree of some flexibility. He did not agree with the interpretation of what constituted infill development and frontage and that the application site would adequately fit between existing buildings and be in a well-screened location. He therefore requested that the Application be approved.

Councillor PGH Cutter felt that the application site fell within the settlement boundary for Kingsthorne and noted that there were a number of existing dwellings nearby.

The Development Control Manager advised Members that the application site did not fall within the settlement boundary as defined in the UDP, he also noted that the criteria contained in Policy H6 stated that the frontage of the site could be no more than 30 metres but the proposed site had a frontage of 55 metres and was therefore contrary to Policy.

Members discussed the application and felt that there was a local need for the proposed dwelling and that given the particular circumstances of the application, there was scope within the UDP policies for an exception to be made.

RESOLVED

That the application be approved subject to the conditions considered to be necessary by the Officers.

52. 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

The Development Control Manager presented a report about an application for the erection of a wind turbine at the rear of the school. He said that including the 2.5-kilowatt turbine with a three-blade rotor, the mast would be 14.5 metres high. He also said that the scheme would include photovoltaic roof panels on part of the

south-facing slope of the roof of the school.

Councillor K Guthrie the Local Ward Member said that there were many commendable aspects to the proposal but that there had been some objections raised. The Development Control Manager explained how the mast would be incorporated into the school behind its highest point and that the Environmental Health and Trading Standards Manager was of the view that the predicted noise levels from the wind turbine are unlikely to cause nuisance to nearby residences.

RESOLVED

That planning permission be granted 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.**

53. DATES OF FORTHCOMING MEETINGS

18/1/08, 29/2/08 & 11/4/08

The meeting ended at 1.20 p.m.

CHAIRMAN

PLANNING COMMITTEE

14TH DECEMBER, 2007

REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 17th October & 14th November, 2007

Membership:

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

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended – 8
 - (b) applications minded to approve contrary to recommendation – 2 (1 referred to Planning Committee)
 - (c) applications minded to refuse contrary to recommendation – 1 (referred to Planning Committee)
 - (d) applications deferred for further information – 1
 - (e) site inspections – 2
 - (f) number of public speakers – 4 Parish/Town Council; 6 objectors and 4 supporters

PLANNING APPEALS

2. The Sub-Committee received an information report about 4 appeals received, 5 dismissed, 5 upheld and 1 withdrawn.

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

- **BACKGROUND PAPERS – Agenda for meetings held on 17th October & 14th November, 2007**

PLANNING COMMITTEE

14TH DECEMBER, 2007

REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meetings held on 26th September, 24th October and 21st November, 2007

Membership

Councillors:

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

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

PLANNING APPLICATIONS

1. The Sub-Committee has met three times and dealt with the planning applications referred to it as follows:-
 - (a) applications approved as recommended - 16
 - (b) applications refused as recommended - 0
 - (c) applications minded to approve contrary to recommendation - 1 (referred)
 - (d) applications minded to refuse contrary to recommendation - 8 (2 referred)
 - (e) site inspections - 5 (all in advance of Sub-Committee report)
 - (f) applications deferred for further information - 2
 - (g) number of public speakers - 32 (parish - 8, objectors - 13, supporters - 11)

PLANNING APPEALS

2. The Sub-Committee received information reports about six appeals that had been received and seven appeals that had been determined (two dismissed, four upheld and one withdrawn).

JE PEMBERTON
CHAIRMAN
CENTRAL AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS – Agenda for the meetings held on 26th September, 24th October and 21st November, 2007**

PLANNING COMMITTEE

14TH DECEMBER, 2007

REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE

Meetings held on 10th October, 2007, 7th November, 2007, and 5th December, 2007.

Membership:

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

CM Bartrum, H. Bramer, PGH Cutter, MJ Fishley, A.E. Gray,
TW Hunt (Ex-officio), JA Hyde, JG Jarvis TMR McLean, RH Smith,
D.C. Taylor and J.B. Williams

PLANNING APPLICATIONS

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
 - (a) applications approved - 15
 - (b) applications minded to refuse - 5
 - (c) applications minded to approve - 2
 - (d) number of public speakers - 21 (10 objectors and 11 supporters)

PLANNING APPEALS

2. The Sub-Committee received information reports about 8 appeals received and 10 appeals determined (6 Dismissed, 1 Upheld, and 3 Withdrawn).

G. Lucas
CHAIRMAN
SOUTHERN AREA PLANNING SUB-COMMITTEE

- **BACKGROUND PAPERS** – Agenda for the meetings held on 10th October, 2007, 7th November, 2007, and 5th December, 2007.

LOCAL GOVERNMENT OMBUDSMAN REPORT

COMPLAINT NO: 06/B/14891 – PUDDLESTON, LEOMINSTER

Report By: Head of Legal and Democratic Services**Wards Affected**

County-wide

Purpose

To consider the Local Government Ombudsman report and in particular the recommendations.

Background

Mr Martin (not his real name) complained that the application DCNC 2005/3689/0 for a smithy and stables and that the Planning Committee of the 20th January 2006 in approving the application

- a) were misled by the presentation of inaccurate information relating to a nearby site and by the omission of extensive photographs supplied by Mr Martin regarding the effect of the proposals on his amenity; and
- b) did so without providing sufficient reasons for rejecting the officer's recommendation for refusal

The Ombudsman found the Council was at fault in failing to give adequate reasons for granting the application against officer advice and against significant local and national planning policies. The Ombudsman accepts that members of the Planning Committee are entitled to depart from officers advice but only where they have good reason to do so, based on clear and legitimate planning grounds. In this case the Ombudsman found that the council failed to provide such justification for the decision. The Ombudsman has therefore found maladministration causing injustice.

Ombudsman Recommendation

The Ombudsman recommends the Council:

- (i) commissions independent valuations of the property affected both before and after the development;
- (ii) pays to the complainant the difference between the valuations, if any;
- (iii) pays to the complainant a further £250.00 in recognition of the time and trouble spent pursuing the complaint; and
- (iv) produces a good practice guide for Members of the Planning Committee on dealing with all aspects of the decision-making process, arranging appropriate training for all Members once it is introduced

The Committee in respect of recommendation (i) and (ii) above should be aware that the property affected has recently been purchased and the complainant no longer lives there. Officers have made enquiries to ascertain the purchase price as it is a matter of public record but it has not yet been registered with the appropriate agency. The Committee are advised that this may not reflect the market value and the Council needs to ascertain this. The Committee cannot at this stage ascertain value and further enquiries need to be made and the Ombudsman be advised.

The Committee is advised to accept recommendations (iii) and (iv). Council Officers have sought advice on the basis of considering challenging the Ombudsman's findings and recommendations. The advice received clearly states there is no basis to challenge the decision.

Appendices

Appendix 1 – Ombudsman report dated 10th October 2007.

Background Papers

None identified

DEVELOPMENT CONTROL: HALF ANNUAL REPORT

Report By: Head of Planning Services

Wards Affected

County-wide

Purpose

1. To inform members about Development Control performance in the first six months of 2007/08.

Financial Implications

2. None.

Background

3. The purpose of this report is to set out a summary of the Development Control Team's achievements in the first half of 2007/08, i.e. the period from April to September 2007. This report is intended for use as a reference document to inform Members of current trends in Development Control.

This report is quite different from the Annual Monitoring Report which is prepared by the Forward Planning Team as a statutory requirement under the new regulations for the Local Development Framework.

Principal Outputs

These are grouped under four headings:

- A. Pre-application Enquiries
- B. Planning Decisions made
- C. Appeals
- D. Enforcement

A. Pre-application Enquiries

4. The Team deals with over 2,000 pre-application enquiries annually. Some of the enquiries are relatively trivial but some took nearly as long as a planning application itself to deal with. Where there has been a formal exchange of correspondence the details are recorded on the MVM database. In the first six months of 2007/08 the Team has dealt with over 1,200 enquiries which have been recorded on the MVM database. Additionally, over 800 email enquiries have been made to the planningenquiries@herefordshire.gov.uk email address. These were previously dealt with by the Planning Receptionists at Blueschool House, but they are now dealt with by planning officers in the "Back office".

Further information about this report is available from Peter Yates, Development Control Manager on 1782

B. Planning Decisions Made

5. The most important Development Control outputs are the BVPI indicators. These feed directly into the departmental and directorate Service Plans and count towards the Council's CPA rating. The most significant for performance monitoring is BV 109, the speed of processing planning applications.
6. The out-turn figures for 2005/06 , 2006/07 and the first 6 months of 2007/08 are as follows:

Table 1				
BVPI 109 – Speed of Processing Planning Applications				
BV 109 figures	Target	2005/06	2006/07	2007/08 (first 6 months)
Major applications %age determined in 13 weeks	60%	61%	75%	61%
Minor applications %age determined in 8 weeks	65%	74%	83%	80%
Other applications %age determined in 8 weeks	80%	82%	91%	91%

7. All three targets continue to be achieved, however, there have been a lot of major applications to deal with as a result of Unitary Development Plan allocations coming forward. These all involve complex negotiations for Section 106 agreements and that has had the effect of making the target for major applications more difficult to achieve. Additionally, the elections in May resulted in many applications being held up until the programme of Committees resumed in June.
8. Since the last report on these figures (to the Planning Committee in April) the final year's award of Planning Delivery Grant was announced. Herefordshire Council was awarded £176,228 in respect of its Development Control performance in the 9 months to March 2007. Planning Delivery Grant is not being continued this year in the same form.
9. On Friday 12th October 2007 the Government announced its proposals for a new set of National Indicators to replace the Best Value Performance Indicators with effect from April 2008. BVPI 109 is due to be continued in the form of NI 157. Consequently there will be a continuing need to maintain and monitor performance against this indicator.

Delegation

10. In 2005/06 88% of planning applications were determined under delegated powers. In 2006/07 that figure remained stable at 88%. In the first six months of 2007/08 it has risen slightly to 89%.

Recommendations

11. Planning Committees do not always follow recommendations. In work with other local planning authorities the Audit Commission has used two thresholds of concern; both measuring the number of applications determined contrary to Officer's

Further information about this report is available from Peter Yates, Development Control Manager on 1782

recommendation as a percentage of decisions on all applications (delegated and committee):

Upper threshold 2%

Lower threshold 0.5%

Performance outside these two thresholds would be a matter of concern.

12. In 2005/06 the percentage of overturned recommendations for all committees together was 1.2%, i.e. more-or-less midway between the two concern thresholds. In 2006/07 this figure increased to 2.1%. In the first six months of 2007/08 this figure has risen further still to 2.6% and now should be considered as a matter of concern. Further monitoring of this trend is anticipated with the Chairmen’s Group.

C. Appeals

13. The Authority’s success rate with planning appeals is a national Best Value Performance Indicator although the target level is set locally and the national BVPI is concerned only with appeals against refusals of planning permission. There are a variety of other appeal types as seen below. This indicator is due to be dropped in the forthcoming National Indicator set.

Year	Appeals allowed	Total Appeals determined	%age allowed
2005/06	28	104	27%
2006/07	22	102	22%
2007/08 (first 6 months)	11	36	31%

14. The national Average performance against this BVPI has remained steady at around 33%.
15. The highly successful two previous years are not currently being replicated in 2007/08 so far. One possible reason for this is the relatively high level of appeals against refusals which were contrary to officers’ recommendation. Of the 11 upheld appeals in 2007/08 five of them concerned refusals in this category.
16. In accordance with BV 204 the above data concerns only appeals against refusals of planning permission. There are various other types of appeal decisions which are also key Outputs for the Team. One of the most significant is Enforcement Appeals – this too is a very important quality outcome. In this area the Council has been much more successful so far, with 9 enforcement appeals being determined and all dismissed – a 100% success rate so far.
17. By comparison the most recent published national figures are:

Year	%age appeals upheld
2003/04	35%
2004/05	45%
2005/06	45%

In this context the Enforcement Appeals performance can be seen to be exemplary.

Further information about this report is available from Peter Yates, Development Control Manager on 1782

18. Eight other appeals have been determined in 2006/07 so far as follows

Type	Number	Upheld/Dismissed
Appeal against Hedgerow Protection Notice	3	3 dismissed
Agricultural Notification	1	1 dismissed
Advertisement appeals	3	2 upheld/ 1 dismissed
Appeals Against Refusal of Lawful Development Certificates	2	1 upheld/1 dismissed

19. If all appeal types are considered together the overall success rate is 14 appeals upheld out of 53 in total, i.e. a creditably low figure of 26%.
20. There has been no awards of costs either in favour of the council or against in respect of planning appeals in 2007/08 so far.

D. Enforcement

21. There are no national Best Value Performance Indicators for planning enforcement. A new Planning Enforcement Policy has been brought into operation which includes a requirement for reporting on Enforcement activity to this Committee. Since April 2006 enforcement activity has been monitored on a monthly basis and the tables below set out the results for the first six months of 2007/08.
22. In the first six months of 2006/07 a total of 366 new enforcement enquiries have been received and 342 cases have been closed.

No apparent breach (not development)	63
No apparent breach (permitted development)	44
Not expedient to enforce	48
Compliance achieved through negotiation	91
Planning permission granted	46
Passed on to other Service Areas	5
Total cases closed	297

Planning Contravention Notices	46
Breach of Condition Notices	6
Enforcement Notices	16
Section 215 Notices	0
Stop Notices	0
Prosecutions	1
Listed Buildings: Planning Contravention Notice	
Listed Buildings: Enforcement Notice	1

- 15 All the Area Sub Committees have commented on the number of retrospective planning applications being submitted. Accordingly, since April 2006 a specific check has been kept on these. In the period April to September 2007 a total of 95 retrospective planning applications have been received as a result of enforcement

Further information about this report is available from Peter Yates, Development Control Manager on 1782

action. These applications have, between them, generated £28,095 in planning application fee income. Whilst the number of applications may seem quite high, it may be of interest to note that the planning system has always allowed for retrospective applications and, indeed, good enforcement practice specifically affords developers the opportunity to remedy a breach of control by applying for permission. It is, perhaps, worth noting that retrospective applications have a lower success rate than other planning applications: only around 75% of retrospective planning applications are approved, compared with 83% for all applications.

RECOMMENDATION

THAT;

The report be noted, subject to any comments Members may wish to make to the Cabinet Member, Environment.

**DCNC2007/2869/F - PROPOSED 4 NEW HOUSES ON
LAND ADJACENT TO 44 VICARAGE STREET,
LEOMINSTER, HEREFORDSHIRE**

**For: CNG Developments Ltd per Mr L F Hulse, 19
Friars Gardens, Ludlow, Shropshire, SY8 1RX**

Date Received:

7th September 2007

Ward:

Leominster North

Grid Ref:

49431, 59369

Expiry Date:

2nd November 2007

Local Member: Councillor JP French & Councillor P Jones CBE

Introduction

This application was considered by the Northern Area Planning Sub-Committee at its meeting on 17th October 2007 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

In the debate Members of the Area Sub-Committee were concerned that the proposals for the site would be overdevelopment but were unable to give any specific indication of what aspect of this damaged any material planning interests.

The following factors are relevant to this case:

1. There have been material planning objections to this scheme, in particular with regard to flooding and wildlife issues. However these have been resolved as explained below and the site is therefore an urban site capable of being redeveloped for residential purposes. In these circumstances the proposals are acceptable in principle.
2. A refusal on grounds of "Overdevelopment" would need to be supported of evidence of some harm to material planning interests. In the absence of such specific adverse effects a refusal in these circumstances would be very difficult to defend on appeal.

Overall it has not been shown that the proposal causes demonstrable harm to any matter of public interest and therefore an appeal against a refusal would be very difficult to defend. For these two reasons the application is referred to this Committee for further consideration.

The original report to the Northern Area Planning Sub-Committee follows, updated as appropriate with details of correspondence which has been received since the first report was compiled and further correspondence received since the meeting of the Area Sub-Committee.

1. Site Description and Proposal

- 1.1 The application relates to a strip of land associated to 44 Vicarage Street in Leominster. Part of it forms the residential curtilage of the dwelling, whilst a second part is a vacant and overgrown area. The site is triangulated to the western end and is sandwiched between the Kenwater to the north-east and a public footpath to the south.
- 1.2 The proposal is for the erection of four two bed dwellings arranged as two pairs of semis. The plans show that each dwelling will be provided with two parking spaces to their side with gardens to the rear onto the Kenwater. In this respect the plans indicate a seven metre exclusion zone within which no building should be placed. This is to ensure that the Kenwater can be maintained by the Environment Agency without obstruction.
- 1.3 The design of the dwellings is basic, but not dissimilar to other developments along Vicarage Street. Access to each of the properties is via the public footpath. The ownership of this area has not been determined and accordingly the proposals have been advertised by the applicant in accordance with Article 6 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 - Sustainable development
S2 - Development requirements
DR1 - Design
DR7 - Flood risk
H1 - Hereford and the market towns - settlement boundaries and established residential areas
H13 - Sustainable residential design
NC1 - Biodiversity and development
NC3 - Sites of national importance
CF2 - Foul drainage

3. Planning History

- 3.1 DCNC07/1263/F - Erection of five dwellings - Withdrawn
- 3.2 DCNC07/2258/F - Erection of four dwellings - Refused 29th August 2007. For the following reason:
 - In the absence of an ecological survey of the site the local planning authority is unable to assess the impact of the proposal on the adjacent Site of Special Scientific Interest and the acknowledged habitat for protected species. The proposal is therefore contrary to Policies DR1, NC1 and NC3 of the Herefordshire Unitary Development Plan.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 **Transportation Manager** raises no objection.
- 4.3 **Archaeological Advisor** - No objection subject to condition
- 4.4 **PROW Officer**

“The proposed erection of 4 new houses will affect public footpath ZC5, which as the applicant acknowledges, passes along the extension of Vicarage Street, and would provide the vehicular access to the site.

We will require full details of any proposed surface treatments so that they can be considered for approval by the PROW Manager, acting as highway authority. This is to ensure that the footpath surface is well drained and of a construction standard so as to minimise future maintenance. I would be grateful for a condition that details of surface treatments need written approval from the planning authority, and to be advised when they are submitted.

The applicant should note that because the right of way has footpath status it will only be maintained by the highway authority as such. I would be grateful for an informative note to this effect.

Although two parking bays are provided for each dwelling, I am concerned that because of their layout, residents or their visitors may be tempted to park their vehicles on the public footpath. This would constitute an obstruction of the public's right of way, which extends across the full width of the land comprising the existing track and its verges and would be viewed as an offence under the Highways Act 1980. I request an informative note to this effect so that future residents are aware of this situation.

The applicant should ensure that the residents of any new dwelling will have lawful authority to drive over the public footpath and he is strongly advised to seek independent legal advice on this matter.

I would be grateful if you include standard informative note HN03 if permission is granted so that future purchasers of properties are aware of this.”

4.5 **Ecologist:-**

“I have received the ecological report for this application by Will Watson and Nigel Hand dated August 2007 and note that they found grass snake and slow worm on the site. These species are protected from intentional killing, sale and injury under the Wildlife and Countryside Act 1981; their habitat is not protected. Whilst I cannot condone the unnecessary removal of these animals from the site prior to the determination of planning permission, it appears that the consultants had thought that outline permission had already been granted and that translocation was therefore necessary and appropriate. The receptor site is ideally suited for these species.

I welcome the retention of an area for nature conservation to the northwest of the car parking area for house 1. This needs to be identified upon the site plan; I would suggest this to be all the land to the north west of the car parking. This area can include the refugia for reptiles as detailed in the ecological report.

The Kenwater is a SSSI and the riverbank must remain undeveloped and uncultivated. A buffer strip of 7 metres along the river shall be maintained during development works.

I have no objection to approval of this application subject to the inclusion of conditions.

5. Representations

5.1 **Leominster Town Council** - object to the application as they have concerns about the small green habitat area. The Council was also shocked to discover that wildlife had been removed from the area. This application has not shown a true mitigation on the wildlife situation.

5.2 **Environment Agency** - comment as follows:

“The development site lies within Flood Zone 2 (1 in 1000 year annual probability flooding) of the Kenwater (Main River). According to our Section 105 (detailed flood study) flood outlines for this area, the site is defended against flooding from the Kenwater during the 1 in 100 year flood event by the Leominster Flood Alleviation Scheme (FAS).

