

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 27th June, 2007**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Pete Martens, Members' Services,
Tel 01432 260248*

e-mail pmartens@herefordshire.gov.uk

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice-Chairman)

Councillors 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, J Stone, K Swinburne and PJ Watts

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES To approve and sign the Minutes of the meeting held on 29th May, 2007.	1 - 14
4. ITEM FOR INFORMATION - APPEALS To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	15 - 18
5. APPLICATIONS RECEIVED To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary. Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting. Agenda items 6 - 11 are applications deferred for site inspections at the last meeting and items 12 - 22 are new applications.	

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| 6. | <p>DCNC2007/0506/F & DCNC2007/0507/C - CHANGE OF USE TO A4 (DRINKING ESTABLISHMENT). DEMOLITION OF SINGLE STOREY REAR EXTENSION AND OUT-BUILDING AND NEW REAR EXTENSION AT FORMER POST OFFICE COUNTERS LTD, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LRDCNC2007/0507/C</p> <p>For: J D Wetherspoon plc per Lawrence Beckingham Field LLP, The Sail Loft, Limehouse Court, 3-11 Dod Street, London, E14 7EQ</p> <p>Ward: Leominster South</p> | 19 - 28 |
| 7. | <p>DCNC2007/0807/F - NEW DWELLING AND GARAGES AT SITE ADJACENT TO LUSTON COURT, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DU</p> <p>For: Mr W Beaumont per Mr T Margrett, Green Cottage, Hope Mansel, Ross-on-Wye, Herefordshire HR9 5TJ</p> <p>Ward: Upton</p> | 29 - 34 |
| 8. | <p>DCNC2007/0667/O - SITE FOR THE ERECTION OF AN ADDITIONAL BUILDING FOR PROVISION OF CARE TO THE ELDERLY MENTALLY INFIRM AT PENCOMBE HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL</p> <p>For: Mr N Williams per Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW</p> <p>Ward: Bromyard</p> | 35 - 40 |
| 9. | <p>DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE</p> <p>For: South Shropshire Housing Association, Savills Commercial Ltd, Caxton House, 1 Fore Street, Birmingham, B2 5ER</p> <p>Ward: Kington Town</p> | 41 - 50 |
| 10. | <p>DCNW2007/0603/F - PROPOSED ERECTION OF 12 DWELLING UNITS AND ANCILLARY GARAGES AT LAND ADJACENT TO WEOBLEY METHODIST CHAPEL, WEOBLEY, HEREFORDSHIRE.</p> <p>For: Border Oak Design & Construction Ltd, Kingsland Sawmills, Kingsland, Leominster, Herefordshire, HR6 9SF</p> <p>Ward: Golden Cross with Weobley</p> | 51 - 60 |

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| 11. | DCNW2006/3986/O - SITE FOR RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS AT LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE. | 61 - 70 |
| | For: Mr & Mrs T Watkins per Mr J Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS | |
| | Ward: Kington Town | |
| 12. | DCNC2007/0916/RM - THE ERECTION OF 425 DWELLINGS AND THE ASSOCIATED INFRASTRUCTURE, PARKING AND LANDSCAPING AT BARONS CROSS CAMP, CHOLSTREY, LEOMINSTER, HEREFORDSHIRE. | 71 - 82 |
| | For: Taylor Woodrow Developments Limited per RPS Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4UB | |
| | Ward: Leominster North | |
| 13. | DCNC2007/1348/F - RETROSPECTIVE APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION NC2002/1955/F AND INSTALLATION OF 3 ROOF LIGHTS 26 SHERFORD STREET, BROMYARD, HEREFORDSHIRE, HR7 4DL | 83 - 88 |
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| 14. | DCNC2007/1479/F - PROPOSED REAR EXTENSION AND NEW FRONT PORCH AT MIDDLETON FARM HOUSE, MIDDLETON, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4LQ | 89 - 94 |
| | For: Dr C Harrison per Mr P Simkin, Thorne Architecture Ltd, Creative Industries Centre, Glaisher Drive, Wolverhampton Science Park, Wolverhampton, WV10 9TG | |
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| | For: Taylor Woodrow, Drivers Jonas, Cornwall Court, 19 Cornwall Street, Birmingham, B3 2DY | |
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| | Ward: Bircher | |
| 17. | DCNW2007/1236/F - PROPOSED CONVERSION OF CHAPLE INTO A SINGLE DWELLING WITH REAR FIRST FLOOR EXTENSION AND OFF ROAD PARKING AT LYONSHALL BAPTIST CHAPEL, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JN | 131 - 136 |
| | For: Mrs K Cooper per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB | |
| | Ward: Pembridge & Lyonshall with Titley | |
| 18. | DCNE2007/0487/F - CHANGE OF USE OF LAND TO PRIVATE GARDEN AT 2 SPRING GROVE, LEDBURY, HEREFORDSHIRE, HR8 2XB | 137 - 140 |
| | For: Mrs L Hughes per Derrick Whittaker Architects, 1 Farjeon Close, New Mills, Ledbury, Herefordshire, HR8 2FU | |
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| 19. | DCNE2007/0729/F - ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ | 141 - 156 |
| | For: Sharba Homes (BF) Limited per CSJ Brooke Smith, Somerville House, 20-22 Harbone Road, Edgbaston, Birmingham, B15 3AA | |
| | Ward: Frome | |
| 20. | DCNE2007/0966/F - PROPOSED THREE STOREY BUILDING TO PROVIDE 13 APARTMENTS, WITH 18 PARKING SPACES AND ASSOCIATED CYCLE PARKING AT LAND TO THE REAR OF HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1DS | 157 - 170 |
| | For: Refined Petroleum Ltd per Matthews & Goodman, 196 Deans Gate, Manchester, M3 3WF | |
| | Ward: Ledbury | |
| 21. | DCNE2007/1224/F - PROPOSED TWO STOREY DWELLING FOR ANCILLARY ACCOMMODATION AT BLACK HILL, BRITISH CAMP, MALVERN, WORCESTERSHIRE, WR13 6DW | 171 - 176 |
| | For: Mr & Mrs Potts per Mrs V Greenhouse, 54 Doctors Hill, Bournheath, Bromsgrove, B61 9JE | |
| | Ward: Hope End | |

22. **DCNE2007/1254/F - PROPOSED NEW HOUSE TO REPLACE BUNGALOW AT HAMBLEDON, UPPERFIELDS, LEDBURY, HEREFORDSHIRE, HR8 1LE** 177 - 182

For: Mrs B Foice per Spacescape Architecture & Landscape, Church Villa, Bucknell, Shropshire, SY7 0AA

Ward: Ledbury

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 29th May, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: RBA Burke, ME Cooper, JP French, JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, TM James, R Mills, A Seldon, RV Stockton, J Stone, K Swinburne and PJ Watts

In attendance: Councillors JE Pemberton

184. ELECTION OF CHAIRMAN FOR THE ENSUING YEAR.

It was noted that Councillor JW Hope had been elected Chairman for the ensuing year

185. APPOINTMENT OF VICE-CHAIRMAN

It was noted that Councillor Mrs PM Morgan had been appointed Vice-Chairman for the ensuing year

186. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs LO Barnett, WLS Bowen, P. Jones and RJ Phillips.

187. DECLARATIONS OF INTEREST

Councillor	Item	Interest
RBA Burke	Agenda item 21, Minute 203 DCNC2007/0506/F & DCNC2007/0507/C - change of use to A4 (drinking establishment). demolition of single storey rear extension and out-building and new rear extension former Post Office Counters Ltd, Corn Square, Leominster	Declared a prejudicial interest and left the meeting for the duration of the item.
A Seldon	Agenda Item 19, Minute 202 DCNC2007/0952/F - proposed single storey extension to provide additional bedroom accommodation at The Forbury Residential Home, Church Street, Leominster	Declared a personal interest.

188. MINUTES

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

189. ITEM FOR INFORMATION - APPEALS

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

190. APPLICATIONS RECEIVED

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

191. DCNC2007/0715/F - CHANGE OF USE FROM STABLES TO DOG KENNELS FOR ANIMAL RESCUE CHARITY AT MEADOW BANK RIDING CENTRE, HAMNISH, LEOMINSTER, HEREFORDSHIRE, HR6 0QN

In accordance with the criteria for public speaking, Mrs Barden spoke in favour of the application.

Councillor R Mills noted the concerns which had been raised by objectors to the application and expressed the view that the application should be granted for a trial period of twelve months so that the impact of the facility on the amenity of neighbouring properties could be fully assessed. The Sub-Committee was agreeable to permission being granted with appropriate conditions on this basis.

That planning permission be granted subject to the following conditions:

1 - E20 (Temporary permission) for a period of 12 months

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

2 - E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

3 - F02 (Scheme of measures for controlling noise)

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

4 - The kennels shall accommodate a maximum of 12 dogs at any one time.

Reason: To define the terms of the permission and in the interests of residential amenity.

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

192. **DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE**

The Principal Planning Officer reported the following updates:-

Parks and Countryside Manager on the amended plans:

We have already agreed that the onsite provision will be fenced with seating and bins to provide informal play space for younger children with no formal play equipment as they offer little in play value.

The Sport England contribution will be used towards leisure and recreational improvements at Lady Hawkins Leisure Centre in Kington.

I had discussed with the applicant's client the possibility of the applicant maintaining the open space. I note that this is not mentioned in the letter to you dated 10th May 2007. The Council would not wish to adopt the site, as it will not be cost effect, as there is no other land in the vicinity, which we maintain. Given that the applicant has not been asked to provide play equipment I would expect this to be a reasonable request.

The Conservation Manager (landscape) on the amended plans:

The revised layout is as per my discussions with Chris Still (Savills) and addresses the importance of protecting the mature Black Pines to the west of the site. Naturally the older the tree the more sensitive it is to change and impact from development. They will also have more defects and potentially present a greater 'risk' and are harder to replace (visually). The negotiated revised layout **increases** the amount of space afforded to these trees. However, in order to achieve the improved layout it has been necessary to sacrifice a number of smaller, less significant trees also covered by a TPO (1 Silver Birch, 1 Cypress, 1 Holly, 4 Maples & 1 Ginko). Only the Birch is a visually significant tree, the other trees also exhibit a number of significant defects.

Grant of planning permission supersedes the protection afforded by the TPO; however, the requirement to replant suitable replacement trees remains. If you have attached a condition requiring the submission of a landscaping scheme then replacement trees should be indicated, otherwise this should be negotiated separately with this office.

It should also be noted that the revised layout allows for the play area to be located away from trees, the front of the site and away from the road

Kington Town Council comments on the amended plans:

If these trees do have to be removed to accommodate these amendments that replacements should be considered.

The Town Council is pleased that the amendments address and meet the comments made to South Shropshire Housing about this application in their pre-submission stage.

The amendments are accepted and the application is recommended for approval.

letter from Mr and Mrs S Jones of a nearby property:

As an immediate neighbour and owner they have the strongest possible objection to the moving of the entrance. If this was to go ahead it would be directly opposite our existing driveway where the road is narrow and close to a blind bend thus making the entrance and exit to our property very dangerous indeed even if a speed limit was imposed.

Strongly object to the planting of trees as the growth at Kingswood Hall over the last few years has been considerable and caused a loss of light. More trees would increase this loss of light.

Section 106 Agreement

A Draft 106 agreement has been submitted which sets out the financial contributions and the affordable housing provision. In particular it should be noted that the affordable housing be allocated to 'local' persons in the first instance. The criterion for this is set out in the agreement.

The Section 106 agreement / Heads of Terms should have also made reference to contributing towards the alteration to the 30MPH zone to beyond the application site.

Officers Comments

In response to the concerns of the Councils Ecologist an ecological survey of the buildings and site has been commissioned. This will be undertaken over the next two weeks to a programme that has been agreed with the Councils Ecologist.

Councillor TM James the Local Ward Member said that there were a number of issues connected with the site, its relationship with the surrounding area and the proposed access which merited a site inspection. The Sub-Committee concurred with this view.

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Newman of Kington Town Council and Mrs Pugh of South Shropshire Housing Association spoke in favour of the application. Mrs Jones an objector decided to defer her right to speak until the application came back to the Sub-Committee.

193. DCNW2007/0773/F - EXTENSION TO FORM SINGLE GARAGE (SUBSEQUENT TO PLANNING PERMISSION DCNW/2004/3925/F) ON LAND ADJACENT TO EAST COTTAGE, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LF

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2 - A06 (Development in accordance with approved plans)

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

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

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

- 4 - E08 (Domestic use only of garage)

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

Informatives:

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

- 2 - N14 - Party Wall Act 1996

- 3 - N19 - Avoidance of doubt

194. DCNW2007/0972/F - PROPOSED CHANGE OF USE FROM RESIDENTIAL OUTBUILDING FOR BUSINESS USE (OUTSIDE CATERING FOR A TEMPORARY PERIOD OF TWO YEARS) AT THE RED HOUSE, DILWYN, HEREFORD, HEREFORDSHIRE, HR4 8JS

The Principal Planning Officer reported the receipt of a letter of support and the following response from the applicant to the recommendation and conditions:

1. Noted: Environmental Health Department has received no complaints.
2. Re: deep fat frying. This does not take place at the premises nor will it.
3. We have requested quotes from a local builders to install a new driveway/access to avoid having to pass over a shared drive. We have written approval and conditions from Highways for this.
4. We have removed any potential noise nuisance of refrigerated vehicles by siting a power socket at the rear of our property – away from neighbours, as

advised.

E01 - Restriction on hours of working

Mon to Fri – 7am – 6pm

Saturday 7am to 1pm – this is Wedding Day – we occasionally need to leave or return outside these specified hours.

Sundays – we occasionally have events on Sundays eg Christenings but more often than not we are washing up!

No working on Bank/public holidays

E02 – Restriction on hours of delivery

We will happily ask that our suppliers comply with this though we can only exert limited authority on this.

Occasionally, to meet Food Hygiene regulations we will have to refrigerate a returning van before it can be emptied the next morning.

E06 – Restriction on use

“The premises shall be used for the preparation, cooking and packing of food goods for the purposes of outside catering and retail.” As explained to Miss Brimson.

E15 – Restriction on separate sale

Noted

E25 – Personal and time limited permission

We seek two years time limit – assume this is a typo.

F03 – Restriction on specified activities

Noted

F38 – Details of flues or extractors

Noted

F40 – No burning of materials/substances

Noted

The Principal Planning Officer said that this implied that the applicant would not be able to comply with the conditions and if this was the case, permission could not be granted and enforcement action was likely. She also felt that if the applicant was not be able to operate within these limitations he should seek alternative accommodation.

In accordance with the criteria for public speaking, Mr Bailey spoke in favour of his application and said that he would meet all the conditions stipulated by the Officers if planning permission was granted.

Councillor JHR Goodwin the Local Ward Member was of the view that it was important for permission to be granted with the proposed conditions to regulate the business for the protection of the amenity of adjoining properties. He considered that the two year temporary permission applied for would give time for the situation to be properly assessed.

RESOLVED

That planning permission be approved subject to the following conditions:

- 1 - E01 (Restriction on hours of working)**

Reason: To safeguard the amenities of the locality.

- 2 - E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

- 3 - E06 (Restriction on Use)

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

- 4 - E15 (Restriction on separate sale)

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

- 5 - E25 (Personal and time limited permission) Mr S Bailey, one year

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

- 6 - F03 (Restriction on specified activities)

Reason: To protect the amenities of nearby properties.

- 7 - F38 (Details of flues or extractors)

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

- 8 - F40 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution.

- 9 - Within one month of the date of this permission, a plan detailing the existing and proposed car parking spaces within the application site shall be submitted to and approved in writing by the local planning authority. These spaces shall be provided within 2 months of the date of this permission and kept free for the parking of vehicles only until the expiry of the permission.

Reason: To ensure the provision of car parking provision for staff and delivery vehicles within the application site in the interests of highway safety.

Informatives:

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

- 2 - N19 - Avoidance of doubt

195. **DCNW2006/3986/O - SITE FOR RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS AT LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE**

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Newman of Kington Town Council and Mr Joyce an objector spoke against the application. Mrs Spreckley the agent acting for the applicant decided to defer his right to speak until the application came back to the Sub-Committee.

196. **DCNW2007/0603/F - PROPOSED ERECTION OF 12 DWELLING UNITS AND ANCILLARY GARAGES AT LAND ADJACENT TO WEOBLEY METHODIST CHAPEL WEOBLEY.**

The Senior Planning Officer reported the receipt of the following comments from Weobley Parish Council:

Note that location and type of affordable housing to be provided is as requested. Also note that there is now access to a garage at the rear of the barn adjoining the site on its north-western edge. Although the garage is marked as not part of this application, we have some concerns that this access may possibly allow future development at the rear of the barn and adjoining properties. In conclusion, our original comments regarding this application still stand, our main objection (and that of local residents), being the access to the site through Chapel Orchard.

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Parsons of Weobley Parish Council and Mrs McGill an objector spoke against the application.

197. DCNW2007/1277/F - PROPOSED FIRST FLOOR EXTENSION, NEW FRONT PORCH AND ALTERATIONS AT DUNELM, WEST STREET, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9DX

The Senior Planning Officer reported the following comments from Pembridge Parish Council:

No objections to proposed development, however does have some concern about large scale of proposed extension.

In answer to a question from Councillor Mrs JP French, The Senior Planning Officer outlined the dimensions of the additional floor space which he did not consider to be excessive.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 - B02 (Matching external materials (extension))

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

3 - Notwithstanding the approved plans no approval is given to the construction detail and design of the windows. Full details of the window design and construction materials will be submitted to the local planning authority and approved in writing prior to any development on site.

Reason: In the interests of the surrounding Conservation Area and setting of adjacent listed buildings.

4 - H12 (Parking and turning - single house)(Curtilages)(3)

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

Informatives:

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

2 - N19 - Avoidance of doubt

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

The Principal Planning Officer reported the receipt of the following comments from the agent acting on behalf of the applicant:

There are no objections from the Parish Council or the Highways Authority and twelve letters of support have been submitted.

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

Councillor KG Grumbley the Local Ward Member said that the applicant ran a twenty-four hour breakdown service to deal with the problems which were encountered by the local agricultural community with their farming equipment. He needed to be on site in order to respond quickly to emergencies and at present he had to travel from Pembridge to his workshop to collect tools and replacement parts, and then onto a client. This often involved a round-trip of over forty miles and during times of heavy demand such as harvesting, this was proving to be increasingly difficult. The applicant also had stated that he needed a permanent presence on site to receive parts deliveries, security for the storage of those parts and to have an on-site office which was currently lacking. Councillor Grumbley felt that there was flexibility within Policy H8 of the Herefordshire Unitary Development Plan (UDP) to help with assisting small but essential agricultural businesses such as this one. He also felt that the point had been reached where there was a danger of losing the business if permission was refused and that this would be to the considerable detriment of the agricultural community. Granting the application would enable the applicant to achieve greater security and allow modest growth of the business.

Several Members of the Sub-Committee concurred with the views of the Local Ward Member and felt that there were sufficient material considerations for the application to be granted. Councillor R Mills had some sympathy with the applicant but felt that there were several issues set out in the report which contradicted the grounds suggested for granting permission. The Principal Planning Officer said that planning permission was refused in 2001 and lost on appeal and that in the view of the officers the circumstances had not changed to merit permission being granted. The Development Control Manager also drew attention to the fact that a fundamental aim of the UDP was to protect the open countryside from unnecessary development. The exceptional circumstances set out in Policy H8 included a clear need for accommodation for persons employed in agriculture, forestry, horticulture or other rural businesses but not the type of the applicant. Notwithstanding these views the Sub-Committee was of the view that there was sufficient scope for permission to be granted.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application under the provisions of Policy H8 of the Herefordshire Unitary Development Plan subject to any conditions felt to be necessary by the Development Control Manager, provided that the Head of Planning Services does not refer the application to the Planning Committee.**
- (ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to approve the application in consultation with the Local Ward Members and subject to such conditions referred to above.**

[Note: Following the vote on this application, the Development Control Manager advised that he would refer the application to the Head of Planning Services.]

199. DCNC2007/0656/F - ERECTION OF DWELLING HOUSE & GARAGE/GARDEN STORE (AMENDMENTS TO PREVIOUS APPROVAL NC2004/0778/RM) AT PLOT 3, LAND ADJACENT VILLAGE HALL, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE

The Principal Planning Officer reported the receipt of the following comments from a local resident:

Query from Mr Bromley regarding a Walnut tree which is within the garden of Belmont and what consideration has been given to the impact of the development upon it. Mr Bromley mistakenly believed that it was covered by a Tree Preservation Order. Is concerned that its roots could be damaged by the creation of the drive. The Principal Planning Officer said that the tree is not covered by a TPO and its existence and proximity to the site boundary is not considered to be of such significance to warrant the refusal of the application.

In accordance with the criteria for public speaking, Mr Owen of Stoke Prior Parish Council spoke against the application.

Councillor KG Grumbley the Local Ward Member was of the view that the application was contrary to Policy H6 of the UDP. The estate had been planned in consultation with local people and the properties had a balance with one another which would be lost by increasing the size or position of any one property. Councillor Mrs J French was also against the application, pointing out that there had been a site inspection and lengthy consultation resulting in the present layout. The Sub –Committee was of the view that the proposal was larger than the approved plans and considered it to be over-development and increase over-looking of adjoining properties.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee:

1. design and scale.

(iii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of Delegation to Officers be instructed to refuse the application in consultation with the Local Ward Member, subject to the reason for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the application to the Head of Planning Services.]

200. 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 Principal Planning Officer reported the receipt of the following:

Four letters of support referring to the high level of care that is already provided at Pencombe Hall, the shortage of EMI nursing beds in Herefordshire and the benefit to the local economy that would result if planning permission is granted for this

proposal.

In accordance with the criteria for public speaking, Mr Tilling and Mr Potter spoke against the application. Mr Jolly the agent acting for the applicants decided to defer his right to speak until the application came back to the Sub-Committee.

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Smith the applicant decided to defer her right to speak until the application came back to the Sub-Committee.

201. DCNC2007/0807/F - NEW DWELLING AND GARAGES. SITE ADJACENT TO LUSTON COURT, LUSTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DU

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Mrs Morris of Luston Parish Council, Mr Shepherd an objector and Mrs Jones the applicant decided to defer their right to speak until the application came back to the Sub-Committee.

202. DCNC2007/0952/F - RETENTION OF TWO COLD STORAGE UNITS AND SOUND REDUCING SCREEN AT TROUGHLES FINE FOOD LTD, UNIT 12 CLINTON ROAD, LEOMINSTER, HEREFORDSHIRE HR6 0RJ

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 - E20 (Temporary permission) (29 May 2010)**

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

- 2 - F01 (Scheme of noise attenuating measures)**

Reason: To safeguard the amenity of the area.

- 3 - F03 (Restriction on specified activities)
Reason: To protect the amenities of nearby properties.

Informatives:

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

203. DCNC2007/0506/F AND 21 - DCNC2007/0507/C - CHANGE OF USE TO A4 (DRINKING ESTABLISHMENT), DEMOLITION OF SINGLE STOREY REAR EXTENSION AND OUT-BUILDING AND NEW REAR EXTENSION. FORMER POST OFFICE COUNTERS LTD, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE

RESOLVED:

That a site inspection be held for the following reasons:

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

In accordance with the criteria for public speaking, Ms Griffiths the agent acting on behalf of the applicants spoke in favour of the application. Mr Thomas of Leominster Town Council and Mr Everett an objector decided to defer their right to speak until the application came back to the Sub-Committee.

The meeting ended at 4.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Enforcement Notice EN2006/0111/ZZ.**

- The appeal was received on 8th February 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr P Williams
- The site is located on land at Ledwyche Springs, Little Hereford, Bleathwood, Herefordshire
- The breach of planning control alleged in this notice is: Without planning permission, the extension of a building on agricultural land, associated engineering works, creation of an access track and works to alter an existing agricultural access.
- The requirements of the notice are:
 1. Remove the lean-to structure and associated building and engineering works and carry out such further works as are necessary to ensure compliance with the plans submitted for the purposes of Prior Approval reference DCNC2005/1683/S decision date 8th June 2005.
 2. Remove the access track and restore the land to its former agricultural condition and quality or at least that which it formally had prior to the development taking place.
 3. Restore the access back to its former condition and dimensions as an agricultural access with a 5 bar gate and permanently remove the area of hardstanding and the fencing that surrounding it.
- The appeal is to be heard by Written Representation

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/0234/S

- The appeal was received on 31st May 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr A Willis
- The site is located at Ledwyche Farm, Bleathwood, Ludlow, Herefordshire, SY8 4LF
- The development proposed is Proposed free range pig farrowing house.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/0623/F

- The appeal was received on 22nd May 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs F Rooke
- The site is located at The Bungalow, Ryelands Road, Leominster, Herefordshire, HR6 8PE
- The development proposed is Proposed housing development to create six dwellings.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

Application No. DCNC2007/0440/F

- The appeal was received on 11th June 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr B P Legge
- The site is located at Ideal Bungalow, Thornbury, Bromyard, Herefordshire, HR7 4NJ
- The development proposed is Conversion of rural building to form holiday bungalow with associated external alterations.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 383093

APPEALS DETERMINED

Application No. DCNW2006/1423/F

- The appeal was received on 29th November 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Fernhazel
- The site is located at Welshwood Farm, Whitney-On-Wye, Hereford, Herefordshire, HR3 6JA
- The application, dated 5th May 2006, was refused on 27th June 2006
- The development proposed was Demolition and conversion of farm buildings to 3 dwellings, garaging and storage.
- The main issue is whether every reasonable attempt has been made to secure an alternative business, recreational or community use for the former farm buildings.

Decision: The appeal was ALLOWED on 15TH May 2007

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/1858/O

- The appeal was received on 12th February 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by M G George
- The site is located at The Old Garage, -, Mortimers Cross, Leominster, Herefordshire, HR6 9TQ
- The application, dated 9th May 2006 , was refused on 9th August 2006
- The development proposed was Site for demolition of engineering works and replacement residential development
- The main issue is that the development proposed would comprise unjustified residential development in an unsustainable rural location. Furthermore, it would lead to suburbanization of this part of the countryside, consolidating and intensifying the built form of development along this part of the A4110, to the detriment of the character and appearance of the area. Contrary to the relevant development plan policies and to national guidance. There is insufficient benefit in terms of planning gain to outweigh that harm. In addition, the absence of a formal flood risk assessment means that it is not possible to determine, with any degree of certainty, whether future occupiers would be likely to be at risk from flooding.

Decision: The appeal was **DISMISSED** on 31ST May 2007

Case Officer: Philip Mullineux on 01432 261808

Hedgerow Removal Notice DCNW2006/2138/H

- Herefordshire Council served a Hedgerow Retention Notice, in respect of the above Hedgerow Removal Notice on 4th August 2006
- The appeal against the Hedgerow Retention Notice was received on 25th August 2006
- The appeal was made under The Environment Act 1995, Section 97 and The Hedgerow Regulations 1997, Regulation 9 against a Hedgerow Retention Notice
- The appeal was brought by Mr D H G Probert
- The site is located south of the A4112 road, Oldcastle, Kinnersley, Herefordshire
- The main issue is whether the hedgerows should be regarded as important and if so, whether there is sufficient reason to justify their removal.

Decision: The appeal was dismissed on 8th May 2007

Case Officer: Bridgit Symons on 01432 383507

Hedgerow Replacement Notice

- Herefordshire Council served a Hedgerow Replacement Notice on 18th December 2006
- The appeal was received on 12th January 2007
- The appeal was made under The Environment Act 1995, Section 97 and The Hedgerow Regulations 1997, Regulation 9 against a Hedgerow Replacement Notice
- The appeal was brought by P T Baker Farms Ltd.
- The site is located at Eardisley Park Farm, Eardisley, Herefordshire
- The main issues are whether the vegetation that was removed was classed as hedgerows and therefore fell within The Hedgerow Regulations and if so, whether there is sufficient justification to accept their removal.

Decision: The appeal was dismissed and the Hedgerow Replacement Notice was upheld with variation on 15th May 2007

Case Officer: Juliet Wheatley on 01432 260157

Enforcement Notice EN2006/0090/ZZ

- The appeal was received on 26th October 2006
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by M.D, P.G. & G.W. Ridge
- The site is located at The Deep Litter Shed, Norton Canon, Hereford, HR4 7BH
- The breach of planning control alleged in this notice is:
Without planning permission, change of use of the land from use for agriculture to use for the siting of a mobile home for residential purposes
- The requirements of the notice are:
Cease the residential use of the land
- Permanently remove the mobile home from the land
- The main issue is whether or not the mobile home has been in continual residential use for a period of ten years.