As part of the planning application the applicant submitted a site levels survey as part of the required Flood Risk Assessment (FRA) comparative to relevant flood levels. This demonstrated that both the site and access route were flood free during the 1 in 100 year, plus 20% allowance for climate change, flood event, in line with PPS25. Finished floor levels were also proposed at an appropriate level to ensure a safe development for the lifetime of the use. A copy of our formal response dated 24 July 2007 to the planning application confirms our position, which stated that we had no objection subject to the LPA being satisfied on the sequential test.

In response to potential concerns regarding machinery along the riverbanks, the Environment Agency requires a Flood Defence Consent (FDC) to be applied for prior to the commencement of any works in, under or over a Main River (such as the Kenwater) or within 7 metres of the top of the Main riverbank (or from the landward toe of a flood defence). This is to ensure that there is no adverse effect on access for maintenance, flood risk (including flow) and the biodiversity of the river system.

As part of the application for planning permission on the site in question, the applicant incorporated within the layout of the development, a 7 metre grassed buffer strip along the top of the riverbank, which we recommend be secured through a condition of any planning permission that may be granted. This would ensure that there will be no adverse effects to the riverbanks concerned and we were satisfied with this aspect of the proposal.

Bridge Street sports field is part of the Leominster FAS and is designed to flood during an extreme flood event.”

In response to comments relating to the accuracy of current data, the Environment Agency comments as follows:

“The comments in point 1 of the letter dated 12th May 2007 have been noted. However, our Section 105 flood model shows the 1 in 100 year flood (flood zone 3) to

be contained within the river channel with the development site, in question, lying outside this boundary. This is the best available information at the present time.

In support of the development there was no proposed flood alleviation scheme because the topographical survey submitted in support of the planning application demonstrated that the site lay in excess of 400mm above the 1 in 100 year, plus 20% (climate change) flood level. We recommended that finished floor levels be set at least 600mm above the 1 in 100 year, plus 20% flood level, to ensure a safe development for the lifetime of the use, as detailed within the planning application.

- 5.3 **Welsh Water** – raise no objection to the application. They advise that if the Council is minded to approve the application that a condition is attached to ensure that none of the dwellings are occupied before the completion of the improvement works.
- 5.4 **Natural England** – this proposal has no meaningful impact on the features of the Site of Special Scientific Interest. The seven metre buffer, insisted upon by the Environment Agency, provides a useful safeguard to water quality.
- 5.5 **The Ramblers Association** – comment that the lane should not be in any way affected, either during building works or after completion, and that its width must be retained.
- 5.6 Seven letters of objection from local residents and one petition in objection with a total of 29 signatories have been received. In summary the points raised are as follows:
1. Concerns about flooding and obstruction of land used to maintain the Kenwater.
 2. The proposal will add to the burden of an already stretched sewage system.
 3. Would be more appropriate for an area of land adjacent to the SSSI to be used for community purposes.
 4. The proposal constitutes over-development.
 5. Not appropriate to allow vehicular traffic to use a public footpath.
 6. Access from Vicarage Street onto Broad Street is inadequate.
 7. The proposal will impact on the privacy of the bungalow (Elba) to the rear of the site.
 8. The Council should review the flood zones allocated by the Environment Agency as they are outdated.
- 5.7 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application has generated significant public opposition, the reasons for which seem to focus primarily on the flood risk associated with the site and the requirement for vehicles to pass along a public footpath to gain access to the site. Detailed responses have been included in this report from both the PROW Officer and the Environment Agency and both conclude that there is no objection to the scheme.
- 6.2 The site falls within a flood risk zone 2 and the Environment Agency are satisfied that sufficient information has been submitted with the application by way of the topographical survey showing it to be 400mm above the 1% plus climate change flood plain of 71.59 metres AOD. Finished floor levels must be set no lower than 600mm above this level ie at 72.19 metres AOD. The proposed floor levels of 72.4 metres

AOD are above the minimum requirement as outlined by PPS25. A flood alleviation scheme is not required and the proposal accords with policy DR7 as a result.

- 6.3 Similarly the Environment Agency has commented in some detail on their need for access to the river bank for maintenance purposes. Pre-application discussions did take place between the Agency and the applicant and as a result a 7 metre maintenance strip is shown on the submitted block plan. Concerns raised about the erosion of the river bank are also covered in their response and consequently the objections raised in this respect do not provide sufficient justification to refuse the application.
- 6.4 The comments made by the Environment Agency have been made in full knowledge of the recent flood events and the comments made by objectors to the proposal. The Council does not have any scientific basis i.e. its own flood risk assessment, upon which to question the advice given by the Environment Agency and the fact remains that the site was not flooded as a result of the recent heavy rainfall.
- 6.5 Improvement works for Leominster's main sewage system are set for completion in April 2008. Although Welsh Water consider the application to be premature, they do advise that if the local planning authority were minded to approve the application a condition should be imposed to require that none of the dwellings be occupied before improvement works are complete. A condition of this nature would completely satisfy the objection raised by them.
- 6.6 The number of dwellings has been reduced on the site from the original submission from five to four. Principally the reason for this was to remove a concern regarding overlooking and overshadowing of the bungalow to the rear known as Elba. The current proposal is well spaced from the bungalow with the side elevation of the dwelling on plot four corresponding with its north-western boundary, with approximate distance between buildings of 14 metres measured from corner to corner. The distance and relationship between the two is sufficient to ensure that there will be no demonstrable overlooking or overshadowing of Elba and therefore the scheme is acceptable in this respect and accords with policy H13.
- 6.7 Objections raised in respect of overdevelopment cannot be substantiated. Each dwelling is afforded two parking spaces and has well sized gardens. In light of the reduction in numbers the relationship with surrounding properties is acceptable.
- 6.8 Similarly the increases in traffic movements onto Broad Street from the Vicarage Street junction will be negligible in terms of the existing residential context of the area. Whilst it is accepted that the junction is not ideal and does not afford the level of visibility that would be expected from a new development, traffic speeds are slow due to the 90 degree bend to the south-east and the addition of traffic movements associated with a development of four 2 bed dwellings is not sufficient to refuse the application on highway safety grounds.
- 6.9 The only outstanding issue from the previous application, which was refused, is the proximity of the site to the SSSI. The application is accompanied by an ecological report that was previously missing. It has been acknowledged that the site provides a habitat for grass snakes and slow worms and the comments from the Council's Ecologist deal with this in detail, concluding that the proposal is acceptable, subject to conditions. On this basis the previous refusal reason has been addressed.

6.10 In conclusion the proposal accords with the Unitary Development Plan. The previous reason for refusal has been addressed and therefore the application is recommended for approval.

RECOMMENDATION

That the application be delegated to officers named in the officer's scheme of delegation to approve the application following the expiry of the consultation period on the 22nd October, subject to no previously unconsidered material considerations being raised, with the following conditions:

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

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

2. **B01 - Samples of external materials**

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

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

Reason: To safeguard the character and appearance of the area.

4. **C05 - Details of external joinery finishes**

Reason: To safeguard the character and appearance of the area.

5. **E16 - Removal of permitted development rights**

Reason: To maintain access to the watercourse for maintenance or improvements of the Flood Alleviation Scheme and as a buffer to protect and enhance the water environment.

6. **F16 - Restriction of hours during construction**

Reason: To protect the amenity of local residents.

7. **F49 - Finished floor levels (area at risk from flooding)**

Reason: To protect the development from flooding.

8. **G01 - Details of boundary treatments**

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

9. **None of the dwellings hereby approved shall be occupied before the 1st April 2008 or until such time that essential improvements to the public sewerage have been completed by Welsh Water.**

Reason: To mitigate the existing hydraulic overloading of the public sewerage system and to ensure that the local community and environment are not unduly compromised.

10. W01 - Foul/surface water drainage

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

11. 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.

12. W03 - No drainage run-off to public system

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

13. The recommendations set out in the ecologists' report dated August 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority. Details of the agreement for habitat management and reptile monitoring as well as a site plan detailing the area to be retained undisturbed for nature conservation shall be submitted for written approval by the Local Planning Authority.

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

14. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include an appropriate scale drawing showing "Wildlife Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented and details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. Development shall proceed in accordance with the approved plan.

Reason: To comply with Herefordshire Council's UDP Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

15. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work including clearance of the site."

Reason: To conserve and enhance protected habitat and designated sites in compliance with UDP Policies NC3, NC6, NC7, NC8 & NC9, and PPS9

16. The development hereby approved shall not be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainages Systems has been submitted to and approved in writing by the local planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site.

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - N19 - Avoidance of doubt**
- 3 - HN03 - Access via public right of way**

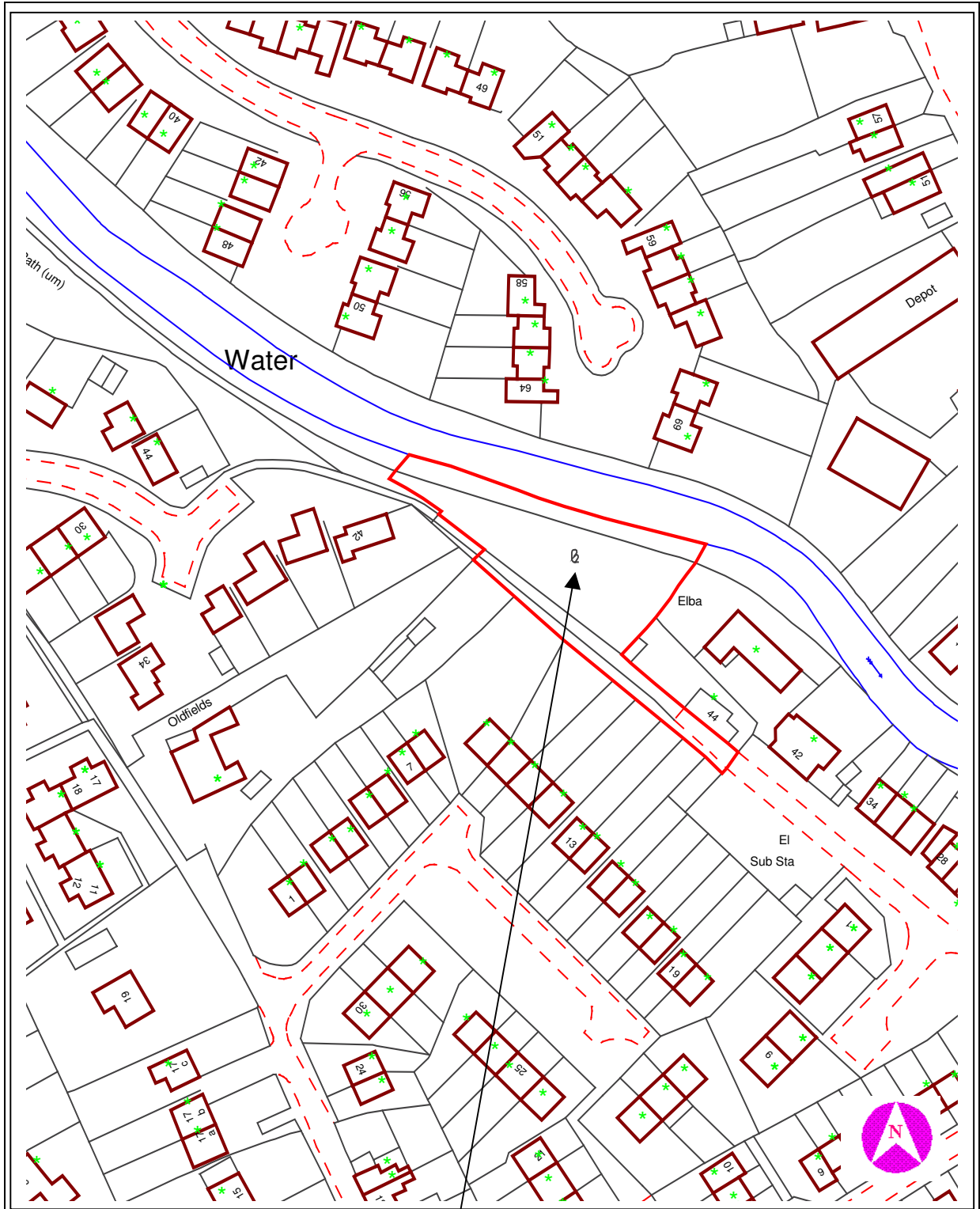
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/2869/F

SCALE : 1 : 1250

SITE ADDRESS : Adjacent to 44 Vicarage Street, Leominster, Herefordshire

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**DCNW2007/2653/F - PROPOSED ERECTION OF 6
DWELLING UNITS AND ANCILLARY GARAGES AND
FORMATION OF NEW VEHICULAR ACCESS AT LAND
ADJACENT TO METHODIST CHAPEL, HEREFORD
ROAD, WEOBLEY, HEREFORDSHIRE**

For: Border Oak Design & Construction Ltd

Date Received:
14th August 2007

Ward:
Golden Cross with
Weobley

Grid Ref:
40466, 51366

Expiry Date:
9th October 2007

Local Member: Councillor J Goodwin

Introduction

This application was considered by the Northern Area Planning Sub-Committee at its meeting on 17th October 2007 when Members resolved to approve 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.

The site is allocated in the Unitary Development Plan for 12 houses, with 35% being affordable houses. A recent planning application for such a scheme was refused by the Northern Area Sub-Committee (contrary to recommendation) for the reasons that the access through the cul-de-sac of Chapel Orchard was not considered to be satisfactory, and the impact on amenities of Chapel Orchard residents and character of the area were considered to be unacceptable. No appeal has been lodged against that refusal of permission. Instead the applicants have submitted a revised scheme taking access directly off Hereford Road. The new scheme is for only six houses with none of them affordable.

In the debate Members of the Area Sub-Committee considered that the new scheme was more acceptable on highways and design grounds and resolved to grant permission. They were not unduly concerned by the lack of any affordable housing, or by the very low density of the development. In particular Members considered that the applicants had gone to considerable lengths to prepare a scheme in keeping with the area and its setting opposite an ancient monument. They felt that the design incorporated a welcome amount of open space and the houses and garages were of a style in keeping with an historic village. The proposed access road was directly off Hereford Road and thereby overcame the problem of a route through Chapel Orchard. The proposed dwellings would be comprised of one two-bed; one three-bed and four four-bed properties and reflected the character, appearance, mix and range of properties elsewhere in the village. They felt that the village already had a good provision of affordable housing on other sites and questioned the need for more at this location.

Notwithstanding the views of the Area Sub-Committee the following factors are relevant to this case:

1. The allocation of the site for twelve dwellings was tested in the public local inquiry into the Unitary Development Plan and found to be acceptable. That allocation is now the adopted planning policy of Herefordshire Council for this site. There is nothing intrinsically inappropriate about the target figure of twelve dwellings. Not to use the site to its reasonable potential is contrary to a number of policy objectives and in conflict with the conclusions of the Inspector and the Council following the public local inquiry into the Unitary Development Plan. The allocation is important in order to meet housebuilding targets.
2. The density of the scheme for 6 dwellings, at 15 per hectare, is so low that it is in direct conflict with Unitary Development Plan policy and amounts to an inefficient use of development land.
3. The absence of affordable housing is likewise in direct conflict with the Unitary Development Plan policy and also fails to take account of the housing needs survey of February 2007 which identified a need for another 11 affordable houses to serve Weobley.

Overall it has not been shown why a scheme for twelve houses could not be achieved with access directly off Hereford Road. The low density now proposed remains in conflict with the Council's own planning policies especially with regard to affordable housing and housebuilding needs generally. For these reasons the application is referred to this Committee for further consideration.

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

1. Site Description and Proposal

- 1.1 The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for an estimated capacity of 12 dwellings to the rear of the Methodist Chapel, Hereford Road, Weobley.
- 1.2 To the south of the application site is the residential area known as 'Chapel Orchard'. This housing estate consists of two-storey dwellings constructed of brick under tiled roofs.
- 1.3 There are also residential areas to the northern and eastern boundaries, these are a mixture of house types. The external facing materials are predominantly brick. To the west of the site, on the opposite side of the adjacent C1095 Hereford Road, is the site of Weobley Castle, a Scheduled Ancient Monument. This survives as large earthworks.
- 1.4 The application site itself occupies an area of 0.41 hectares and is relatively flat grassland. The boundaries consist of various native and evergreen vegetation.
- 1.5 The application proposes the construction of 6 timber-framed dwellings and ancillary garages under natural slate/plain clay tiled roofs, with access into the site directly off the adjacent Hereford Road.

2. Policies

- 2.1 National Planning Policy Statement 3: Housing

- 2.2 Herefordshire Unitary Development Plan
 - S1 - Sustainable Development
 - S2 - Development Requirements
 - S7 - Natural and Historic Heritage
 - DR1 - Design
 - DR2 - Land Use and Activity
 - DR3 - Movement
 - DR4 - Environment
 - H4 - Main Villages: Settlement Boundaries
 - H5 - Main Village - Housing Land Allocations
 - H9 - Affordable Housing
 - H13 - Sustainable Residential Design
 - H15 - Density
 - H16 - Car Parking
 - LA2 - Landscape Character and Areas Least Resilient to Change
 - HBA6 - New Development within Conservation Areas
 - ARCH1 - Archaeological Assessments and Field Evaluations
 - CF2 - Foul Drainage

2.3 Weobley Parish Plan Supplementary Planning Guidance

2.4 Housing Needs Study for Weobley - February 2007

3. Planning History

- 3.1 NW07/0603/F - Proposed erection of 12 dwelling units and ancillary garages at land adjacent to Weobley Methodist Chapel, Weobley - Refused 27th June 2007.
- 3.2 NW06/3549/F - Proposed erection of 13 dwelling units and ancillary garages - Withdrawn 4th January 2007.
- 3.3 NW03/2057/F - Construction of 9 houses with garages - Withdrawn 8th December 2003.
- 3.4 N98/0827/O - Erection of four dwellings served by a private drive - Refused 17th February 1999. Later dismissed on appeal 16th September 1999.
- 3.5 N98/0014/O - Site for erection of four dwellings served by private drive - Refused 10th March 1998.

4. Consultation Summary

Statutory Consultations

- 4.1 English Heritage have responded to the application with no comment. Their response stating that the application should be determined in accordance with national and local planning guidance and on the basis of your specialist conservation advice.
- 4.2 Welsh Water raise no objections subject to inclusion of conditions relating to foul and surface water drainage.

Internal Council Advice

- 4.3 The Archaeology Manager raises no objection to the proposed development.

- 4.4 The Forward Planning Manager has responded to the application stating that the application site is an allocated site in the Herefordshire Unitary Development Plan with an estimated capacity of 12 dwellings. The proposal is for 6 dwellings on an area of 0.41 hectares which would provide a density of 14 dwellings per hectare. Given that the indicative capacity has been provided for within the Herefordshire Unitary Development Plan at a density of 30 dwellings per hectare as the indicative minimum, then the proposal is not in keeping with policy.

The response further states concerns about the proposed dwellings scale and footprint in that the proposed dwellings are larger than the identified need for housing types in the area and therefore not in keeping with the Herefordshire Unitary Development Plan and identified need.

- 4.5 The Landscape Manager comments that the overall character of the proposed development does not reflect the organically developed settlement pattern of the wider village. A condition with regards a scheme of landscaping is recommended for any subsequently approval notice issued.
- 4.6 The Transportation Manager raises no objections subject to inclusion of conditions with regards to access, parking and turning within the site.
- 4.7 The Parks Development Manager requests the sum of £7000 towards improvements to the Hopelands Village Hall play area in Weobley and £3780 towards local sport and leisure provision.
- 4.8 Strategic Housing Enabling Manager objects to the proposed development, due to no provision for affordable housing. Comment is made that the site is allocated for 12 units which would have resulted in 5 affordable units.
- 4.9 Children and Young People's Directorate requests a contribution of £2000 per dwelling. In accordance with the latest draft Supplementary Planning Document on planning obligations. This amount will rise to £6000 per dwelling on its adoption by the Council.
- 4.10 The Conservation Manager states the interior of the site is dominated visually by the surrounding estate development and its shape dictates the road layout. This gives flexibility in terms of form and limited flexibility in terms of layout, but given the context there should be a strong sense of rural informality. The common orientation and rhythmic placing of plots 3-6 are, on the contrary, too formal. It would be better in views into the site from the road to see roofs with ridges of various orientations.

5. Representations

- 5.1 Weobley Parish Council raise no objections to the proposed development. However, comment is made about surface water drainage from the site.
- 5.2 Letters of comment/support have been received from the following:-

Pamela Jenkins, 7 Chapel Orchard, Weobley
Pamela McGill, 9 Chapel Orchard, Weobley
S & D J Eady, 5 Chapel Orchard, Weobley
K Metcalfe, 13 Chapel Orchard, Weobley
D R Smith, 4 Chapel Orchard, Weobley
L Tilbury, 12 Chapel Orchard, Weobley

E M King, 1 Chapel Orchard, Weobley
Mrs N Bishop, 11 Chapel Orchard, Weobley
C F Faulkner, Oak View, Hereford Road, Weobley
G & R Norman, Orchard Garden, Hereford Road, Weobley
James Smith (Secretary), The Methodist Church
C B Havard, Bell Meadow, Weobley

Basically most of the letters received support the proposed access into the site directly off Hereford Road rather than through Chapel Orchard as proposed in the previous application refused planning permission by this Committee.

Some of the responses received raise concerns about the size and scale of the proposed dwelling units, in comparison to the surrounding houses, in that the proposed dwellings appear excessively large in relationship to surrounding houses.

- 5.3 A further letter has also been received from the applicants, in response to Officer concerns about the proposed development.

The letter states that the latest proposal is intended to address the concerns of the residents at Chapel Orchard, to improve the immediate environment of the Methodist Chapel and to provide the best possible option for access from Hereford Road.

The letter also confirms acceptance to enter into an appropriate Section 106 Agreement with regard to public highway infrastructure improvements, amenity space improvements, sport and education provision. Comment is also made about appreciation, that the proposal does require a degree of compromise, which they hope on balance will be deemed to be acceptable.

- 5.4 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 This application is presented to Committee, at the local member's request, due to local residents concerns about public highway access to a previous application for 12 houses on the site, refused planning permission by this Committee at its meeting on 27th June 2007.

- 6.2 The main issues with regards to this application are:-

- Density of the proposed development
- Affordable housing provision
- Design

6.3 Density of the proposed development

The site is allocated in the Herefordshire Unitary Development Plan for housing development, with an estimated capacity of 12 dwellings. Paragraph 3.4.55 on the site states '*The site is suitable for medium density development of around 12 units, incorporating an element of affordable housing.*'

- 6.4 The application proposes 6 units, which represents a density of 14 dwellings per hectare (the site covers an area of 0.41 hectares). The site density required in accordance with Herefordshire Unitary Development Policy is 30 dwellings per hectare.

PPS3: Housing; advises using 30 dwellings per hectare as the indicative minimum. The Herefordshire Unitary Development Plan recommended a density for the site at the lower end of the range, but the development as proposed does not comply with local or national policy on dwelling unit density.

6.5 Affordable Housing Provision

The application site covers an area of 0.41 hectares and therefore in accordance with Herefordshire Unitary Development Plan policy on affordable housing, 35% of the total amount of housing on site must be affordable housing.

6.6 The applicants have not provided for any affordable housing provision, which normally would be subject to a Section 106 Agreement, under the Town and Country Planning Act 1990. However, they have agreed to requests for contributing through a Section 106 Agreement for financial provision towards local education, public highway infrastructure improvements amenity/play area and sports provision contributions in accordance with the individual Council relevant sections on these

6.7 The Council's Strategic Housing Manager has also raised concerns, that the site subject to this application, is an allocated housing site, in accordance with Herefordshire Unitary Development Plan policy, for an estimated capacity of 12 units, which equates to 5 affordable units. The substantial drop in the number of proposed units and under development of the site adversely affects strategic housing target delivery figures.

6.8 The Weobley Housing Needs survey of February 2007, identified a need for a further 11 affordable dwellings in the village. This proposal singularly fails to address possibly the most pressing issue for the Council in not providing any affordable dwellings as required by the site allocation in the Herefordshire Unitary Development Plan, Council policy generally, Regional Policy and National Policy. There is no doubt that in any potential appeal against refusal the Planning Inspectorate would support the Local Planning Authority in seeking to achieve these objectives. Such a fundamental failure to comply with policy must be rebuffed to deter similar attempts to side step the provision of affordable housing.

6.9 Comment has been made within the application's Design and Access Statement that two of the proposed units are to be allocated to members of the site owner's extended family, in order to enable them to return to live in the village. This is not considered to constitute affordable housing provision in accordance with Herefordshire Unitary Development Plan Policy, on affordable housing.

6.9 Design

The application proposes 6 large detached dwellings of a scale and design that is not typical of the immediate surrounding area, being overly dominant in relationship to other dwellings within the immediate vicinity of the application site. The dwelling unit proposed for plot no 6, in particular having an overwhelming effect on the adjacent dwelling know as 5 Chapel Orchard.

6.10 Policy DR1: Design in the Herefordshire Unitary Development Plan states all development will be required to promote or reinforce the distinctive character and appearance of the locality in terms of layout, density, means of access and enclosure, scale, mass, height design and materials.

The development subject to this application is for 6 detached dwellings that are large in scale and mass and therefore not typical of surrounding dwellings scale and mass or external construction materials. The surrounding built environment is one of predominantly brick, rather than timber framed dwellings, with timber cladding and mainly lime rich render.

6.11 Conclusion

The application proposes a development density that is not in accordance with Herefordshire Unitary Development Plan Policy for this UDP allocated site. The proposal also fails to comply with PPS3: Housing in respect of both density and the delivery of affordable housing.

6.12 No provision has been made for affordable housing. The site measures 0.41 hectares and therefore provision must be made for 35% affordable housing provision. Furthermore this site is earmarked in the Herefordshire Unitary Development Plan for approximately 12 dwelling units. Targeted affordable housing provision, on other allocated housing sites, may be jeopardised by acceptance of this proposal.

6.13 The overall design of the proposed development is such that it will overly dominate the surrounding built environment and its immediate built character. It will not, thereby, comply with Herefordshire Unitary Development Plan Policy on design.

RECOMMENDATION

That planning permission be refused for the following reasons:-

- 1 The proposed development is of a density of individual housing units that fails to comply with Policies H5 and H15 in the Herefordshire Unitary Development Plan 2007 and guidance as stated in Planning Policy Statement 3: Housing.**
- 2 The complete absence to make provision for affordable housing is contrary to Policies H5 and H9 of the Herefordshire Unitary Development Plan 2007, Regional Planning and Policy Planning Policy Statement 3: Housing.**
- 3 The overall layout, design and scale of the development is such that it does not reinforce the local built character and appearance of the locality, particularly by reason of the scale, mass, materials and design of the proposed new houses. in which the application site is located. Therefore the proposal is contrary to Policies DR1, H15 and HBA6 of the Herefordshire Unitary Development Plan 2007.**

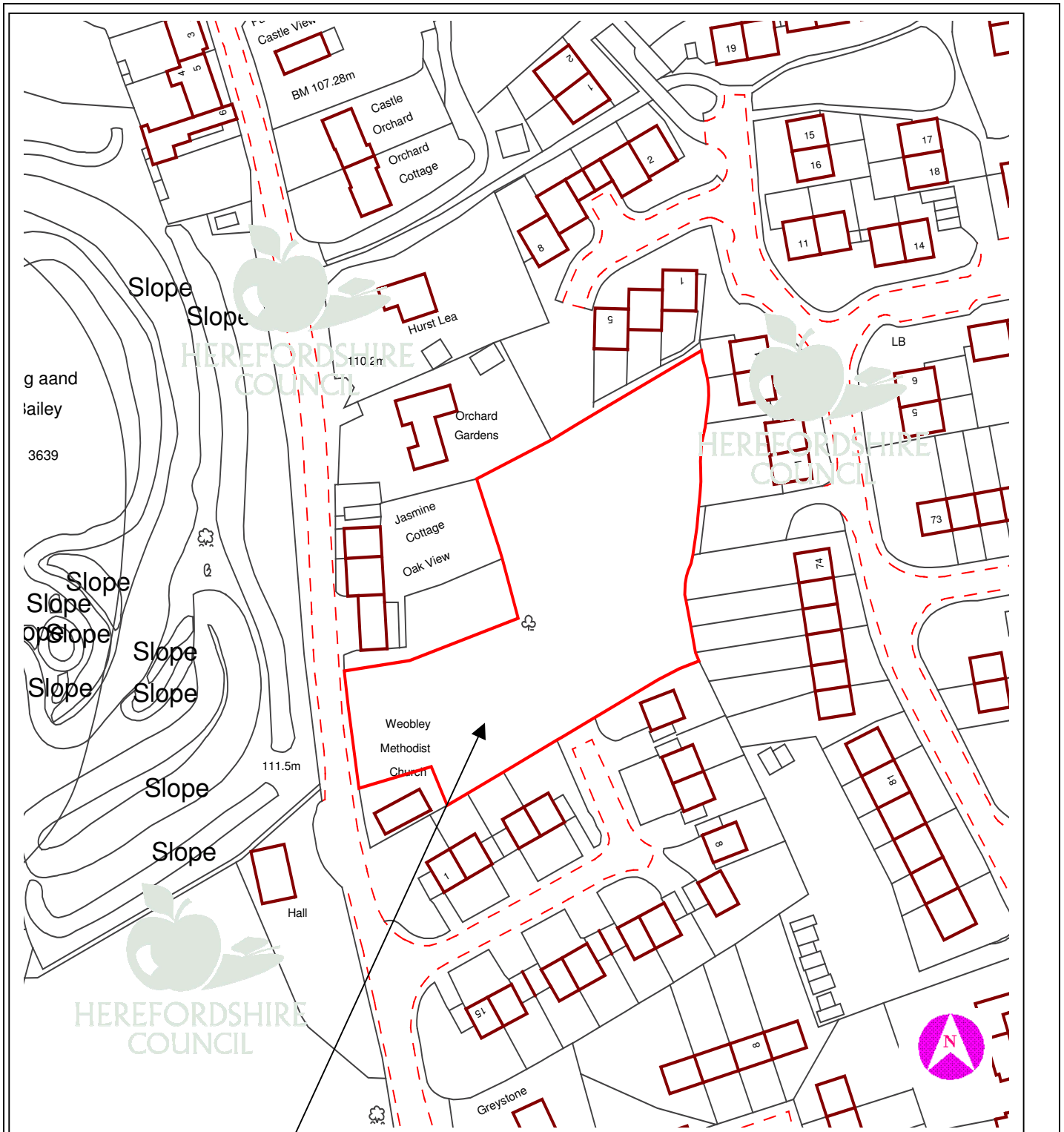
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/2653/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Methodist Chapel, Hereford Road, Weobley, Herefordshire

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**DCNC2007/3280/F - RETROSPECTIVE APPLICATION
FOR THE ERECTION OF 3M HIGH FENCE AROUND
NW BOUNDARY, BROMYARD LEISURE CENTRE,
CRUXWELL STREET, BROMYARD, HEREFORDSHIRE,
HR7 4EB**

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

Date Received:
19th October 2007

Ward: Bromyard

Grid Ref:
65348, 54777

Expiry Date:
14th December 2007

Local Members: Councillor B Hunt
Councillor A Seldon

1. Site Description and Proposal

- 1.1. This site, within the town centre of Bromyard, is owned by Herefordshire Council and is used for a number of purposes e.g. tourist information, leisure centre, library and info shop. This application by Halo Leisure, who use the site, is for the retention of an existing 3 metre high fence, which has been erected along that part of the north west boundary of the site, i.e. at the rear of the building, which backs directly onto a private car parking area and two dwellings. The fence is metal wire mesh covered with a polyester powder coating coloured dark green. The fence has been erected for security purposes, and extends from the north east corner of the site for 30 metres and finishes halfway along the rear boundary by the south west corner of the neighbours garden (i.e. no. 21)

2. Policies

2.1. Planning Policy Guidance:-

PPG 15 – Planning and the Historic Environment

2.2. Herefordshire Unitary Development Plan:-

Policy S2 – Development Requirements

“ DR1 – Design

“ CF1 – Utility Services and Infrastructure

“ HBA6 – New Development within Conservation Areas.

2.3 The Council's Supplementary Planning Guidance:-

Design and Development Requirements

3. Planning History

3.1. No relevant history

4. Consultation Summary

Statutory Consultations

4.1. None

Internal Council Advice

4.2 The Council's Transportation Manager has no objections

5. Representations

5.1. The applicant's agents state that the fence has been erected as a quick, cost effective solution to re-occurring vandalism problems being experienced on the roof of the Leisure Centre. Vandals were climbing onto the rear lower level roofs of the building causing a lot of problems, including problems affecting the residents of the immediately adjacent dwellings.

5.2. The Bromyard Town Council state:-

"My Town Council's Planning Committee resolved not to support this application. It was felt that the materials used in the fencing significantly damages the visual amenity of the area. However, the Committee is mindful to support the application, taking into account the reasons for such fencing, if the materials used are more in keeping with the Conservation Area that the building is in."

6. Officer's Appraisal

6.1. The main issues relate to:-

- The size and appearance of the fencing set in this position adjacent to the designated Conservation Area.
- The affect on the residential amenities of the neighbouring dwellings
- The need for the fencing.

The most relevant policies with respect to these issues are S2, DR1 and HBA6 of the Herefordshire Development Plan.

6.2. The new fencing is set against the fairly bland backdrop of the rear of the Leisure Centre building, which is mostly plain red brick walling with only a few small windows. Part of the fencing is hidden by the existing larch lap fencing on the boundaries of the adjacent dwellings. It is understood that the new fencing replaced some old wire and wooden fencing. As such, it is considered that, in this position, the fencing will look acceptable and not out of keeping with the visual appearance/character of the immediate area to the north west of the site, which is predominately used for car parking (public and private). The fencing is just outside the designated Conservation Area which lies to the south. The fencing does not adversely affect the character and

appearance of the Conservation Area and the materials used are considered to be acceptable.

- 6.3. The fencing is required, in order to deter vandals climbing onto the rear low level roofs of the Leisure Centre where they have been a nuisance and causing damage to both the Leisure Centre and the neighbouring residential dwellings. It is understood that, since the fencing has been erected, these problems have lessened significantly. In addition, the fencing does not adversely affect the residential amenities of the adjacent dwellings.
- 6.4. In conclusion, the development is considered to be acceptable and in accordance with the approved planning policies and guidance for the area. The size and appearance of the fence is considered acceptable in this position and location.

RECOMMENDATION

That planning permission be granted.

Informative(s):

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

2 - N03 - Adjoining property rights

3 - The applicant/owners should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt, the applicants/owners should seek legal advice on the matter.

4 - N14 - Party Wall Act 1996

5 - N19 - Avoidance of doubt

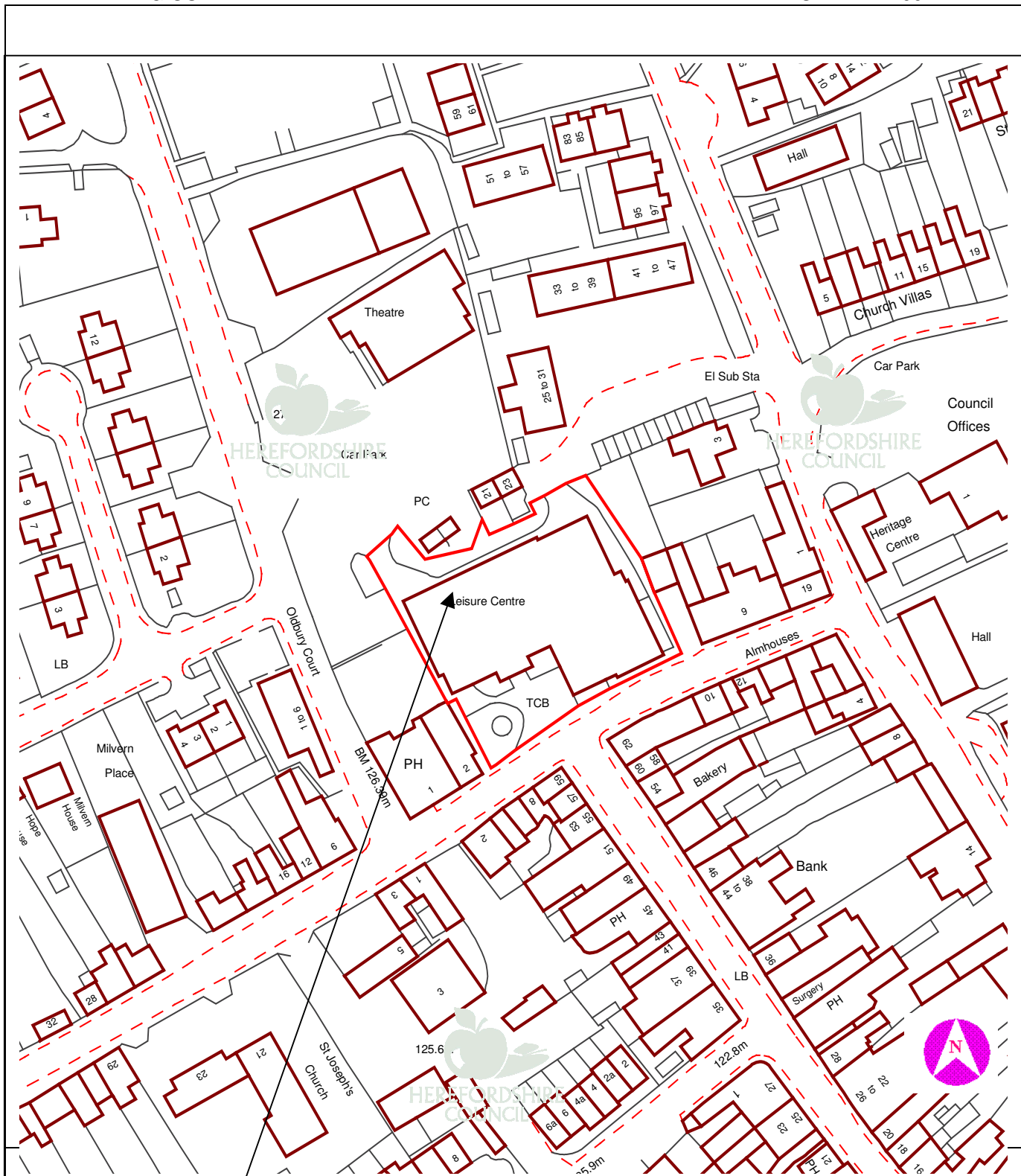
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCNG2007/3280/F

SCALE : 1 : 1250

SITE ADDRESS : Bromyard Leisure Centre Cruxwell Street, Bromyard, Herefordshire, HR7 4EB

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DCCW2007/2057/F - VARIATION OF CONDITION 2 OF PLANNING CONSENT DCCW2006/3153/F TO ALLOW SALE OF THE PROPERTY (IF NECESSARY) TO ANOTHER TRAVELLING FAMILY AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU

For: Mr. R. Jones, The Birches Stables, Burghill, Hereford, HR4 7RU

Date Received: 28th June, 2007 **Ward: Burghill, 47047, 44285**
Holmer & Lyde

Expiry Date: 23rd August, 2007
 Local Member: Councillor Mrs. S.J. Robertson

Introduction

This application was considered by the Central Area Planning Sub-Committee at its meeting on 26th September, 2007 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

In the debate the Members of the Area Sub-Committee gave weight to the history of permissions on this site, noting that the first permission was granted by South Herefordshire District Council in 1992. That permission was fundamentally different from the current proposal in that it was personal to the applicant at the time and the intention was that, once that family had vacated the site, it should revert to agricultural use. Permission has subsequently been granted for the use of the site as a gypsy site with a condition restricting the occupation to the applicants (Mr. and Mrs. Jones) and their daughter (Miss Roseanne Jones). The Area Sub-Committee objected to a further "widening" of the permission to allow any traveller family to occupy the site taking the view that, if the current applicants no longer required the site, then it should revert to agricultural use. Concern was also expressed about the fear of crime in the light of a recent event at the site.

It was resolved to refuse planning permission.