Decision: The appeal was dismissed on 23rd May 2007

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNC2006/2661/F

- The appeal was received on 16th January 2007
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by A Pritchard
- The site is located at Little West, Pinsley Road, Leominster, Herefordshire, HR6 8NN
- The application, dated , was refused on
- The development proposed was Subdivision of "Little West" and proposed new dwelling.
- The main issue is the impact of the proposal on the surrounding area in terms of layout, density and access.

Decision: The appeal was dismissed on 5th June 2007

Case Officer: Nigel Banning on 01432 383093

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

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

6A DCNC2007/0506/F - CHANGE OF USE TO A4 (DRINKING ESTABLISHMENT). DEMOLITION OF SINGLE STOREY REAR EXTENSION AND OUT-BUILDING AND NEW REAR EXTENSION AT FORMER POST OFFICE COUNTERS LTD, CORN SQUARE, LEOMINSTER, HEREFORDSHIRE, HR6 8LR

6B DCNC2007/0507/C – AS ABOVE

For: J D Wetherspoon plc per Lawrence Beckingham Field LLP, The Sail Loft, Limehouse Court, 3-11 Dod Street, London, E14 7EQ

Date Received:
19th February 2007

Ward: Leominster South

Grid Ref:
49720, 59086

Expiry Date:
16th April 2007

Local Members: Councillor RBA Burke and Councillor RC Hunt

The application was deferred at the meeting on 29th May 2007 for a Committee site visit. The site visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

- 1.1 This site, within the town centre of Leominster, is located within Corn Square on its northern side. The existing building now vacant was formerly a post office. The section of building facing Corn Square is red brick with a plain tile roof. There is black timber frame with white render infill panels at first floor level facing Corn Square. This part of the building has a ground floor, two upper floors and a basement. The section of building to the rear is single storey with red brick walls, part of which has a slate roof with an additional raised section along the ridge line. The eastern section of the building has a flat roof. There is yard area at the rear with an access track leading to Church Street.
- 1.2 The site is surrounded by a mixture of uses ie residential, retail and the 'Conservative Club'. There is an existing public house on the opposite side of Corn Square. The Grange open space area is located to the east.
- 1.3 The proposal is to change the use of the building to A4 use ie as a drinking establishment/public house. This will involve the demolition of the single storey sections at the rear and replacing it with a new single storey extension with brick walls and a slate roof. The roof will be a mixture of flat and pitched roofs. There will also be a small glazed canopy at the eastern end. Vehicular access for deliveries will be via the existing rear access ie the same route used by the post office. As the proposed development involves demolition within a Conservation Area, an application for Conservation Area Consent has also been submitted with the planning application.

2. Policies

2.1 Planning Policy Guidance

PPG 6 - Town Centres and Retail Developments
PPG 15 - Planning and the Historic Environment

2.2 Herefordshire Unitary Development Plan

TCR 1 - Central Shopping and Commercial Areas
TCR 2 - Vitality and Viability
TCR 3 - Primary Shopping Frontage
HBA 4 - Setting of Listed Buildings
HBA 6 - New Development within Conservation Areas
HBA 7 - Demolition of Unlisted Buildings within Conservation Areas
S2 - Development Requirements
S5 - Town Centre and Retail
DR1 - Design
DR13 - Noise

2.3 Supplementary Planning Guidance

Design and Development Requirements - July 2004

3. Planning History

3.1 None.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Traffic Manager recommends that any permission includes certain conditions relating to secure cycle parking provision and a travel plan.

4.3 Forward Planning Officer observes that the site is in area designated as a 'primary shopping frontage' in the Unitary Development Plan where policy TCR 3 is applicable. The policy does allow for the integration of non-retail uses in a dispersed manner and this proposal does not conflict with the policy aims.

4.4 The Principal Environmental Health Officer has no objections in principle, although limited information has been submitted with the application with respect to impact on neighbouring properties. There are concerns with respect to affect on neighbouring dwellings in terms of noise and odour. In particular it is unclear if there will be an outside area for people to sit etc. Any such area due to 'people noise' could well adversely affect the residential amenities of neighbouring dwellings. If members are minded to approve the application then certain conditions need to be imposed on any planning permission in order to protect the residential amenity of neighbouring dwellings. In particular a scheme of odour control measures, restriction on outdoor use, scheme for noise controlling measures in general and for additional plant, details

of flues and extractors and also restrictions on hours of demolition and construction work.

- 4.5 The Conservation Manager observes that, in his opinion, the submitted scheme would not secure either the preservation or enhancement of the special architectural and historic character of the Conservation Area. The modern buildings at the east end of the site have no architectural merit. However the sorting office is well constructed building of some quality (eg the continuous glazed lantern light and architectural detailing) and fits comfortably in the context of the surrounding buildings and views from Grange Park. The quality of the replacement building falls considerably short of the existing building. The replacement building needs to be justified within the criteria set out in PPG15. Consequently he suggests that the scheme be reconsidered. The proposed replacement would not be a fitting replacement for the loss of the existing building. The way the new section is connected to the main frontage building will result in the loss of window details that contribute to the character of the principal building.

5. Representations

- 5.1 The applicants/agents state that Wetherspoon currently operates over 650 licensed premises throughout the United Kingdom and has developed a sophisticated range of practices and procedures aimed at providing a safe and convivial environment in which the public may enjoy the facilities on offer. The great majority of premises are converted and are designed to provide a welcoming environment complementary to the building and the surrounding area. They aim to provide a traditional pub atmosphere with features found in modern cafe bars and restaurants. They provide extensive food menus with high standards of management and maintenance. Standards of customer behaviour are closely monitored. They have developed a high reputation for the aesthetic appeal of Wetherspoon premises. The proposed extension will be sympathetic to style of existing building. All deliveries will be to rear of site using same route as that used by post office.
- 5.2 The Town Council considers that the delivery arrangements through the Church Street entrance would not be possible. However approval is recommended, but subject to alternative delivery access arrangements. Three letters of objection from local residents were attached.
- 5.3 26 letters of objection have been received from local residents, the main points being:
- 5.3.1 The loss of the post office is a loss of a public service.
 - 5.3.2 Already enough public houses in Leominster which are finding it hard to compete with each other let alone the low prices which Wetherspoons charge.
 - 5.3.3 No need has been proven for a further drinking establishment in area. Independent cost benefit analysis would be required to back up need for another drinking premises.
 - 5.3.4 The proposal will lead to rowdiness and attract undesirable elements to the area. Unruliness, anti-social behaviour, vandalism and noise will be generated in the area by proposal.
 - 5.3.5 Change character of town due to scale of proposal and anticipated number of drinkers.
 - 5.3.6 Already a public house in vicinity. Will make situation worse.
 - 5.3.7 Police already have problems in area.
 - 5.3.8 Noise will affect residential amenities of adjacent dwellings.
 - 5.3.9 Problems of litter.

- 5.3.10 Proposal will destroy amiable atmosphere of Corn Square.
 - 5.3.11 Landscaped area at rear could be screened.
 - 5.3.12 Maybe managed inside but problems will occur outside.
 - 5.3.13 Enough public houses in Leominster and more will lead to more trouble.
 - 5.3.14 The vehicular access onto Church Street is very narrow and delivery lorries will have problems entering and leaving access.
 - 5.3.15 Church Street already busy with problems of parking which will be made worse by proposal.
 - 5.3.16 Large lorries have caused problems to local people over the years.
 - 5.3.17 More use of rear access track will make surface even worse.
 - 5.3.18 Public access along track will cause problems. Parking in local streets by customers will add to existing problems.
 - 5.3.19 Extra cars will be attracted to area.
 - 5.3.20 Not enough room for delivery lorries to turn within site.
 - 5.3.21 Delivery lorries could take light from dwellings in Church Street.
 - 5.3.22 Vehicular access from Corn Square would also be a problem due to narrowness of streets.
 - 5.3.23 The proposal could adversely affect tourism.
 - 5.3.24 Leominster needs to address its social problems.
 - 5.3.25 The proposal would destroy character of landmark building in town centre.
 - 5.3.26 More about demolition than conservation.
 - 5.3.27 Former post office building has strong period character. Loss of distinctive lantern roof and windows is undesirable as they complement fenestration of surrounding buildings.
 - 5.3.28 The replacement building is featureless and undistinguished and gives little consideration to its exterior and surroundings.
 - 5.3.29 Wetherspoons can do a better job of redesign than this.
 - 5.3.30 There are a number of inconsistencies in the drawings, ie drawing no 173, "area to be demolished", fails to show the removal or covering of four first floor and one ground floor window, and does not agree with elevation no 173/12 and plan no 173/10E. The smaller size of this drawing makes it an easier point of reference making its potential to mislead the more likely. There are other more minor discrepancies between drawings 173/10E and 173/12.
 - 5.3.31 Church Street is an historic street and could be damaged by additional traffic generated by proposal.
- 5.4 There have been three letters of support received. The main points being:
- 5.4.1 Wetherspoons has high standards and is very popular with no rowdyism.
 - 5.4.2 Will attract people to the centre of town and will help to aid local businesses.
 - 5.4.3 Large company having confidence to invest in Leominster will be good for town and provide employment.
 - 5.4.4 The empty commercial properties in town can be used as proposal will attract more people to area.
 - 5.4.5 The Kings Fee in Hereford shows what can happen.
 - 5.4.6 The competition generated will be a benefit to Leominster economy.
 - 5.4.7 Corn Square could be utilised more for local events. Perhaps Wetherspoon could contribute to this as part of application for planning permission.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues relate to:

- i. The use of the site as a drinking establishment.
- ii. The size and design of the proposed new extensions and its affect on its surroundings and the Conservation Area.
- iii. The desirability of retaining the existing building at the rear and the extent its loss will have on the character and appearance of the Conservation Area.
- iv. The effect the proposed use will have on adjacent residential dwellings and the area in general.
- v. Issues relating to vehicular access and movement.

6.2 The UDP identifies the site frontage as part of a designated 'primary shopping frontage' where retail use is encouraged to be the dominant use. However the Policy TCR3 does allow for a proportion of non retail uses and as such it is considered that this proposal complies with the policy aims and is acceptable in this town centre location.

6.3 The proposed new rear extension is considered to be acceptable. It would be in keeping with the visual appearance and character of the conservation area and will not adversely affect the amenities of the occupants on adjacent properties. As such the proposed development is considered to be in accordance with policy HBA6 which relates to new development in Conservation Areas. The existing single storey buildings at the rear which are proposed to be demolished are not considered to have any significant merit to warrant their retention. The Council's Conservation Manager considers that they should be retained. However these buildings are very basic in their design, they are hidden from view to a certain extent and are not listed buildings. Although the upper levels of the buildings can be seen from the Grange, it is considered that their removal will not detract from the character and appearance of the Conservation Area. As such the proposal will be in accordance with policy HBA7 of the Unitary Development Plan. There are some minor discrepancies between the proposed floor and elevational plans which can easily be rectified. The applicants' agent has recently submitted revised drawings, which show the omission of an external door and a small window at first floor level on the rear of the main building, as a minor revision and to clear up one of the minor discrepancies between the proposed floor and elevational drawings.

6.4 The use of the proposed development as a drinking establishment in this town centre location is considered to be acceptable. There is an existing public house in Corn Square and public houses in the town centre in general. There is no convincing evidence to the effect that an additional public house will adversely affect Leominster Town Centre. The Principal Environmental Health Officer has recommended that if the Committee is minded to approve the applications then certain conditions relating principally to noise attenuation measures and odour control measures be imposed. The use of any areas outside the proposed building for customers to sit etc is considered to be unacceptable and would lead to noise disturbance to adjacent residential dwellings. The applicants have not proposed any outside drinking area

although they do show a landscaped area at the eastern end of the building. This area is the only place where delivery vehicles could park and turn within the site.

- 6.5 The use of the existing vehicular access onto Church Street and the track leading to the rear of the premises for deliveries is acceptable in highway safety terms. There have been strong objections received from local residents with respect to this aspect of the development. However the Council's Traffic Manager has raised no objection to the proposed development. The area at the east end of the proposed building can be used for turning of delivery lorries provided the lorries are not too large. A condition requiring the submission of a Travel Plan has been added to the recommendation for the planning application.
- 6.6. The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance. There have been a large amount of objections to the development received from local residents. However after fully taking into account their objections they are not considered to be sufficient to warrant refusing the applications.

RECOMMENDATION

In respect to the application ref no DCNC2007/0506/F that planning permission be granted subject to the following conditions:

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

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

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

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

- 3 - Before any work commences on site drawings showing all of the proposed elevations of the new extension at its western end and the rear of the main building (including floor plans) shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To ensure the development is satisfactory in appearance and due to the east and west elevations at that end not being submitted and minor discrepancies on the submitted drawings.

- 4 - Before any work commences on site details of the proposed boundary and surface treatments and also any parking/turning and landscaped areas within the site shall first be submitted to and be subject to the prior written approval of the local planning authority.**

Reason: To protect the visual amenities of the area.

- 5 - No customer access to the site shall be allowed from the rear access track onto Church Street.**

Reason: To define the terms to which this planning permission relates and to protect the residential amenities of nearby dwellings.

6 - F02 (Scheme of measures for controlling noise)

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

7 - Before any additional fixed ventilation, refrigeration or other noise penetrating plant is used on the premises, the applicant shall submit for the prior approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of use.

Reason: To safeguard amenity of the area.

8 - The utilisation of any outdoor areas for customer drinking and dining use shall not be permitted without the prior written approval of the local planning authority.

Reason: To safeguard the residential amenity of the area.

9 - F37 (Scheme of odour and fume control)

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

10 - F38 (Details of flues or extractors)

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

11 - F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

12 - All machinery and plant shall be operated and maintained in accordance with BS5228:1997 'noise control of construction and open sites'.

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

13 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

14 - H29 (Secure cycle parking provision)

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

15 - H30 (Travel Plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N03 - Adjoining property rights
- 3 - The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicants are advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.
- 4 - The applicants are advised to contact the Commercial Team of the Environmental Health Department at Herefordshire Council to discuss the Food Safety and Hygiene implications of the proposed development to ensure they comply with the legislative requirements of the Food Safety Act 1990 and related regulations.

The applicant is also advised to contact the Licensing Team of the Environmental Health Department at Herefordshire Council to discuss any issues of compliance with the Licensing Act 2003 and related legislation.

- 5 - N19 - Avoidance of doubt
- 6 - In connection with Condition 15 the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ.

In respect to the application ref no DCNC2007/0507/C that conservation area consent be granted subject to the following conditions:

- 1 - C01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 - Before any work relating to demolition/alterations occurs on site the drawing showing the rear elevation of the main building (to remain) shall be amended to show all the windows to be removed and submitted to and be subject to the prior approval of the local planning authority.

Reason: To define the terms to which this consent relates.

- 3 - No demolition shall take place until a contract of work has been agreed in writing between the applicant and the developer. Evidence of this shall first be submitted to and be subject to the prior approval of the local planning authority.

Reason: To ensure the new development and the demolition coincide.

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: DCNC2007/0506/F

SCALE : 1 : 1250

SITE ADDRESS : Former Post Office Counters Ltd, Corn Square, Leominster, Herefordshire, HR6 8LR

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Further information on the subject of this report is available from Mr N Banning on 01432 383093

**7 DCNC2007/0807/F - NEW DWELLING AND GARAGES
AT SITE ADJACENT TO LUSTON COURT, LUSTON,
LEOMINSTER, HEREFORDSHIRE, HR6 0DU**

**For: Mr W Beaumont per Mr T Margrett, Green Cottage,
Hope Mansel, Ross-on-Wye, Herefordshire HR9 5TJ**

Date Received:
12th March 2007

Ward: Upton

Grid Ref:
48686, 63477

Expiry Date:
7th May 2007

Local Member: Councillor J Stone

The application was deferred at the meeting on 29th May 2007 for a Committee site visit. The site visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

- 1.1 The application site lies to the east of a range of converted barns at the eastern fringe of the village of Luston. It occupies a raised position in relation to the road and is set back from it, originally behind a brick and stone retaining wall that has now been removed. An existing access is positioned to the south-east corner. Agricultural land lies immediately to the north and east of the site.
- 1.2 The proposal is for the erection of an alternative single detached dwelling to that previously approved, positioned to the rear of the site and for two garage blocks to be located along the southern and eastern boundaries. The dwelling has a simple appearance to reflect that of the converted barns adjacent. It provides three bedroom accommodation in a building constructed in brick with the details of the roofing materials to be agreed. An open fronted double garage is attached to the west elevation and it is to be weatherboarded. The two detached garage blocks are to be of a similar design and will serve the completed barn conversions. The application has been amended since its original submission. The intention to retain the roadside wall in situ has now been omitted and it will be demolished and replaced as per the originally approved scheme.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
DR1 – Design
H4 – Main villages: settlement boundaries
H13 – Sustainable residential design
HBA4 – Setting of listed buildings
HBA6 – New development within conservation areas

3. Planning History

NC2007/0107F – Proposed new dwelling – Withdrawn
NC2007/0105/F – Proposed new dwelling – Withdrawn

NC2005/3626/F – Conversion of redundant farm buildings to four houses and erection of one house – Approved 04/01/06

NC2005/2514/L - Conversion of redundant farm buildings to four houses and erection of one house – Approved 23/09/05

NC2005/2513/F - Conversion of redundant farm buildings to four houses and erection of one house –Refused 23/09/05 on highway safety grounds.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Transportation Manager – No objection subject to conditions

4.3 Conservation Manager – No objection subject to conditions

5. Representations

5.1 Luston Parish Council – Object to the application on the following grounds:

1. Over-development
2. Poor access to the site
3. Concern about materials
4. North boundary hedge has been removed

5.2 Four letters of objection have been received from the following:

J.M. Chilvers, Hillside, Eye Lane
Mr A. Shepherd, Luston Court, Eye Lane
Mrs J Shepherd, Luston Court, Eye Lane
Miss E. Gentle, Court Cottage, Eye Lane

5.3 In summary the points raised are:

1. The proposal will be higher than the adjacent barn, unduly dominant and detrimental to the setting of it as a listed building and the conservation area.
2. The removal of hedgerows along the northern and eastern boundaries is detrimental to the setting of the conservation area.
3. The proposal will be detrimental to the privacy and amenity of Luston Court.
4. The proposal represents over-development.
5. The proposal will create further traffic problems.

5.4 Four letters of support have been received from the following:

J Morris, Five Oaks, Eye Lane, Luston
Mr P Jones, 20 Townsend Park, Luston
Mrs S F Fower, 4 Lilac Grove, Luston
B J Price, 15 Sunningdale, Leominster

In summary all of the letters suggest that the current proposal is a significant improvement in terms of its design over the approved scheme.

5.5 The application is also accompanied by a design and access statement in which the applicant's agent provides some further justification for the development. This advises that the proposal is a replacement for the previously approved 'Gatehouse' style dwelling and not in addition to it. It suggests that the proposal is more in keeping as a gate house would never have been part of this range of traditional buildings. The two garage blocks are of a traditional open fronted design and will provide a screen to the development.

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

6. Officer's Appraisal

6.1 Planning permission exists and has been implemented through the conversion of the barn for a new dwelling on this site. Objections relating to matters of over-development and increased traffic problems cannot be substantiated as the proposal does not actually result in circumstances any different to those that would result if the site is developed as approved. It is therefore necessary to consider the current application solely in terms of its design and its impact on its surroundings in comparison to the scheme as approved.

6.2 The current proposal for a dwelling is smaller in terms of its floor area and ridge height and is positioned to the rear of the site as opposed to the approved gate house which sits at the road frontage. It is acknowledged that the current proposal does occupy a more elevated position and that it includes garaging that will sit on the frontage. However, it is a far more considered response to its surroundings than the approved scheme. The dwelling does have a more 'barn-like' appearance and both it and the garaging pay greater regard to the former agricultural use of the site and the barn than the previously approved gate house, appearing as subservient buildings to the barn. The gate house would undoubtedly have a more dominant effect than this proposal due to its height, bulk and position at the front of the site. Although the position of this proposal is more elevated, its impact will be limited as it is to the rear of the site and by virtue of the garaging that will appear in the foreground.

6.3 It is therefore your officer's opinion that the proposal is acceptable in terms of its design and its relationship to the adjacent listed building and the conservation area. Consequently it accords to policies HBA 4 and HBA6 of the UDP.

6.4 The proposal is orientated to face in a north/south direction. An existing building falls between it and Luston Court and it is not considered that there will be any demonstrable impact on the privacy of the latter as a result of this proposal.

6.5 Finally, concerns raised about the removal of hedgerows along the northern and eastern boundaries can be addressed by a condition requiring an appropriate replacement. Similarly the details of materials can be satisfied by condition.

6.6 On this basis the proposal is considered to accord with the UDP and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - A09 (Amended plans)

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

3 - B01 (Samples of external materials)

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

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

Reason: To safeguard the character and appearance of the conservation area and the adjacent listed building.

5 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of the conservation area and the adjacent listed building.

6 - C11 (Specification of guttering and downpipes)

Reason: To safeguard the character and appearance of the conservation area and the adjacent listed building.

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

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

8 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no works other than those expressly authorised by this permission shall be undertaken within the site that would fall within Classes A, B, C, D, E or G of Part 1 or Class A of Part 2 of that Order without the further written consent of the local planning authority.

Reason: In order that the local planning authority can consider the impact of any further development in respect of its surroundings.

9 - G01 (Details of boundary treatments)

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

10 - G04 (Landscaping scheme (general))

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

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

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

12 - This permission is in lieu of, and not as well of, the new dwelling approved under application reference NC05/3626/F.

Reason: To prevent over development of the site.

Informative(s):

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

2 - N19 - Avoidance of doubt

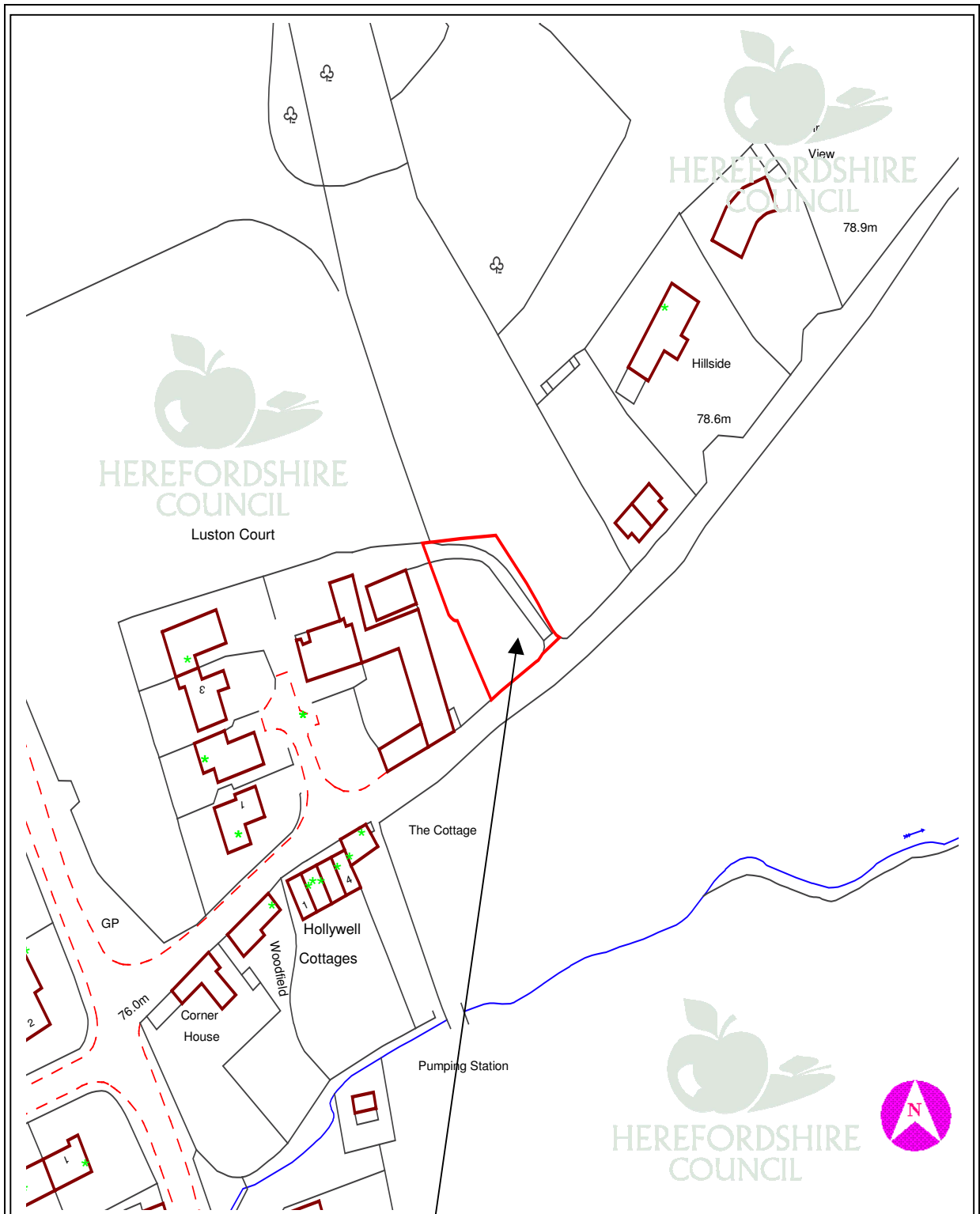
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0807/F

SCALE : 1 : 1250

SITE ADDRESS : Site adjacent to Luston Court, Luston, Leominster, Herefordshire, HR6 0DU

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

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

Date Received:
2nd March 2007

Ward: Bromyard

Grid Ref:
60224, 52072

Expiry Date:
27th April 2007

Local Members: Councillor B Hunt and Councillor A Seldon

The application was deferred at the meeting on 29th May 2007 for a Committee site visit. The site visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

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

2. Policies

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

3. Planning History

None identified.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager – No objection subject to conditions

4.3 Environmental Health and Trading Standards Manager – No objections

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

Conservation Manager

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

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

4.7 I am concerned that the proposed development would result in a dramatic increase in the volume of building in the area. The proposal dramatically extends the building into the lawned element of the site and would visually encroach into open countryside. The landscape character (Timbered Plateau Farmlands) surrounding the site is defined by wooded valleys and dingles and distinct boundary hedges and would generally be considered unable to accommodate significant development. The settlement pattern in this landscape is of dispersed farmsteads and hamlets and the clearly defined enclosure pattern relates to the historic integrity of this landscape.

4.8 Whilst not an old or listed building the historic and cultural relationship of Pencombe Hall to the village should be considered important. I consider the development overly large and intrusive in relation to the existing buildings, landscaped grounds and the relationship of the hall to the nearby village.

4.9 I would recommend the application be refused as contrary to policies DR1 and LA2 of the UDP.

- 4.10 Adult & Community Services – I gather the application concerns the development of additional accommodation for older people with mental health care needs (EMI care). If this is the case, the Directorate would be very pleased to support the application. 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.

5. Representations

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

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

Mr P. Mitchell, Gable Cottage, Bredenbury
Mr & Mrs Tilling, Glebe House, Pencombe
B.G. Potter, The Coach House, Pencombe

In summary the points raised are as follows:

1. A large building would detract from the setting and importance of Pencombe Hall.
2. The property is in a rural area and is not accessible and would be better placed in a town.
3. The increase in traffic would have an adverse impact on the road network.
4. No access to mains sewers. The existing septic tank is inadequate and causes a nuisance.

- 5.3 Six letters of support have also been received from the following:

Mrs Williams, The Finches, Wellington
Mr Kingston, Owls Hoot, Bolstone
Mary Ann Thomas, 1 Geoffrey Avenue, Hereford
Jean Hainsworth, Dursley, Glos
Mrs R E Dixon, Even Pitts, Mordiford
Anne Stannard, Bank House, Pencombe

In summary the points raised are as follows:

1. The high level of care that is already provided at Pencombe Hall.
2. The shortage of EMI nursing beds in Herefordshire.
3. The benefit to the local economy that would result if planning permission is granted for this proposal.

- 5.4 The application is supported by a statement submitted on behalf of the applicant by his agent. This advises of the need for specialist elderly mentally infirm (EMI) in light of the fact that Herefordshire has the second oldest population in England.