The proposal raises the following points:

1. The use of the site for travellers is in accordance with the provisions of the relevant development policy, i.e. H12 in the Herefordshire Unitary Development Plan 2007. It matches the criteria of that policy in all respects.
2. The use of the site is also in accordance with the latest Government advice on sites for travellers in ODPM circular 01/2006: Planning for Gypsy and Traveller Sites.
3. In the light of the degree of compliance with local and national policies for sites for travellers there is no justification for the permission being restricted to any one particular traveller family.

4. The circumstances which pertained when the first permission was granted in 1992 have been significantly changed by the adoption of the Herefordshire Unitary Development Plan 2007 and the issuing of ODPM circular 01.2006: Planning for Gypsy and Traveller Sites.

In the light of the above points it can be seen that the proposal accords with the relevant development plan policies and national planning guidance regarding the siting of development for travellers. Furthermore, recent examples of appeals regarding sites for travellers suggest that an appeal against a refusal would be very difficult to defend. For these two reasons this application is referred to this meeting for further consideration.

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

1. Site Description and Proposal

- 1.1 The Birches Stables is a 0.26 hectare site located to the south of Burghill Scout Hut and Manor Fields Housing Estate on the edge of the settlement boundary for Burghill. Planning permission has been granted for use of the land for stationing of two caravans to provide accommodation for two gypsy families. The planning permission is conditioned to be personal to Mr. & Mrs. R. Jones and Miss Rosanne Jones.
- 1.2 This proposal seeks to remove Condition No. 2 to allow (if necessary) the sale of the land to another travelling family.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H4	-	Main Villages – Settlement Boundaries
Policy H12	-	Gypsies and Other Travellers

3. Planning History

- 3.1 SH911548PF Use of land as a caravan site for sole occupation of applicant. Approved 22nd January 1992.
- 3.2 DCCW2006/1598/F Variation of condition 1 of planning application SH911548PF sole occupation. Refused 6th July 2006.
- 3.3 DCCW2006/3153/F Change of use from agricultural to a two family gypsy site. Approved 5th January 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

4.2 Traffic Manager: Raises no objection.

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

5. Representations

5.1 Burghill Parish Council: "Burghill Parish Council strongly objects to removal of condition 2 of Planning Permission DCCW2006/3153/F in regard to The Birches Stables, Burghill. Permission was granted on 5th January 2007.

The Parish Council understands the Policy considerations and Policy on Use of Conditions stated in Mr. Jones's application. The Parish Council believes that Herefordshire Council has fully applied these in granting Mr. Jones and his family planning permission early this year. Condition 2 treats Mr. Jones and family in exactly the same way as the previous resident owner, a Mr. Lane was treated; ie the land shall revert to agricultural use on cessation of their occupation. This condition appears to be totally reasonable to the Parish Council and in accordance with Policy Circular 11/95 since there is no erection of a permanent building involved.

The Parish Council views the personal and financial situation of the applicants with sympathy, but finds that these are not material planning considerations.

The Parish Council submits that a change of wording in Condition 2 of the Planning Permission would allow Mr. Jones's daughter and any offspring the benefit of residence on The Birches Stables.

Burghill Parish Council would also point out that Mr. Jones and his family have disregarded most of the Planning Conditions set by Herefordshire District Council in the original Planning Permission letter dated 5th January 2007.

Condition 1:- More than the maximum allowed number of mobile homes/touring caravans have been on the site much of the time.

Conditions 3, 4, 5, 6 and 7:- There has been no attempt to comply with these requirements. The Parish Council wrote to the Enforcement Officer on 20th March of this year regarding non-compliance. In his reply Mr. M. Lane stated that Mr. Jones was in discussion with the Highways department.

Condition 8:- There have been a number of trucks and lorries parked on the site day and night. It should be noted that scrap metal and other sundries have been stored on the site.

The Parish Council has received a number of complaints about the use of this site and is aware of the detrimental affect on the area. The Parish Council hopes that Herefordshire Council will not exacerbate this situation when arriving at a decision."

5.2 Three letters of objection have been received, the main points raised are:

1. Strong objections to the application - none of the existing conditions have been met.
2. Scrap metal business is being operated from the site.

3. The condition was put in place to stop other gypsy families buying the site as he did at Marden.

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

6. Officer's Appraisal

- 6.1 The starting point in consideration of this proposal is the reason identified for the imposition of the condition. This states:-

"The nature of the development is such that it is only considered acceptable in this location having regard to the applicants special circumstances."

- 6.2 In this particular instance the "special circumstances" are that the occupants are a gypsy family. In this respect the site complies with the Gypsies and other Travellers Policy H12 as it lies adjacent to the settlement boundary of a main village (Burghill). Furthermore the proposal for two families is regarded as modest in scale; the site is well screened and there are adequate levels of amenity and play space for children. Accordingly it would be unreasonable in this instance to retain a condition restricting the use of the site to a specific gypsy family since on its planning merits it is considered to be acceptable for any gypsy family subject to confirmation of their status.

- 6.3 It is recommended that the condition is removed and replaced with a condition that restricts the use of the site to gypsies or other travellers, and limits the use to only two mobile homes together with other conditions previously applied.

- 6.4 The Parish Council and local residents' concerns are noted, however the site's location complies with the policy for gypsy sites and discussions are on-going regarding the new access. The scrap metal business is being operated by the occupier of one of the caravans and is on a very low key basis such that based upon current evidence, it would not require planning permission provided the materials are stored within the buildings on site. An update regarding progress with conditions will be provided at Committee.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **The use of the site shall be limited to the occupation of two mobile homes by a person or persons recognised as being of genuine gypsy (or other traveller) status and evidence demonstrating such status shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site by any person or persons.**

Reason: The nature of the development is such that it is only considered acceptable in this particular location having regard to the occupiers gypsy/traveller status.

2. **A10 (Amendment to existing permission) (DCCW2006/3153/F) (5th January 2007).**

Reason: For the avoidance of doubt.

Informative:

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

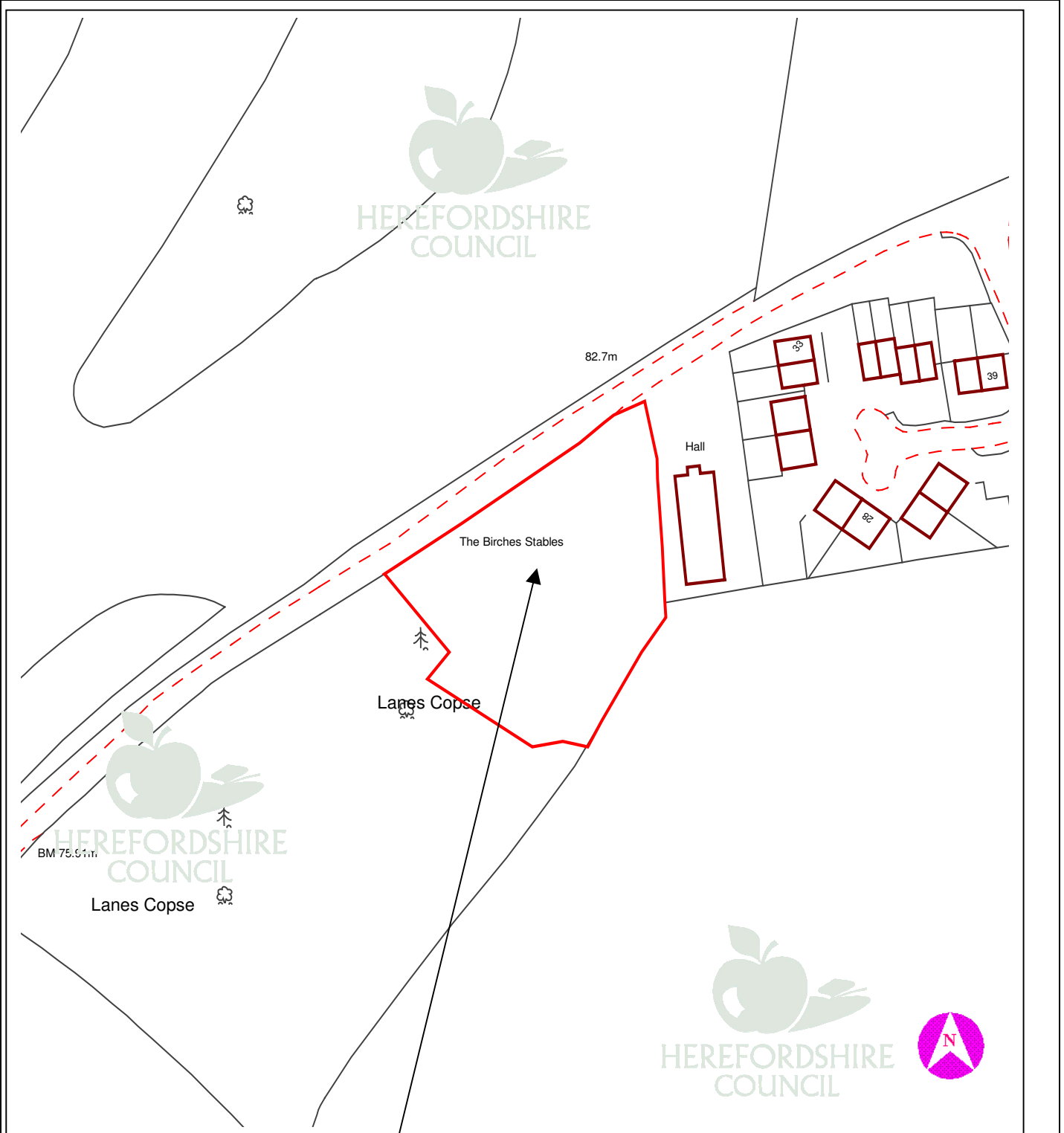
Decision:

Notes:

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Background Papers

Internal departmental consultation replies



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APPLICATION NO: DCCW2007/2057/F

SCALE : 1 : 1250

SITE ADDRESS : The Birches Stables, Burghill, Hereford, Herefordshire, HR4 7RU

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Further information on the subject of this report is available from Mr. K.J. Bishop on 01432 261946

A DCCE2007/2467/RM - THE ERECTION OF 81 NO. DWELLINGS WITH ASSOCIATED PARKING AND LANDSCAPING. LAND AT VENNS LANE ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB

For: Royal National College for the Blind, Montagu Evans, 44 Dover Street, London, W15 4AZ

B DCCE2007/2469/F - VARIATION OF CONDITION 10 OF PLANNING PERMISSION DCCE2006/0099/O TO ALLOW THE CONSTRUCTION OF 81 AFFORDABLE AND OPEN MARKET RESIDENTIAL UNITS. LAND AT VENNS LANE ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB

For: Royal National College for the Blind, Montagu Evans, 44 Dover Street, London, W15 4AZ

Date Received: 3rd August, 2007 Ward: Aylestone Grid Ref: 51834, 41323

Expiry Date: 2nd November, 2007

Local Members : Councillors DB Wilcox, NL Vaughan

Introduction

These applications were considered by the Central Area Planning Sub-Committee at its meeting on 24th October, 2007 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

In the debate the Members of the Area Sub-Committee were concerned that the new proposal for 81 dwellings was a significant increase over the original figure of 70 dwellings for which outline permission was granted. They were particularly concerned at the impact the development would have on the amenities of local residents.

It was resolved to refuse planning permission on the grounds of the intensity of the development, the impact on residential amenity and the impact on the character of the area.

The application proposals raise the following issues:

1. The outline permission included, as part of its supporting documentation, a Masterplan for the site. This defined, amongst other matters, the areas available for residential development and the areas reserved for a landscaped buffer between the new housing and the nearest residential properties on Helensdale Close and Loder Drive. The new proposals accord with the principles and developable area established by the Masterplan. Furthermore, the distances between existing and proposed dwellings in some instances is considerably greater than illustrated in the Masterplan.
2. The impact on residential amenity can be expressed through measurement of distances between the new and existing houses. In the case of Loder Drive the closest distance is 27 metres (compared to 26 metres as shown on the Masterplan) and in the case of Helensdale Close the closest distance is 23 metres (compared to 13 metres as shown on the Masterplan). These are both comfortably in excess of normal building to building distances in a suburban setting with the impact reduced further due to the site being lower than existing neighbouring properties and trees to be retained providing further privacy. In the light of the specific circumstances of the site and recent appeal decisions such distances are very likely to be found acceptable on appeal.
3. There will undoubtedly be a significant change in the character of the area in that the former orchard and associated open spaces on the site will be replaced with 81 new houses (and the orchard trees themselves replaced on adjacent land). However, that change in character is already committed by virtue of the outline permission for 70 houses. The change to 81 houses has no increased impact because the new houses are all within the area committed for new housing by the approved Masterplan.
4. The overall density of the development will be increased from 30 dwellings per hectare (with 70 dwellings) to 35 dwellings per hectare (with 81). This is still towards the lower end of the range 30 to 50 dwellings per hectare required by UDP policy. The intensity of the development does not therefore conflict with any planning policy requirements.

There were many other features of this scheme that were debated at the meeting including highway matters, the funding arrangements, Section 106 contributions and the provision of affordable housing. However, the three reasons for refusal put forward by the Sub-Committee were restricted to just the issues of intensity, amenity and character of area.

In the light of the above comments it can be seen that the proposal does not conflict with policy on the grounds specified by the Area Sub-Committee and, in these circumstances, particularly as outline permission for 70 units already exists, a refusal of permission would be very difficult to defend in the event of an appeal. Whilst the site is not an allocated site in the Unitary Development Plan, the contribution it could make to meeting housebuilding targets in Hereford is not insignificant, and as enabling development for other related developments at the Royal National College for the Blind, it is a very significant development for the City. For these reasons the application is referred to this meeting for further consideration.

Update – Amended Plans

Subsequent to the consideration of the application by the Central Area Sub-Committee on 24th October, an amended layout has been submitted. The amendments are as follows:

- Increase in the width of the of the landscape buffer between the proposed gardens to the rear of plots 2-8 and 21 and the boundaries with Loder Drive and Helensdale Close enabling the retention of existing trees all to be managed by the College

- Re-location of plot 16 and the associated garden a further two metres away from the boundary with Loder Drive and retention of further existing trees

A further consultation exercise has been undertaken on the amended plans but the consultation period had not expired at the time of writing this report. Members will be updated of any further comments received at Committee. This report has been updated to take account of the amended plans and further correspondence received since the writing of the report for the Central Area Planning Sub-Committee.

1. Site Description and Proposal

- 1.1 The site is located north east of Venns Lane approximately 250 metres south east of the junction with College Road north of the city centre. The site presently forms part of the campus associated with the Royal National College for the Blind. A new access has recently been completed to serve the development along with other facilities proposed by the College north west of the application site. Existing properties either side of the new access road are owned by the college and used as student accommodation. Five detached bungalows forming Helensdale Close adjoin the southern boundary of the site and predominantly detached two storey properties forming part of Loder Drive wrap around the south eastern corner of the site. Beyond Loder Drive is Aylestone Park which is in the process of being developed by Herefordshire Council for sport and recreation and as a Country Park. The remainder of the land to the north and north west of the site comprises woodland and grassland.
- 1.2 The site itself is predominantly orchard with a mixture of other evergreen and deciduous trees around the fringes. Levels fall generally within and around the site from south to north and east to west. The site including land adjoining the site to the north and north west is designated as a Site of Importance for Nature Conservation (SINC) within the Unitary Development Plan and all trees (except the orchard) are also protected by a group Tree Preservation Order No. 138.
- 1.3 Outline planning permission was approved on 31st May, 2007 for the mixed use development of the site and adjoining land. The application was a hybrid application which is essentially an outline application incorporating full details of some elements of the proposals. The outline planning permission included the residential development of this site with associated open space, landscaping and access. The outline approval included the proposed access (now completed) with all other matters reserved for future consideration.
- 1.4 Reserved Matters approval is now sought for the layout, scale, appearance and landscaping of the site proposing the construction of 81 affordable and general market dwellings. In detail, the reserved matters application comprises the construction of a mixture of terrace, semi-detached, detached, one, two, three, four and five bedroom dwellings and two bedroom apartments with associated parking, landscaping, access and footpaths/cycle links and open space. In line with the Section 106 Agreement 17.5% of the total number of dwellings will be affordable.
- 1.5 The second application encompassed within this report is for the variation of Condition 10 of Part 2 of the Outline Planning Permission. Condition 10 states:

The development hereby permitted shall be for the construction of a total of 70 affordable and open market residential units.

Reason:

To define the terms of this permission and to maintain the landscape and ecological character of the site and its surroundings.

Planning permission is sought to vary this condition to enable the construction of 81 affordable and general market properties.

2. Policies

2.1 Planning Policy Guidance:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS9	-	Biodiversity and Geological Conservation
PPG13	-	Transport

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural and historic heritage
S8	-	Recreation, sport and tourism
S10	-	Waste
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H9	-	Affordable housing
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
T16	-	Access for all
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Biodiversity and development
NC4	-	Sites of local importance
NC5	-	European and nationally protected species
NC6	-	Biodiversity action plan priority habitats and species
NC7	-	Compensation for loss of biodiversity
NC8	-	Habitat creation, restoration and enhancement
NC9	-	Management of features of the landscape important for fauna and flora

RST1	-	Criteria for recreation, sport and tourism development
RST3	-	Standards for outdoor playing and public open space
RST7	-	Promoted recreational routes
W11	-	Development – waste implications

3. Planning History

- 3.1 DCCE2006/0099/O - Construction of Halls of Residence, Sports and Complementary Therapy Building, creation of floodlit outdoor sports pitch, residential development on 2.3 hectares and associated open spaces, landscaping, infrastructure, access roads, footpaths and cycle paths. Approved 31st may, 2007.
- 3.2 Several other applications over the last 10 years or so involving works to the trees protected by a Tree Preservation Order.

4. Consultation Summary

Statutory Consultations

4.1 Environment Agency:

We have no objections to the proposed development but would make the following comments:

Surface water drainage - no details have been provided of how storm water disposal will be addressed. For a site of this scale, we would require the development to incorporate sustainable drainage techniques to ensure that surface water is attenuated to relevant green field run off rates and manage surface water flow in a sustainable manner to mimic that prior to the proposed development taking place.

4.2 Welsh Water:

No objection subject to conditions related to foul and surface water drainage.

4.3 West Mercia Constabulary - Crime Risk Manager:

The DCLG Circular 01/2006 states that PPS1 makes its clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or a fear a crime does not undermine quality of life or community cohesion.

This statement is endorsed in the recent HO Publication Cutting Crime/New Partnership 2008/2011. The section on situational crime reduction focuses on the environmental development and planning sector to design out of crime from new developments. It goes on to endorse the good practice through adopting the guidelines set out in Safer Places the Planning System and Crime Prevention and also through the secure by design scheme.

I fully appreciate the need to consider the reduction of car dependence but hold caution against approving planning on a development that allows for leaking cul-de-sacs. Whilst I appreciate the area is not a crime hot spot area the Herefordshire Partnership is aware of the general high level of fear of crime particularly in Hereford.

Internal Council Advice

4.4 Traffic Manager:

CE2007/2467/RM - Various concerns exist regarding the detail of the current layout including the geometry and width of the roads, footpaths and cycle links and visibility from some of the private drives. With parking levels overall at an average ratio of 1.84 spaces per dwelling including garages, although above government guidelines is acceptable as many of these are garages. Permitted development rights should be removed for the garages and integral garages to prevent them from being converted to alternative uses. Parking provision for the five bedroom houses is under provided and they require an additional space and some of the bin and cycle stores for the flats is difficult to access.

Comments on the amended plans.

Minor revisions are still required to some of the internal road layouts but most of our principal concerns outlined above have been addressed.

CE2007/2469/F - I confirm the traffic assessment accompanying the outline application which investigates the traffic impact of the development accounts for 80 houses and therefore does not require revision. There is therefore no objection in principle to the increase in the number of units from 70 to 81.

4.5 Strategic Housing Enabling Officer:

Strategic Housing in principle supports the application which includes 14 affordable units. Strategic Housing in principle also supports the majority of the layout where the affordable units will be positioned, but would prefer to see Block B relocated as it felt that the affordable units need to be more integrated within the development. In line with the Section 106 requirements the affordable housing should be built to Housing Corporation Scheme Development Standards and lifetime homes without grant subsidy. The mix of tenure should be 8 two bedroom flats for rent and four two bedroom flats for shared ownership.

4.6 Children and Young Services Directorate (Education):

The provided schools for the site are Broadlands Primary School, St Francis Xavier RC Primary and Aylestone High School. In light of falling roles across the county the authority has undertaken a review of school provision and it is likely that capacities of schools will be assessed as part of this review. It is therefore the likelihood that the capacities of all these schools could be reduced resulting in little if any surplus capacity at the schools. Any additional children would then result in organisational difficulties for the schools.

The Children and Young Peoples Directorate would therefore be looking for a contribution of £2000 per dwelling to be used towards improvements of school infrastructure at the three identified schools.

4.7 Land Drainage Engineer:

The drainage proposals for the development are covered in the Flood Risk Assessment and Service Water Drainage Management Documents provided with the Outline Planning Application. They state that the flow from the site will be accommodated within a 300mm diameter public storm water sewer with flows being attenuated to green field run off drains. The rate and method of attenuation will therefore be subject to the approval of Welsh Water.

4.8 Conservation Manager - Landscape:

The application has been subject to extensive pre-application negotiation and discussion and much of the layout and design of the site has been refined through this

process. There are, however, a number of areas where further detail and information needs to be provided and issues resolved.

- The trees on the site are subject to a Tree Preservation Order and as such should only be removed, pruned or otherwise altered with express permission of the local planning authority. To that end, we will require further details as to which trees are to be removed, translocated and pruned as a result of the development. At the time of writing, I understand that this information is in production. Specifically, we will need details and a method statement as to the translocation of trees within the site.
- Boundary treatments – Details of the types of fencing/walling dividing plots 1 through to 21 and adjacent roadways from the remnant ‘wild’ area need to be agreed and incorporated onto the landscaping layout.
- Particular attention and details are still required for the two areas of open space within the site: the central, formal space and the resultant space north-east of plot 14. With regard to the central space it will be essential to demonstrate how the space will function in three dimensions, what level of hard landscaping and amenity infrastructure is to be provided and how it relates to the adjacent roadway.
- Further details and information concerning the location and management of the new orchard is also required, although I understand that our ecologist is dealing with this matter.

In general I am satisfied with the layout and form of the proposed development and that the principles for landscaping the site have been addressed. I remain a little concerned that the proposals to translocate mature trees has not been fully described and that boundary treatments at the time of writing have not been fully identified. The structural landscaping for the site is adequate and should result in a quality development commensurate with the location.

4.9 Conservation Manager - Ecology:

I have visited the site and examined the orchard management plan and proposals. With respect of the proposed compensatory orchard planting, further clarification is required relating to the location and area of proposed orchard, details of the fruit species to be planted and where they are to be sourced from, the timetable of planting. The possibility of translocating existing trees to the new orchard should also be investigated and details of the proposed management are required.

I also notice that a few of the existing fruit trees that are to be removed have potential for use by bats. I therefore recommend that immediately prior to the felling, an inspection of these trees be carried out by a licensed Bat Consultant. If they are found to be present, a license from Natural England may be required which could delay the development works. Bat boxes should also be installed on site in case any bats are found.

4.10 Head of Environmental Health and Trading Standards:

No objection.

4.10 CCTV Officer:

There are 12 West Mercia Constabulary beat areas. Aylestone beat covers the north eastern portion of the city and has the sixth highest recorded incidents. A CCTV camera at either the Aylestone Hill/Venns Lane/Folly Lane junction or College Road/Venns Lane/Old School Lane junction would assist very much with the prevention and detection of crime as these are main routes both for vehicles and pedestrians in and out of the city and are used widely by law abiding and non law abiding citizens as quick escape routes out of the city. These junction have experienced a number of road traffic collisions and CCTV would assist in gathering evidence and being able to assist in the deployment of appropriate emergency services.

A contribution towards the cost of the provision of a camera including associated infrastructure such as cabling and ground control room connection of £17,747 is requested.

4.11 Parks and Leisure Services Manager:

The area of open space is acceptable but we ask that any agreed contributions for play and sport are increased pro-rata in accordance with the approved number of dwellings. Details of the Local Area of Play specification is required.

5. Representations

5.1 Hereford City Council:

CE2007/2467/RM - The City Council recommends the application be refused as it represents an over intensive development of the site. The City Council would welcome an application with a lower density of housing.

Amended Plans – Comments awaited

CE2007/2469/F - The City Council has no objection to this application.

5.2 Thirty-four letters of objection/comment have been received including a petition from residents of Loder Drive with 55 signatures. A further three letters were received in response to the consultation on the first set of amended plans, one signed by three residents of Loder Drive. The main points raised are:

- The provision of 81 dwellings of a lower quality is not worthy of this prestigious urban parkland location and appears to fly in the face of the adopted Herefordshire Council policies.
- The exterior designs of the houses are disappointing.
- The increased volume of traffic will have an unacceptable impact on the local highway network particularly at peak periods in the morning and evening and the start and close of local school days
- The development will impact upon the safety of local residents, school children, educational establishments and residential care homes in the locality.
- An increase in the number of units will further erode the quality of life for existing residents.
- Plot 16 is too close to Loder Drive and should be deleted or re-positioned
- The development will impact on local residential amenity
- The retained woodland area in the south east corner of the site should be increased in width by at least 5 metres to maintain the present value as a natural corridor rather than severing it as proposed.
- Site levels could be lowered further

- The access to Aylestone Park should be removed in order to reduce the nuisance to local residents and to encourage the sustainability of the wildlife corridor.
- If the cost of other college developments have risen by 1 million and the current uncertainties of other funding required to complete the project, we query whether the college will be seeking further development on other parts of the campus to provide further funds. A better solution would be to trim back the project to match the funds available.
- It is disingenuous to state that extra funding is required for example to increase living space of blind students when these specifications must have been known from the outset.
- Contingency funding should also have been built into the original proposals.
- Local residents are saddened by the lack of consultation by the developers with local residents and seek to retain the original concept of a high quality development as initially promised by the RNC and its consultants.
- If permission is approved a new robust high fence at least 2.7 metres high should be erected along the full length of the south east boundary from Helensdale Close to Aylestone Park, retained woodland area should be extended to the rear of Plots 4 - 8, the proposed orchard should be properly fenced off and all existing and retained trees and proposed planting appropriately maintained and managed.

Hereford Civic Society

- Although anxious to support the proposals in principle, the proposed plans show a rather crowded site with insufficient green space for children. This is the result of trying to fit to many dwellings into the site.
- The proposed affordable is less than half the declared objective of Herefordshire Council of 35%.
- The general character of the dwellings is undistinguished and in some cases the rooms in the houses appear unnecessarily small. 3 flats are proposed above garages with no windows on three elevations which would not achieve a satisfactory standard of accommodation.
- We note with approval the plan to retain and conserve 72 mature trees preserving the green outlook for many of the dwellings and contributing to the sustainability of the scheme. We feel that the developers should be encouraged to go further in providing more green space with additional planting to replace all trees that have to be lost.
- Hereford Civic Society recommend the plans require substantial amendments before approval particularly with regards to the excessive number of dwellings, the inadequate proportion of affordable units and lack of green spaces in the development. We also hope room sizes and some of the designs could be improved.

5.4 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. All responses received within the consultation period relating to the latest revised plans will be reported verbally to Members.

6. Officer's Appraisal

The Principle

6.1 Outline planning permission now exists for the residential development of the land subject of this application for 70 residential units. The outline permission also included detailed proposals for the access to the site, which is now largely completed. As such

the principle of constructing 70 dwellings on site along with the location, design and safety of the access are all approved. These proposals now seek an uplift in the number of units from 70 to 81 and therefore before discussing the detailed layout, it is necessary to establish whether this in principle is acceptable.

Increased Density (70 to 81 Properties)

- 6.2 Condition 10 of Part 2 of the Outline Permission restricts the number of units on site to 70. The reason being is to define the terms of the permission and to maintain the landscape and ecological character of the site and its surroundings. The figure of 70 units was based upon the proposals set out in the Master Plan accompanying the outline application. However, the plans submitted with the outline application were purely for illustrative purposes. The condition was not therefore imposed to provide a definitive ceiling on the number of units that can be accommodated on the site but rather, to enable the local planning authority to control the number of units and re-evaluate the impact of any increase in the number of units on the site, its surroundings and local infrastructure and if appropriate, to re-negotiate the Section 106 matters.
- 6.3 The construction of 81 dwellings represents a density of 35 dwellings per hectare, which is at the lower end of the minimum density of 30 dwellings per hectare advocated by Planning Policy Statement 3. It is also in line with Policy H15 of the Unitary Development Plan, which sets a minimum density of 30 dwellings per hectare for sites that do not fall within or adjoining the city centre.
- 6.4 As well as making a more efficient use of the site, the applicants being the Royal National College for the Blind state that the uplift in the number of dwellings proposed is essential to provide additional funds to facilitate the construction and completion of the sports facilities and new halls of residence also approved as part of the outline planning permission. The College advise that build costs have increased by around £1 million. The reasons being due to increased construction costs partly due to the bespoke design of the student accommodation and teaching areas, the level of equipment required and changes in Building Regulations.
- 6.5 The college is a registered charity and has no reserve funds to put towards capital projects. A funding strategy is in place including bids to the Learning and Skills Council, Advantage West Midlands, the Football Foundation and Sport England along with contributions from trusts and foundations in the corporate sector and individuals. The only confirmed funding source to date is that obtained from the sale of the residential development site (£5 million) although the bid to the Learning and Skills Council (£3.75 million) is at its final stage and the college is confident that the funding will be approved.
- 6.6 The College is therefore seeking to maximise the funds received from the sale of the residential site which is obviously influenced by the number of units approved. Without the Outline Planning Permission for 70 units on site, the college would not have been able to proceed with the new student accommodation, teaching and sporting facilities. These facilities also have to be provided within a tight timescale, as they are required to be completed by early 2009 to be available as a training venue in association with the Olympics and Para Olympics and the hosting of the World Blind Football Championship in summer 2010. The ongoing usage of the facilities along with special events such as the Olympics and World Blind Football Championship will, the college state, represent an unparalleled inward investment into Hereford. It will raise the profile of Herefordshire by providing excellence in education and sport along with additional local employment and enable the college to continue to be a national leader in

providing further education and preparation to entry to employment of blind and partially sighted people.

- 6.7 The above information is obtained from the supporting documentation provided with the applications. It is clear that the funding available to facilitate the sporting, educational and teaching facilities is limited and any additional funds generated by the residential development will greatly assist in facilitating the other facilities. The College also has plans for future phases of development within their campus south of Venns Lane and little funds are available to deliver these at present. The extra 11 houses will provide around another £800,000 thereby largely covering the increased development costs. There are, however, some inconsistencies in the information provided in terms of the development costs and precise needs for additional funds to be achieved from the proposed development.
- 6.8 Ultimately, based upon the information available, it does not appear that the funds generated by the additional 11 units is critical to the completion of the other College facilities to the extent that they could not be provided without the additional money as was the case with the original outline planning permission. It is therefore not considered that the financial benefits to the College from the uplift in the number of dwellings should be given significant weight in the determination of these applications. Moreover, the issues are whether the proposal represents a satisfactory development of the site in terms of the layout, scale, design, materials, impact on the landscape, ecology, amenity, highway safety and so on. It is these factors that will ultimately determine whether 81 dwellings is an acceptable number of units for the site but as a matter of principle, the construction of 81 dwellings would accord with both national guidance and UDP policy in terms of residential amenity.

Layout

- 6.9 The layout has largely followed the basic principles of the Master Plan with modification where necessary to take account of the constraints of the site. In particular topography and trees. A relatively strong frontage is proposed on the southern side of the new access road with dwellings orientated towards the new sports facilities. Some of the properties are set back from the pavement edge to achieve frontage parking with two plots (13 and 14) to be constructed on the pavement edge as these are to be retained by the College and occupied by students and therefore have no parking. The principles of a high density frontage along the access road is considered appropriate, as is the staggered siting of the properties.
- 6.10 The principal access road then meanders through the site with its appearance and impact down graded where possible to a shared surface and private drives serving parking courts. This assists in creating a more informal appearance to the development in keeping with the context of the site.
- 6.11 An area of open space incorporating a Local Area of Play (LAP) is proposed in the heart of the development in keeping with the Master Plan ethos although the size of this area is slightly smaller. Dwellings are proposed to enclose and overlook the space providing natural surveillance and a safe environment for passive recreation. Elsewhere, properties generally are sited on the road or pavement edge creating a sense of enclosure whilst in most instances enabling properties to have an attractive outlook across adjoining land. Key vistas are also retained from high points within the site and from the open space to the north and north east towards Aylestone Park, again in accordance with the master plan.

6.12 In line with the Master Plan, the green buffer zone of grassland and trees is to be retained along the southern and south eastern corner of the site wrapping round the eastern and northern boundary. In light of a number of concerns raised by residents, it is advised that the 'developed area' of the site as proposed accords with the principles of the Master Plan and the green buffer zone has not been reduced in area to accommodate the additional 11 dwellings. Elsewhere, key trees are being retained where possible with others being translocated to more appropriate locations within or surrounding the site. The overall principle of the layout identified on the amended plans are considered acceptable.

Housing Mix and Designs

6.13 A mix of two bedroom apartments along with one, two, three, four and five bedroom houses. In line with the Section 106 Agreement, all the affordable housing is in the form of two bedroom flats comprising of two detached three storey blocks. Elsewhere, a mixture of terrace, semi-detached, detached is proposed. The mix of house types and sizes should achieve a satisfactory mix and balance accommodation ensuring that all levels of affordability are catered for.

6.14 The scale of the housing in terms of the height ranges from a mixture of flats above garages to conventional two storey, two-and-a-half storey and three storey. The three storey units comprise the affordable apartments and are located in other key spaces where more imposing development is required. These predominantly being located relatively centrally within the site around the open space, along parts of the access road and along the western boundary with the new (three storey) sports facilities at the College. A lower density and scale is proposed along the northern and eastern boundaries to achieve a smoother transition between the development and adjoining land uses. The mix of house heights and proportions assists in breaking up the ridge heights of the street scene and creates a better transition between different scales of properties.

6.15 The proposed designs are fairly typical of a development of this nature. To address officer concerns the applicants are seeking to introduce higher quality detailing such as timber rather than UPVC windows, timber garage doors and cedar cladding to some elevations of properties. This will assist in enhancing the appearance of some of the property designs and create greater character and identity to the overall development. The materials are predominantly a mixture of render and brick providing a subtle contemporary appearance linking in with the more modern design of the adjoining sports development. Concerns remain regarding the appearance of integral garages on principal streets and the parking areas in front of plots 4, 5 and 6 but additional interest is introduced with gables roofs addressing roads, balcony detailing and chimneys on certain properties. The topography of the site will also greatly reduce the mass of the development with different levels throughout the site.

6.16 With the exception of the proposed apartment blocks, the designs are relatively standard which is a little disappointing given the context of the site. However, the amendments to some of the designs and mix of materials creates additional interest in the street scenes and consequently, the overall impact of the development in terms of the dwelling designs and scales is acceptable.

Highway Matters

6.17 The general traffic impact of the development was assessed at the outline stage through a Traffic Assessment. This assessment was undertaken on the basis of 80

dwellings and therefore the conclusions of the assessment are still relevant and apply to the current proposals for 81 units. The assessment was undertaken over a continuous period for a week during term time. The assessment concluded that based upon 80 dwellings, the traffic will increase at local junctions by up to 1.5% which is within acceptable tolerances and therefore the local highway network can accommodate the traffic associated with the development now proposed.

- 6.18 The principal access to serve the development was approved as part of the outline permission and is now completed in accordance with the approved plans. Beyond the access more informal shared surfaces are proposed removing the need for formal segregated pavements other than where essential. The design of the road network also provides a more tortuous route for traffic to reduce traffic speed and provide a more pedestrian priority environment in line with the principles of Homezones.
- 6.19 Parking is provided on plot or in parking courts located primarily to the rear of the housing. This arrangement assists in screening large areas of hardstanding and parked cars and also ensures that the parking areas are overlooked by surrounding properties. Parking provision is at a ratio of 1.8 spaces per dwelling which although above that required by Policy H16 of the Unitary Development Plan is considered an appropriate provision given the location of the site and the type of housing proposed. Some of the parking is being provided by integral, attached and detached garaging and therefore it will be necessary for permitted development rights to be removed to ensure the garages remain available for the parking of vehicles and are not converted to habitable accommodation or other ancillary uses.
- 6.20 A direct pedestrian/cycle link is provided from Venns Lane through the site to Aylestone Park in line with the Master Plan enabling direct access to Aylestone Park and the associated sports facilities. Although minor revisions to the internal road layout are required, the principles of the highway layout and parking provision now proposed are considered acceptable.

Open Space and Trees and Ecology

- 6.21 In line with the Master Plan, the centre of the development will comprise an area of open space incorporating a local area of play which will provide a focal green space to the development. Although the size of this space has been slightly reduced from that illustrated in the Master Plan, it is not considered in itself represents a basis for refusing permission. Front garden boundaries will be defined with hedge planting further enhancing this green space.
- 6.22 The development will entail the removal of all the orchard trees, the principle of which has been approved by virtue of the outline approval. To compensate for the loss of the orchard, replacement orchard planting comparable in area (1 hectare) is proposed within land adjoining the eastern boundary of the site within Aylestone Park. Again, this forms part of the outline proposals and requirements of the Section 106. The scope of translocating some of the orchard trees to the new orchard is also recommended and is currently being investigated. A limited number of trees are proposed to be removed with others translocated to the peripheries of the site. This in principle is considered acceptable although further details are required as to the translocation process and future maintenance to ensure the trees survive. Some concerns exist regarding the proximity of trees to proposed dwellings and therefore some crown management is proposed in consultation with the Council's Landscape Officer.

- 6.23 Outside of the developed area along the southern, eastern and northern boundaries of the site existing trees and woodland areas are to be retained in line with the Master Plan. The latest amended plans, in fact, increase the size of these areas to achieve a wider and more continuous green corridor between proposed garden boundaries and the perimeter of the site. This also follows the principles of the ecological assessment of the site at outline stage which identified that the orchard was the area of SINC with least ecological value. These areas are also to be retained within the ownership of the College which will secure the long term protection of the areas and the trees in particular. Furthermore, a long term management strategy is in the process of being prepared in line with the outline planning permission and Section 106 Agreement for all of the SINC to enhance its biodiversity value.
- 6.24 Part of the proposals also include the separation of the residential development from the SINC with appropriate boundary treatment. This is currently proposed to be a mixture of close boarded fencing, weld mesh fencing and brick walls. The restriction of public access through the SINC is unfortunate but to maximise the ecological value of this area and in the interests of public safety for existing and proposed residents, it is a necessary part of the development. However, some of the proposed boundary treatments in more prominent locations require further consideration to ensure harmonisation with the sylvan and semi rural context of the site.
- 6.25 The development will undoubtedly have an impact on the SINC but the proposals ensure that this impact is minimised and with the compensatory planting, translocation of trees and the ecological management proposals, the long term ecological value of the SINC should would be retained if not enhanced.