- 5.5 It goes on to say that a report published by Herefordshire Council in conjunction with the NHS Primary Care Trust notes “*a shortage of beds for people with mental health problems.*” And, in addition that there appears to be a shortage of Nursing/EMI places.
- 5.6 The applicant has a particular interest in this type of care and Pencombe Hall already has a high reputation in this field. One of the advantages of locating a new specialist unit at Pencombe Hall is that residents would be able to transfer from a home providing residential care to one providing nursing care without enduring the disturbance of moving at a time of greatest need.
- 5.7 The statement concludes that the advantages of the proposal would be that it would:
- a) make a significant contribution and investment to counter the shortfall in this type of care.
 - b) Go hand in hand with the established facilities at Pencombe Hall.
 - c) Represent a sensitive addition to the existing facilities which would blend comfortably with the architectural design of Pencombe Hall.
- 5.8 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer’s Appraisal

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

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

- 6.2 The site lies in an area of open countryside where there would be a presumption against further residential development and therefore the proposal fails the policy test. Consequently it falls to be considered whether there are any other material planning considerations that outweigh the policy.
- 6.3 The applicant’s agent has identified the lack of specialist EMI care and the fact that Pencombe Hall already has a background in providing it, and this forms the basis of their exceptional justification for the proposal.
- 6.4 It remains the case that Pencombe is only identified as a smaller settlement and that the application site is some way outside of the village. It does not represent a sustainable location in terms of access to services or in terms of minimising people’s need to travel. Policies such as S1 and DR2 reinforce the principle of sustainable development and this is a key theme of the UDP.
- 6.5 For a site on the fringes of a larger settlement with access to services and/or public transport, there may be greater justification for setting aside the provisions of CF7. However, this application site is so remote that the issues of sustainability cannot be set aside and therefore are not outweighed by the material considerations described by the applicant’s agent.

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

RECOMMENDATION

That planning permission be refused for the following reason:

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

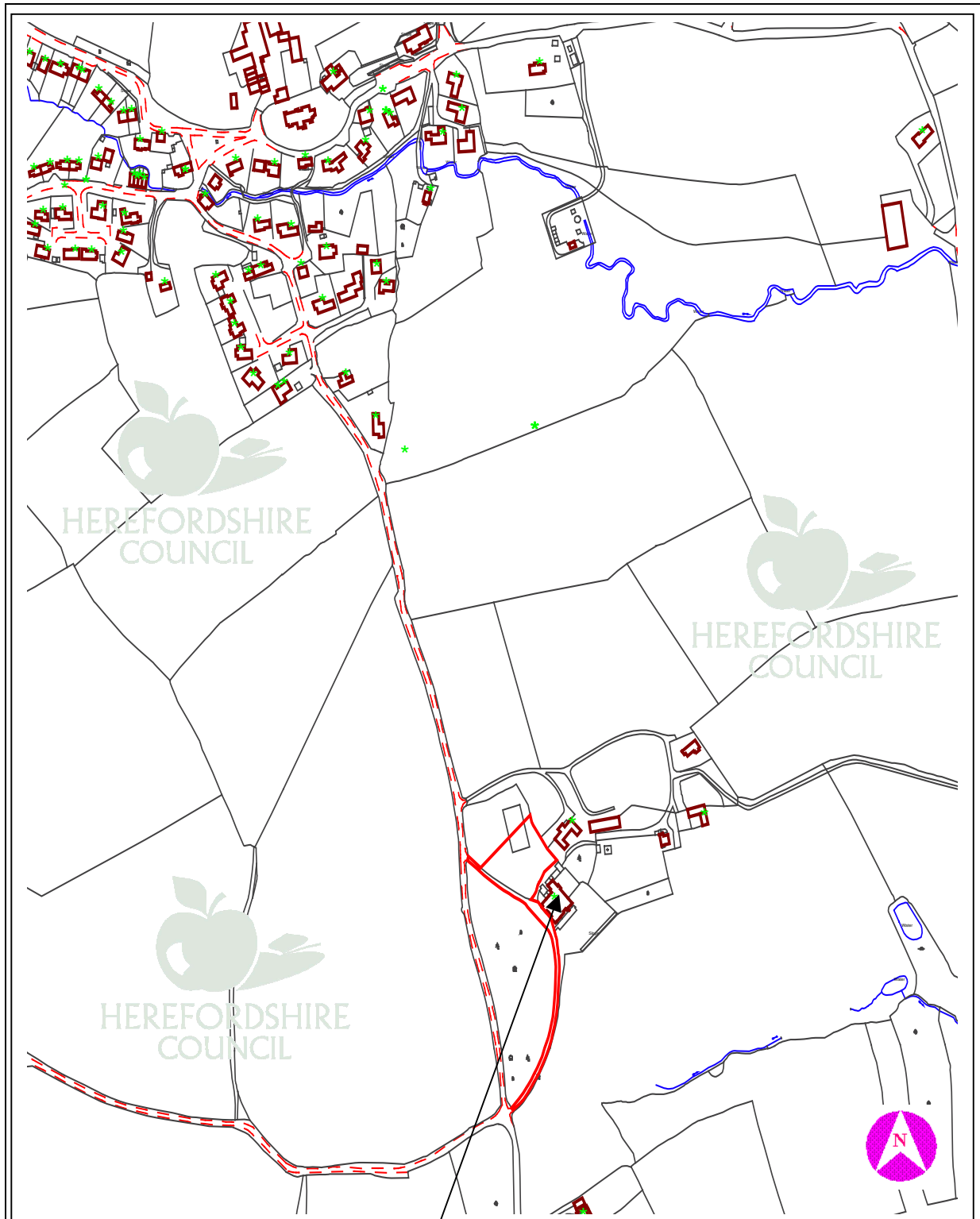
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0667/O

SCALE : 1 : 5000

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

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9 DCNW2007/0744/F - DEMOLITION OF RESIDENTIAL CARE FACILITY AND THE ERECTION OF 12 AFFORDABLE HOUSING UNITS, ASSOCIATED CAR PARKING AND LANDSCAPING AND ALTERATIONS OF EXISTING ACCESS AT KINGSWOOD HALL, KINGSWOOD ROAD, KINGTON, HEREFORDSHIRE, HR5 3HE

For: South Shropshire Housing Association, Savills Commercial Ltd, Caxton House, 1 Fore Street, Birmingham, B2 5ER

**Date Received:
7th March 2007**

Ward: Kington Town

**Grid Ref:
29777, 55862**

**Expiry Date:
6th June 2007**

Local Member: Councillor TM James

The application was deferred at the meeting on 29th May 2007 in order to carry out a Committee site visit. The visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

- 1.1 The Kingswood Hall site comprises land and buildings covering approximately 0.58 hectares. The now disused former nursing home is mainly comprised of two and three storey brick buildings as well as two former residential dwellings. There are mature trees and hedgerows both within and defining the boundary of the site many of which are protected by individual and group Tree Preservation Orders.
- 1.2 The site is to the south and east of existing dwellings comprising Kingswood and is currently accessed from the north end of the site. The site is approximately 0.5km from Kington via an existing footpath.
- 1.3 The site slopes up in a southerly direction towards a hardstanding area and is enclosed by a wall along its eastern and southern boundary. Beyond the site is agricultural land that slopes downwards in an easterly direction and rises gently to the south. Adjoining the south of the site lies an elevated area of land that is currently the subject of an application for two dwellings, replacing the two dwellings on the application site.
- 1.4 The applicant, South Shropshire Housing Association, propose the erection of 12 affordable dwellings in a mix of rented and shared ownership flats and dwellings as follows:-

Type	Property	Size	Rented	Shared Ownership
Type A	4 x 2 bed, 3 person flats	70m2	0	2
Type B	2 x 2 bed, 4 person dwellings	75m2	2	1
Type C	3 x 3 bed, 5 person dwellings	90m2	2	1
Type D	3 x 2 bed, 4 person bungalows	75m2	2	2

These will be offered to local persons and this will be controlled through the Section 106 Agreement.

- 1.5 The proposal has been amended to take into account highway safety concerns and the impact on the trees protected by Tree Preservation Orders.
- 1.6 A traffic speed survey was undertaken and the resultant report forms part of the application. The application also includes a comprehensive Design and Access Statement and a supporting document covering relevant local information and details of the application

2. Policies

Herefordshire Unitary Development Plan

S1 – Sustainable Development

S2 – Development Requirements

S3 – Housing

S7 – Natural and Historic Heritage

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

DR4 – Environment

H4 – Main Villages: Settlement Boundaries

H7 – Housing in the Countryside Outside Settlements

H9 – Affordable Housing

H10 – Rural Exception House

H13 – Sustainable Residential Design

H14 – Re-using Previously Developed Land and Buildings

H15 – Density

H19 – Open Space Requirements

LA2 – Landscape Character and Areas Least Resilient to Change

LA5 – Protection of Trees, Woodlands and Hedgerows

LA6 – Landscaping Schemes

CF6 – Retention of Existing Facilities

3. Planning History

- 3.1 The application site ceased use as a residential care home in 2003 because much of the accommodation had become obsolete and failed to meet the necessary standards. It also coincided with newer care homes opening in the centre of Kington. Prior to this use the site was used by the Kington Poor Law Union Workhouse until about 1962.
- 3.2 NW2004/1439/O - Site for ten houses and site works. Demolition of Kingswood Hall Old Peoples Home - Refused 21st June 2004
- 3.3 NW99/3159 - change of use of staff flat to day nursery - Approved 11th January 2000

- 3.4 97/0576 - Construction of new residential accommodation to replace existing - involving demolition of existing hospital building and ultimately accommodation replaced. New building to be two storey with minimal link to part of existing building retained - Approved 16th September 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water raises no objection subject to the imposition of conditions.

Internal Council Advice

- 4.2 The Parks and Countryside Manager makes the following comments:

Play Provision: The development represents a potential concentration of mixed age children which is some 1.3km from the town's recreation ground. Whilst the dense area around the protected trees will afford good play value for older children there will be a need an area suitable for ball games

Amenity Provision: There is sufficient amenity area shown on plan, provided that access is not excluded by means of fencing, or future plans for further development on the site. I have agreed in principal that the area in question is properly fenced, with some seating for carers/parents and bins but provides no formal play equipment. This would still meet the policy standard. It is understood that the Applicants Agent that he is seeking approval from his client (South Herefordshire Housing) for this proposal and for the maintenance to remain with them. We would be supportive of this option as it is not cost effective in such rural areas to adopt small areas. I would also comment that the applicant in not providing play equipment is also making a saving. Existing policy H19 requires a small fenced infants play area for schemes of 10-30 family dwellings.

Sport & Leisure Provision: All developments are now asked to make a contribution towards sport and leisure services within the district. This contribution has been calculated by Sport England at £630 per dwelling, making a total contribution required of £7,560 the Sport England contribution will be used at Lady Hawkins Leisure Centre for improvements.

- 4.3 The Transportation Manager makes the following comments:

'I can confirm that the proposed new access is satisfactory, although the visibility achievable to the north is below standard. However, given the low traffic volumes on the road, I consider that the improvement over the existing access makes the proposal acceptable. Please note that cycle parking, preferably in a locker or similar and within the curtilage of each dwelling, is not shown on the drawing. Details of requirements are in our Highways Design Guide.

Therefore recommend that the application be approved with conditions as well as well the S106 contribution stands (£1500/dwelling) for use for but not limited to improvements to pedestrian facilities between the development and Kington town centre.'

- 4.4 The Forward Planning Manager makes the following comments:

The two main policies that apply in this case are Policy H14 and Policy H10. The site is a vacant residential care facility since 2003. Given that the proposal is taking the same footprint of the care facility and is two storey in height, it is consistent with the aims of criterion 2 of Policy H14. Criterion 1 of H14 must be assessed against H10.

Policy H10 permits affordable housing outside the settlement boundary of established rural settlements. Although the site is not adjoining the settlement boundary which Policy H10 stipulates the need for affordable housing must be balanced against other considerations. The Housing Need

Survey for Kington found a need for 61 affordable houses over the next 5 years. Given the high need in Kington the scheme would meet a proven need for affordable housing. The site is also within

reasonable distance of Kington in terms of its location and could be served by public transport along Kingswood Road. The proposal is for all affordable housing and no market housing is proposed, therefore it fulfils the rural exception policy. Strategic Housing should be consulted on the type of affordable housing proposed

4.5 The Principal Environmental Health Officer makes the following comments:

'I refer to the above application and make these comments in relations to contaminated land issues only.

According to our records the site has been in use since 1850's (approx), as a workhouse, hospital and residential home. There is also an old quarry 65m (quarried prior to 1850 approx) to the east of the site that is indicated on the potentially contaminative land use records (as it has the potential to have been filled at some time).

In view of the above information and because the development has a sensitive land use (ie residential development), I would recommend that a contaminated land condition is attached to any permission granted, requiring a phased investigation to ensure that the site will be made suitable for use.'

4.6 The Strategic Housing Manager makes the following comments:

Strategic Housing fully supports this application to provide 12 affordable dwellings to meet an identified housing need in Kington.

This scheme will assist in meeting our priorities as identified in the Herefordshire Housing Strategy 2005-2008, to achieve a more balanced housing market and to address the increasing levels of homelessness. As well as contributing to meeting the affordable homes target set out in the UDP.

The scheme is also supported by the Housing Corporation, which has agreed funding in excess of £484,000 to enable the scheme to proceed.

4.7 The Conservation Manager makes the following comments:

This will be updated verbally in response to the amended plans.

5. Representations

5.1 Kington Town Council makes the following comments on the amended plans:

"Kington Town Council would like to comment that if trees do have to be removed to accommodate these amendments that replacement should be considered.

The Town Council is pleased that the amendments address and meet the comments made to Shropshire Housing about this application in the pre-submission stage.

The amendments are accepted and the application is recommended for approval."

5.2 12 letters of objection have been received from:

- Peter Jones, Oak House, Kingswood, Kington
- Occupier, The Laurels, Kingswood Road, Kington
- Mr and Mrs S Jones, Oakleigh, Kingswood Road, Kington
- J Smith, Westerings, Kingswood Road, Kington
- A, Walker (?) Lanes End, Kingswood, Kington
- Mrs Davies, Redlands, Kingswood Road, Kington

- Mr Geoffrey Marshall, Bay Tree Cottage, Kingswood Road, Kington
- P Burlace, Denrae, Kingswood Road, Kington
- GR Layton, Fernside, Kingswood Road, Kington

- Miss S Cadwallader, 3 Ashmorr Place, Kingswood Road, Kington
- Mr John Brown, Burnside, Kingswood, Kington
- Mrs Helen Waugh, Gravel Hill House, Gravel Hill, Kington
- Dr R King, The Surgery, The Meads, Kington

5.3 These letters can be summarised as follows:

- The site lies outside of the settlement boundary. Why is this being built on a green field site?
- Access to the site could prove vulnerable with beds in the adjoining road and a 60mph limit.
- Has provision been made for sewerage disposal, water supply and education for primary age children?
- Kingswood is access by a narrow and over used road - the 6 rental properties at Newburn Farm plus the 4 new properties at the bottom of Kingswood road has already put strain on an inadequate road. The road is not suited for the inevitable additional vehicular and pedestrian traffic.
- A smaller development of the site would be much more in keeping with the semi-rural feel and would be less disruptive for the residents living in that community.
- Kingswood is a small well-balanced community with mixed dwelling, some owned, some rented. This scheme, which will accommodate over 40 people, 1 rented type accommodation, would easily double the local population and cause a total imbalance of the community.
- Recent plans have been approved for two new development within the town, plus the Old Eardisley Road application. These developments all incorporate affordable housing and when these are built there will be an abundance of this type of property within the Town, Therefore this scheme, which is aimed to address the current shortfall of this type of property for local people, will be totally unnecessary.
- The site could be developed with a scheme of far less density, having less impact on the local community and highway (and with the right scheme may even enhance the locality)
- Why does every development have to have affordable housing - Kington is inundated!
- The doctors surgery have expressed an interest in purchasing the site.

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 The main issues for consideration are:

- The principle of development
- Trees and Landscape
- Highway Safety
- Design and Appearance
- Play Areas
- Section 106 Agreement – Financial Contributions

6.2 Policy H10 permits affordable housing outside the settlement boundary of established rural settlements. The Housing Need Survey for Kington found a need for 61 affordable houses over the next 5 years. Given the high need in Kington the scheme would help to meet a proven need for affordable housing. The site is also within reasonable distance of Kington and is within walking distance of the town centre and its facilities. The proposal is entirely for affordable housing with no open market housing proposed. It therefore accords with the rural exception policy.

- 6.3 The site has a Group Tree Preservation Order on the majority of the trees plus some individual orders on those trees which are important and prominent characteristics of the site and rural street scene. The application has been amended so that the access does not threaten harm to the roots of these trees. In terms of landscape impact, the proposed development follows the form of the existing buildings and retains much of the landscaping and screening. As such, subject to the suitable conditions ensuring the protection of the trees (especially during construction and demolition), the proposal will preserve the landscape quality of the area and comply with policies LA2 and LA5 of the UDP.
- 6.4 It is acknowledged that the highway which leads to the site is narrow and that the existing access to the site has restricted visibility. Consequently the applicant was asked to address these concerns. In response it is proposed to move the access further south, thereby improving visibility to the north. The applicant also engaged Herefordshire Council to undertake a speed survey. This was carried out between Friday 27th April and 3rd May 2007. The results of this survey confirmed that the average speed is within 33 – 40mph. This, coupled with the revised plan, has overcome the concerns relating to visibility and highway safety. It should also be noted that the previous use as a nursing home would have also generated traffic movements out of the existing substandard access point. The proposed development now complies with Policy DR3 of the Herefordshire Unitary Development Plan 2007.
- 6.5 In addition to the above, the Transportation Manager has requested that financial contributions of £1,500 per dwelling be paid for schemes such as, but not limited to, the upgrade of the footpath which leads from Kington to the application site. This has been agreed by the applicant.
- 6.6 The proposed dwellings will offer a mix of accommodation and tenure to local people (as per Section 106). The buildings are sited in a manner that reflects the form of the building already on the site, and respects the landscape character and features. The design also respects the surrounding dwellings and rural character. As such the proposal now complies with policies H13 and H14 of the Unitary Development Plan.
- 6.7 Policy H19 of the Herefordshire Unitary Development Plan requires new development to make provision for play space. A scheme has been agreed which will provide a fenced area, with bin and bench, within the site. There is also informal play space available within the site. The Council's Parks and Countryside Manager has confirmed that this is acceptable. A sum of £630 per dwelling has also been agreed as the appropriate contribution towards the upgrading and refurbishment of Lady Hawkins Leisure Centre.
- 6.7 The Section 106 Agreements will cover a number of issues including both the nature of the affordable housing and the contributions to on-site and off-site infrastructure. The draft Heads of Terms is appended to this report. The applicant has also submitted a draft Section 106 Agreement which specifies the tenure of the units and includes criteria that one or more person must have a strong local connection with the Parish of Kington or one of the nearby Parishes. As well as other ongoing criteria.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement 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 or amended matters which he considers to be necessary and appropriate.

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

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

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

2 - B01 (Samples of external materials)

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

3 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

4 - G01 (Details of boundary treatments)

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

5 - G02 (Landscaping scheme (housing development))

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

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

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

7 - G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

8 - H01 (Single access - not footway)

Reason: In the interests of highway safety.

9 - H06 (Vehicular access construction)

Reason: In the interests of highway safety.

10 - H08 (Access closure)

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

11 - H13 (Access, turning area and parking)

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

12 - H27 (Parking for site operatives)

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

13 - H29 (Secure cycle parking provision)

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

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

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

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

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

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

INFORMATIVES:

- 1 - HN01 - Mud on highway
- 2 - HN04 - Private apparatus within highway
- 3 - HN05 - Works within the highway
- 4 - HN10 - No drainage to discharge to highway
- 5 - HN22 - Works adjoining highway
- 6 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 7 - N19 - Avoidance of doubt

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Miss K Gibbons on 01432 261781

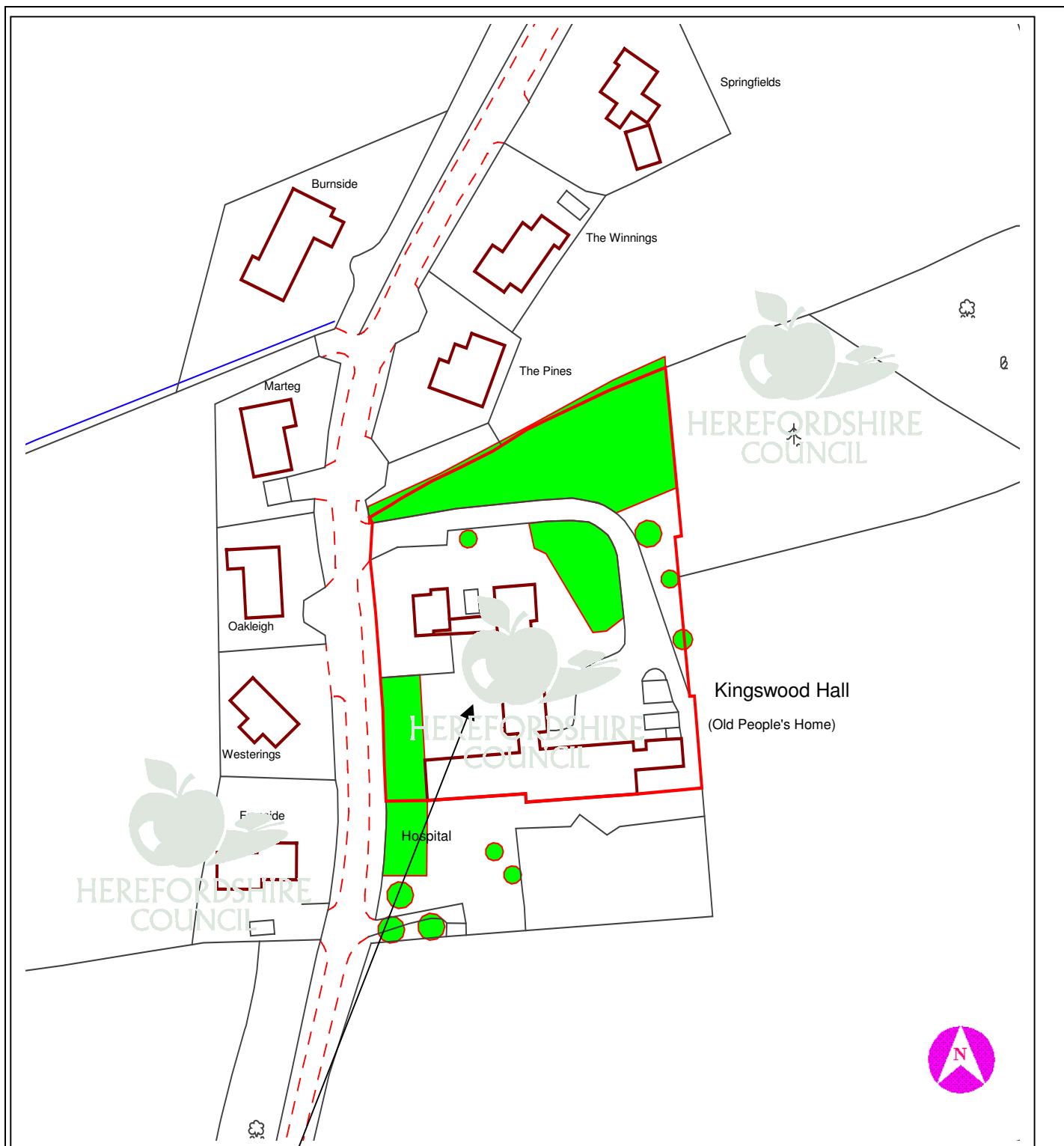
DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNW07/0744/F

Demolition of residential care facility and the erection of 12 affordable housing units, associated car parking and landscaping and alterations of existing access.

1. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities to serve the development, to pay Herefordshire Council the sum of £7,560 which sum shall be paid on or before the commencement of development.
2. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £18,000 to provide sustainable transport measures in Kington. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian improvements between the site and the town centre.
 - b) Town Centre and schools to assist disabled access.
 - c) Improvements to local bus services.
 - d) Improvements to local bus passenger waiting facilities.
 - e) Improvements to safe routes to the local schools..
3. In the event that Herefordshire Council does not for any reason use the sums in paragraphs 1 and 2 above within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part there of, which has not been used by Herefordshire Council.
4. All 12 proposed dwellings shall be “Affordable Housing” units which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The detailed provision shall be as follows: 11 affordable housing units for rent and 5 affordable housing units for shared ownership. The applicant or successor in title shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards.
5. The sums referred to in paragraphs 1 and 2 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council
6. 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.
7. The Planning Obligation Agreement shall be completed before 27th September 2007 otherwise the planning application shall be registered as “Deemed Refused” and no further action be taken with it.

K Gibbons, P. J. Yates 7th June 2007.



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APPLICATION NO: DCNW2007/0744/F

SCALE : 1 : 1250

SITE ADDRESS : Kingswood Hall, Kingswood Road, Kington, Herefordshire, HR5 3HE

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10 DCNW2007/0603/F - PROPOSED ERECTION OF 12 DWELLING UNITS AND ANCILLARY GARAGES AT LAND ADJACENT TO WEOBLEY METHODIST CHAPEL, WEOBLEY, HEREFORDSHIRE.**For: BORDER OAK DESIGN & CONSTRUCTION LTD,
KINGSLAND SAWMILLS, KINGSLAND, LEOMINSTER,
HEREFORDSHIRE, HR6 9SF****Date Received:**
23rd February 2007**Ward: Golden Cross with Weobley****Grid Ref:**
40466, 51366**Expiry Date:**
25th May 2007

Local Member: Councillor JHR Goodwin

The application was deferred at the meeting on 29th May 2007 in order to carry out a Committee site visit. The visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

- 1.1 The site for the proposed development is on land allocated in the Herefordshire Unitary Development Plan for housing 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. Access to the proposed development is through this housing area.
- 1.3 There are also residential areas to the northern and eastern boundaries with is 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 12 timber-framed dwellings and ancillary garages under natural slate/plain clay tiled roofs. The proposed dwelling units consist of: 7 three-bedroomed units and 5 two-bedroomed units, 5 of which are to be affordable units in accordance with the relevant policies and as agreed with the Council's Strategic Housing officers.
- 1.6 An application for a similar proposal was withdrawn by the applicants on 4th January 2007 to enable outstanding issues to be resolved

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
 - 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 NW06/3549/F - Proposed erection of 13 dwelling units and ancillary garages - Withdrawn 4th January 2007.
- 3.2 NW03/2057/F - Construction of 9 houses with garages - Withdrawn 8th December 2003.
- 3.3 N98/0827/O - Erection of four dwellings served by a private drive - Refused 17th February 1999. Later dismissed on appeal 16th September 1999.
- 3.4 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 - No response to the current application. However a response was received to the previous withdrawn application, this stated that the proposed development needed to respect the character of Hereford Road, whose boundary is of historical importance being part of an old boundary embracing old town crofts along the road and forming part of the historic urban envelope of Weobley Castle, a Schedule Ancient Monument. They also stated that reference should be made to their response to application ref: NW03/2057/F, this also highlighted the importance of Weobley Castle as a Scheduled Ancient Monument and how the street scene alongside Hereford Road must be preserved. They note that Weobley is an historic settlement of the highest quality containing a remarkable collection of timber framed houses in a landscape setting which is also of very high quality. The Castle, as a Scheduled Ancient Monument, is an integral part of this high quality setting. In principle English Heritage do not object to residential development of the site on the understanding that the character of Hereford Road is preserved.
- 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 objections subject to the inclusion of a condition requiring an archaeological evaluation of the site.
- 4.4 The Forward Planning Manager has no objections.
- 4.5 The Landscape Manager - aises no objections subject to the inclusion of standard landscaping conditions.
- 4.6 The Transportation Manager raises no objections subject to inclusion of a condition with regards to a ramp for traffic calming at the entrance to the proposed development site.
- 4.7 The Parks Development Manager requests the sum of £9,500 towards improvements to the Hopelands Village Hall play area in Weobley and £7,560 towards local sport and leisure provision.
- 4.8 Strategic Housing Enabling Manager raises no objections to the proposal.
- 4.9 Children and Young People's Directorate requests a contribution of £6,057 per dwelling in accordance with the latest draft Supplementary Planning Document on planning obligations.
- 4.10 Conservation Manager raises no objections to the proposal noting that access is not taken directly from Hereford Road.