Residential Amenity

- 6.26 The only existing residents affected by the development are those along the southern and south eastern boundary of the site within Helensdale Close and Loder Drive. These comprise a mixture of bungalows and detached properties whose rear gardens and rear elevations overlook the site. Due to the difference in levels, the existing properties all sit at a higher level than the application site where it adjoins the respective boundaries. To address concerns expressed by residents of Loder Drive regarding Plot 16, the design of this dwelling has been amended to remove all first floor windows from the eastern gable, which faces onto Loder Drive. Furthermore, the latest amended plans now locate Plot 16 a further two metres away from the Loder Drive boundary achieving a total distance of between 29 and 30 metres from the nearest dwelling within Loder Drive and 20 metres from its rear garden boundary. This dwelling will also be constructed at a lower level and the land and trees in between are being retained by the College rather than forming part of the development or private gardens. Additional planting can also be undertaken.
- 6.27 The dwelling-to-dwelling distance is considerably above the recognised requirement of 21 metres generally sought with new housing developments. As such, notwithstanding the objections raised by the residents of Loder Drive and with the further amendments to the layout, it is not considered that this dwelling will have any harmful impact on the amenity of Loder Drive and furthermore, the dwelling falls within the development site area approved at outline stage.
- 6.28 The properties which face on to the new access road have their rear elevations facing the bungalows within Helensdale Close. Concerns have been expressed regarding the potential loss of privacy for numbers 2 and 3 Helensdale Close in particular due to overlooking from the new dwellings. As a result, the latest amended plans now move

the proposed dwellings between 2 and 4 metres further away from the boundary, the slab levels of the new dwellings in this area are to be lowered and the gardens have been further reduced in length. This will reduce the overall impact and height of the properties when viewed from Helensdale Close to effectively one-and-a-half storey, achieve a property to property distance at the closest point of 24 metres and perhaps most importantly, enable existing trees to be retained by the College along the Helensdale Close boundary. The properties in this part of the site will inevitably have an impact on Helensdale Close but the amended proposals will ensure the impact is minimised. Ultimately, it was not previously considered the impact on the amenity of residents within Helensdale Close and Loder Drive was so significant as to warrant refusal of the application and the latest amended plans improve on a proposal that was already deemed acceptable by officers.

Section 106 Matters

- 6.29 The Section 106 requires that 17.5% of the total number of dwellings to be affordable housing all to comprise two bedroom flats with 60% being available for rent and 40% being available for shared ownership. This creates a total of 14 units. Members may recall that the affordable housing percentage was reduced by half to enable additional funds to be released to facilitate the other college developments. The affordable housing is also of a bespoke design and is restricted to persons on the Home Point waiting list with sight loss, partial sight loss or a disability.
- 6.30 The affordable element is in the form of two detached three storey blocks sited along the eastern boundary of the adjoining College facilities with one parking space per unit. The Strategic Housing Officer has expressed some concerns regarding all the affordable units being in a single location. This ordinarily would not be acceptable but given the restrictions on the occupation of the affordable imposed in the Section 106 and the potentially specialist needs of the occupants along with the design of the accommodation it is considered acceptable in this instance for it to be located in a single location. A direct footpath link is also available from the affordable units to remainder of the College facilities where some of the occupants may be in education. The scale of the proposed affordable can also be better assimilated into the adjoining sports development located on the western boundary.
- 6.31 The other Section 106 contributions are to be proportionately increased in line with that agreed at the outline stage. This is £1500 per dwelling for off site highway works to be ring fenced for improvements to the Venns Lane/College Road/Old School Lane junction and £1000 per dwelling for off site open space, sport and recreation facilities in lieu of the required provision on site. This is below what which has been achieved from other recent residential developments in and around the city. Further contributions have been sought for a new CCTV camera and other off site highway improvements but the applicants have advised that due to the need to maximise the finances obtained from the development, no other contributions can be sustained.
- 6.32 Given that circumstances have not changed from that when the outline application was considered and approved by the Central Area Planning Sub-Committee last year and the additional contributions are desirable rather than essential, it not considered reasonable to withhold permission and therefore the pro rata increase agreed is considered acceptable and in line with guidance relating to Section 106 contributions.

Other Matters

- 6.33 The entire development is to be designed and constructed to meet Code Level 3 of the Code for Sustainable Homes in line with that which has been achieved from other recent residential developments in and around the city. This will increase the environmental credentials of the site considerably and particularly the energy efficiency of the houses to reduce the carbon footprint of the development from the start of the construction process through to the future occupation of the houses.
- 6.34 The relationship and proximity of plot 1 to the existing property fronting Venns Lane adjacent the new access is unacceptable. This property is in the process of being purchased by the developers who are proposing the demolition of the dwelling with a view to a replacement residential development. This will enable a more acceptable juxtaposition to be achieved. This can be either be incorporated with the legal agreement or possibly dealt with by condition requiring the demolition of this property prior to occupation of the dwelling on Plot 1 including the requirement to submit an application for a replacement development.

Conclusion

- 6.35 At the time of writing this report, the consultation period on the amended plans had not expired therefore delegated powers are requested to determine the application subject to no further comments being received raising new material planning considerations. Delegated authority is also required to enable some of the details to be tweaked and finalised. However, in general, the proposals are now considered acceptable in accordance with the adopted Development Plan policies.

RECOMMENDATION

- 1. Subject to no further objections raising new material planning considerations by the end of the consultation period on the amended plans and any other layout and design changes considered necessary by officers to address other matters raised in this report being satisfactorily addressed;**
- 2. The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
- 3. Upon completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers be authorised to issue a Reserved Matters Approval and Planning Permission subject to the following conditions and any further conditions considered necessary by officers.**

DCCE2007/2467/RM

INFORMATIVES:

- 1 N02 - Section 106 Obligation**
- 2 N09 - Approval of Reserved Matters**
- 3 N15 - Reason(s) for the Grant of PP/LBC/CAC**

4 N19 - Avoidance of doubt

DCCE2007/2469/F

1 A10 (Amendment to existing permission)

Reason: For the avoidance of doubt.

2 E09 (No conversion of garage to habitable accommodation)

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

3 G40 (Bat/bird boxes)

Reason: In order not to disturb or deter the nesting or roosting of bats which are a species protected by the Wildlife and Countryside Act 1981.

4 The occupation of the dwellings on plots 13 and 14 identified on drawing number SL.01 Rev F shall be limited to students engaged in education at the Royal National College for the Blind unless otherwise agreed in writing by the Council.

Reason: In the interests of highway and pedestrian safety.

INFORMATIVES:

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

2 N19 - Avoidance of doubt

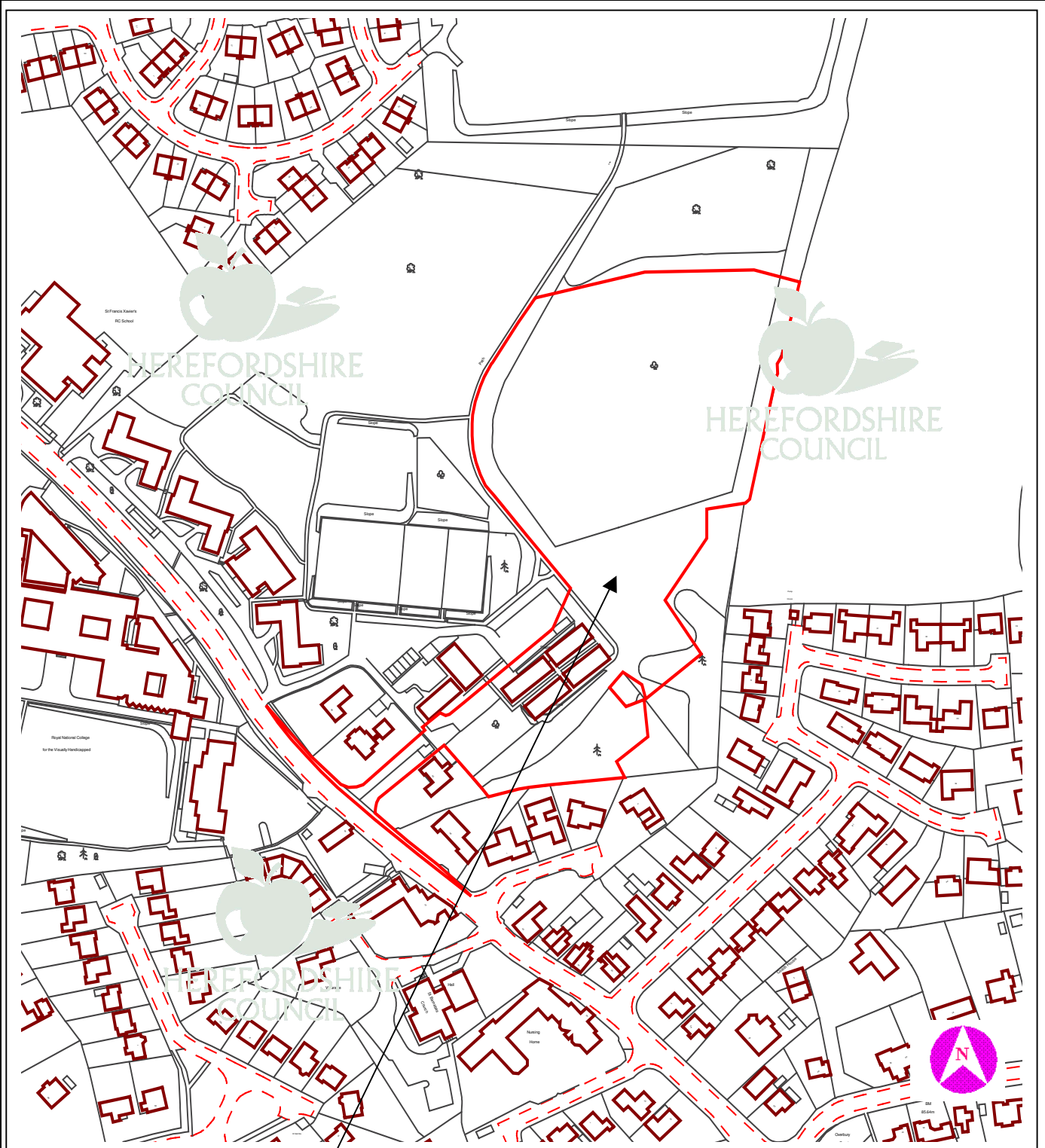
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/2467/RM

SCALE : 1 : 2500

SITE ADDRESS : Land at Venns Lane Royal National College For The Blind, College Road, Hereford, Herefordshire, HR1 1EB

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

Planning Application – DCCE2007/2467/RM & DCCE2007/2469/F

- Residential development of 81 dwellings with associated parking and landscaping 2.3 hectares with associated open space, landscaping and variation of condition 10 of outline planning permission DCCE2006/0099/O.

At Royal National College for the Blind, Venns Lane, Hereford.

1. The developer covenants with Herefordshire Council, in lieu of a deficit in the provision of open space, play and sport facilities provided on site to pay Herefordshire Council a pro-rata increase per dwelling above 70 in accordance with the Section 106 Agreement dated 31st May 2007 of £1000 per dwelling.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council a pro-rata increase per dwelling above 70 in accordance with the Section 106 Agreement dated 31st May 2007 of £1500 per dwelling for off site highway works (improvements to the Venns Lane/College Road/Old School Lane junction) and improved transportation infrastructure to serve the development.
3. Prior to the occupation of the dwelling on plot 1, the existing dwelling fronting Venns Lane immediately south west of the dwelling on plot 1 shall be demolished subject to planning permission having being approved for a replacement development (if this matter cannot be appropriately dealt with by condition)
4. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1 and 2 for the purposes specified in the Section 106 Agreement dated 31st May 2007 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
5. 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

08th November 2007

DCCE2007/3194/F - SITING OF WOODEN CABIN TO ACCOMMODATE NEEDS OF DISABLED PERSON. LAND ADJACENT 'OLD VICARAGE', PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE

For: Miss S Davies, Paul Smith Associates, 19 St Martins Street, Hereford, HR2 7RD

Date Received: 15th October, 2007 **Ward: Hagley**

Grid Ref: 56494, 46847

Expiry Date: 10th December, 2007

Local Member: Councillor D. Greenow

Introduction

This application was considered by the Central Area Planning Sub-Committee at its meeting on 21st November 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 21st November 2007 the Central Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

1. **The development is contrary to policy H7 of the Herefordshire Unitary Development Plan 2007, together with the advice contained within PPS7, Sustainable Development in Rural Areas, as the site for the dwelling lies outside a defined settlement and none of the exceptions to new housing in the countryside have been satisfied.**
2. **The proposed development, by virtue of its remote location, is contrary to PPS3. Housing, PPG13, Transportation, and Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR2 which seek to prevent unsustainable development and reduce the need to travel.**

In the debate the Members of the Area Sub-Committee gave weight to the personal circumstances of the applicant, in particular the need to have a specially adapted house with, for example, floor level cooking surfaces. The applicant had responded to previous refusals of permission by proposing a wooden "Cabin" structure which would be capable of being removed from the site when no longer required. The particular needs of the applicant were such that the Sub-Committee were satisfied with the arguments that adaptation of the applicant's parents' house would not be a practical way of providing independent accommodation. The applicant has lived in the village from birth and is fully integrated into the local community who, in turn, fully support the application. The parish council, in particular, has expressed strong support for the application. In these circumstances the Area Sub-Committee considered that the Unitary Development Plan is too restrictive and, in this case, an exception should be made.

It was resolved to grant planning permission

The application raises the following issues:

1. The site is outside any identified settlement boundary where new housing is controlled through Policy H.7. None of the exceptions allowed by that policy apply in this case.
2. Policy H.10, which deals with exception sites, does not include within it provision for exceptions to be made for houses for the disabled; instead it is focussed on affordable housing needs.
3. The proposed dwelling is a timber cabin style three bedroomed bungalow. Its overall size, at 128 square metres is greater than the size limit of 90 square metres set in policy H.6 for housing in smaller settlements. Planning policy H.10, Rural Exception Housing, cross refers to this policy limitation. Consequently even if acceptable in principle the size of the proposed dwelling is over 40% larger than that which would normally be allowed by policy.
4. The timber cabin design would amount to a permanent dwelling in open countryside. Consequently this type and design of house does not overcome the basic policy objection to it.

In the light of the above it is clear that 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 of the Planning Committee for further consideration.

The report to the Central Area Sub-Committee on 21st November follows

1. Site Description and Proposal

- 1.1 The application seeks permission for the erection of a timber constructed 3-bedroom dwelling for occupation by the applicant on land adjacent to The Old Vicarage, Preston Wynne. The site extends to 0.09 hectare and is bound to the east by the C1118, The Old Vicarage to the south and agricultural land to the remaining aspects.
- 1.2 The site is an orchard, but does not appear to be actively managed as such. The boundary to the road and the open countryside to the north and west are defined by mature trees and hedgerow. The southern aspect, toward The Old Vicarage, is open by comparison.
- 1.3 Vehicular access is achieved via a gate at the south east corner of the site in close proximity to the public footpath that runs along the southern site boundary.
- 1.4 This application is the fourth submission for residential accommodation for the applicant at this location. The three previous applications (detailed at Section 3) have been refused on the basis that the site is within open countryside where residential development is contrary to adopted planning policies.

2. Policies

- 2.1 Planning Policy Statements and Guidance:

PPS1	-	Delivering sustainable development
PPS3	-	Housing
PPS7	-	Sustainable development in rural areas
PPG13	-	Transport
- 2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H7	-	Housing in the open countryside outside settlements
T11	-	Parking provision

3. Planning History

- 3.1 DCCE2007/0859/O - Proposed bungalow for a disabled person. Refused at Central Area Planning Sub-Committee 6th June, 2007.
- 3.2 DCCE2006/2453/F - Proposed detached bungalow. Refused 18th September, 2006.
- 3.3 DCCE2005/3999/F - Proposed detached bungalow. Refused 30th January, 2006.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Welsh Water: No objection.

Internal Council Advice

- 4.3 Traffic Manager: No objection but recommends imposition of conditions relating to formation of parking areas and visibility splays.
- 4.4 Public Rights of Way Manager: No objection subject to the protection of the Public Right of Way during construction and thereafter.

5. Representations

- 5.1 The Ramblers' Association: No objection subject to the protection of the Public Right of Way during construction and thereafter.
- 5.2 Preston Wynne Parish Council: Strongly support the application.
- 5.3 Four letters of support have been received from local residents and other interested third parties. These letters highlight the desire of the applicant to remain within the local community, where she has resided for her entire life. They point to the network of friends and family that have supported the applicant, but also indicate an understandable desire for independence whilst maintaining these connections.
- 5.4 A letter of support has been received from the applicant's sister. The letter explains how permission for a bespoke home would enable self-sufficiency and autonomy in a location close to family and friends and the applicant's place of work.

- 5.5 A letter from the applicant's doctor has also been provided in support of the application. The letter explains the applicant's disability and the level of support and intervention required from the wider family. It goes on to describe the proposal as a 'sensible and worthwhile solution to the problem that is presented'.
- 5.6 The agent for the application has also submitted a supporting statement, the content of which can be summarised as follows:
- Other than failure to comply with housing policy/sustainability the previous applications have been accepted by the Council as according with national and local planning polity;
 - This application overcomes previous reticence to grant a 'personal' condition, because the building is a temporary structure, desired only for the lifetime of the applicant;
 - The applicant's condition means that although able to live independently she will still need to be within reasonable proximity to her family. The potential for building an annexe within the grounds of her parents' house has been discounted owing to lack of space;
 - The existing dwelling cannot be adapted to meet the specific needs of the applicant e.g. adapted worktop heights would be required;
 - Although in open countryside in planning terms the site is well contained, next to residential properties and opposite the village hall. Regular bus services are available, whilst it should be noted that the applicant works in Bartestree;
 - Approval of this application is the only way by which the applicant can secure a private and family life in accordance with Article 8 of The Human Rights Act 1998;
 - The development would be neutral in terms of car use.
- 5.7 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 Preston Wynne is a small hamlet, which has no settlement status in the Herefordshire Unitary Development Plan 2007. The proposal therefore constitutes housing in the open countryside and Policy H7 outlines the circumstances in which new housing can be supported. These can be summarised as follows:
1. The dwelling is required for essential agricultural or forestry workers;
 2. It is a replacement dwelling;
 3. The residential conversion of an existing rural building;
 4. The dwelling is necessary as an accompaniment to the growth of a rural enterprise;
 5. The site is providing for the needs of gypsies or other travellers.
- 6.2 The application does not meet any of the above criteria. However, as with previous applications this is not contested.
- 6.3 In exceptional circumstances, and where the development is contrary to policy at face value, planning permissions made specific to an individual may be an appropriate means of squaring personal considerations with policy content. However, the use of a personal permission in this context would be unusual on a site so divorced from an existing dwelling. It should also be borne in mind that the accommodation is sought for the duration of the applicant's life, which given Miss Davies is 24, could almost be the equivalent to permitting a permanent dwelling on site.

- 6.4 This application is promoted by the agent on the premise that the building proposed is essentially temporary yet will still meet the needs of the applicant, who wishes to achieve independence yet remain within the local community. The agent also submits that the application seeks change of use of land rather than operational development on the pretext that the cabin is temporary and would not constitute typical development. This view is contested owing to the size and moreover, if approved, the likely permanence of the structure.
- 6.5 The 'cabin' would provide 3 bedrooms, a kitchen, living room, utility and bathroom, equating to 128 square metres. (The dimensions therefore exceed the upper limits given in the definition of a caravan (Section 13 (2) Caravan Sites Act 1968). The structure would also be larger than that which would comply with Policy H6 for a 4-bed dwelling in a smaller settlement).
- 6.6 Turning to the issue of sustainability, Preston Wynne provides little more than a village hall. Residents in this area need to travel for the majority of their domestic, professional and personal requirements. The lack of public transport necessitates the use of private transport to meet these requirements. Policy S1 of the Herefordshire Unitary Development Plan 2007 states that:

 "Sustainable development will be promoted by..directing necessary new development to strategic locations, settlements and sites that best meet the appropriate sustainable development criteria'.
- 6.7 To facilitate new housing Herefordshire Council has identified appropriate locations for new developments, including the designation of settlements. Preston Wynne is not such a designated settlement in accordance with the methodology used in the Unitary Development Plan.
- 6.8 Consideration has been given to the applicant's rights under Article 8 of the Human Rights Act 1998 and particularly the right to respect for a private and family life. This is acknowledged but, having regard to her right of appeal should permission be refused, and the need to balance personal need with the Council's planning objectives, the planning system does provide adequate safeguards in respect of the applicant's human rights.

RECOMMENDATION

That planning permission be refused for the following reasons

- 1 The development is contrary to Policy H7 of the Herefordshire Unitary Development Plan 2007, together with advice contained within PPS7, Sustainable Development in Rural Areas, as the site for the dwelling lies outside of a defined settlement and none of the exceptions for new housing in the countryside have been satisfied.**
- 2 The proposed development, by virtue of its remote location, is contrary to PPS3: Housing, PPG13: Transport, and Herefordshire Unitary Development Plan 2007 Policies S1, S2 and DR2, which seek to prevent unsustainable development and reduce the need to travel.**

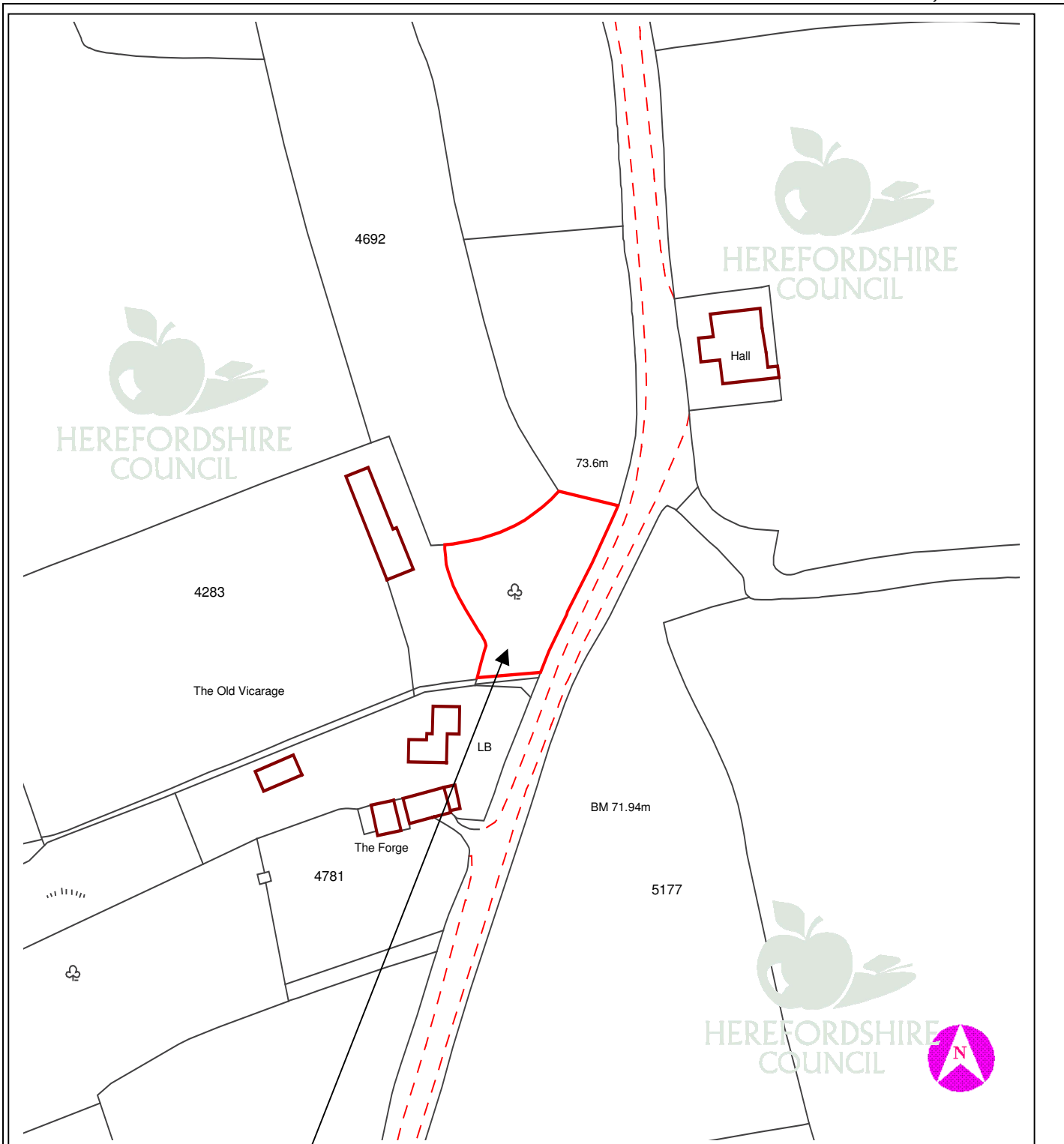
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3194/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent 'Old Vicarage', Preston Wynne, Hereford, Herefordshire, HR1 3PE

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DCSE2007/2435/F - PROPOSED SINGLE STOREY LINK BETWEEN DWELLING AND DOUBLE GARAGE TO ACCOMMODATE GROUND FLOOR STUDY/BEDROOM AND EN-SUITE FACILITY AND FORM REAR EXTENSION, LAND ADJACENT TO THE OAKS, BANNUTTREE LANE BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ

For: Mr R Rogers per The Design Partnership, 41 Millbrook Street, Hereford, HR4 9LF

Date Received: 6th September 2007 Ward: Llangarron Grid Ref: 58485, 24478

Expiry Date: 1st November 2007

Local Member: Councillor Mrs. J. A. Hyde

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 10th October 2007 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

In the debate the Members of the Area Sub-Committee gave weight to the views of the Parish Council who considered that the development “would be creating one massive building”. The Area Sub-Committee resolved to refuse permission on the grounds that:

- a) The application is unacceptable in open countryside, and
- b) The dwelling is too large.

The following factors are relevant to this case:

1. This is a householder application with no adverse effect on the neighbours (who have not objected)
2. Whilst Bridstow is not a named settlement in the Unitary Development Plan, this house is in a row of houses in a relatively built up part of Bridstow where the description “open countryside” does not convey the character of the site or its surroundings.
3. The main house and garage, which are the principal contributors to the size of the development, have planning permission and are already under construction. The objection of the parish council, such as it is, relates to the overall size of the development. The current proposals do not add significantly to that size.
4. The Parish Council did not identify any harm which would be caused by the extensions.
5. The Ward Councillor at Committee made reference to policy H13 of the Unitary Development Plan but, given that the main house and garage already have permission, the extension now proposed does not conflict with the detailed provisions of the policy.

Overall it can be seen that the proposal causes no demonstrable harm to any matter of public interest and therefore an appeal against a refusal would be very difficult to defend. For these two reasons the application is referred to this Committee for further consideration.

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

1. Site Description and Proposal

- 1.1 Planning permission for a detached house with garage to the side of The Oaks was granted in November 2006 and the house is currently being erected. The property is on the corner of Bannutree Lane and the A40(T) in Bridstow. To the south of the site is a private drive providing access to adjoining residential properties. The land on the opposite side of Bannutree Lane is farmland.
- 1.2 The approved double garage would be about 8m in front of the house with access off a new wide access serving both the new house and The Oaks. A similar garage has also been approved for The Oaks to the east of that house. The current proposal is to erect a single-storey extension linking the new house and its garage. This would be narrower and lower at eaves and ridge than the garage, with maximum dimensions about 5.5m deep x 5.3m wide. Compared to the approved plans the garage would be built closer to the house. As the extension would block the main lounge windows the internal layout has been altered and an additional single storey extension would be added at the rear (5.5m wide x 4.2m deep) with a lean-to roof but with a central flat roof section to allow light to the first floor bedroom. External materials would match the new house viz. facing bricks and plain clay tiles.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy H.13	-	Sustainable Residential Design
Policy H.18	-	Alterations and Extensions
Policy LA.1	-	Areas of Outstanding Natural Beauty

3. Planning History

3.1	DCSE2004/3390/O	Renewal of outline planning permission for one dwelling	-	Approved 25.11.04
	DCSE2006/2848/F	One house with garage	-	Approved 28.11.06

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of planning permission.

5. Representations

5.1 A Design and Access Statement has been submitted, which is in summary:

- the site of the new dwelling and new garage once formed part of the southern section of garden belonging to The Oaks
- the new property is a two-storey dwelling with a double garage. The ground floor external envelope will be constructed of red brick to match those of The Oaks with the first floor covered with a smooth s/c and lime render; colour to match that of existing properties in the locality
- the proposal is to construct a single-storey structure that provides a ground floor study/bedroom, with en-suite facilities, (incorporating dual-entry), and access to the rear of the property
- the proposal will link the dwelling to the double garage and form a physical break from the front of the property to the rear
- in the re-design of the internal layout of the dwelling the living area was moved so that it could benefit from the views over Ross-on-Wye towards May Hill
- the link shall be built from the same materials as those used on the new dwelling and double garage.

5.2 The Parish Council objects to the proposal on the grounds that this is creating one massive building.

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 house currently being constructed on the southern half of the garden of The Oaks is similar in style and massing to that dwellinghouse. As a consequence there would be two sizeable houses with only a small gap (about 2.5m) between them. The main issue then is whether the addition of the link and rear extensions would adversely affect the street scene.

6.2 The close juxtaposition of these houses is not wholly untypical of Bannuttree Lane. The houses to the south are of similar width to The Oaks and the new house, are set further forward on their plots and are barely one metre apart, with Appledore jutting forward of Blenheim House, although the attached garage of Appledore provides variation in height. Even with the currently detached garage being linked to the house the resultant building would not be further forward on its plot than Appledore and the link would be roughly in line with Blenheim House. Being to the rear of the garage and a narrower and lower structure it would not be prominent when viewed from Bannuttree Lane and only a small section (about 0.5m at most) of the external wall and the roof sloping away would be seen above the side boundary fence.

6.3 The rear extension would be a larger structure (up to 5m high). The new house is 'T' shaped and the extension would be formed within the rear arm of the house and would probably not be visible from Bannuttree Lane. It would project about 1.5m beyond the rear main wall of the house and its height at this point would be about 3.4m. Being on the far side of the house from the access drive along the side of the property it would not be readily visible above the boundary fence. Consequently although a large house for this plot the proposed additions would have relatively little visual impact when seen from public viewpoints and the harm to the street scene would not be sufficient, in my view, to justify refusing planning permission.

6.4 The rear extension would be close to the side wall of The Oaks but would not extend beyond the rear wall of that property although the sloping roof would cut across windows in the side wall of that property. There would be sufficient distance between the new house and Warley House to the (rear) west to ensure that the former did not appear overbearing. The proposals would not therefore harm the amenities of neighbours.

RECOMMENDATION

That subject to expiry of the consultation period and no new representations being received the officers named in the Scheme of Delegation to Officers be authorised to approve the application 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. **B02 (Matching external materials (extension))**

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

Informative(s):

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

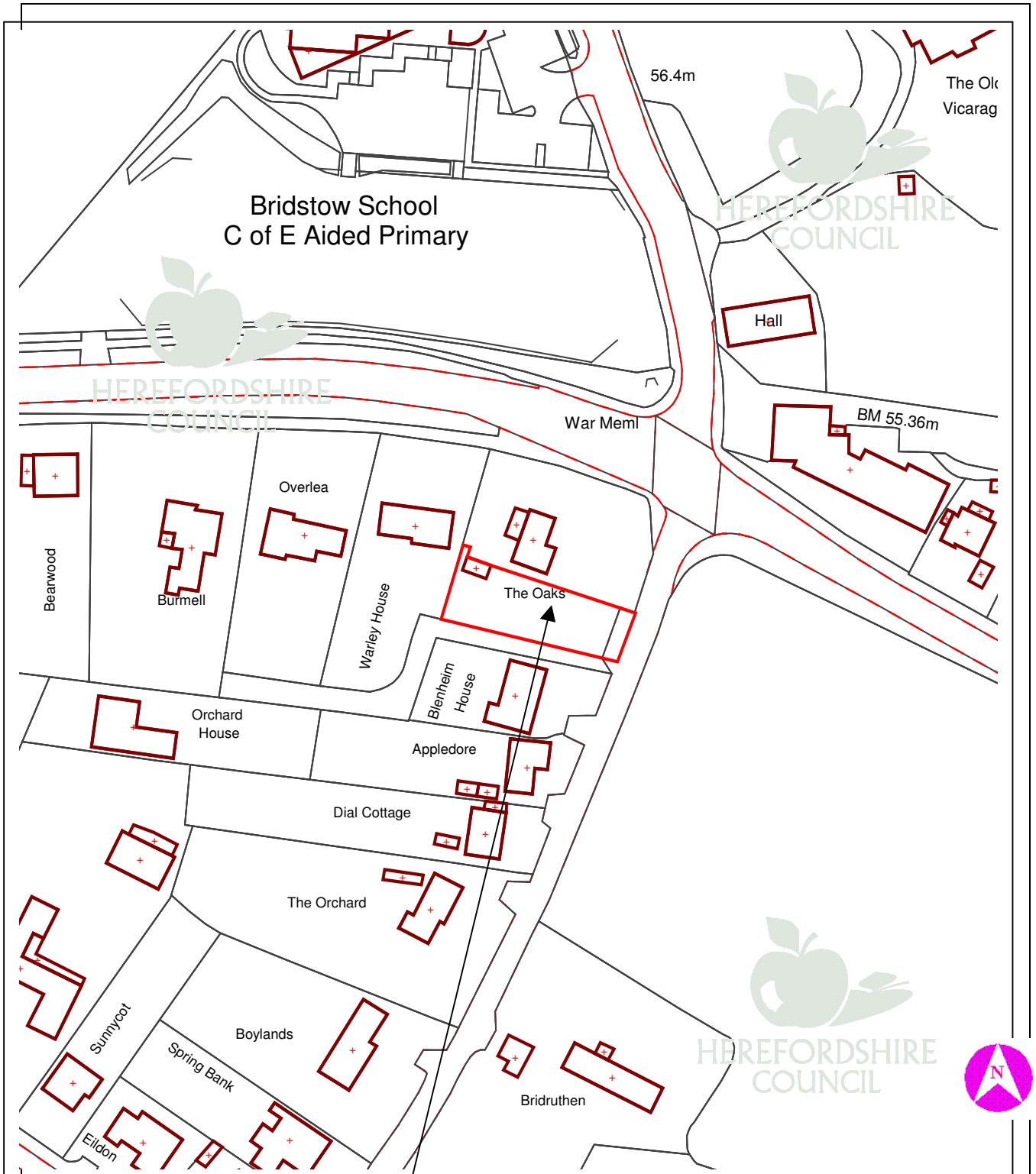
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2435/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to The Oaks, Bannutree Lane Bridstow, Ross-on-Wye, Herefordshire, HR9 6AJ

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**DCSE2007/2898/F - 3 DWELLINGS FOR RENT
COMPRISING 2 NO. 2 BED & 1 NO. 3 BED HOUSES,
ADJACENT TO NO. 4 MARTINS CLOSE, WOOLHOPE,
HEREFORD, HEREFORDSHIRE, HR1 4QS**

**For: Festival Housing Group per JBD Architects,
Mortimer House, Holmer Road, Hereford, HR4 9TA**

Date Received: 12th September 2007 Ward: Old Gore

Grid Ref: 61110, 35804

Expiry Date: 7th November 2007

Local Member: Councillor Miss T M R McLean

Introduction

Members visited this site on 23rd October, 2007.

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 7th November 2007 when Members resolved to refuse planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

The application follows the refusal of a similar proposal in June 2007, also contrary to recommendation. On that occasion the Area Sub-Committee found the proposals to be acceptable in all matters apart from the detailed design which, they felt, was inappropriate in the conservation area and in the setting of the grade II* Parish Church (on the adjacent site). The applicants had, accordingly, submitted a revised scheme with a different design which sought to overcome the Sub-Committee's objections.

In the debate on 7th November the Members of the Area Sub-Committee took a different stance from their views last June. In particular they gave weight to the views of the Parish Council and local residents who felt that the scheme has an unsatisfactory access, would cause over looking, and would detract from the setting of the listed building. They also felt that there was no need for this type of development in Woolhope (although this view was not unanimous). None of these issues had changed since the earlier application, and those objections were not supported by the views of the Conservation Manager, the Transport Manager or the Head of Strategic Housing. Even the overlooking point would be difficult to substantiate because the separation distances between the proposed houses and the nearest existing ones are fairly typical and would not cause an unusual degree of overlooking.

It was resolved to refuse planning permission

The application raised the following issues:

1. There is a proven housing need, as evidenced by a recent housing needs survey, and the location within the village is appropriate as a site to satisfy that need. This basic need for the development weighs strongly in favour of the development which

has the strong support of the Head of Strategic Housing as helping to meet the need for affordable housing in this parish.

2. The objections which have been raised at this stage were all issues which were considered in June of this year and found to be acceptable. The Area Sub-Committee did a site visit on this occasion, but that alone cannot justify the new position they now wish to take. They now object in principle to the development of three houses on this site and not, specifically, to the design of the houses.
3. The development complies with local and national policies for residential development and, in particular, for affordable housing.
4. The new objections by the Area Sub-Committee are not supported by the Conservation Manager or the Transport Manager.

Having reviewed the facts of this application it is clear that the proposal accords with the relevant development plan policies and national planning guidance regarding residential development in villages and would help to deliver affordable housing in an appropriate way. Given the support for the scheme from the relevant consultees, and the change in position by the Area Sub-Committee, an appeal against a refusal would be very difficult to defend. For these reasons the application is referred to this meeting for further consideration.

The report to the Southern Area Planning Sub-Committee on 7th November follows.

1. Site Description and Proposal

- 1.1 The site is a grassed area between Martins Close and St George's Church, a Grade II* Listed building. An iron railing fence bounds the site on its south side, a rubble stone wall runs along the boundary with the church and wooden panel fencing and hedges form the boundaries with Martin Close.
- 1.2 The site is located in the Woolhope Conservation and the Wye Valley Area of Outstanding Natural Beauty.
- 1.3 This application proposes a row of 3 dwellings that comprise 2, 2-bedroomed dwellings and 1, 3-bedroomed dwellings that will be available for rent.

2. Policies

2.1 Planning Policy Statements

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS7	-	Sustainable Development in Rural Areas
PPG15	-	Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy S7	-	Natural and Historic Heritage
Policy DR1	-	Design
Policy DR3	-	Movement
Policy DR5	-	Planning Obligations
Policy H6	-	Housing in Smaller Settlements
Policy H9	-	Affordable Housing

Policy H10	-	Rural Exception Housing
Policy H16	-	Car Parking
Policy LA1	-	Areas of Outstanding Natural Beauty
Policy HBA4	-	Setting of Listed buildings
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 DCSE2006/3612/F 3 dwelling units for rent - Refused 20.06.07

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager - No reply received. Previously had no in principle objection.
- 4.3 The Conservation Manager - Support.

5. Representations

- 5.1 The applicant has submitted a Design and Access Statement:

- The dwellings will comply with the Housing Corporation Design Standards, Life Time Homes and Eco Homes Standards as well as Building Regulations and Secure by Design;
- The dwellings will be designed to a higher standard level of insulation to minimise energy costs and are orientated due south to maximise solar design during winter months;
- Extensive shading will protect the dwellings from excessive heat during the summer months;
- The dwellings will be constructed using a local timber supplier and the cladding will utilise locally sourced oak cladding as well as brick and render at lower levels;
- The dwellings have been positioned to minimise obstruction and overlooking to neighbours;
- Whilst being contemporary in appearance the dwellings reflect local characteristics and materials;
- The site is close to the village centre and is adjacent to the church;
- The site relatively flat and it is not envisaged there will be any change in levels requiring steps or ramps; and
- The surfacing of the car park and approaches to the dwellings will be wheelchair accessible.

- 5.2 Woolhope Parish Council unanimously oppose this application.

- "1. Access - insufficient width for access in view of existing lane to the church and there is a lack of visibility to motorists leaving the proposed development particularly on the left hand turn into the village. The road narrows here.
2. The quantity of proposed dwellings on the size of the plot will cause overlooking to neighbouring properties.

3. The application is within a conservation area and area of great landscape value and the style of the proposed dwellings are not in keeping with neighbouring properties especially in view of the close proximity to the church which is a listed building
4. The proposed dwellings do not meet the needs of parishioners because they may not come under a 106 Agreement

If permission is granted the Parish Council would like:

1. A section 106 on the properties to enable the local housing needs to be met
2. Adequate double glazing because of the close proximity to the church and there is a very enthusiastic bell ringing team
3. Windows, which blend in with neighbouring properties
4. Deliveries should be made before 8.30 to allow the school bus to pass through as the road to the village narrows
5. Colour of brick and roof tiles chosen to match the neighbouring old properties
6. The eco friendly features mentioned in the design statement to be adhered to."