5. Representations

- 5.1 Weobley Parish Council in their latest response note that the proposed affordable housing is as requested. They have concerns about access to a proposed garage at the rear of an existing barn adjoining the site on the north western edge in that this access may possibly allow future development at the rear of the barn and adjoining properties. The Parish Council's main objection to the proposed development is the fact that the access to the site is taken through the Chapel Orchard. They request clarification of this issue and how it is handled in the Herefordshire Unitary Development Plan.
- 5.2 Letters of comment/objection have been received from the following:

C B Havard, Bell Meadow, Weobley
 Eileen King, 1 Chapel Orchard, Weobley
 Donald Kilgour, 2 Chapel Orchard, Weobley
 J A Eady, 5 Chapel Orchard, Weobley
 Mr E C Crumplin, 6 Chapel Orchard, Weobley
 Pamela McGill, 9 Chapel Orchard, Weobley
 Rosemary Tilbury, 12 Chapel Orchard, Weobley
 K Metcalfe/T Griffiths, 13 Chapel Orchard, Weobley
 Mr & Mrs D Bradley, 14 Chapel Orchard, Weobley
 Claire Pennington, 15 Chapel Orchard, Weobley
 Joyce Godfrey-Merrick, The Old Grammar School, Hereford Road, Weobley
 Mr F T Rawlings, 'Winnal', Bishopstone, Hereford
 Mrs Ellis-Jones on behalf of Campaign to Protect Rural England N W Group, 2 The Corn Mills, Weobley

The primary reason for objection is the proposed access to the development through the existing Chapel Orchard Estate. Objections/comments are also raised about foul/surface water drainage, layout of garaging on site, further development by 'Border Oak' in Weobley and views enjoyed by existing dwellings adjacent to the site.

- 5.3 One of the letters of objection was accompanied by a petition signed by residents of all properties in Chapel Orchard, many of whom have sent in their own letters of objection as listed above, stating

'In principle we are not objecting to the erection of 13 dwellings, however we strongly object to the access to this site by extending Chapel Orchard into it. (This letter refers to 13 dwellings as it is a copy of the letter sent in response to the previous application.)

5.4 One letter of support has been received from Weobley Church Leader and Superintendent Minister of the Methodist Church, Leominster Methodist Circuit, on behalf of Weobley Methodist Church. The letter further states its full support for the proposed development on land and agreement with English Heritage advice that the street frontage should be maintained alongside Hereford Road to preserve the setting of the adjacent Scheduled Ancient Monument.

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

6. Officer's Appraisal

6.1 The main issue with this application is the proposed access to the site through the existing Chapel Orchard housing estate.

6.2 Other relevant planning issues are:-

- Planning Obligation requirements
- Layout of the proposed development
- Foul and surface water drainage
- Reference to an orchard on site.

6.3 Access to the Site

The application proposes access into the proposed development through Chapel Orchard. This is without doubt the most contentious issue for this application.

6.4 The applicants state in their Design and Access Statement that the reason they have proposed access to the site through Chapel Orchard was the requirement in paragraph 5.4.61 in the Revised Deposit Draft version of the Herefordshire Unitary Development Plan which stated:

'Access to the site should be taken from one of the existing residential accesses which adjoin the site. Direct access onto Hereford Road will not be permitted'.

6.5 This supporting text was drafted in response to an appeal decision in 1999 on the site. The Inspector for that appeal commented:

'The development proposed includes a new access from Hereford Road, sited immediately to the south of the existing farm gate. Hereford Road is a classified road (C1095) that leads to other small villages to the south of Weobley and is subject to a 30 mph speed limit. The written justification to the local plan states that access onto Hereford Road to serve this site would be undesirable but does not give reasons why this is so. To provide for the necessary visibility splays for the proposed access it would be necessary to remove a substantial proportion of the existing hedge along the frontage. To my mind this would detract from the historic landscape. It would open up views of modern development, particularly from the pedestrian entrance/exit to the castle opposite the appeal site. This would be at odds with the enclosed setting of the castle. It would also introduce a new feature and activity into the area. In my view this would impair the quietude of the castle and so adversely affect its setting.'

6.6 Since then the Inspector for the Unitary Development Plan took a different view and reported that:
"In my opinion, direct access to the site from Hereford Road would be the safest option. A carefully designed scheme should be able to respect the rural character of the area, the Conservation Area and the Scheduled Ancient Monument opposite. In this regard, I saw nothing particularly precious about the main road frontage. I recommend an appropriate modification to the text."

In response to those comments the text of the UDP was amended by omitting the sentence “*Direct access onto Hereford Road will not be permitted*”.

- 6.7 As a result of the above the UDP as adopted no longer requires access to be taken from any one direction – neither does it preclude access from any direction. In this context the site visit will have been of assistance to Members in assessing the relative merits of the different access options.
- 6.8 There are three options for access to the site:
- Through Burton Wood
 - Directly off Hereford Road
 - Through Chapel Orchard
- 6.9 Access through Burton Wood is the least desirable. It would entail creating a new roadway into the site across land which is currently not part of the highway and the nearest connecting point to the public highway has not been designed for such a connection. Access off Hereford Road has the advantage that it is direct, it does not disturb other residential properties, and would probably have to be created on a temporary basis during the construction of the new houses anyway. It does, however, have the specific disadvantage of the greatest adverse impact on the setting of the Ancient Monument, and the greatest adverse impact on the character and appearance of the conservation area. There is no historical precedent for an access at this point. It is also less than ideal from a highway safety point of view. Access through Chapel Orchard would take the form of extending the existing estate road across the site boundary into the site. This is the simplest means of access, and is the most straight forward in highway safety terms. It also avoids damage to the setting of the Scheduled Ancient Monument. It brings the disadvantage to the residents of Chapel Orchard that there will be additional residential traffic on their estate road but, in simple highway design terms, the specification of Chapel Orchard is adequate for this purpose. The estate road was constructed up to the site boundary specifically to allow for a connection to be made to the current application site at some time in the future.
- 6.10 The Council’s Transportation Manager raises no objections to the proposed access through Chapel Orchard and considers that the access of Chapel Orchard itself out onto Hereford Road is acceptable even allowing for the increase in traffic from the proposed new development.
- 6.11 In summary, therefore, the Unitary Development Plan no longer gives specific guidance on the preferred access to the site. The developer is fully entitled to choose the one which he believes to be the best. There is no technical highway safety objection to the Chapel Orchard access, and it is the one access with the least adverse impact on the Scheduled Ancient Monument and the conservation area. Effectively, it uses the road serving a small and modern housing estate to gain access to the proposed new small modern housing development. The key disadvantage of this access is the impact on the amenities of existing residents as a result of additional traffic in Chapel Orchard itself. In conclusion, therefore, and notwithstanding the strong feelings expressed by local residents, this access is acceptable in planning terms. It should be noted that a refusal on highway safety grounds would be very difficult to sustain in the event of an appeal.

Section 106 Agreement

- 6.12 The applicants have agreed to address the on-site and off-site impacts of the development through a planning obligation agreement. The draft Heads of Terms have been agreed with the developer and are attached as an appendix to this report. The impacts to be addressed in this way are:
- Affordable housing
 - Open space
 - Education provision
 - Off-site transportation requirements
- 6.13 The affordable housing is to be provided on-site and will comprise of five houses (representing 42% of the total number of houses), two of which will be shared ownership and three rented.

The open space/ recreation contribution has been agreed at £9,500 to be spent on local facilities at Hopelands Village Hall and play area.

As part of negotiations over the previous application an education contribution of £1,000 per dwelling was agreed. This has been carried forward into the new draft heads of terms.

A contribution of £18,000 has been agreed to provide sustainable transport measures in Weobley for any or all of the following purposes:

- a) Pedestrian access improvements near the development and within Weobley.
- b) Improvements to bus provision/passenger waiting facilities.
- c) Improvements to safe routes to local schools etc.
- d) Contribution to safe routes to schools.
- e) Contribution to local sports provision

Layout of the Proposed Development

- 6.14 Objectors have raised concerns about a block of garaging on site and the Parish Council have expressed concerns over a proposed access to one of the garage units on site.
- 6.15 The proposed site layout is accepted by the Council's Transportation Manager and the Conservation Manager who consider that garaging is appropriate for the development. The detail of the layout has been carefully considered and is felt to be appropriate.

Foul and Surface Water Drainage

- 6.16 One of the objectors has raised concerns about surface water run-off and why storm water cannot be disposed of via the main sewer.
- 6.17 Welsh Water have requested that surface and land drainage run-off is not allowed to be connected to the public system due to the risk "hydraulic overloading" of the public system. They further request for a condition to be imposed to require a scheme for the comprehensive and integrated drainage of the site. This is a reasonable response and will enable a suitable scheme of drainage to be secured before the new houses are occupied

Orchard on site.

- 6.18 There is a reference in the supporting text of the Herefordshire Unitary Development Plan to an orchard on part of the site. The site is now clear and whilst there may have been an orchard present at some time in the past there is not one there now nor any recent record of one. New and appropriate tree planting can be secured through planning conditions in any event.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement 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 or amended matters which he considers to be necessary and appropriate.

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

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

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

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

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

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

4 - C05 (Details of external joinery finishes)

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

5 - D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

6 - Foul water and surface water discharges shall be drained separately from the site.

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

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

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

8 - Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the public sewerage system.

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

9 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Natural Development Consultant.

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

10 - Prior to any development on site details will be submitted to and approved in writing by the local planning authority of the ramp on the entrance to the development site. The ramp will be in accordance with specifications on page 15 of the Council's Highways Design Guide and page 39 of the Council's 'Highways Specification for New Developments.'

Reason: In the interests of highway safety.

That the officers named in the Scheme of Delegation to Officers be authorised to amend the above conditions as necessary to reflect the terms of the planning obligation.

INFORMATIVES:

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

2 - N19 - Avoidance of doubt

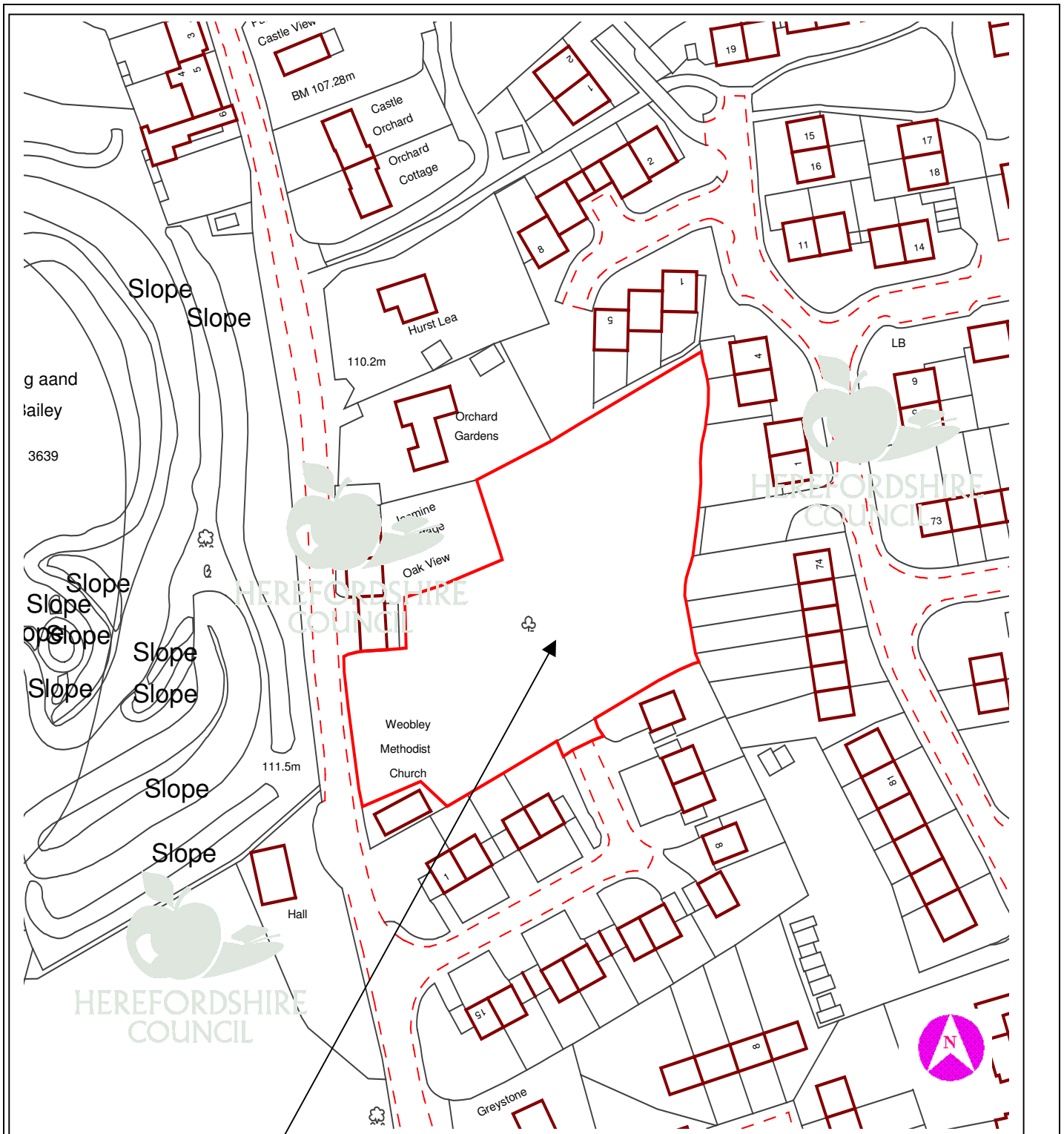
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/0603/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to Weobley Methodist Chapel, Weobley.

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

Planning Application – NW07/0603/F.

Proposed erection of 12. no. dwelling and ancillary garages, on land adjacent to Weobley Methodist Chapel, Weobley, Herefordshire.

1. The developer shall provide 5 affordable housing units as indicated on plan ref. No. D603.1K submitted as part of the application, which meet the criteria set out in section 5.5 of the Herefordshire Unitary Development Plan 2007. The affordable housing units will comprise of 2 shared ownership houses and 3 rented in accordance with the information in the planning application submissions. The applicants or successors in title shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no affordable housing grant input.
2. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £9,500 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
Infrastructure improvements in relationship to Hopelands Village Hall, Play Area, Weobley.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £12,000 to provide education improvements to Weobley High School, this sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £18,000 to provide sustainable transport measures in Weobley. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian access improvements near the development and within Weobley.
 - b) Improvements to bus provision/passenger waiting facilities.
 - c) Improvements to safe routes to local schools etc.
 - d) Contribution to safe routes to schools.
5. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, to pay Herefordshire Council the sum of £7,560.00 which sum shall be paid on or before the commencement of development.
6. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 2,3,4, and 5 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The sums referred to in paragraphs 2, 3, 4, and 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council
11. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
12. The developer shall complete the Agreement by 27th August 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 7th June 2007

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

11 DCNW2006/3986/O - SITE FOR RESIDENTIAL DEVELOPMENT OF 46 DWELLINGS AT LAND WEST OF OLD EARDISLEY ROAD, KINGTON, HEREFORDSHIRE.

For: Mr & Mrs T Watkins per Mr J Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS

Date Received:
18th December 2006

Ward: Kington Town

Grid Ref:
30100, 56188

Expiry Date:
19th March 2007

Local Member: Councillor TM James

The application was deferred at the meeting on 29th May 2007 for a Committee site visit. The site visit took place on 14th June 2007. The report below has been updated.

1. Site Description and Proposal

- 1.1 The application site is located on the south-eastern edge of Kington and measures approximately 3.66 hectares in area.
- 1.2 The eastern boundary of the site is Old Eardisley Road, the unclassified road number 91226. On the opposite side of this highway are dwelling units of various sizes and characters, mostly of fairly recent construction. Adjoining the southern and western site boundaries is farmland laid down to pasture. To the north there is a garage/petrol filling station and some residential development.
- 1.3 The application is made in outline with layout, appearance, scale and access reserved for future consideration. An indicative site layout has been provided, which is supplemented by specific landscaping proposals in the form of a landscape strategy for the whole site. A total of 46 new houses are proposed, of which 16 are affordable units. The application details include detailed plans of the proposed dwellings ranging from 1 to 5 bedroomed house types.

2. Policies

2.1 National Planning Policies

Planning Policy Statement 3 – Housing
Planning Policy Statement 1 – Sustainable Development

2.2 Herefordshire Unitary Development Plan

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
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 (Note that this policy specifically allocates the site for new housing development).
H3 – Managing the Release of Housing Land
H9 – Affordable Housing
H15 – Density
H19 – Open Space Requirements
LA2 – Landscape Character and Areas Least Resilient to Change
LA3 – Setting of Settlements
LA6 – Landscaping Schemes
RST3 – Standards for Outdoor Playing and Public Open Space
CF2 – Foul Drainage
ARCH1 – Archaeological Assessments and Field Evaluations

3. Planning History

3.1 There is no history of previous planning applications on this site.

4. Consultation Summary

External Council Advice

4.1 Environment Agency - No objections raised.

4.2 Welsh Water - No objections raised subject to conditions relating to foul and surface water drainage.

Internal Council Advice

4.3 The Archaeological Advisor recommends the attachment of a standard archaeological condition, (DO3).

4.4 The Strategic Housing Manager supports the application, stating that the proposed 16 affordable units equates to 35% of the proposed housing on site which meets targets as outlined in Policy H9 of the Herefordshire Unitary Development Plan.

4.5 The Forward Planning Manager considers the proposal acceptable, noting that the development of this site is a specific allocation in the Unitary Development Plan.

4.6 The Conservation Manager raises no objections.

4.7 The Parks Development Manager has been closely involved in the negotiations to secure appropriate off-site and on-site recreational provision to serve the development. Some of these provisions will need to be secured through a planning obligation agreement. The draft Heads of Terms of the agreement are set out in the appendix to this report and include provision for recreational space provision, maintenance, provision of childrens play area and play equipment. On this basis he supports the application.

4.8 The Education Manager raises no objections. Officers from Children's Services have also been involved in negotiating the draft Heads of Terms of the proposed planning obligation agreement to secure appropriate provisions to meet the likely education needs which will arise from the development.

4.9 Transportation Manager raises no objections.

5. Representations

5.1 Kington Town Council are concerned that the Unitary Development Plan targets for housebuilding in Kington may be exceeded as a result of this development in addition to the site at Maesydari. On this

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

basis they question whether this allocated site is still needed in addition to the Maesydari site. They also raise concerns over the absence of an approved development brief for this site and the impact of the proposed development on the local infrastructure. In particular they note that, whilst the allocation in the Unitary Development Plan for this site had an indicative target of 40 dwellings, the current application proposes 46.

5.2 Letters of comment/objection have been received from the following members of the public:-

- Mrs G Simcock, 20 Rose Cottage, Headbrook
- David M Shayler on behalf of the Arrow Masonic Hall Company Ltd c/o Crispin, Woonton, Almeley
- S Dudhill, Mount Pleasant, Kingwood Road, Kington
- Mrs Helen Waugh, Gravel Hill House, Gravel Hill, Kington
- R & M Gwynee, 31 Eardisley Road, Kington
- B Bromhead Wragg on behalf of Campaign to Protect Rural England (Herefordshire)

5.3 Their objections can be summarised as follows:-

- Impact on adjoining public highway
- Concerns about surface water
- Impact on local infrastructure as a result of proposed development
- Loss of a greenfield site
- Application not in accordance with Herefordshire Unitary Development Plan guidance with regards to a development brief for the site

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 The key issues with regards to this application are:-

- The principle of the development
- Impact on the surrounding landscape
- Provision of Affordable Housing
- Impact on local infrastructure the consequent need for a planning obligation agreement.

The Principle of the Development

6.2 The site is allocated for housing development by policy H2 of the Unitary Development Plan (UDP) and supporting paragraph 5.4.31. However, not all of the site is suitable for built development. The UDP suggests that, in order to better integrate the development into the landscape, the northern part of the site should be protected from development. Consequently, only 46 dwellings are proposed on this 3.5 hectare site; a density of only 13 dwellings per hectare. (This compares with the target of 30 dwellings per hectare in the UDP and PPS3).

6.3 The Council's Forward Planning Manager confirms that the proposal will implement the site specific policy in the UDP including the need to keep part of the site free from built development in order to mitigate the impact on the wider landscape. In this context the low density of development is also acceptable.

6.4 Kington Town Council raise concerns about housing completions in Kington Town area in general, and are particularly concerned about over-supply of dwellings and impact on local infrastructure notwithstanding the fact that they initially supported the allocation of this site for housing development. The key change in circumstances, for them, is the number of other permissions granted for housing in Kington including the Maesydari site.

- 6.5 The UDP anticipated that 275 dwellings would be needed in Kington in the UDP period i.e. from 1996 to 2011. In the period 1996-2006 some 123 houses were completed. In addition in April 2006 there were outstanding commitments for 37 further dwellings. This leaves a current shortfall of 275-123-37, i.e. 115. These figures do not include the approval for the 'Maesydari' site. Even allowing for the development of this site for 46 dwellings (rather than the 40 estimated in the UDP) and the additional houses Maesydari, a case for refusal on grounds of over-supply could not be sustained on appeal. Furthermore, in the Inspector's report on the UDP he stated that, 'I am satisfied that Kington's contribution to the strategic housing requirement cannot be met without making use of an urban extension site' (paragraph 5.30.4). He recommended that the allocation for this site be retained – a recommendation which has been followed in the adopted UDP.
- 6.6 Kington Town Council have also raised concerns about the absence of an approved Development Brief for the site. All the issues which would have been considered in such a development brief have, in this case, been carefully examined and are covered in the Design and Access Statement submitted as part of the application. Provided that the proposals themselves are acceptable then the absence of a development brief of itself is not sufficient to warrant refusal of permission.
- 6.7 Kington Town Council has also suggested that the development should be the subject of an Environmental Impact Assessment. The scheme falls significantly below the thresholds for a full scale Environmental Impact Assessment and one is not, therefore, required.

Impact on the Surrounding Landscape

- 6.8 The UPD acknowledged that the site is conspicuous in the local landscape and therefore recommended that part of the site is kept free of development and, instead, used for community open space.
- 6.9 The proposed development addresses this issue through the submitted landscape strategy and indicative site layout. The Council's Conservation Manager has considered these carefully and supports the current proposals. The scheme is an appropriate response to the problem of integrating a significant new housing development into the landscape.

Affordable Housing

- 6.10 The developer has agreed to provide 16 affordable units in accordance with the UDP policies and related Supplementary Planning Guidance. The mix of house types has been agreed with the Council's Strategic Housing Manager and comprises of 11 rented units ranging from 1 bedroomed units to four bedroomed units and 5 shared ownership units consisting of 2 or 3 bedroomed each. The detailed arrangements would be secured through the planning obligation agreement (as detailed below).

Impact on Local Infrastructure

- 6.11 Attached to this report is a Draft Heads of Terms of the necessary Planning Obligation Agreement under Section 106 of the Town and Country Planning Act 1990. This is necessary to deal with a wide range of impacts of the development including landscaping, recreation, education, highways and securing the provisions for affordable housing. In particular the developer has agreed the following contributions:
- £112,826 for landscape and maintenance of the on-site public open space
 - £48,000 contribution to recreation facilities
 - £92,000 for Education provision
 - £69,000 for off-site transportation measures
 - details of the Affordable Housing

7.0 Conclusion

- 7.1 The proposed development will implement a site specific UDP policy and make a significant contribution towards meeting Kington's housing needs in the UDP period. Careful consideration has been given to integrating the development into the landscape setting of the site, and appropriate provisions are included to address off-site infrastructure demands as a result of the development.
- 7.2 The proposed 46 units are acceptable, and will provide a wide range of house types. Appropriate provision is made for Affordable Housing.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement 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 or amended matters which he considers to be necessary and appropriate.

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

- 1 - **A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 - **A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 - **A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - **A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 - **The development hereby approved shall be in accordance with the amended site plan drawing no. 1246.00B and associated landscape strategy and housing type plans received as part of the application.**
Reason: In the interests of the visual amenity of the surrounding area.
- 6 - **D03 (Site observation - archaeology)**
Reason: To allow the potential archaeological interest of the site to be investigated and recorded.
- 7 - **Foul water and surface water discharging shall be discharged separately from the site.**
Reason: To protect the integrity of the public sewerage system.
- 8 - **No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 9 - Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the public sewerage system.

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

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

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

- 11 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

- 12 - E16 (Removal of permitted development rights)

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

- 13 - G04 (Landscaping scheme (general))

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

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

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

Advisory Notes

- 1 - If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultant on Tel No: 01443 331155.
- 2 - The applicant or successor in title is reminded that public highway access details are reserved for future consideration. Therefore details may include adequate visibility splays from the site, pedestrian routes, street lighting, drainage and internal road layout in accordance with the Council's relevant Highway's Design Guide.

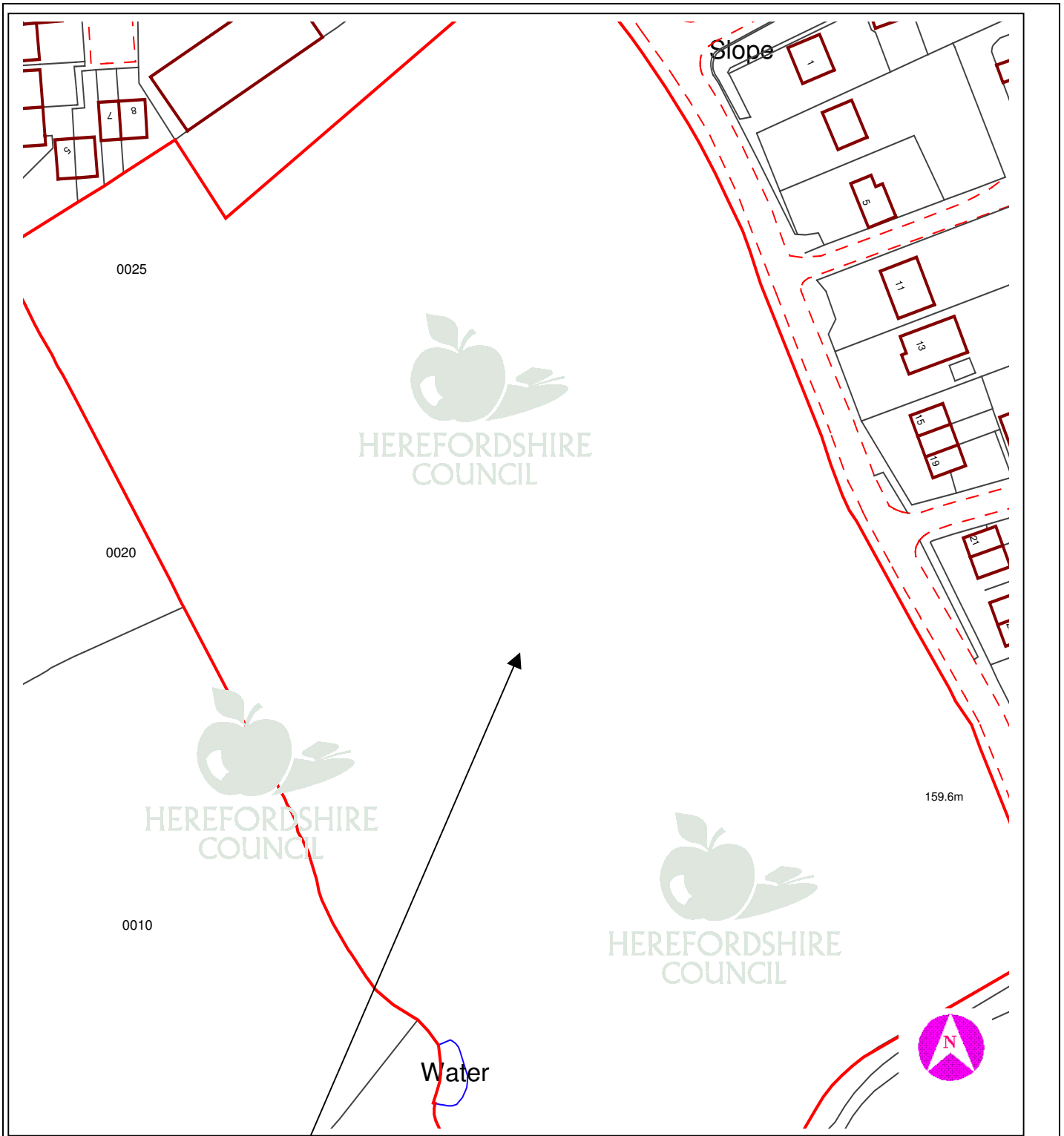
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2006/3986/O

SCALE : 1 : 1250

SITE ADDRESS : Land west of Old Eardisley Road, Kington, Herefordshire.

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

Planning Application – DCNW06/3986/0
Site for residential development of 46 dwellings
On land west of Old Eardisley Road, Kington, Herefordshire

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £112,826 which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council as referred to in paragraph 1 above at its option for any or all of the following purposes:
 - (i) Maintenance of the site's designated open space.
 - (ii) Tree and shrub planting of the designated open space areas.
 - (iii) General maintenance of the designated play area.
3. The developer covenants with Herefordshire Council, the provision of play equipment for the play space area to serve the development and to pay Herefordshire Council the sum of £48,000, which sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, in support of local sports provision for improved local facilities, to pay Herefordshire Council the sum of £28,980 which sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum, in clauses 1, 3 & 4 above, within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part there of, which has not been used by Herefordshire Council.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £92,000 to provide education improvements to Kington Primary School and Lady Hawkins High School, Kington, which sum shall be paid on or before the commencement of development.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part there of which has not been used by Herefordshire Council.
8. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £69,000 to provide sustainable transport measures in Kington. The sum shall be paid on or before the commencement of development.
9. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Pedestrian improvements between the site and the town centre.
 - b) Town Centre and schools to assist disabled access.
 - c) Improvements to local bus services.
 - d) Improvements to local bus passenger waiting facilities.
 - e) Improvements to safe routes to the local schools.

10. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
11. The Developer shall provide 16 "Affordable Housing" units, which meet the criteria set out in Section 5.5 of the Unitary Development Plan for Herefordshire and related policy H9 or any statutory replacement of those criteria and that policy. The detailed provision shall be as follows: 11 affordable housing units for rent and 5 affordable housing units for shared ownership. The applicant or successor in title -shall procure the construction of the affordable housing in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards with no Affordable Housing grant input. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. These 16 units shall be on plots to be defined by reference to the site layout plan unless otherwise agreed in writing by the Herefordshire Council. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
12. The sums referred to in paragraphs 1, 4, 6 and 9 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council
13. 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.
14. The developer shall complete the Agreement by 28th June 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 13th February 2007

12 DCNC2007/0916/RM - THE ERECTION OF 425 DWELLINGS AND THE ASSOCIATED INFRASTRUCTURE, PARKING AND LANDSCAPING AT BARONS CROSS CAMP, CHOLSTREY, LEOMINSTER, HEREFORDSHIRE.

For: Taylor Woodrow Developments Limited per RPS Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4UB

Date Received:
26th March 2007

Ward: Leominster North

Grid Ref:
47092, 58299

Expiry Date:
25th June 2007

Local Members: Councillor JP French and Councillor Brig P Jones

1. Site Description and Proposal

- 1.1 This is a reserved matters application relating to approximately 12 hectares of land situated at Barons Cross Camp, Leominster. All but one of the buildings previously occupying the site have now been removed.
- 1.2 The site slopes gently from the southernmost boundary to a ridge two thirds of the way up the site. From this point the land then slopes down at a steeper gradient. It forms an 'L' shape and is bounded on 4 sides by mature trees and hedgerows. The main western boundary is open to agricultural land, whilst the southern boundary adjoins an existing residential area. A number of mature trees are randomly dispersed along this boundary.
- 1.3 The proposal is for the erection of 425 dwellings and the submissions deal with all of those matters previously reserved, those being layout, appearance, scale and landscaping. Access was determined under the outline application and does not fall to be re-considered as part of this proposal. A detailed drainage scheme was also agreed at the outline stage and includes a surface water attenuation area (dry pond) on agricultural land on the south side of the A44.
- 1.4 A Masterplan was also submitted with the outline application which indicated the location of blocks of housing and areas of open space. The reserved matters application accords with the principles set out by the Masterplan.
- 1.5 In detail the application proposes the erection of 425 dwellings and equates to 35.4 per hectare. These are a mix of types, 147 flats and 278 houses. The size of the dwellings is broken down as follows.

1 bed dwellings 57
2 bed dwellings 154
3 bed dwellings 158
4 or more bed dwellings 56

- 1.6 The application also includes the provision of 140 affordable dwellings, dispersed across the whole of the site. In accordance with the provisions of the Section 106 Agreement signed under the outline application the tenure of these units will be a mix of 41 shared ownership and 99 rented.
- 1.7 A range of designs are proposed, generally comprising a proportion of traditional 2 and 2½ storey houses and 2 and 3 storey apartment blocks. The plans indicate a mix of materials, predominantly brick and tile but also including the use of render on some of the buildings.
- 1.8 Development is focussed around a central area that will provide an equipped area of play (LEAP). A second, more informal area is provided to the northern extremity of the site, with 4 smaller public open spaces within the development. These are also very informal areas and it is not intended to provide formal equipped spaces within them. This has been agreed in negotiation with the Council's Parks and Countrywide Department. Consequently the originally submitted plans have been amended to reflect this.
- 1.9 Detailed landscape proposals have also been submitted and again amended since their original submission following advice from the council's Landscape Officer. The most significant change sees some of the existing trees on the southern boundary to be removed and replaced with more appropriate species for a residential area. The treatment of the smaller public open spaces referred to above has also been a point of debate and amendments again reflect the advice given.
- 1.10 As stated earlier in this report, the matter of access was considered and approved through the outline application. The detailed plans elaborate on car and bicycle parking provisions. On average, 1.8 car parking spaces are provided per dwelling and each has access to its own bicycle parking. In terms of the houses, this is provided through sheds in their back gardens with access directly onto public areas, whilst the flats are served by shared buildings.

2. Policies

- 2.1 Herefordshire Unitary Development Plan
S1 - Sustainable development
S2 - Development requirements
DR1 – Design
DR2 - Land use and activity
DR3 - Movement
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
HBA4 - Setting of listed buildings
RST3 - Standards for outdoor playing and public open space
- 2.2 Planning Policy Statement 3 - Housing

3. Planning History

- 3.1 NC2005/0917/O - Site for the erection of a maximum of 425 dwellings, community building, new vehicular access, foul water pumping station and associated works - Approved 10th October 2006.
- 3.2 The permission was granted subject to a Section 106 Agreement to cover the issues of affordable housing, education contributions, transport, public open space provision and maintenance and a contribution for the provision of a community building.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - Refer to its list of recommended conditions that were imposed on the outline permission. Note that there have been problems employing some aspects of the SuDs scheme and that the off site attenuation pond is designed to cater for a 1% plus climate change event, plus relevant Greenfield runoff rates.
- 4.2 Welsh Water - No objection on the basis of the conditions imposed on the outline permission.

Internal Council Consultations

- 4.3 Transportation Manager -
- 4.4 Land Drainage - Based on the information provided there are no relevant issues at this stage regarding the disposal of surface water.
- 4.5 Parks, Countryside and Leisure Development Manager – I am satisfied that the amendments to the POS LAPs have been made to our satisfaction. The incorporation of play equipment into a single site as requested has been met.
- 4.6 Conservation Manager – Had we been in a position to start again from scratch would suggest some alternative layout in terms of scale of buildings.
- 4.7 Forward Planning Manager - No objection
- 4.8 Strategic Housing – On the basis of amended plans showing the repositioning of 3 affordable units from area G4 to F1, no objections.

5. Representations

5.1 Leominster Town Council

- 5.1.1 The site should contain a mixture of all types and sizes of housing throughout the site, with a "pepper-potting" technique used to place the affordable housing randomly on the site. If it is possible, the affordable housing should be recommended for allocation to persons with connections to Leominster.
- 5.1.2 With regard to the bus access to the estate, there must be a foolproof rising bollard scheme in place to ensure that the bus route is not used by unauthorised vehicles.

- 5.1.3 There must be clear access for vehicles belonging to people from houses with curtilages adjacent to the bus access, including the garage belonging to the occupant of 26 Farmeadow Road.
- 5.1.4 An up to date traffic flow survey be obtained for The Bargates and surrounding roads. It appears that the application uses data from a 2001 survey which is likely to be outdated.
- 5.1.5 Consideration be given to the volume of extra waste generated by the 425 dwellings and its disposal. Will local disposal sites and the household "bring" site be able to cope?
- 5.1.6 The developer should be requested to provide a water butt with each property for softwater collection and storage.
- 5.1.7 Consideration should also be given to the provision of solar panels or the use of solar roof tiles.
- 5.2 CPRE - Object to the application. A brief should be prepared for this and the Barons Cross Garage site that gives due consideration to traffic movements and, most importantly, gives proper regard to Policy H13 of the UDP and the contribution that such a large development can make to meeting carbon reduction targets and other conservation needs.
- 5.3 Leominster Civic Society
 - 5.3.1 Object to the application on the grounds of poor design and insufficient regard for the County's aims of sustainability.
 - 5.3.2 The design appears to have no inherent relationship to local character or distinctiveness. In the Society's view a major development in Leominster in the 21st Century should have been able to create a distinctive and attractive character not reliant on apparently random and general, rather than local, 'historic' details.
 - 5.3.3 The proposal has also been produced during the period when we could have expected the UDP's first principle of 'sustainability' to be influencing every development in the County. We do not feel the emphasis on provision of communal bike sheds, particularly ones to store numbers in the region of 15, 24 and 40, is a realistic contribution.
- 5.4 Ramblers Association
 - 5.4.1 This is a large development that will have a significant effect on Leominster, concerned that children resident on the site will have to cross town to go to school.
 - 5.4.2 What safety precautions are to be installed to allow adjacent main roads to be crossed?
 - 5.4.3 What provision is being made to enable children to cycle safely into town?

- 5.4.4 As there will be increased traffic generated, what will be done to alleviate the concentration of vehicles and their pollution and noise on the routes through town?
- 5.5 Herefordshire Green Party Leominster Branch – object on failure to meet highest possible standards of energy efficiency and increase in traffic. Requests for information on energy efficiency remain unanswered. This information should be made public and should exceed Building Regulation requirements.
- 5.6 Eight letters of objection have been received from the following:
- P R Wellings, 169 Bargates
M Storey, 168 Godiva Road
A D Weale, Woodlands, Ginhall Lane
Mr J Foley, 464 Buckfield Road
Mr C F Hinsley, Leahurst, Ryelands Road
Mr P Barker, 26 Far Meadow Road
Mr T Jessop, Ebnal Farm
Mrs A Edwards, 59 Buckfield Road
A Adams, The Folly, Luston

In summary the points raised are as follows:

- 5.6.1 Concerns about increased traffic movements and congestion.
- 5.6.2 Safety issues for cyclists. Should be a designated route into town.
- 5.6.3 Developers should be asked to contribute to a by-pass.
- 5.6.4 Ginhall Lane and Buckfield Estate are likely to become rat-runs.
- 5.6.5 The development will result in the loss of significant trees.
- 5.6.6 The 'special' bus gate still shows no restrictive barrier or rising bollards.
- 5.6.7 Two and three storey apartment blocks in phase 5 of the development will be on a ridge and unduly prominent. They will have an overbearing effect and overlook existing properties.
- 5.6.8 The development is not sustainable.
- 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. Officer's Appraisal**
- 6.1 The principle of residential development on the site is accepted by virtue of the fact that it is an allocated site in the UDP and that it benefits from an outline planning permission for a maximum of 425 dwellings. The current proposal accords with these basic principles.
- 6.2 A number of matters were dealt with in detail by the outline application, and most significant in terms of the objections that have been raised to this application are the

issues of increased traffic movements, provision of cycling/pedestrian routes and generally highway safety.

- 6.3 The developer was able to demonstrate to the satisfaction of the committee that the existing road network, subject to improvements, is capable of accommodating a residential development of up to 425 dwellings. Highway contributions made under the section 106 Agreement are to cover matters such as improved cycle and pedestrian links to and from the site to the town centre and improvements to highway safety such as the introduction of traffic calming measures. The outline application was also accompanied by an Environmental Statement that dealt with the issue of pollution along Bargates. Again the Section 106 Agreement includes contributions towards improvement works.
- 6.4 Therefore objections raised in relation to highway safety and increases in traffic movement and pollution have been previously considered and are not for re-assessment as part of this application.
- 6.5 Similarly an objection raised by one local resident regarding the removal of a mature Ash tree to facilitate the means of access to the site relates to a matter previously considered under the outline application.
- 6.6 The key issues to be considered in terms of this application are as follows:

Design/layout
Sustainability
Landscaping
Residential Amenity
Public open space provision

6.7 Design/Layout

6.7.1 The layout of the development accords with the Masterplan that was prepared by the developers, following a public consultation exercise and prior to the submission of the outline planning application. The current application has been criticised for the lack of a development brief, a document that is mentioned in some detail in the text to the housing policies of the UDP, and reads as follows:

6.7.2 The overall proposal will be guided in more detail through the preparation of a development brief covering this and the adjacent garage site (see below). The brief will serve to specify a range of overall requirements to be provided by the scheme as a whole. As well as the transport measures set out above, the Plan proposal will require provision of a range of housing types and sizes to meet local housing needs, including those for affordable housing and to meet the needs of specific grounds such as older people; open space provision and landscaping, and inclusion of community facilities to meet identified needs including provision for 'early years' education. Development of this site is also constrained by the capacity of the public sewerage system. Should this site be developed in advance of Welsh Water's Capital Investment, developers may be required to fund improvements.

6.7.3 The Masterplan covered all of the issues raised in this text, with the exception of the development of the adjacent garage site. It is understood that the developers are not involved with this site. Nevertheless the Masterplan

effectively serves as a development brief for the site and a preparation of one at this stage would be a duplication of work that has already been completed.

6.7.4 Leominster Civic Society consider the proposal to be poorly designed, and that the apartment blocks are 'awkward' and 'clumsy' by virtue of the combination of hipped roofs and gable ends. They opine that buildings are ungainly and have little natural relationship to one another.

6.7.5 The applicant's have provided detailed street scenes across the whole of the site and your officers do not concur with the views expressed by the Civic Society. The development is appropriately designed in its context. It uses 'landmark' buildings at strategic points, such as the opposing building upon entering the site, and those positioned at road junctions on the main route through. It takes advantage of views out of the site through the orientation of dwellings, particularly along the western boundary, but also within the northern-most part of the site. These areas also see the lowest densities per hectare, with the higher density elements concentrated in the more central areas.

6.7.6 The buildings do contain a range of architectural details, but this serves to add interest to elevations that would otherwise appear rather bland. Conditions to deal with the precise choice of materials and the setting back of windows to give elevations a greater depth can be imposed to secure the appearance of the development as a whole.

6.8 Sustainability

6.8.1 There are different aspects to this issue worthy of mention. First is the fact that the development is proposed on a brownfield site and therefore does not entail the loss of 'virgin' land.

6.8.2 Second are the pedestrian and cycle links that are to be created in order to give greater accessibility to the town centre, including routes to schools in the locality. Allied to this is the provision of cycle storage facilities for every unit of accommodation on the site and the provision of a bus route through it, and improved service. These provide genuine alternatives to car use.

6.8.3 The final aspect is one of energy and water conservation. Policy H13 of the UDP makes reference to both and suggests that developments should address both. The policy is very general and does not offer any details as to what will be requested from developers in order to comply with this. The accompanying text to the policy suggests that a supplementary planning document will be prepared to give further guidance. To date no such document has been prepared. The developers have undertaken to provide 50% of the dwellings with water butts and have also advised that 50% will be constructed to EcoHomes rating 'very good'. Despite the comments of the Green Party, the local planning authority has no power to insist that developers exceed current Building Regulation requirements.

6.8.4 It is your officer's opinion that the developer has taken reasonable steps to address the criteria highlighted by Policy H13 of the UDP without specific supplementary advice on the matter, it would be unreasonable to refuse the application on such grounds.

6.9 Landscaping

- 6.9.1 As noted at paragraph 1.9 the detailed landscape proposals have been amended since their original submission. This followed the initial comments of the Council's Landscape Officer who had expressed some reservations about the proposals, particularly about the choices to retain some inappropriate species and remove others which would conceivably be retained. This is most apparent along the southern boundary where it was originally intended to retain a series of Sycamore and Lombardy Poplar trees that are not actually considered to be appropriate in a residential context. The revised plans see these trees removed and an undertaking from the developer to replace them with more appropriate species in the first planting season following the approval of the reserved matters application. This could be satisfied with a suitably worded condition and is considered to be a reasonable approach to ensure that a conflict does not arise between the built development and the trees that surround it.
- 6.9.2 Other areas of concern relate to the proximity of new dwellings to existing trees and a failure to give sufficient room for Root Protection Areas (RPAs) as calculated using BS5837: Trees in Relation to Construction 2005. Similar concerns were raised in relation to the routes of some footpaths underneath the canopies of existing trees.
- 6.9.3 All of these issues have been addressed through amendments to the originally submitted plans in negotiation with the Landscape Officer and are now considered to be acceptable.
- 6.10 Residential Amenity
- 6.10.1 The impact on residential amenity on both the residents to the south of the application site and within the site itself have been carefully considered by your officers. The back to back distance between the dwellings on Far Meadow Road and the proposed dwellings on the site is at a minimum 22 metres, but more commonly between 25 to 30 metres. This is more than sufficient in terms of residential design standards to provide acceptable levels of privacy and amenity, and it is noted that no significant objections have been raised in this respect.
- 6.10.2 Within the site, amendments have been made to the position of a small number of dwellings where there did appear to be an issue of overlooking.
- 6.11 Public Open Space
- 6.11.1 The Section 106 Agreement required the provision of play equipment within the Local Areas of Play (LAPs). The advice now being given by the Parks, Countryside and Leisure Development Manager is that the Council does not wish to see these areas equipped and that such provisions should be concentrated on the centrally positioned Local Equipped Area of Play (LEAP). Whilst contributions for the maintenance on these areas would remain unchanged, the developer has requested that the Agreement is amended in order that the references to the provision of equipment in the LAPs are deleted. This will require a Deed of Variation to be completed but, in light of the advice that is now being given, this does not appear unreasonable.
- 6.12 In conclusion it is your officer's opinion that the proposal accords with the basic principles set out by the Masterplan as approved under the outline planning permission. The detailed designs of the buildings are acceptable in terms of their

appearance and relationship to their surroundings and the scheme accords with the relevant UDP policies. Subject to the Deed of Variation of the Section 106 Agreement described above and conditions, the application is acceptable and is therefore recommended for approval.

RECOMMENDATION

- 1. The Legal Services Practice Manager be authorised to complete a Deed of Variation to the planning obligation under Section 106 of the Town & Country Planning Act 1990 signed under planning application reference DCNC2005/0917/0. The Deed of Variation shall refer specifically to the deletion of the requirement for Local Areas of Play (LAPs) to be equipped.**
- 2. Upon completion of the aforementioned Deed of Variation, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission, subject to the following conditions:**
 - (i) A09 (Amended plans)
Reason: To ensure the development is carried out in accordance with the amended plans.**
 - (ii) B01 – Samples of external materials.
Reason: To ensure that the materials harmonise with the surroundings.**
 - (iii) C04 - Details of window sections, eaves, verges and barge boards
Reason: To secure the appearance of the development as a whole.**
 - (iv) E09 - No conversion of garage to habitable accommodation.
Reason: To ensure adequate off street parking arrangements remain available at all times.**
 - (v) Landscaping along the southern boundary of the site shall be carried out in accordance with the details shown on Drawing no. ACJ 4851/310 Rev.D received by the local planning authority on 6th June 2007. The approved landscaping shall be carried out in the first planting season following the date of this permission
Reason: In the interests of the residential amenity of adjoining dwellings.**
 - (vi) Prior to the commencement of development, details for the provision of water butts shall be submitted to and approved in writing by the local planning authority. The provision shall be for a minimum of 50% of the residential units hereby approved.
Reason: In order to achieve a sustainable form of development.**

INFORMATIVES

- 1. The attention of the applicant is drawn to the conditions on the outline planning permission granted on 10th October 2006. Reference No. DCNC/0917/0. This application for the approval of reserved matters is granted subject to these conditions.**

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

3. Avoidance of doubt.

Decision:.....

Notes:

.....

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/0916/RM

SCALE : 1 : 2500

SITE ADDRESS : Barons Cross Camp, Cholstrey, Leominster, Herefordshire

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13 DCNC2007/1348/F - RETROSPECTIVE APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION NC2002/1955/F AND INSTALLATION OF 3 ROOF LIGHTS 26 SHERFORD STREET, BROMYARD, HEREFORDSHIRE, HR7 4DL

For: Mr S Partridge at above address.

Date Received:

1st May 2007

Ward: Bromyard

Grid Ref:

65613, 54576

Expiry Date:

26th June 2007

Local Members: Councillor B. Hunt Councillor A. Seldon

1. Site Description and Proposal

- 1.1. The site is in a Conservation Area and is located on the western side of Sherford Street. Planning permission was granted in October 2002 for the erection of a three storey building accommodating four flats (ref. no. DCNC2002/1955/F). The building was a direct replacement of an existing detached dwelling, which was demolished. The approved building is now nearing completion.
- 1.2. Condition number 3 on the planning permission required that four windows on the north elevation (i.e. the kitchen and bedroom to flat 1 and also the stairwell windows to flats 3 and 4) be glazed with obscure glass only and be non-opening, prior to the use or occupation of the flats and at all times thereafter. The reason was to protect the residential amenity of adjacent properties, in particular, the existing dwellinghouse to the north. At the time of writing this report three of the windows have been inserted, the two stairwell windows have obscure glass, but are opening windows, the bedroom window has clear glass and is also an opening window. This application has been submitted to remove condition number 3 of the planning permission.
- 1.3. Three conservation rooflights have been inserted in the front (roadside facing) roof of the building, which were not on the original planning permission. This planning application also seeks permission retrospectively for these rooflights.

2. Policies

2.1 Planning Policy Guidance

PPS1 - Delivering Sustainable Development
PPG3 - Housing
PPG15 - Planning and the Historic Environment.

2.2. Herefordshire Unitary Development Plan

Policy S2 - Development requirements
Policy DR1 - Design

Policy H1 - Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas.

H18 - Alterations and extensions

HBA6 - New development within Conservation Areas.

2.3. Supplementary Planning Guidance

Design and Development Requirements

3. Planning History

DCNC2001/1533/F - Proposed detached dwelling to provide for flats. Refused 06.12.01.

DCNC2001/1534/C - Demolition of detached housed. Refused 06.12.01

DCNC2002/1715/C - Demolition of existing building to enable replacement. Approved 02.10.02.

DCNC2002/1955/F - Construction of a four no two bedroom flats. Planning permission granted 02.10.02.

4. Consultation Summary

Statutory Consultations

4.1. None required

Internal Council advice

4.2 The Traffic Manager has no objection.

4.3. The Conservation Manager observes that normally it is preferable to avoid having rooflights on principal elevations but, as the building is set up quite high, the impact is minimal and as such does not object to the three rooflights. There appears to be other variations to the appearance of the building from the approved scheme i.e. the use of concrete lintels over the windows, a different front door and a new porch rather than a reused one.

5. Representations

5.1 The applicant states that the four windows required by the planning permission to be non-opening would result in there being no reasonable means of escape in the event of a fire from rooms facing this elevation, so it would be preferable for residents to have these windows as an emergency escape route. The conservation rooflights fitted on the front allow light and air into the rooms and also a means of escape in the event of a fire. I have endeavoured to make the building as attractive as possible and trust it will be a credit to the area.

5.2. Bromyard Town Council states:-

My Town Council's Planning Committee resolved not to support this application.

(a) Variation of Condition 3.

It was felt that the applicant's concerns regarding the safety of non-opening windows could be overcome by the installation of windows specifically designed to break in the case of fire or other emergency.

(b) Installation of three roof lights.

This is felt to be detrimental to the residential amenity of adjacent buildings.

5.3. There have been two letters received from W. H. and S. M. Lewis, Tack Farm, Edwyn Ralph, Bromyard Hfds HR7 4LT. The main points being:-

- The objectors own the adjacent property - Redgate House, 20 Sherford Street, which is adjacent to the application site.
- Alarmed by the proposal to alter the permission.
- One of the windows is significantly larger and does not have obscure glass. Windows appear to be hinged and, therefore, able to open.
- If permission is granted the objector's property will be completely overlooked by the four windows in question and prejudice enjoyment of their property and have a negative effect on its value.
- The applicant's disregard and lack of adherence to the planning conditions is unacceptable. He is also in breach of condition 4 relating to the porch and windows.
- Site within Conservation Area.
- Concerns over increased demand for parking as a result of the development. Extra noise and disruption to local residents.
- The windows, if opened, will be over land in applicants ownership and would effectively be trespassing on objector's property.

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

6. Officer's Appraisal

6.1. The main issues relate to:-

- (i) Whether the removal of condition 3, relating to the four windows would result in the residential amenities of the occupants of the adjacent property to the north being adversely affected by overlooking and loss of privacy;
- (ii) Whether the insertion of the roof lights will adversely affect the visual appearance and character of the building and its setting within the Conservation Area.

- 6.2. The applicant has stated that some of the windows on the side of the building, which were conditioned by the planning permission to remain fixed, needed to be opening windows, in order to comply with building regulations, so as to provide a means of escape if there was a fire. The bedroom and kitchen windows were made larger to enable escape. However, the stairwell windows were made smaller.
- 6.3. The ground level of the neighbouring property to the north is higher than the application site, to the extent that the lawn is roughly level with the first floor of the applicant's building. The highest of the four windows in question (i.e. restricted by condition 3) is a bedroom window, which is at first floor level and looks towards the neighbour's dwelling. This would normally overlook the neighbour's property, but its view is currently restricted by a temporary larch lap fence, positioned inside the neighbour's boundary by approximately 1.5 metres. The applicant has stated that he intends to erect a new fence along the boundary, when the work is completed, which will prevent any overlooking from this window. He also intends to take out the clear glass and insert obscure glass, as originally required. The two stairwell windows are lower down, so that the base of the windows are level with the next door neighbour's ground level. These windows have obscure glass and, along with the intended new fencing, will not affect the neighbour's privacy. The kitchen window at ground floor level is lower than the neighbour's lawn and looks out onto an earth wall and cannot overlook the neighbour's property.
- 6.4. Consequently the only window that is likely to cause a problem is the first floor bedroom window, but the intended insertion of obscure glass and the erection of a fence will overcome this problem. The building appears to be set back enough from the side boundary to ensure that the opening window will not overhang the neighbour's property. A condition requiring the provision of the new fence could be imposed on any permission granted.
- 6.5. The three new roof lights inserted on the front roof slope of the building will not adversely affect the visual appearance of the building, nor the visual amenity and character of the Conservation Area. Consequently, the new roof lights are considered to be acceptable.
- 6.6. In conclusion, the development, as proposed, is considered to be acceptable and in accordance with the relevant planning policies and guidance. In particular Policies S2, DR1, H1, H18 and HBA6 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - The two stairwell windows and the bedroom window restricted by condition no. 3 of planning permission DCNC2002/1955/F be glazed with obscure glass only, prior to the use or occupation of the flats and at all times thereafter, unless otherwise first agreed in writing by the local planning authority.**

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

- 2 - Before the flats are first occupied a fence shall be erected along the northern boundary of the site in accordance with details to be first submitted to and be subject to the prior written approval of the local planning authority. The details of the fence shall include position, length, size, design, materials and finish. The fence shall be erected in accordance with the approved details and shall remain in place and fully intact at all times thereafter, unless otherwise first agreed in writing by the local planning authority.