5.3 6 letters of objections have been received:

- Scale and density of the development is not appropriate for this sensitive site in the Woolhope conservation area.
- It will be detrimental to the setting of the adjoining church, a Listed building.
- Unsuitable access.
- Adverse impact on adjoining dwellings.
- The style and type of houses are not appropriate.
- It will be an overdevelopment of the site.
- Our garden will be overlooked.
- Loss of trees.

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 This application has been submitted following the refusal of DCSE2006/3612/F which, was refused for the following reason:

"In the opinion of the local planning authority the design, materials and fenestration of the proposed dwellings would be out of keeping with and cause harm to the character of this part of the Woolhope Conservation Area so as not to preserve or enhance its appearance. Accordingly, the proposal conflicts with policy HBA6 of the Herefordshire Unitary Development Plan 2007."

6.2 Principally this application is as the previous proposal. The appearance of the dwellings have been altered substituting brick and render for the previously proposed oak cladding. In addition, a simpler window pattern and chimneys are proposed. It is

considered these alterations solve the reason for refusal of the previous application. The dwellings are of a rural vernacular considered appropriate for this site.

- 6.3 The site is located in the smaller settlement of Woolhope. Housing development in smaller settlements is allowed but controlled by policy H6. The policy sets a criterion for consideration that allows development; house size, infill frontage and affordable housing on infill sites with frontages larger than 30metres and site over 350square metres where there is a proven housing need.
- 6.4 In terms of need, the Council's Strategic Housing Service undertook a housing needs study in Woolhope as part of the on-going surveys across the County. Residents were consulted as part of the Woolhope Parish Plan process early 2006. The result of this survey shows there is an affordable housing need for 8 dwellings. This application for 3 rented dwellings will fulfil part of that need. Detailed advice on affordable housing is given in policies H9 and H10. It will be necessary for a Section 106 Agreement to be completed and the proposed Heads of Terms are attached as an appendix.
- 6.5 The site is also located in the Woolhope Conservation Area and the Wye Valley Area of Outstanding Natural Beauty. Within conservation areas it is a statutory requirement for development either to preserve or enhance the characteristics of the area. In this matter the Conservation Manager comments the site is relatively secluded and the scheme will be most visible from the churchyard to the east. However, there is an appropriate degree of visual separation between the east elevation and St George's church so this proximity is not considered problematic as another recent development south of Martins Close has established a precedent. This revised application is somewhat more conservative than the previous scheme but its sustainability credentials remain central to its design and functional elements such as solar shading, which were seen, as "non-traditional" must be understood in this context. The design utilises prevailing local materials such as brick, plain tiles and render to establish continuity but its restrained modern aesthetic is nevertheless appropriate in its context. Accordingly, it is not considered the proposal will cause harm to the historic environment.
- 6.6 The submitted plan shows that the rear wall of the proposed dwellings to the gable flank wall of the neighbour to be a distance of 12metres. This is considered to be an acceptable minimum distance given that there are no living room windows in the gable elevation of the neighbouring dwellings so as to compromise outlook and to avoid the development being visually intimidating.
- 6.7 Access to the site is off an unsurfaced track, which also provides access to the church car park and Martins Close. The Traffic Manager has advised the means of access is substandard and its junction onto the C1297 is restricted. However, given the existing usage of the access it is not considered the proposal will cause significant disruption to the users of the highway.

RECOMMENDATION

- That 1. The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 to ensure:**
- a) The dwellings shall be retained available for rent in perpetuity for local people.**

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

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

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

2. B01 (Samples of external materials)

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

Informative(s):

1. N19 - Avoidance of doubt

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

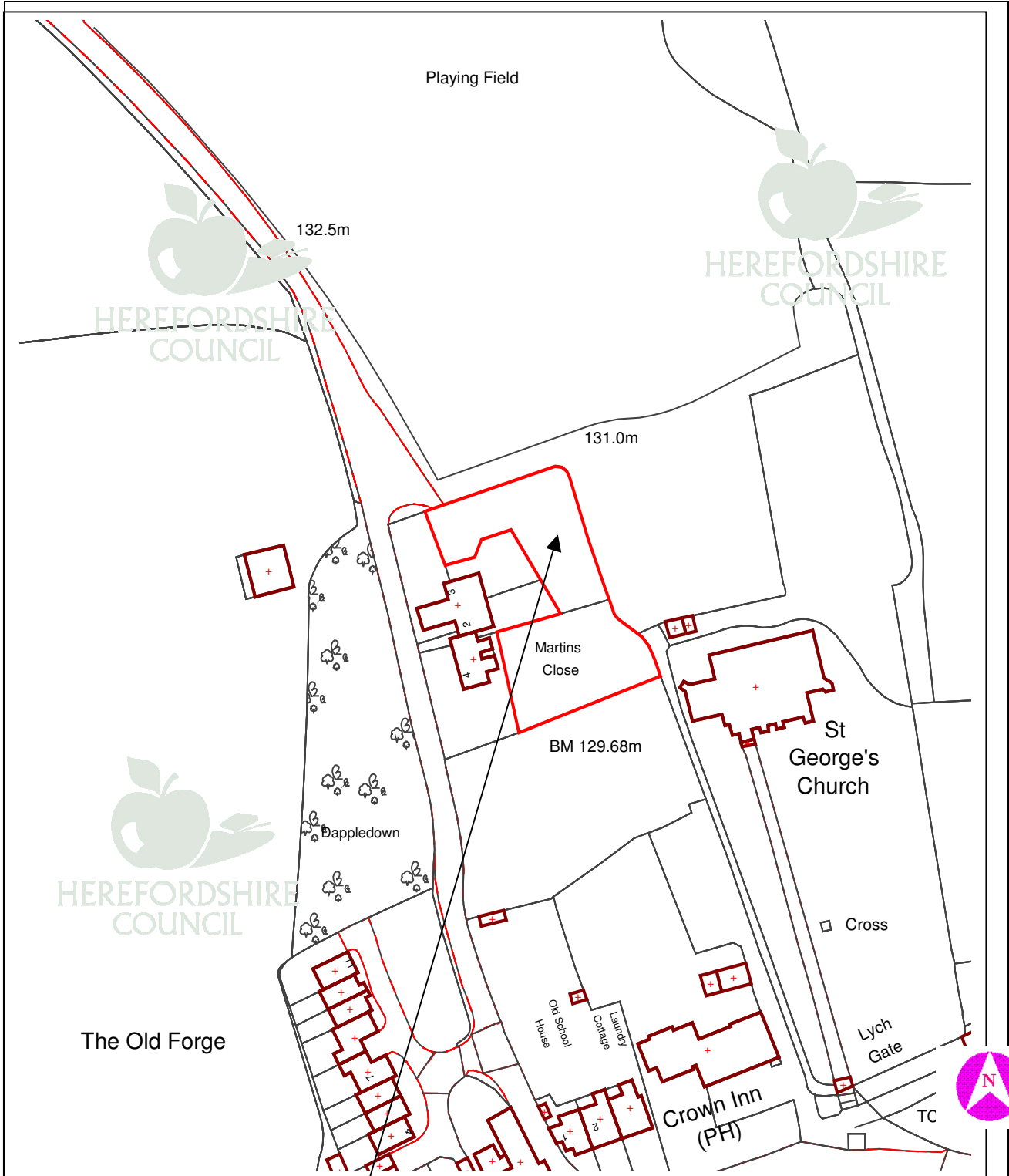
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2007/2898/F

SCALE : 1 : 1250

SITE ADDRESS : Adjacent to No. 4 Martins Close, Woolhope, Hereford, Herefordshire, HR1 4QS

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APPENDIX

DRAFT HEADS OF TERMS

Proposed Planning Obligation Agreement

Section 106 Town and Country Planning Act 1990

Planning Application DCSE2006/3612/F

2 dwellings for rent comprising of 2, 2-bedroomed dwellings and 1, 3-bedroomed dwelling at Martins Close, Woolhope

- 1. The approved houses shall be affordable housing units which meet the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan 2007 and related to Policy H9 or any statutory replacement of those criteria and that policy. None of them shall be occupied unless and until the Herefordshire Council has given written agreement to the means of securing the status of these units as affordable housing.**
- 2. The developer shall pay to the Council, or on completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.**
- 3. The applicant shall complete the Agreement by 7 January 2008.**

**DCSW2007/2978/O - OUTLINE PLANNING
APPLICATION FOR TWO DWELLINGS, BROOKVIEW,
CLEHONGER, HEREFORD, HR2 9TJ**

**For: Mr & Mrs C. A. Gardiner, Brookview, Clehonger,
Hereford, HR2 9TJ**

Date Received: 21st September 2007 Ward: Valletts Grid Ref: 44296, 37245

Expiry Date: 16th November 2007

Local Member: Councillor Mrs. J. Fishley

Introduction

This application was considered by the Southern Area Planning Sub-Committee at its meeting on 7th November 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 7th November 2007 the Southern Area Planning Sub-Committee was recommended to refuse this application for the following reasons:

1. **The proposal would create two dwellings in the open countryside outside a designated village settlement, as defined in the Herefordshire Unitary Development Plan 2007 which seeks to restrict new residential development in the absence of any special justification in such areas. As such the development would be contrary to Planning Policy Statement 7 'Sustainable Development in Rural Areas' and Policies S1, S2, DR1, H7 and H10 of the Herefordshire Unitary Development Plan 2007.**
2. **The site is in a relatively isolated location and would therefore likely to result in the increased need for travel by private car and as such is not a sustainable form of development thus being contrary to Government Guidance Planning Policy Guidance 13 'Transport' and Policies S6 and DR2 of the Herefordshire Unitary Development Plan 2007.**
3. **Furthermore, the proposal would necessitate a significant amount of hedgerow to be removed at the entrance to the site and mature trees to the south-west boundary and as such would be detrimental to the visual amenities and character of this country lane thus being contrary to the Policies S1, S2, DR1, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.**

In the debate the Members of the Area Sub-Committee expressed the view that two new houses here would assist with delivering the Council's house building requirements notwithstanding the fact that they are not in any identified settlement. There are already four houses on this lane and the Sub-Committee considered that two more would not have any adverse effect on the area. The would-be developer apparently knows that there are local people who would be interested in living here and therefore that was acceptable to the Area Sub-Committee as evidence of local need. They considered that the Unitary Development Plan is too restrictive and these dwellings should be seen as allowable exceptions to policy.

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 officers.

It was resolved to grant planning permission

The application raises the following issues:

1. The site is outside any identified settlement boundary where new housing is controlled through Policy H.7. None of the exceptions allowed by that policy apply in this case.
2. No survey of housing need has been undertaken to demonstrate a local need for affordable housing. There is no involvement of a Registered Social Landlord or other mechanism for these houses to be considered as affordable housing for the purposes of planning (or housing) policy.
3. The proposals amount to speculative housing development in open countryside with no justification in planning policy. An approval in this case cannot be justified on the basis of national, regional or local planning policies and would be detrimental to the Council's planning and housing policies.

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 in the open countryside without special justification. Consequently the application is referred to this meeting for further consideration.

The report to the Southern Area Planning Sub-Committee follows:

1. Site Description and Proposal

- 1.1 Brookview is a detached cottage situated within substantial grounds to the north-west of the Class III 73413. It is accessed off the B4348 road from the direction of Clehonger leading to Kingstone. Mature high hedgerow abuts the roadside boundary to the north-east, mature tree line boundary to the north-west and fencing with some trees to the southern boundary. The southern part is divided by post and rail boundary fencing, which is at a higher level to the grounds surrounding the cottage. Three properties are situated to the southern boundary. Open fields are beyond the tree line boundary to the north west and south west. The application site lies within the parish of Allensmore and the Herefordshire Unitary Development Plan does not define the area to be a settlement and thus is considered to be within the open countryside.
- 1.2 The proposal seeks outline planning permission for the erection of two dwellings within the grounds of Brookview. The site comprises an area of 0.15 ha's to the southern corner of the land being adjacent to the neighbouring property known as Rose Dene. An indicative plan suggests that the land is divided into two plots served by a new splayed access directly onto the Class III road, necessitating the removal of hedgerow. Each plot measures approximately 32m long x 20m wide, accommodating an approximate dwelling size of 10m long x 8m wide. All matters in terms of layout, scale, appearance, access and landscaping are matters that are reserved for future consideration. A design and access statement was also submitted with the planning application.

2. Policies

2.1 Planning Policy Statements

PPS3 - Housing

2.2 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Design
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR4	-	Environment
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H13	-	Sustainable Residential Design
Policy H16	-	Car Parking

3. Planning History

None.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends permission is refused in order to fully assess the highway safety improvements to B4348/U/C73413 junction and splay for new properties. Hedgerow to be removed across both frontages.

5. Representations

5.1 The applicant has submitted a Design and Access Statement that is summarised as follows:-

- To prepare this document we have followed guidelines laid out by CABE.
- Outline planning permission for 2 detached houses, the approximate layout of which is shown on the drawing.
- Intended to be average family homes to complement existing houses in area.
- Plots are of adequate size to accommodate off road parking for at least three vehicles.
- Sufficient land to include a pull-in, being of benefit for other traffic using road.
- Two storey dwellings, scale parameters being 8-10m wide and 8-10m depth.
- It is intended that houses will not be obtrusive, will be not be of an un-contemporary design and would be constructed of similar materials to houses either side.
- Willing to donate piece of land off end of garden at the junction of B4349 to enable widening/improvement.

5.2 Allensmore Parish Council comment as follows:-

“Although outside the parish envelope with the present requirement for housing we feel this parcel of land could be used to fulfil this need. The extra traffic generated by these dwellings would not create a problem, on this quiet road.”

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 application seeks outline planning permission as to whether the principle of developing the land would be acceptable. Other matters are reserved at a later stage, should the application be considered acceptable.
- 6.2 The Unitary Development Plan does not identify the site as being within a main village or smaller settlement whereby residential development can be permitted. As such the proposal is defined to be within open countryside and thus Policy H7 applies.
- 6.3 Policy H7 seeks to protect the open countryside from unnecessary development unless it satisfies the relevant criteria. The application fails to meet any of these criteria. However, criterion 7 refers to rural exception housing provided it is in accordance with Policy H10. Policy H10 permits affordable housing on land within or adjoining an established rural settlement, which would not normally be released for development. In terms of its location the application fails this policy.
- 6.4 The proposal seeks the development of two detached houses and they are intended to provide an average family home. Even though the applicant has stated that if planning permission was granted they would be willing to donate a part of the garden where it meets the B4349 to enable future road widening. However, the essential question is to consider whether the proposal would satisfy the requirements of Policy H7 and H10.
- 6.5 In terms of an exception the application has no information that an up-to-date local housing need survey has been undertaken to prove that there is a genuine local need because it proposes more than one single affordable dwelling outside an established rural settlement. The parcel of land lies outside the settlement of Clehonger and within the parish of Allensmore. Clearly without justification to prove that these dwellings would contribute towards meeting a proven local need, the principal of allowing development within the open countryside is contrary to the Herefordshire Unitary Development Plan policies.
- 6.6 The Transport Manager has objected to the proposal and stated that hedgerow would be removed across both frontages. The loss of hedgerow to provide required visibility splays would significantly alter the character of the lane, and would be visually harmful within its surroundings.
- 6.7 Furthermore, the proposal site would encourage the need to travel by car to access local services and thus would be contrary to the strategy of the Development Plan to ensure that development is sustainable in overall terms.
- 6.8 It is recommended that the application be refused having regard to the policies outlined above.

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposal would create two dwellings in the open countryside outside a designated village settlement, as defined in the Herefordshire Unitary Development Plan 2007 which seeks to restrict new residential development in the absence of any special justification in such areas. As such the development would be contrary to Planning Policy Statement 7 ‘Sustainable Development in Rural Areas’ and Policies S1, S2, DR1, H7 and H10 of the Herefordshire Unitary Development Plan 2007.
- 2. The site is in a relatively isolated location and would therefore likely to result in the increased need for travel by private car and as such is not a sustainable form of development thus being contrary to Government Guidance Planning Policy Guidance 13 ‘Transport’ and Policies S6 and DR2 of the Herefordshire Unitary Development Plan 2007.
- 3. Furthermore, the proposal would necessitate a significant amount of hedgerow to be removed at the entrance to the site and mature trees to the south-west boundary and as such would be detrimental to the visual amenities and character of this country lane thus being contrary to the Policies S1, S2, DR1, LA6 and LA6 of the Herefordshire Unitary Development Plan 2007.

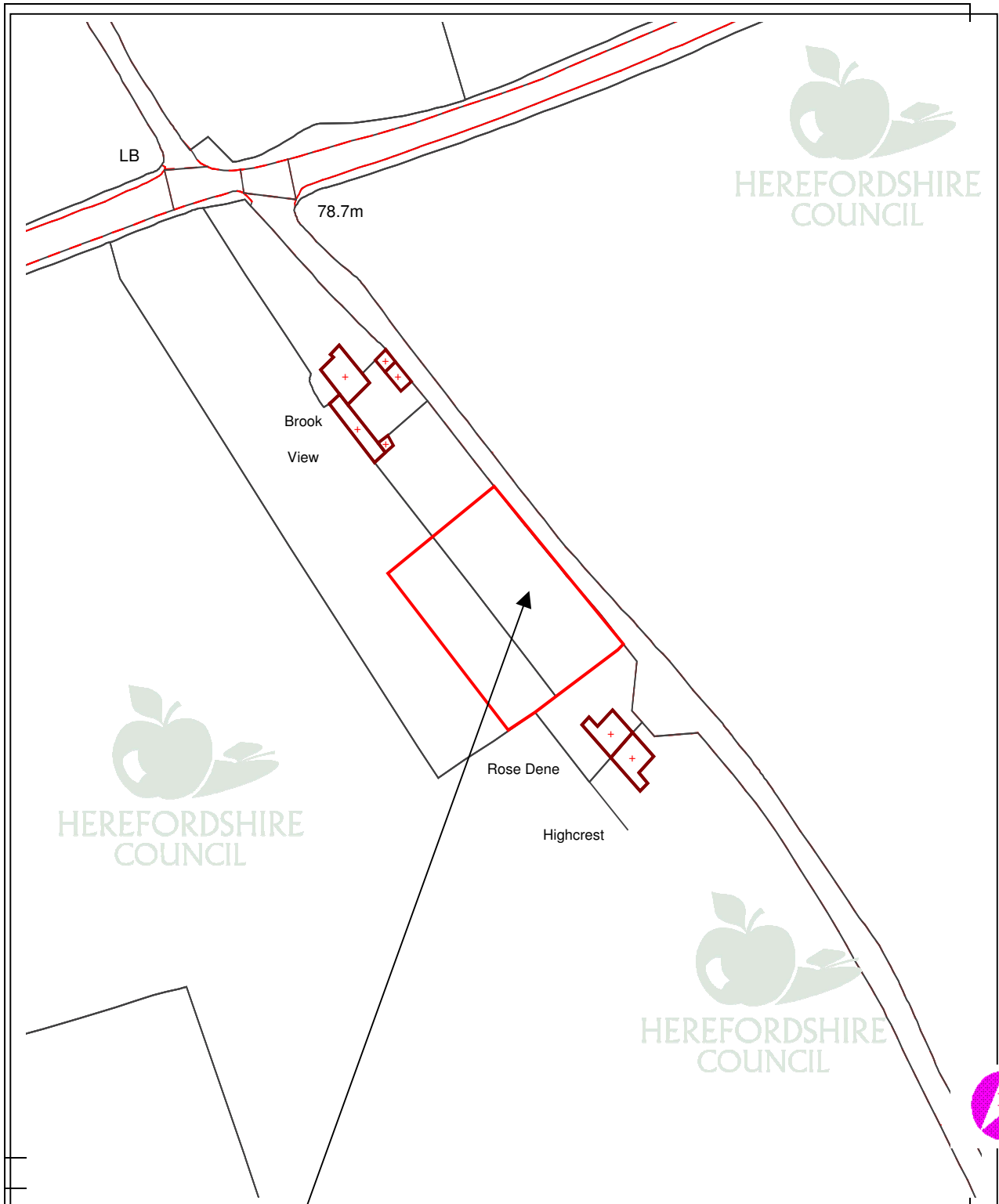
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



APPLICATION NO: DCSW2007/2978/O

SCALE : 1 : 1250

SITE ADDRESS : Brookview, Clehonger, Hereford, Herefordshire, HR2 9TJ

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