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

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N03 - Adjoining property rights
- 3 - The applicant should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt, the applicant is advised to seek legal advice on the matter.
- 4 - N19 - Avoidance of doubt

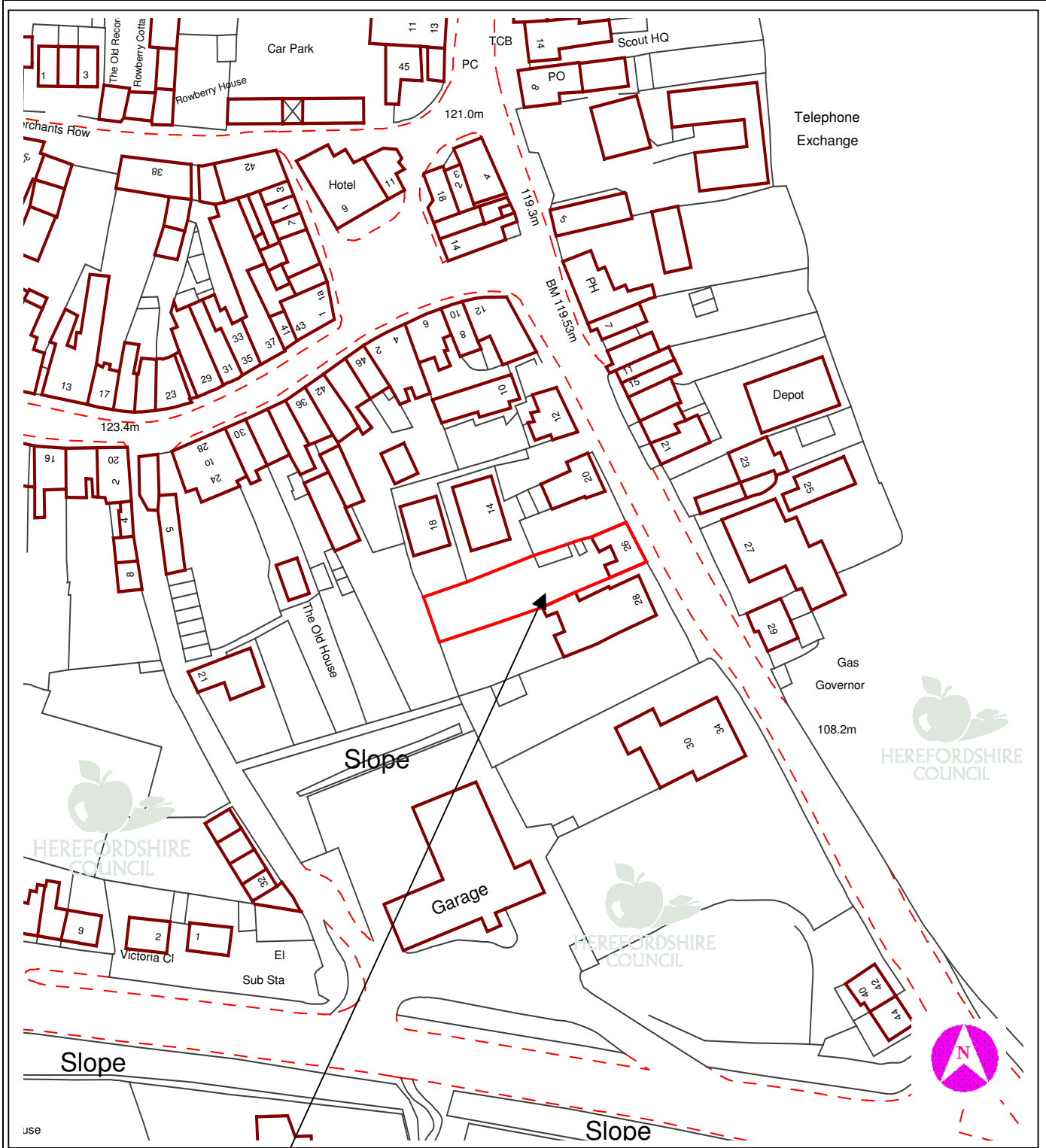
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/1348/F

SCALE : 1 : 1250

SITE ADDRESS : 26 Sherford Street, Bromyard, Herefordshire, HR7 4DL

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14 DCNC2007/1479/F - PROPOSED REAR EXTENSION AND NEW FRONT PORCH AT MIDDLETON FARM HOUSE, MIDDLETON, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4LQ

For: Dr C Harrison per Mr P Simkin, Thorne Architecture Ltd, Creative Industries Centre, Glaisher Drive, Wolverhampton Science Park, Wolverhampton, WV10 9TG

Date Received:
14th May 2007
Expiry Date:
9th July 2007

Ward: Upton

Grid Ref:
54794, 69813

Local Member: Councillor J Stone

1. Site Description and Proposal

- 1.1 The application relates to a substantial detached dwelling. It is predominantly of brick construction with a single storey lean-to extension and conservatory to the rear and a timber frame addition to the side. The dwelling is well proportioned and is an imposing feature at the roadside and within the context of the loose group of buildings that can be found in the locality. It is particularly characterised by its parapetted gable ends and substantial brick chimney stacks. The front door is offset to the left hand side and two original window openings have been blanked.
- 1.2 A yard lies to the left hand side, between the dwelling and what were associated farm buildings. These are arranged in an "L" shape and serve to enclose the area, but have been converted to independent residential dwellings. To the rear of the dwelling are a series of smaller outbuildings that appear to be used for general domestic storage purposes.
- 1.3 The proposal is for the erection of a two storey rear extension and the addition of a porch to the front. The extension is twin gabled and stretches across the rear elevation of the main brick element of the dwelling. The gables are parapetted to match existing detailing, as is the detailing of new windows. A narrow conservatory is also proposed as part of the extension.
- 1.4 The porch is offset to the right and is a simple lean-to off a brick plinth.
- 1.5 The scheme also includes the widening of an existing access and shows a fence along the boundary with the adjacent converted barns.

2. Policies

Herefordshire Unitary Development Plan.

H18 - Alterations and extensions

DR1 - Design
HBA8 - Locally important buildings

3. Planning History

NC07/0577/F - Proposed erection of a two storey rear extension, porch and garage block - Refused 18th April 2007 for the following reasons.

- “1. The rear extension pays little regard to the character or appearance of a dwelling that has some prominence within the locality. In particular the flat roof extension does not reflect its architectural quality and the proposal is contrary to policies DR1(1) and H18(2) of the Herefordshire Unitary Development Plan.
2. The proposed porch would introduce an unduly dominant feature into a simple elevation. It does not respect the character or appearance of the dwelling and is therefore contrary to policies DR1(1) and H18(2) of the Herefordshire Unitary Development Plan.
3. The introduction of a new building into the area between the dwelling and its former farm buildings will completely disrupt their historic relationship, contrary to policies DR1 and HBA8 of the UDP.”

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Consultations

4.2 Transportation Manager - No objections

Internal Council Advice

5. Representations

5.1 Five letters of objection have been received from the following:-

Mrs. Thorneycroft - Spring Cottage, Middleton
Mr. G. Glenister - Crease Cottage, Middleton
Mr. & Mrs. Phillipson - Field House, Middleton
Mr. & Mrs. Vile - March Cottage, Middleton
Mr. & Mrs. McGhee - The Old Cider Mill Middleton

In summary the points raised are as follows:-

- (i) The extension will overlook the garden of The Old Cider Mill.
- (ii) It is out of character with the area.
- (iii) A proposed fence along the boundary with the converted barns will destroy the historic links between the two.

(iv) Changes to the access will give a suburban appearance.

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

6. Officers Appraisal

6.1 This is a revised application following the refusal described above. A number of changes have been made to the proposal. The main three being as follows:-

- (i) the deletion of a proposed garage block;
- (ii) alterations to the extension to omit the flat roof originally proposed;
- (iii) the reduction in size and simplification of the porch.

6.2 The design of the extension is now considered to be acceptable. It reflects the architectural detailing of the original house and is also of an appropriate scale to it. Subject to conditions relating to the submission of details relating to materials and joinery the proposal is considered to accord with policy in this respect. Similarly, the revisions to the design of the porch are acceptable.

6.3 The extension will not cause any demonstrable overlooking of The Old Cider Mill. The extension will be approximately 15 metres from the boundary between the two and faces onto a gable end.

6.4 The inclusion of a fence along the boundary between the application site and the converted barns is unfortunate and will disrupt the historic relationship between the two. However, provided that the fence does not exceed 2 metres in height, it would constitute permitted development and in itself does not require the benefit of planning permission.

6.5 The application also includes some alterations to widen the access. Presently, the roadside boundary and access is defined by a low stone wall. Subject to similar detailing, the widening of the access is considered to be acceptable.

6.6 It is, therefore, concluded that the proposal accords with the relevant UDP policies. The extension and porch are appropriate in terms of their scale and design and will not impact upon residential amenity. The new access is similarly acceptable and the proposed fence is permitted development up to a height of 2 metres. It is therefore recommended that planning permission be approved.

RECOMMENDATION

That planning permission be granted subject to the following conditions

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

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

2 - B01 (Samples of external materials)

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

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

Reason: To safeguard the character and appearance of this building.

4 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of this building.

5 - Prior to the commencement of the development hereby approved, full details of the alterations to the existing access shall be submitted to, and approved in writing by, the local planning authority. The alterations shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the surrounding area.

INFORMATIVES:

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

2 - N19 - Avoidance of doubt

3 - The applicant is advised that the fence shown on the approved plan constitutes permitted development by virtue of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 1995, provided that it does not exceed 2 metres in height.

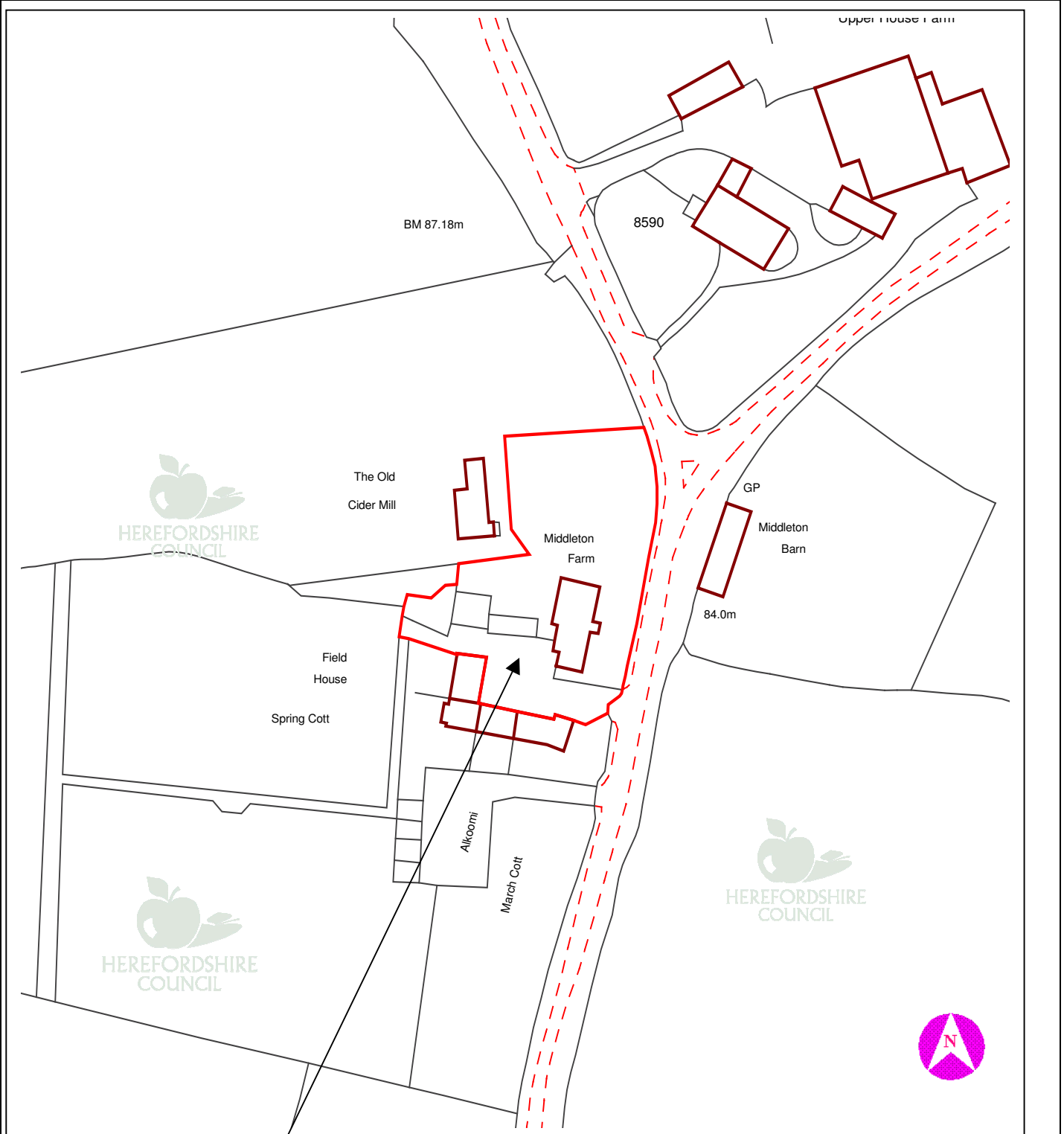
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/1479/F

SCALE : 1 : 1250

SITE ADDRESS : Middleton Farm House, Middleton, Little Hereford, Ludlow, SY8 4LQ

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15 DCNW2007/1179/F - RESIDENTIAL DEVELOPMENT COMPRISING OF 58 DWELLINGS WITH CAR PARKING, NEW ACCESS ROAD AND LANDSCAPING AT MAESYDARI SITE, OFF OXFORD LANE, KINGTON, HEREFORDSHIRE.

**For: Taylor Woodrow, Drivers Jonas, Cornwall Court,
19 Cornwall Street, Birmingham, B3 2DY**

Date Received:
25th April 2007

Ward: Kington Town

Grid Ref:
29744, 56799

Expiry Date:
25th July 2007

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 The application site comprises a site of approximately 1.08ha located towards the north of the centre of Kington. The site has been disused for some time and has been recently cleared of buildings and much of the original trees and landscaping. The site had been previously used in part as a former nursery / horticultural use with some of the site given over to residential and garaging. Vehicular access to the site was formally gained via Oxford Lane although this has now been blocked off and access is being achieved from Greenfield Drive to the East of the Site.
- 1.2 The site benefits from planning permission (DCNW2005/3082/F) granted on appeal in August 2006 for 58 dwellings. The appeal decision is annexed to this report for information.
- 1.3 This application seeks to amend the previous permission through the introduction of different house types and a revised apartment block, albeit following a very similar format as well as increasing the amount of off-road car parking from 88 to 108 and allows the enlargement of garden areas. The application has also amended the siting of the affordable housing units, spreading them across the site instead of the in one area. The application also includes details of the reinstatement / building of the stone boundary wall along prospect lane.
- 1.4 This application includes a Consultation Statement, Design and Access Statement, Ecological report and a detailed supporting statement (including the transport statement).
- 1.5 The application proposes the residential development of the site to include the erection of a total of 58 units, car parking, new access and landscaping. This application was originally for 59 dwellings but has been amended in response to concerns relating to the apartment block. This application in its amended form comprises:
- 8 no. two bedroom flats (within apartment block)
 - 3 no. four bed units
 - 29 no. three bed units

- 13 no. two bed units
- 5 no. two bed units (single storey over garage or access)

1.6 Included within the 58 dwellings are 18 affordable housing units, comprising:

10 for rent to be:

- 3 no. 4 bed houses
- 3 no. 2 bed houses
- 4 no. 2 bed flats

8 for shared ownership

- 4 no 2 bed houses
- 4 no 2 bed flats

1.7 Access to the site would be in accordance with the approved scheme and be gained from Greenfield Drive (Llewelin Road). This would involve re-aligning the cul-de-sac that lies to the east of the site and the creation of a 5m wide access road entering the site through the existing eastern boundary. Pedestrian access to the site can be gained via the existing public rights of way with pedestrian / cycle access currently being shown along the southern boundary onto Prospect Lane.

2. Policies

2.1 Regional Spatial Strategy

Policy RR3 – Market Towns

Policy CF4 – The Re-use of Land and Buildings for Housing

Policy CF5 – Delivering Affordable Housing and Mixed Communities

2.2 Herefordshire Unitary Development Plan (2007)

Policy S2 – Development Requirements

Policy S3 – Housing

Policy DR1 – Design

Policy DR4 – Environment

Policy DR5 – Planning Obligations

Policy DR9 – Air Quality

Policy DR10 – Contaminated Land

Policy H2 – Hereford and the Market Towns: Housing Land Allocations

Policy H9 – Affordable Housing

Policy H13 – Sustainable Residential Design

Policy H15 - Density

Policy H16 – Car Parking

Policy H19 – Open Space Requirements

Policy T7 – Cycling

Policy HBA4 – Setting of Listed Buildings

Policy ARCH1 – Archaeological Assessment and Field Evaluations

Policy ARCH6 – Recording of Archaeological Remains

Policy RST3 – Standards for Outdoor Playing and Public Open Space

CF2 – Foul Drainage

CF5 – New Community Facilities

2.3 Planning Policy Statement 3: Housing

Planning Policy Guidance Note 13: Transportation

Planning Policy Guidance Note 16: Archaeology and Planning
Planning Policy Guidance Note 15: Planning and Historic Environment

2.4 Supplementary Planning Guidance

Provision of Affordable Housing. November 2004

3. Planning History

- 3.1 DCNW2006/0298/F - residential development for 54 dwelling, with car parking spaces, new access road, landscaping - Refused 26th April 2006.
- 3.2 DCNW2005/3082/ F - residential development for 58 dwellings, 88 car parking spaces, new access and landscaping - refused 30th November 2005. Allowed on Appeal following a Public Inquiry held August 16th 2006. Decision issued - October 2006. (Please see Appendix to this report)
- 3.3 DCNW2004/4387/F - Residential development for 50 dwellings, 75 car parking spaces, new access, landscaping and children's play area - Withdrawn 20th September 2005

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

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

In principle, it would appear acceptable, but there seem to be some omissions that I thought were already agreed for the previous application, and some omissions that have not been incorporated. There are also some conditions recommended by the Appeal Decision that have not been incorporated.

On original Site Plan Drawing No. 03), October 2006, omissions are:

- Pedestrian/cycle accesses onto Prospect Lane. At least the westernmost of these need to be made to adoptable standards, with demarked pedestrian area through the private parking court to maintain public access at all times. All three accesses onto Prospect Lane would benefit from such treatment.
- No cycle parking shown. Best provided by garages or cycle lockers within the curtilage of each dwelling. See Design Guide.
- All footways to be 2.0m wide, including those leading to front doors.
- Prospect Lane to be widened to 2.0m where applicable, resurfaced and lit.
- Dropped kerbs required on access road at units 7 & 8. (Both sides)

On "CAD" Planning Layout drawing Drawing Number 01 Rev F (submitted with this Planning Application)

- As above, but with the complete omission of the ped/cycle accesses onto Prospect Lane. Not acceptable
- Widening of footway on eastern side of Greenfield Drive not shown as agreed with Ian Sinclair by Andy Byng in email received 28 March 2007.

The Appeal Decision mentioned the pedestrian accesses to Prospect Lane (and other matters) in Clause 7; the need for cycle parking in Clause 9; and adequate site construction traffic access in Clause 10.

Given that this is a new application, it should comply with all the above. The S106 Transport contribution (@1500/dwelling also stands, with the same possible schemes as the approved scheme and agreement.

4.3 The Conservation Manager makes the following observations:

Conservation Officer:

Comments on the initial proposals as follows:

A key conservation area issue is that this scheme joins on to the boundary of the Kington Conservation where it is formed by Prospect Lane. That lane is of distinctive and attractive character so that the treatment of this boundary is an important material consideration.

An earlier scheme by David Daw showed specific details to preserve and enhance this character. The flats were to have a stone gable and new stone walls were to be constructed. This new scheme falls far short despite the wording of Para 13.14 of the Design Statement. It is crucial that a detailed scheme for this boundary be included in the application and that the previous scheme set the minimum standard.

Building Design

The block of flats is the closest element to the Conservation Area. Again, there is a distinct decline in quality from previous proposals. The three-storey form presents a much longer elevation to the lane, which is overbearing. The composition of the elevations is poor and there is no suggestion of stone facing. The siting is ill considered with a small strip of land between the boundary and the building.

Considering the southern part of the whole scheme it is again obvious that a good deal of visual interest has been lost. The dwellings have been arranged with less variation in the building line and the many dormers facing the lane have been removed. The street scene drawing, shows an overbearing uniformity of eaves line.

Materials will be extremely important and I consider it essential that the southern frontage be predominantly roofed in slate.

The principle of development at the density shown has been agreed and whilst the scheme is not wholly different from previously agreed schemes there are important design issues described above which need to be addressed before a conservation recommendation of approval can be given.

Comments on the revised proposals as follows:

Whilst I welcome the proposed stone boundary wall, the proposed use of stone walling on the flats and the significant reduction in scale of the block of flats, I remain unable to recommend the deep, virtually blank gables (9m) and the ungainly hipped roof, which arise from the attempts to keep all of the accommodation under one span. I also raised the positioning of the block on the site which appeared to be ill considered in relation to the boundary.

I note that slate will be used on the roofs facing the conservation area

Ecologist:

The applicants have provided me with an ecological report based upon a protected species assessment of the site. This highlighted a diversity of habitat for nesting birds and for reptiles such as slowworm, evidence of the presence of bats utilising the site with roosting potential in one of the buildings.

Landscape Officer:

Further to our telephone conversation this morning I can confirm that I have nothing further to add to the comments previously made by my colleagues concerning the above site. I understand that in principle landscape and ecological issues have been addressed.

The previous comments were as follows:

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

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

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

Archaeologist:

No further comments to make.

4.5 The Environmental Health Manager:

No foreseeable reason for objection. Standard Environment Conditions as per previous comments.

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

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

The proposed residential development comprising 59 dwellings with car parking etc. will affect public footpath ZE23, which passes along the outside of the eastern boundary of the site. In particular, the construction of the access road across the line of this footpath will require a temporary closure order to enable the works to be carried out without endangering members of the public.

In addition, public footpath ZE18, which passes along the outside of the southern boundary of the site will also require a temporary closure order to enable the new pedestrian access points from this footpath into the site to be constructed (demolished) through the existing stone wall.

If permission is granted we request a Condition as follows (or similar):

Two public rights of way cross the site of the works required to carry out this permission. The permission does not authorise the stopping up or diversion of the right of way. Development shall not begin until a temporary closure order has been obtained from the Public Rights of Way Manager, Herefordshire Council, P.O. Box 4, Hereford, HR4 0XH (tel. 01432 260572). Applications for a temporary closure order should be made 6 weeks before work is scheduled to begin.

I fully endorse the comments already submitted to you by Dave Davies, Area Engineer (Development Control), Highways & Transportation, regarding omissions from the proposal, in particular the improvement required to public footpath ZE18 and the dropped kerbs at the dwellings previously numbered 7 and 8. The applicant should be requested to provide all the necessary details for approval by the planning authority as stated in the Planning Inspector's Formal Decision paragraph 8. I formally request that Rob Hemblade, PROW Manager is consulted on the detailed plans when they are submitted.

I understand that the section 106 contribution sought towards the improvement of local footpaths giving access from the site to Crooked Well Meadow is being coordinated by Ruth Jackson of the Parks & Countryside Service.

4.7 The Strategic Housing Officer makes the following comments:

Having considered the proposed plans Strategic Housing in principle agree with the layout of the affordable dwellings. With regards to the change of mix, for the rented accommodation from 3 x 1 bed apartments to 3 x 2 bed apartments, Strategic Housing have no objection to the change from 1 bed apartments to 2 bed. All affordable housing should be built to Housing Corporation Scheme Development Standards (SDS) and negotiations with the developer and the developer has stated that they are unable to meet 9 requirements relating to SDS. Strategic Housing have agreed on this occasion that to waive 6 of the requirements but will expect the developer to meet 1.6.4.1 – 1.6.4.3 as these could have a fundamental impact on future needs).

4.8 Education make the following comments:

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

At Kington Primary School, most of the classrooms are small and the majority have insufficient storage space. The stairs and landing areas are congested. There are also issues and concerns with the cramped toileting facilities. Current facilities restrict the ability of the school to extend its curriculum be creative. The lack of outside space also restricts the ability to develop outside learning and PE provision. This school is presently under prescribed.

Lady Hawkins High School has issues and concerns with the sixth form accommodation, size of classrooms and the lack of dedicated IT facilities. There are no

dedicated drama provisions and poor social facilities. The dual use of the library as an IT space is inappropriate. There is an issue with the toileting facilities in the hall, which are inadequate for shared use with the leisure centre. Access for the leisure centre users out of school hours is also inappropriate. This school is presently under prescribed.

In light of falling roles across the County, the Authority is undertaking a review of school provision and it is likely that capacities of schools will be assessed as part of this review. There is therefore likelihood that capacities of both of 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 and probably more so for the Primary school.

The Children & Young People's Directorate would therefore be looking for a contribution to be made towards education in this area that would go towards rectifying some of the issues identified above that would only be exacerbated by the inclusion of additional children. Additional children may also prevent us from being able to remove temporary classrooms that we would otherwise be able to do. A contribution of 2000 per dwelling would be sought. It should be noted that the Draft Supplementary Planning Guidance document that is currently out for consultation has a requirement for a contribution in the region of 6000 to be made per dwelling. Once this figure has been ratified, the revised figure will be requested,

4.9 The Parks & Countryside Officer comments:

On a development of this size we would expect in line with policy H19 an area provided for small children/infants, and an area for older children/teenagers. From discussions for the previous application DSN2006/0298/F we have already agreed in principal (as set out in the supporting statement) the following:

- an "off-site" contribution towards upgrading of existing open space (at Crooked Well meadow)
- a contribution towards upgrading of existing footpaths between the site and Crooked Well meadow.

The contribution towards upgrading of existing footpaths between the site and Crooked Well meadow has already been requested at either a financial contribution (£25,000) or works to be undertaken by the developer. It is expected that the contribution or work would enable the footpath to be improved to a standard, which is both safe and accessible, including making safer crossing points from the site to the existing footpaths, given that children will be using it. A cycle path may also be required as part of this contribution if this has not already been taken into account as I note that there is also a separate contribution towards transport improvements, which may well include this and also improvements towards the crossing points.

The contribution towards the off-site upgrading of Crooked Well meadow is calculated at £45,500 based on 500 per bedroom excluding the first in every property. There are 91 bedrooms (excluding the first).

In addition, we do now ask for a contribution towards sports facilities from all new developments. This is in response to Sport England who requires such developments to help contribute towards increasing participation in active sports. The calculation is based on Sport England's Sports Facilities Calculator and equates to 630 per dwelling. The total in this case is £37,170. The contribution would be used towards improvements at the Lady Hawkins Leisure centre in Kington, which requires

refurbishments and upgrades to its fitness suite and performance hall to allow for a greater variety of sports to be offered at the centre.

I understand that this contribution was not requested in the previous application.

Off-site play area - £45,500

Improvements to footpaths - £25,000 or work undertaken by developer

Sports facilities - £37,170

5. Representations

5.1 Kington Town Council object to this application and their comments can be summarised as follows (these relate to the initial submission - any comments submitted on the amended plans will be updated verbally):

- The number of dwellings in the application exceeds the guideline for new site density (UDP H15), 54. The average density of brownfield sites is 25 to the hectare.
- Barons Cross development is only 35 per hectare.
- As this is a new application a new section 106 should have been drawn up which would give more money to play space and infrastructure requirements.
- The density of housing is out of keeping with the existing residential housing and gives dwellings of restricted dimensions.
- Housing Corporation Standards (2003) recommends that location, site layout and building orientation should provide a convenient and attractive environment, visual and acoustic privacy. This scheme would not.
- Letting units in one area would potentially create a ghetto and all problems this entails.
- There is a surplus of 1 bed flats in Kington so is questionable as to whether this type of accommodation is the most suitable.
- Many of the buildings and the block of flats would overlook existing dwellings and affect the privacy currently enjoyed by these properties. It would also be visible in Duke Street. The three storey buildings overlook their immediate neighbours.
- The site is fairly level but the ground drops away and these buildings, being constructed on a ridge would impact on the skyline and create significant visual impact from within the town and from surrounding areas. The increase in dwellings is facilitated by increasing the height of the two-storey building. The three-storey building is proposed to back onto the medieval lane and would be obtrusive. These drawings do not show the good quality housing hoped for on this Greenfield site in a rural town. It is inappropriate for a small market town and would mar the environment and heritage of the town.
- There is no provision for the storage of refuse or recycling.
- There is no lighting plan
- Not adequate space for modern living including storage areas.
- No attempt to make include any environmentally sustainable energy or efficiency measures into this application
- Gardens area small and there is no play space provided on site as required.
- At least £80,000 should be provided by the developers as a planning obligation to provide facilities in a convenient location as well as a play space for smaller children.
- Number of allocated spaces is too little even though a 20% increase on approved scheme. Lack of parking could lead to neighbour disputes and add to parking problem.

- The proposed 108 car parking spaces are not to be adopted? How will they be maintained?
- Increase in traffic flow, especially to elderly residents would be a perceived danger.
- Road is narrow with residents parking on the road. There are blind corners on the surrounding roads. A traffic survey should be undertaken. The developer should provide sums for the provision of road improvements such as pedestrian crossings and traffic calming measures.
- Maintenance of open areas, landscaping and trees not detailed in application.
- Infrastructure in town cannot support potential numbers of residents (school places, dental, medical).
- Provision of water and sewerage facilities to site causes concern.
- Ecology survey undertaken in poor weather and further details needed as specified in their report.

5.2 There have been 13 letters of representation submitted. The issues raised are as follow:

- There is an unreasonable density of housing planned.
- The infrastructure is dangerous and totally inadequate for a large development.
- The increase in parking spaces suggest that more vehicle traffic would result.
- Objection to the number of dwellings and car parking spaces proposed.
- The facilities in the town, i.e. Doctors Surgery, School, are at capacity.
- The site will be inhabited by non Kingtonians to a very high proportion.
- There is insufficient work in the area. Young people leave to find work not houses. Where will the people living in the dwellings go to work?
- Already the law has been broken by vehicles delivering machinery to the site driven over the footpath.
- This application will increase the carbon footprint of Kington / Lack of notice taken regarding 'carbon footprint'
- Has the impact on the local community been considered - Disturbance during construction phase?
- If passed then the Council should take immediate steps to implement the traffic calming measures.
- Impact of a three storey apartment block in the bungalows.
- The proposed living accommodation is small and cramped.
- The site is unsuitable but a good site if sensibly developed.
- Impact on amenities and privacy of adjoin dwellings (including those with extant permission)
- The apartment block is of poor design and is inappropriate
- Traffic congestion would worsen
- Ecological concerns during site clearance
 - Comments on the section 106 contributions and impact of the draft SPD - Planning Objection currently being prepared. Notes that the proposal is well below standards on these points

5.3 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

Principle of Development

- 6.1 The principle of developing this site for residential purposes has been fully considered by the Appeal Inspector and his conclusions and decision to allow the appeal can be found in his decision report that followed the Public Inquiry. A copy of this report is attached as an appendix to this Agenda Item.
- 6.2 In light of this recent appeal decision the Council can raise no objection in Principle to the development and there is little benefit in revisiting these matters. The number of dwellings proposed is 58, the same number as the extant permission and as such the density of development also remains the same. It is therefore considered that the proposal, in principle complies with the policies considered by the Inspector and that this application is essentially looking to amend some the detail that was approved.
- 6.3 The main issues that should now be considered are:

The character, appearance and siting of the Apartment block, with particular reference to the impact on the adjacent Conservation Area relationship with the surrounding area.

The character, appearance and layout of the revised house types
Highway Design Issues and the increase in car parking spaces from 88 to 108
Revised Affordable Housing layout / siting and mix of tenure
Section 106 contributions and Draft Heads of Terms

Apartment Block

- 6.4 One of the main changes to the approved scheme relates to the apartment block. The approved scheme comprises a T shaped two storey block which used a mixture of stone, render and brick and was considered to compliment the Conservation Area in this particularly prominent spot, whilst protecting the amenity and privacy of the neighbouring properties.
- 6.5 The revised scheme initially proposed a three storey block (Leam Type) which was L shaped and brick faced. The orientation of the building against the footpath was also considered oppressive. The window positions and height of the building would also have introduced a number of overlooking issues. These issues were discussed with the applicants and a revised scheme has been submitted that reduces the height back to two storey the Conservation Officer still raises strong concern about the design and siting of the building. This is an opinion shared by officers. This building is one of the most prominent, with a close relationship to the Conservation Area and views along Oxford Lane. In its current form the building would fail to preserve the setting of the Conservation Area and be an unacceptable form of development.
- 6.6 In order to progress this application it is suggested that if members are minded to approve this application. That Officers continue to negotiate a revised design, that would enhance and reflect the character of the area and of the

development and ensure that the well used and important pedestrian links are not oppressed by such a building and that the amenities of the neighbours are protected.

Housing Layout and Design

- 6.7 Essentially the layout of the site has been retained as per the approved scheme, and house types substituted for similar types of two and three storey dwellings, with varied patterns of roof heights throughout the scheme. This application will improve the gardens for dwellings and provide more appropriately located and additional car parking within the parking courts to the rear of the dwellings. There is also a slight reorientation of the dwellings to provide a more attractive entrance to the site that will respond to the layout of the adjacent dwelling. The public open space remains the focal point of the development.
- 6.8 The applicant has also agreed to provide slate roofs to the dwellings closest to the boundary with the Conservation Area, as requested, and a mix of other materials is proposed on the remainder of the site.
- 6.9 The revised layout and details are considered to be an improvement on the previously approved scheme and are compliant with policies DR1, S2, H13, H14 and HBA 6 of the Unitary Development Plan (2007)

Highway Design / Car parking

- 6.10 The layout of the highway, the access point and siting of the road has not been altered. The principle of accessing the site at this point, to serve 58 dwellings was agreed as by the Council, following a survey, and confirmed by the Planning Inspector in his consideration of the appeal. This issue does not need to be re-visited.
- 6.11 Notwithstanding the agreement in principle there are a number of smaller issues that can be addressed to improve upon a this scheme. The applicant has already agreed to reinstate the stone wall along the boundary with Prospect Lane which will benefit the users of this lane and enhance the character of the Conservation Area. The inspector also raised a couple of issues in his report relating to pedestrian access points onto prospect lane, provision of secure cycle parking and site operative parking. These require further discussion with the developer and as such it is suggested that these are passed back to officers for further negotiation prior to any decision being made.
- 6.12 In response to the public concern relating to the lack of parking provision on the site (raised during previous applications and through the consultation exercise) the plan shows some addition 18 car parking spaces. This has been possible through the revised layout of the courtyard parking area. Given that there is no increase dwellings, and that this should serve to prevent indiscriminate off road parking, there is no objection to the increase in car parking.

Section 106

6.13 In response to the consultation process of this application there are a number of areas that have requested revised financial contributions in line with the Draft calculations included in the Draft Supplementary Planning Document on Planning Obligations. After some discussion with the applicant it was considered unreasonable to expect these increased amounts. Firstly the application is essentially an amendment to the agreed scheme, with only minor alterations. Secondly, the SPD is in draft form only and at this stage cannot be attributed much weight at present. At the time that the original application was approved, the figures were agreed as being acceptable to this Council. That permission is still extant and could still be implemented (subject to the discharge of conditions) with the contributions as agreed by the Inspector. After some negotiation Taylor Woodrow has agreed to increase the levels of contributions contained in the existing Section 106 Agreement in line with the BCIS Index Linking. The Draft Heads of Terms will reflect this.

Conclusions

6.14 The principle of development and the overall amount of development have both been established by the recent appeal decision. The developer is prepared to increase the contributions of the Section 106 agreement in line with inflation which is reasonable given that the emerging Supplementary Planning Document on Planning Obligations has yet to be adopted as a policy of this Council. There are still, however, outstanding matters of detail worthy of further consideration – the detailed design of the apartment block, the treatment of the site boundary with the conservation area, and some relatively minor highway details. Consequently the recommendation below seeks delegated approval to negotiate further on these points before any permission is issued.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement 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 or amended matters which he considers to be necessary and appropriate, and

That officers continue to negotiate details of the apartment block, boundary treatment to the conservation area and highway details, and,

Upon completion of the above-mentioned planning obligation agreement and negotiations Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

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

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

2 - B01 (Samples of external materials)

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

3 - E16 (Removal of permitted development rights)

Reason: To protect the amenities of adjacent and to ensure a satisfactory form of development.

4 - G04 (Landscaping scheme (general))

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

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

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

6 - G08 (Retention of trees/hedgerows (outline applications))

Reason: To safeguard the amenity of the area.

7 - No development shall take place until an ecological survey, the scope of which shall first be approved in writing by the local planning authority and which shall include a mitigation strategy, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation strategy.

Reason: To protect the ecological interest on the site.

8 - No development shall take place until details of off-site highway works associated with the development hereby permitted, including widening of Prospect Lane and Greenfield Drive footpath connections and installation of improved lighting and re-surfacing works to Prospect Lane and Greenfield Drive have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

9 - No development shall take place until the details of the highway drains and roads associated with the development hereby permitted, including the works necessary to provide access from the public highway, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

10 - H29 (Secure cycle parking provision)

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

11 - H27 (Parking for site operatives)

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

12 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

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.

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

Planning Application – DCNW2007/1179/F
Residential development for 58 dwellings, car parking , new access road and landscaping
At Maesydari Site, Kington, Herefordshire

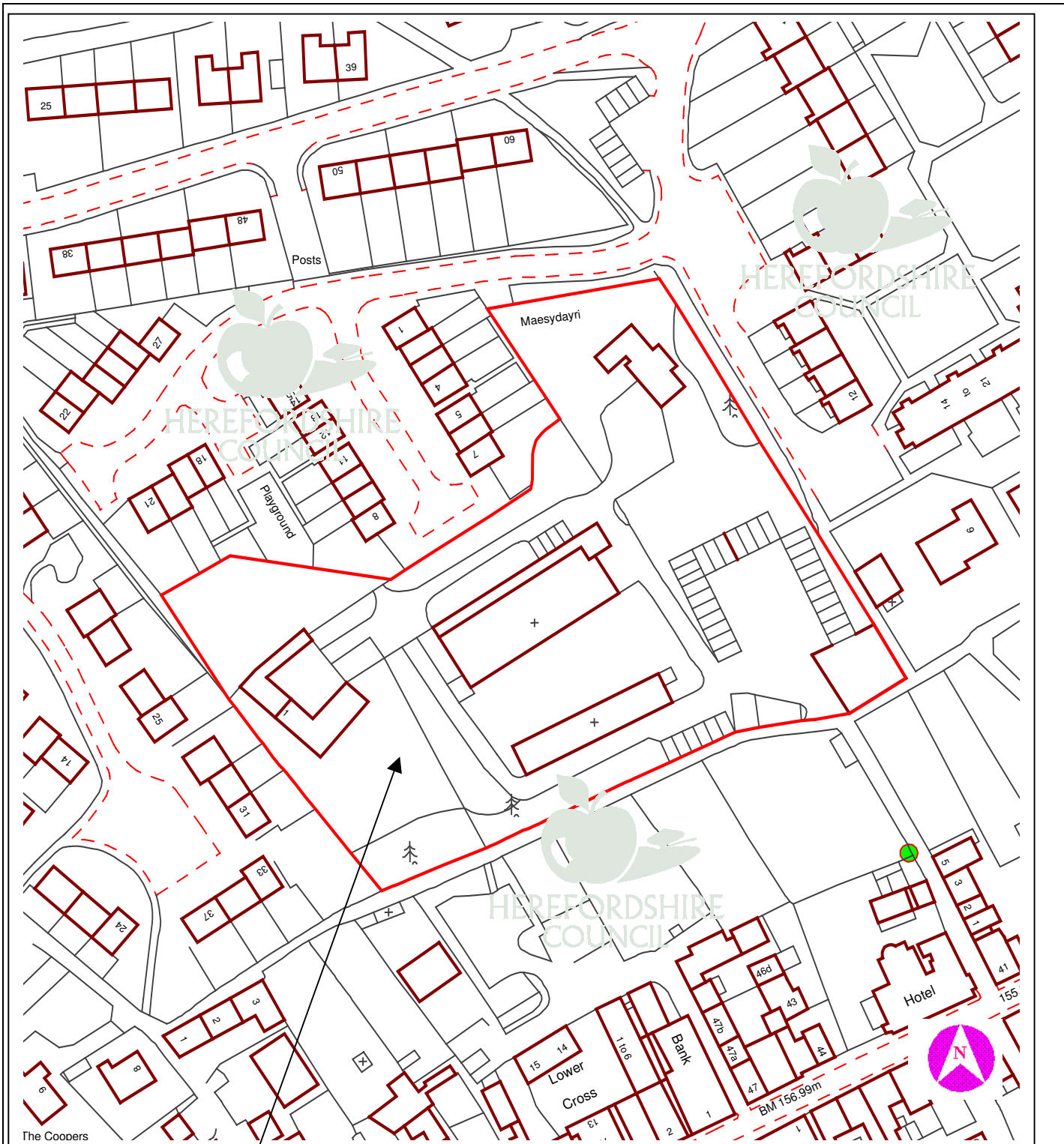
1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £25,000 (Plus BCIS Index Linking since October 2006) which sum shall be paid on or before the commencement of development.
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Upgrade of footpath linking site to Crooked Well Meadow
 - (ii) Provision of play area at Crooked well Meadow
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in the agreement in Clause 2 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £58,000 (Plus BCIS Index Linking since October 2006) to provide education facilities and improvements at Kington Primary School and Lady Hawkins High School, Kington which sum shall be paid on or before the commencement of development.
5. In the event that Herefordshire Council does not for any reason use the said sum of Clause 4 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.
6. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £81,000 (Plus BCIS Index Linking since October 2006) to provide transportation facilities to serve the development which sum shall be paid on or before the commencement of development.
7. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming and improved signing in Llewellyn Road and Greenfield Drive
 - b) Contribution to improved bus service
 - c) Contribution to Safe Routes for Schools
 - d) Improved cycle parking in town centre, shops and schools
 - e) Improved bus shelters/stops in Kington
 - f) Improve lighting to highway on routes leading to site
8. In the event that Herefordshire Council does not for any reason use the said sum of Clause 6 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof which has not been used by Herefordshire Council.

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

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

11. The developer shall complete the Agreement by 24th July 2007 otherwise the application will be registered as deemed refused

K.Gibbons, P.J.Yates 13th June 2007.



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APPLICATION NO: DCNW2007/1179/F

SCALE : 1 : 1250

SITE ADDRESS : Maesydari Site, Off Oxford Lane, Kington, Herefordshire.

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Appeal Decision

Inquiry held on 16 August 2006

Site visit made on 16 August 2006

by **David Grace** BSc Dip TP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government



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Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
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Date: 10 October 2006

Appeal Ref: APP/W1850/A/06/2007912

Maesydari Site, Kington, South Herefordshire HR5 3FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by J R M Property Development Ltd against the decision of Herefordshire Council.
- The application Ref. DCNW/2005/3082/F, dated 20 September 2005, was refused by notice dated 30 November 2005.
- The development proposed is residential development for 58 dwellings, 88 car parking spaces, new access road and landscaping.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matters

1. During the inquiry the Council confirmed that it no longer sought to pursue the reason for refusal in respect of highways matters.
2. The appellant has provided a completed S106 unilateral undertaking, dated 16 August 2006, in respect of highways works, open space and education facilities and for affordable housing. During the inquiry the Council confirmed that this acceptably provides for its requirements in those respects.
3. At the inquiry an application for costs was made by J R M Property Development Ltd against Herefordshire Council. This application is the subject of a separate decision.

Main Issue

4. The Council has confirmed that the principle of residential development at the appeal site is in accord with development plan policy and is acceptable. I therefore consider the main issue in this appeal is whether the proposals would result in a form and layout of development that would acceptably relate to the character and appearance of the surrounding area. It is also necessary to consider whether the proposals would preserve or enhance the character or appearance of the adjacent Kington Conservation Area.

Planning Policy

5. The development plan includes Regional Planning Guidance for the West Midlands (RPG11), the Hereford and Worcester County Structure Plan 1986-2001 and the Leominster District Local Plan (Herefordshire). There is also an emerging Herefordshire Unitary Development Plan (UDP). This is at the post-inquiry stage. Proposed modifications following the Inspector's report are due to be published in September this year. Of the development plan and emerging plan policies that have been drawn to my attention, I consider below those that are most directly relevant to the issues of this appeal. The proposal is situated adjacent to the Kington Conservation Area. Accordingly I am required by the Planning (Listed Buildings and

Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

6. Local Plan Policy A.23 includes a requirement that development proposals should create an attractive built environment and where appropriate will be required to reinforce or establish a sense of place or identity. Emerging UDP Policy S2 includes a requirement that new development should achieve a high standard of design and layout which respects, amongst other things, the townscape of the area. Local Plan Policy A.1 includes requirements that development should be of a scale and character compatible with local building traditions, respect the existing settlement pattern and reflect the density of surrounding property. Local Plan Policy A.24 includes an indication that proposals should not result in a cramped form of development when compared to the surroundings. Emerging UDP Policy H13 expects, amongst other things, that the design and layout of proposals should respect the townscape context of the site and the distinctive character and appearance of the locality. Emerging plan Policy DR1 seeks to promote or reinforce the distinctive character and appearance of a locality in terms of factors that include layout and density and the height, scale and mass of development. It also requires that the context of the site should be respected taking into account factors including townscape, urban vistas and longer views.
7. Policy H15 of the emerging UDP Revised Deposit Draft was largely supported by the UDP Inspector. It indicates that for housing developments at town centre and adjacent sites there should be a minimum net density of 50 dwellings per hectare. However, during the appeal inquiry, I was provided with information to indicate that the Council proposes to include an alteration to the deposit draft of this policy in the UDP modifications which are shortly to be published. This possible revision to the policy is to change the minimum density on such sites to a range of between 30 and 50 dwellings per hectare. As a result, I consider this throws into doubt the eventual content of Policy H15 because it may be the subject of change through the modifications process. I can therefore afford it little weight.

Reasons

8. The appeal site is previously-developed land the maximised re-use of which for housing is encouraged by Planning Policy Guidance Note 3: Housing (PPG3) and Policy H14 of the emerging UDP. PPG3 also encourages housing development that makes more efficient use of land through densities of between 30 and 50 dwellings per hectare. At 53.7 dwellings per hectare the net density of the appeal proposal would be slightly higher than this. However, the site is adjacent to the town centre where there is a range of facilities and services and public transport opportunities. In my opinion, this is a sustainable location for housing and the marginal numerical difference from the PPG3 guidelines would be acceptable in principle, particularly as PPG3 encourages a greater intensity of development at town centres. In my view, the broad accord of the proposals with the density aims of PPG3, which post dates the Local Plan, outweighs the conflict of the scheme with the criterion of Local Plan Policy A.1 in respect of density.
9. Whilst the proposals would be broadly in accord with the Government's policies in respect of the efficient re-use of previously-developed land, the overall policy framework at national and local levels requires that housing schemes should achieve an acceptable standard of design and relationship with the surroundings. In this respect, notwithstanding its numerical requirements in respect of densities, PPG3 indicates, in paragraph 56, that new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider area. Moreover, emerging UDP Policy H14 indicates that proposals for the re-use of previously-developed land for housing must be

consistent with the other policies of the plan and should respect the character and appearance of its location. I turn now to consider this.

10. The appeal site is in a run down condition and, in my view, detracts from the environmental quality of the surrounding area. It is bounded to the north, west and east by post-war residential developments. It is also adjacent to the Kington Conservation Area which is to the south. Notwithstanding the significant differences in their character, I consider the proposed development should respect and integrate with the character and appearance of both the Conservation Area and the surrounding residential area.
11. The area to the south of the appeal site has a predominately linear and continuous built form running north east - south west. It has a dense character with a strong sense of enclosure. The buildings are mainly two and three storeys and the pattern of roof heights is varied. There is a mixture of materials, although brick and render dominate. Prospect Lane runs alongside the southern boundary of the site, it is flanked to the south by a substantial stone wall and is an attractive townscape feature. The lane extends beyond both sides of the site and this accentuates the north-east to south-west alignment of development which is a distinctive characteristic of this part of the Conservation Area.
12. The southernmost part of the proposed development would comprise of a series of terraces positioned close together which would broadly have an overall north east to south west alignment. This would result in a built form that would have a largely continuous appearance which would reflect Duke Street to the south and would relate well to Prospect Lane. This part of the scheme would mainly be two storeys high but there would be variations in the roof ridge levels. Also, some dwellings would have a second floor dormer level. The external materials would be mainly brick but some colour washed render and natural stone would be used. Overall, in my view, the layout, form, height, scale, overall massing and intensity of the built form of the part of the development to the south of the access road would be in keeping with and complement the townscape of the area to the south.
13. There is a significant townscape link between Duke Street and the appeal site along Oxford Lane. At present the view towards the site from the lane is dominated by an unsightly building of utilitarian, industrial style appearance. This would be removed as part of the scheme and would be replaced by a two-storey block of affordable flats in the south east corner of the site. In my opinion, this would be to the benefit of the street scene.
14. The residential area that bounds the other three sides of the appeal site is suburban in character. There is a mixture of dwelling designs, heights, layout form, development density and plot sizes in this area. In my opinion, it does not have a distinctive unified identity or sense of place. Close to the appeal site much of the residential area aligns in a north west - south east direction and many of the dwellings are in terraces. The part of the scheme sited to the north of the access road would, in my view, acceptably respond to this context. The mainly terraced form of proposed dwellings 12-18 and 49-58 and their orientation would respect the layout of the Morgans Orchard development to the north to which this part of the scheme would closely relate. Also the proposed public open space would have a strong visual link with the development. The layout of the proposed dwellings in the north east part of the site would, in my opinion, acceptably relate to the existing pattern of development and would not appear cramped in relation to it. Dwellings 4-6 and 7-8 would be higher than nearby existing dwellings but, in my view, this would add interest to the development and would not be intrusive in the street scene.
15. Many of the proposed dwellings would have very small private gardens. However, taking into account the central position of the proposed public open space and that most of the dwellings facing towards the access road would have front gardens, I consider the street scene that would

be created would not appear oppressively cramped. Furthermore, the proposed siting of the public open space would allow long views from the site towards the hills beyond the built-up area. I also consider there would be sufficient separation between the proposed groups of dwellings in the northern part of the site for them not to appear unacceptably out of keeping with the surrounding pattern of development. Car parking would dominate the appearance of the proposed shared pedestrian/vehicle areas but, in my view, they would not appear unacceptably crowded provided they are appropriately landscaped. Also, these areas would mainly be contained to areas at the rear of the dwellings and would not result in the main public street scene appearing unacceptably cluttered or cramped. Overall, I consider the intensity, form, layout, scale, height and overall massing of the northern part of the scheme would not be unacceptably at odds with the established residential area around it.

16. I conclude on the main issue that the proposed development would have an acceptable built form and layout that would not appear overdeveloped or unacceptably affect the character and appearance of the surrounding area. It would not therefore conflict with Local Plan Policies A.23, A.24 or some of the criteria of Policy A.1 or emerging UDP Policies S2, DR1, H13 and H14 and I consider this outweighs the conflict of the proposals with the criterion of Local Plan Policy A.1 in respect of density. I further conclude that the scheme would improve the setting of the Kington Conservation Area and thereby enhance its character and appearance.

Other Matters

17. The unilateral undertaking that has been completed by the appellant includes provision for 18 **affordable housing** units. This represents 31% of the proposed dwellings as opposed to the 35% that is required by emerging UDP Policy H9. The Council says this level of provision is acceptable. Taking into account that the proposals for affordable housing include three large four-bedroom units, I agree. I also consider the affordable dwellings would be acceptably integrated into the overall development.
18. The scheme makes provision for **public open space** within the development. Also the unilateral undertaking includes a £25,000 contribution towards the upgrading of a nearby off-site play scheme and for improving a footpath link to that facility. The Council indicates that this provision would satisfy the requirements for public open space that would result from the development. Whilst interested parties are concerned that this would not be an acceptable level of provision, I have not been provided with specific evidence that convinces me to disagree with the Council's view.
19. The Council says the £58,000 contribution towards improvements to local school accommodation that is included in the unilateral undertaking would be an acceptable means for dealing with **education** needs arising as a result of the appeal scheme. I accept that view.
20. A number of interested parties, including Kington Town Council, are concerned that the proposed development would exacerbate existing problems in respect of **road safety and congestion** in the locality. However, the highways officer does not object to the proposals in this respect. The Council has confirmed that, taking into account the provisions of the unilateral undertaking and information provided by the appellant after the refusal decision, it no longer objects to the scheme in highway safety terms.
21. The part of the site that was formerly used for horticulture/nursery purposes is currently disused but it could be re-used for those purposes. Also, there are some 30 garages on the site. As a result, it has significant potential for traffic generation which could include goods vehicle movements. In my view, the appeal proposals would not be likely to result in vehicle movements that would be significantly more harmful than this. I also note that the proposed development includes small scale off-site works to highways in the locality. Furthermore, the

unilateral undertaking includes a contribution of £87,000 towards a package of measures relating to traffic calming in Llwellin Road and Greenfield Drive, road lighting and initiatives in respect of public transport, walking and cycling. Taking into account the above factors, I conclude that the proposed development would not unacceptably affect road safety or convenience in the surrounding area.

Conditions

22. In the interests of harmony with surrounding development, I consider that a condition is needed in respect of the approval of samples of materials. I also consider that, to ensure the development has a satisfactory appearance, conditions are needed in respect of the submission and approval of landscaping details, the retention of trees and hedgerows and their protection during construction. In my view, it is necessary that details of boundary treatments should be approved. This will be of great significance in relation to the surroundings of the combined pedestrian/vehicle areas where, in my opinion, the environmental quality will be highly dependent on the appearance and durability of the means of enclosure. This could be incorporated into the suggested landscaping condition. In the interests of brevity I have modified the wording of the landscaping conditions proposed by the main parties. A condition is also needed to ensure the protection of any nature conservation interests that may be present on the site.
23. In the interests of highway safety, I consider that conditions should be included in respect of the details of on-site road works and connection to the existing highway, and to control access by construction traffic and parking during the construction stage. The highways statement submitted by the appellant indicates that as part of the development a number of off-site highway works are to be carried out by the developer. These need to be specified by means of a condition. I also consider a condition to ensure satisfactory cycle parking is needed. In the interests of neighbours' living conditions I include a condition to control the hours during which construction works may take place.
24. Taking into account the relatively high density of the scheme, the preponderance of small gardens, the importance to the quality of the development of maintaining the unified design of the groups of dwellings and the potential visibility of gardens from the shared amenity and access areas, I consider there is justification for the control of permitted development in respect of the erection of fences, gates, walls, garages and other buildings, extensions and dormer windows.
25. I do not include the condition proposed to control the burning of materials on the site. This can be dealt with under other powers. The Council suggests a number of informatives. I do not include them.

Conclusions

26. For the reasons given above and having regard to all other matters raised, including those at the application stage, I conclude that the appeal should succeed.

Formal Decision

27. I allow the appeal, and grant planning permission for residential development for 58 dwellings, 88 car parking spaces, new access road and landscaping at the Maesydari Site, Kington, South Herefordshire HR5 3FA in accordance with the terms of the application, Ref. DCNW/2005/3082/F, dated 20 September 2005, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls, extensions, garages or other buildings or dormer windows other than those expressly authorised by this permission shall be erected.
- 4) No development shall take place until a scheme for landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of existing trees and hedgerows and an indication of which are to be retained together with measures for their protection during the construction period. It shall also include details of boundary treatments and lighting. The landscaping scheme shall be carried out in accordance with the approved details and completed by no later than the first planting season following completion of the development hereby permitted. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 5) None of the existing trees and hedgerows on the site that are shown in the approved landscaping scheme to be retained shall be removed, destroyed, felled, lopped or pruned without the prior written consent of the local planning authority.
- 6) No development shall take place until an ecological survey, the scope of which shall first be approved in writing by the local planning authority and which shall include a mitigation strategy, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation strategy.
- 7) No development shall take place until details of off-site highway works associated with the development hereby permitted, including widening of Prospect Lane and Greenfield Drive footpath connections and installation of improved lighting and re-surfacing works to Prospect Lane and Greenfield Drive have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.
- 8) No development shall take place until the details of the highway drains and roads associated with the development hereby permitted, including the works necessary to provide access from the public highway, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until the approved scheme has been completed in accordance with the approved details.
- 9) No development shall take place until a scheme for the provision of secure cycle parking on the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No development shall take place until a scheme for access to the site by construction traffic and for parking for site operatives and visitors has been submitted to and approved in writing by the local planning authority. Such access and parking shall take place in accordance with the approved details.
- 11) No construction work shall take place, no machinery shall be operated and no deliveries taken at or despatched from the site outside the following times: 0700 hours to 1800 hours Monday to Friday, 0800 hours to 1300 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Richards of Counsel	Instructed by the Council's Head of Legal Services
He called	
Andrew Murphy	Stansgate Planning Consultants on behalf of Herefordshire Council
BA Hons MSc MRTPI	

FOR THE APPELLANT:

Gary Grant	Instructed by C S J Planning
He called	
David Daw	Chartered Architect, 1600, Park Avenue, Aztec West, Almondsbury, Bristol BS32 4UA
BSc(Arch) ARIBA	
Michael Orr BA BTP	CSJ Planning, 1 Host Street, Bristol BS1 5BU
Dip Urban Design MRTPI	

INTERESTED PERSONS:

R Bradbury	Kington Town Council, Rose Cottage, Bradnor Green, Kington HR5 3RE
K Lewis	9 Greenfield Drive, Kington HR5 3AD
Cllr T James	Cross Farm, Kington HR5 3EX
Dr J Rerrie	41 Duke Street, Kington HR5 3BL
A Lloyd	Swan Close, Hergest Road, Kington HR5 3EL
C Widdowson	17 Victoria Road, Kington HR5 3BX

DOCUMENTS

Document 1	Council's letter of notification and circulation list
Document 2	S 106 unilateral undertaking submitted by the appellant
Document 3	Letter from J M Briggs objecting to the appeal proposals
Document 4	Statement of objection submitted by Kington Town Council
Document 5	Conditions proposed by the appellant
Document 6	Comments on the Council's proof of evidence submitted by the appellant
Document 7	Documents previously omitted from the appendices to the evidence of D Daw
Document 8	Letter from the Forest of Dean Housing Association submitted by the appellant
Document 9	Extract from By Design submitted by the appellant
Document 10	Extract from draft Council minutes dated 28 July 2006 submitted by the Council

PLANS

Plans A1-A11	Application plans
Plan B	Illustrative landscape proposals
Plan C	Kington Conservation Area boundary

PHOTOGRAPHS

Photos 1-8	Photographs of the site and surroundings submitted by the appellant
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**16 DCNW2007/1214/F - PROPOSED 15 DWELLINGS,
GARAGES, PARKING SPACES, AMENITY AREA AND
MINOR ACCESS ROAD ON LAND AT CROFTMEAD,
NORTH ROAD, KINGSLAND, HEREFORDSHIRE**

**For: Mrs M Nicholson per Mr J Spreckley, Brinsop
House, Brinsop, Hereford, HR4 7AS**

Date Received:
23rd April 2007

Ward: Bircher

Grid Ref:
44267, 61671

Expiry Date:
23rd July 2007

Local Member: Councillor WLS Bowen

1. Site Description and Proposal

- 1.1 The application site is located alongside North Road, within the recognised development boundary of the settlement and measures approximately 0.84 hectares in area.
- 1.2 The southern boundary of the site is adjacent to the B4360 public highway. On opposite side of the highway and adjacent to the site's western and eastern boundaries are other dwellings of various size and built character. The dwelling adjacent to the eastern side (the applicant's) is a Grade II Listed Building. Alongside the northern side is agricultural grazing land.
- 1.3 The site itself is relatively flat consisting of grassland and various tree and shrub specimens.
- 1.4 The application is in 'full' for 15 dwellings and associated garaging consisting of 9 detached 4 bedroomed units, 1 detached 3 bedroomed unit and 5 in the form of 2 separate terraces of 2 bedroomed units. It is these latter 5 units that are proposed as 'affordable housing', in-line with the Council's Strategic Housing request for affordable housing on site. The application is accompanied by an Arboricultural report in respect of vegetation on site.

2. Policies

2.1 National Planning Policies

Planning Policy Statement 3 – Housing
Planning Policy Statement 1 – Sustainable Development

2.2 Herefordshire Unitary Development Plan

S1 – Sustainable Development
S2 – Development Requirements
S3 – Housing
DR1 – Design
DR2 – Land Use and Activity
DR3 – Movement
DR4 – Environment
DR5 – Planning Obligations
H4 – Main Villages – Settlement Boundaries
H13 – Sustainable Residential Design
H15 – Density

H16 – Car Parking
LA2 – Landscape Character and Areas Least Resilient to Change
HBA6 – New Development within Conservation Areas
HBA4 – Listed Buildings and their Settings
CF2 – Foul Drainage
ARCH1 – Archaeological Assessments and Field Evaluations

2.3 Kingsland Parish Plan

3. Planning History

3.1 NW06/2408/F - Proposed 15 dwellings, garages, parking spaces, amenity area and minor access road - Refused 21st September 2006.

3.2 NW05/3947/F - Proposed 15 dwellings, garages, amenity area and minor access road - Withdrawn 3rd March 2006.

4. Consultation Summary

External Council Advice

4.1 River Lugg Interl Drainage Board - No objections.

4.2 Welsh Water - No objections raised subject to conditions relating to foul and surface water drainage.

Internal Council Advice

4.3 The Landscape Manager raises no objections subject to conditions in respect of existing trees on site to be retained.

4.4 The Conservation Manager recommends that consideration be given to moving the frontage line back and that further consideration be given to construction materials.

4.5 The Environmental Health Manager raises no objections.

4.6 The Public Rights of Way Manager states the proposed development would not appear to affect the public footpath that runs within close proximity to the site.

4.7 Parks, Countryside and Leisure Services requests £17,000 towards off-site improvements to the nearby Millennium Park that is maintained by the Parish Council. A request is also made for £9,450 towards local sports facilities in-line with Sport England advice. This sum would be used towards improvements at the nearby Luctonians Rugby Club - a local facility.

4.8 The Archaeologist Manager raises no objections subject to condition in respect of archaeology evaluation.

4.9 The Strategic Housing Manager requests 5 affordable housing units consisting of 3 x 2 bedroomed units for rent 2 x 2 bedroomed units for shared ownership.

4.10 The Forward Planning Manager raises no objection.

4.11 The Childrens and Young People's Directorate request £30,000 towards educational improvements at Kingsland Primary School and Wigmore High School.

4.12 The Transportation Manager requests a contribution of £34,750 towards local transport infrastructure improvements. At the time of writing the report no response has been received to the amended plans.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

5. Representations

5.1 Kingsland Parish Council have responded to the amended plans:

'Kingsland Parish Council will pass the planning application on condition that a restriction is placed on the land to ensure that the housing density is not increased in scale, size or numbers of properties at any time in the future to that in the submitted plan.'

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

Caroline Williams, 5 Tudor Place, Kingsland
 David and Jennifer Thompson, Yew Trees, Kingsland
 Clifford Davis, Nuku Alofa, North Road, Kingsland
 Mr S & Mrs L Hicks, The Limes, Kingsland
 Dr & Mrs Ivan Wall, Lorne House, Kingsland
 Audrey Symonds, West End Cottage, North Road, Kingsland
 Glynne and Wendy Scherke, Harbour House, Kingsland

5.3 Their objections can be summarised as follows:-

- Building line of the site too close to road frontage.
- Impact on biodiversity on site.
- Need to show consideration to surrounding Conservation Areas and adjacent listed building.
- Impact on local foul water infrastructure.
- Impact on surrounding amenity.
- Is there need for additional affordable housing?
- Impact on surrounding highway infrastructure in consideration of increased levels volume of traffic.

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 The key issues are:-

- Impact on building line adjacent to public highway.
- Impact on biodiversity on site.
- Herefordshire Unitary Development Plan status of site.
- Consideration to surrounding Conservation Area.
- Planning gain and Section 106 contributions in respect of the development.

Impact on building line adjacent to public highway

6.2 This is the main issue of concern raised in respect of the development. Several objectors have raised concerns about the proximity of dwellings to the adjacent public highway. However, there is no established building line on this site. The dwellings are proposed to be set back approximately 10 metres from the edge of the highway in-line with adjacent dwellings on either side. Also trees to be retained on site have to be given consideration in respect of the building line. This is an appropriate response to the constraints affecting the layout of the side.

Impact on Biodiversity on site

6.3 An Arboriculture Constraints report was submitted as part of the application. This report consists of a survey of all trees on site identifying those to be retained as part of the overall development and also

identifying those not worthy of retention. One particular aspect of concern for some objections is the well-established Beech hedge within the site. The report states that this hedge although healthy and well-established, would serve no purpose within the development and has virtually no amenity significance beyond the confines of the site. Consequently this is not regarded as a significant constraint.

- 6.4 The Landscape Manager has stated that the better trees on the site have been accommodated into the development. Several objectors have expressed concern at the roadside hedge and trees, however the proposals include provision for replacement hedge planting behind the necessary visibility splay in accordance with principles agreed with the Council's Landscape Officer.

Herefordshire Unitary Development Plan status of site

- 6.5 The site was allocated in the draft of the Herefordshire Unitary Development Plan for housing development. The owner did not agree for its release for development during the plan period and subsequently, the site was withdrawn as an allocated site. However, the location is within the 'development limits' of the settlement and therefore is considered as a 'windfall' site. The Forward Planning Manager raises no objections to the application.

Consideration to surrounding Conservation Area

- 6.6 The site forms part of the Kingsland Conservation Area and the development is of a density at the lower end of the scale in accordance with Central Government guidance on density and that of the Herefordshire Unitary Development Plan. It is of a general layout that is consistent with the surrounding area with no significant detrimental impact on the setting of the adjacent listed building. The Council's Conservation Manager has stated that if the principle of the development is accepted, there is much about the scheme that is positive, with sufficient separation in the form of a landscape buffer between the development and the adjacent listed building. Concerns are raised about construction materials. It is considered that this latter issue can be addressed through the imposition of appropriate conditions.

Section 106 contributions

- 6.7 The applicant has agreed to provide affordable housing on site, in accordance with advice from the Council's Strategic Housing Team along with contributions towards local education establishments, off-site play area and local sports facilities.
- 6.8 The Transportation Manager requested a total transport contribution of £34,750 in-line with the Council's Draft Supplementary Planning contributions document however this document is yet to be formally adopted as policy by the Council and is currently subject to objection. Other recent examples of contributions towards local transport infrastructure have been set at £1500 per dwelling, which represents a total of £22,500 for this development. The applicants have agreed to pay this amount. It is considered that this is a reasonable contribution.
- 6.9 The Draft Heads of Terms setting out all the contributions is attached to this report.

Foul and surface water drainage

- 6.10 Members of the public have expressed concern about the ability of the foul and surface water drainage system to serve the site.
- 6.11 Welsh Water have raised no objections. They have requested that foul water and surface water discharges be drained separately from the site with conditions attached to any permission. They have also been in recent discussions with the Parish Council over sewerage concerns generally in Kingsland and have provisionally agreed a programme of works.

Kingsland Parish Council response:-

6.12 The Parish Council do not object to the current application. They have requested a guarantee that there be no further increase in density, scale of size at some point in the future. Such a change would require a new application and any new issues raised could be considered at that time.

RECOMMENDATION

That the Legal Practice Manager be authorised to complete a planning obligation agreement 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 or amended matters which he considers to be necessary and appropriate.

Upon completion of the above-mentioned planning obligation agreement Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-

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

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

2 - 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 surrounding area.

4 - C05 (Details of external joinery finishes)

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

5 - Notwithstanding the approved plans no windows will be installed in the first floor western elevations of Plots 2 and 3 as indicated on the approved amended site plan drawing no. 1159.00F.

Reason: In order to protect the amenity of the adjacent dwellings on the western side of the application site.

6 - E16 (Removal of permitted development rights)

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

7 - E01 (Restriction on hours of working)

Reason: To safeguard the amenities of the locality.

8 - The amenity area as indicated on the approved amended plan drawing no. 1159.00F shall be retained as amenity area with no development on site. The existing trees on site shall be retained and the grassland area retained. Full details of a management plan for this area of land will be submitted and approved in writing by the Local Planning Authority before any development commences on site.

Reason: In the interest of the visual amenity of the surrounding area.

9 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

10 - Foul water and surface water discharges shall be drained separately from the site.

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

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

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

12 - Land drainage run-off shall not be permitted to discharge, either directly or in-directly, into the public sewerage system.

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

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

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

14 - G19 (Existing trees which are to be retained)

Reason: In order to preserve the character and amenity of the area.

15 - G04 (Landscaping scheme (general))

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

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

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

Informatives:

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

2 - N19 - Avoidance of doubt

Decision:

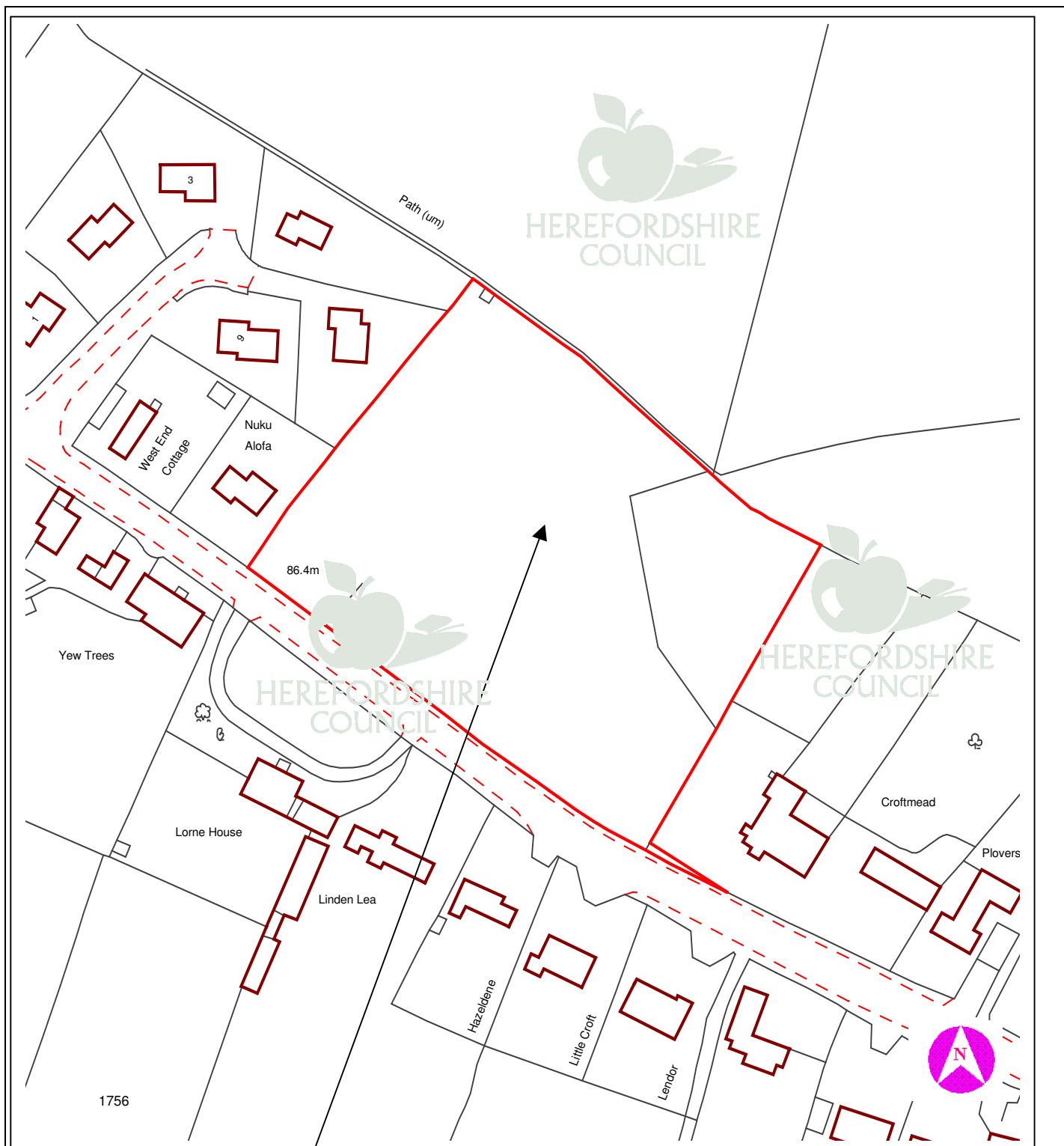
Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808



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APPLICATION NO: DCNW2007/1214/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Croftmead, North Road, Kingsland, Herefordshire

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

Planning Application – NW07/1214/F.

Proposed 15. No. dwellings, garages, parking spaces amenity area and minor access road on Land adjacent to Croftmead, North Road, Kingsland, Herefordshire.

1. The developer or successor in title shall provide 5 affordable housing units as indicated on plan ref. No. 1159.00F submitted as part of the application, which meet the criteria as set out in Policy H9 and section 5.5 of the Herefordshire Unitary Development Plan. (Or any statutory replacement of those criteria and that policy). The affordable housing units will comprise of 3 x 2 bed roomed 4 person houses for rent and 2 x 2 bed roomed 4 person houses for shared ownership. The dwellings shall be in accordance with the current Housing Corporation Scheme Development Standards and Lifetime Home Standards, with no Affordable Housing grant input. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential units on the development.
2. The developer or successor in title covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £17,500 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - (i) Infrastructure improvements in relationship to Millennium Park Recreational Space and access paths to the play area.
3. The developer or successor in title covenants with Herefordshire Council to pay Herefordshire Council the sum of £30,000 to provide education improvements to Kingsland Primary School and Wigmore High School. This sum shall be paid on or before the commencement of development.
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £22,500 to provide sustainable transport measures in or relating to the transport needs of Kingsland. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) Traffic calming in North Road, Kingsland.
 - b) Contribution towards improved local bus services.
 - c) Contribution to safe routes to schools.
 - d) Pedestrian Improvements within the surrounding vicinity.
5. The developer or successor in title covenants with Herefordshire Council in support of local sports provision for improved local facilities to pay Herefordshire Council the sum of £9450 which sum shall be paid on or before the commencement of development.
6. In the event that Herefordshire Council does not for any reason use the said sum of Clause 2, 3, 4 and 5 above for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
7. The sums referred to in paragraphs 2, 3, 4 & 5 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.

8. 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.

9. The developer shall complete the Agreement by 23rd July 2007 otherwise the application will be registered as deemed refused

P. Mullineux, P. J. Yates 4th June 2007

17 DCNW2007/1236/F - PROPOSED CONVERSION OF CHAPLE INTO A SINGLE DWELLING WITH REAR FIRST FLOOR EXTENSION AND OFF ROAD PARKING AT LYONSHALL BAPTIST CHAPEL, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JN

For: Mrs K Cooper per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB

Date Received:

**Ward: Pembridge & Lyonshall
with Titley**

Grid Ref:

24th April 2007

33641, 55461

Expiry Date:

19th June 2007

Local Member: Councillor Rj Phillips

1. Site Description and Proposal

- 1.1 The site is located within the settlement boundary of Lyonshall in an area surrounded by other dwellings of various design and character.
- 1.2 The former chapel is of brick construction under a tile roof. Although of no specific architectural or historic designated status, it is of considerable architectural character, being very decorative in detail and worthy of preservation.
- 1.3 On its eastern elevation is a single-storey brick constructed flat roofed extension of the 1950's era. This section of the building is of no architectural merit and overall does not enhance the original building on site.
- 1.4 The original application proposed conversion to a 4 bedroomed dwelling. This has been amended to a 3 bedroomed dwelling. It is also proposed to construct a first floor extension above the existing single-store side extension.

2. Policies

Herefordshire Unitary Development Plan

S1 – Sustainable Development
 S2 – Development Requirements
 DR1 – Design
 DR2 – Land Use and Activity
 DR3 – Movement
 DR4 – Environment
 H4 – Main Villages – Settlement Boundaries
 H18 – Alterations and Extensions
 HBA8 – Locally Important Buildings
 CF6 – Retention of Existing Facilities
 NC4 – Sites of Local Importance

3. Planning History

- 3.1 NW06/3925/F - Conversion of chapel into single dwelling to include first floor extension and parking for two cars - Refused 7th February 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water (Hyder) - No objections, raised subject to inclusion of conditions with regards to surface and foul water to any approval.

Internal Council Advice

- 4.2 Transportation Manager recommends refusal as insufficient parking is provided for a four-bedroomed dwelling. Comment will be sought on the reduction from 4 to 3 bedrooms.
- 4.3 Conservation Manager comments that 'The scheme retains the external appearance of the more public side of the building, including the retention of the cast iron windows. The rear extension is less prominent and I agree that the hipped roof will have an impact within acceptable limits, which leaves the Chapel as the dominant element - Approval recommended.'

5. Representations

- 5.1 Lyonshall Parish Council state:-

'Our previous objections have not been addressed we therefore continue to raise the following objections:-

- The new extension would overshadow Westfield House robbing it of daylight to a serious extent.
- The proposed access for cars would be very dangerous.'

- 5.2 Objections have been received from Mr & Mrs M Ellis-Jones, Westfield, Lyonshall. The letter states objections to the large size of the proposed 1st floor extension in that the roof is unnecessarily high and bulky.'

- 5.3 In response to concerns, the applicant submitted further plans indicating cross sections of the proposed development and a letter stating 'To reduce the height still further at 1st floor level will result in less usable living space in the 2 bedrooms. The roof over the rear conversion is still well below the main chapel roof height, and to reduce the roof pitch from 40° to 35° will not give any significant reduction in height.'

- 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 The key issues of concern :-

- Impact of proposed extension on original building structure.

- Impact on neighbouring dwelling known as 'Westfield'.
- Car parking arrangements.

Impact of proposed extension on original building structure

- 6.2 The original Chapel building is a locally important building making a valuable contribution to the character and appearance of the surrounding area. The 1950's extension is of no historic or architectural merit, doing nothing to enhance the overall character of the building.
- 6.3 The application follows a previous refusal of permission on 7th February 2007 for a proposed first floor extension above the existing single-storey extension. This included dormer windows, which would have had a detrimental impact on the overall character of the former Chapel. The current proposal replaces those dormer windows.
- 6.4 The Conservation Manager has responded to the application recommending approval stating that the hipped roof extension will have an impact within acceptable limits, which leaves the Chapel as the dominant element.

Impact on neighbouring dwelling known as Westfield

- 6.5 This property lies to the north east of the application site, on the same side as the proposed extension. The two properties are 8 metres apart at this point and there are no principle windows in the side elevation of either property. Consequently it is not considered that the proposed first floor extension will have a significant detrimental impact on the amenity, or loss of light on Westfield.

Car Parking Arrangements

- 6.6 The Council's Transportation Manager objects to the proposed development due to insufficient car parking arrangements. The application proposes one car parking space within the grounds of the application site. The Transportation Manager requests 3 car parking spaces. The public highway is adjacent to the original Chapel alongside its north-western elevation and therefore abuts a very prominent part of the existing structure.
- 6.7 The provision of additional car parking within the grounds of the Chapel would seriously erode its character.
- 6.8 The authorised use of the building is that of a place of worship, therefore if reopened for any use class within the same use class it would potentially generate much more vehicle movement than that of a single dwelling house. In accordance with Council Highway Specifications 2 car parking spaces are required for a 3 bed roomed dwelling.

- 6.9 In order to retain the overall original character of the structure on the side nearest the public highway, it is considered that the Transportation Manager's recommendation in this instance cannot be sustained.

Conclusion

- 6.10 Overall this is finely balanced application that, in addition to the change of use, proposes a first floor extension above an existing ground floor extension. The applicant has attempted to address the issue of dominance in relationship to the character of the original structure. The Council's Conservation Manager states the proposal is of an acceptable level in relationship to the original Chapel structure. The proposed extension will be subservient to the original building. The site is within the development boundary of the settlement and therefore, in principle, use as a dwelling and extension to the building is acceptable.
- 6.11 The concerns raised about impact on the amenity of the adjacent property are not considered to be significant enough to justify refusal.
- 6.12 It is acknowledged that the scheme does not meet current parking standards for the new use, but the old use would potentially generate more traffic. In addition the provision of car parking spaces next to the building would detract significantly from its contribution to the street scene and its own intrinsic character as a building of local importance.

RECOMMENDATION

That planning permission be granted subject to the following conditions:-

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

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

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

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

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

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

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

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

- 5 - C10 (Details of rooflights)**

Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of architectural and historical interest.

- 6 - E16 (Removal of permitted development rights)

Reason: In the interests of preserving the character of the existing building which is of considerable local interest.

- 7 - G04 (Landscaping scheme (general))

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

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

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

- 9 - Foul water and surface water discharges shall be drained separately from the site.

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

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

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

- 11 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.

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

INFORMATIVES:

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

- 2 - N19 - Avoidance of doubt

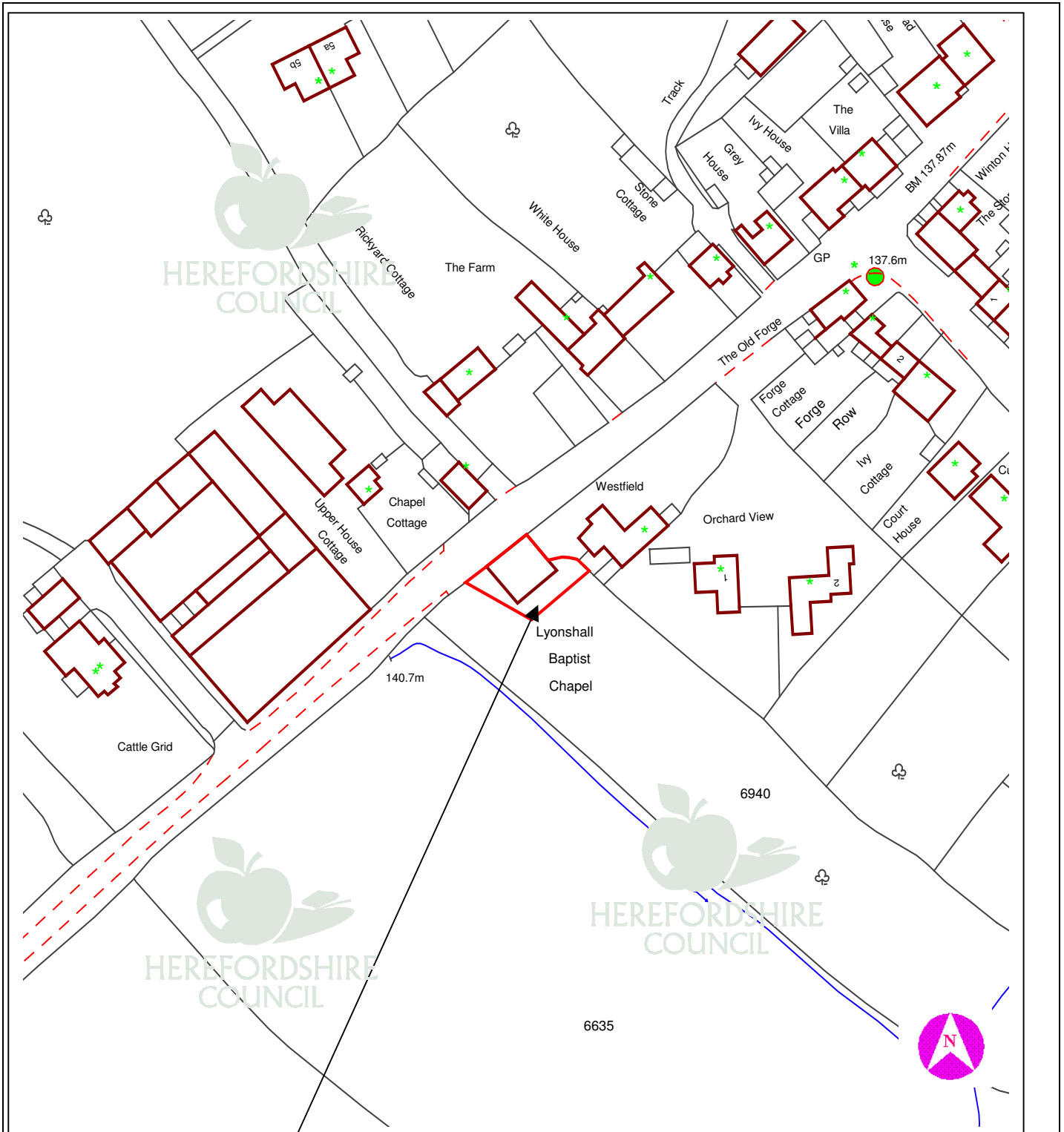
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/1236/F

SCALE : 1 : 1250

SITE ADDRESS : Lyonshall Baptist Chapel, Lyonshall, Kington, Herefordshire, HR5 3JN

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18 DCNE2007/0487/F - CHANGE OF USE OF LAND TO PRIVATE GARDEN AT 2 SPRING GROVE, LEDBURY, HEREFORDSHIRE, HR8 2XB

**For: Mrs L Hughes per Derrick Whittaker Architects,
1 Farjeon Close, New Mills, Ledbury, Herefordshire,
HR8 2FU**

Date Received:
16th February 2007

Ward: Ledbury

Grid Ref:
71073, 36694

Expiry Date:
13th April 2007

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

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Biddulph Way within Ledbury. Biddulph Way forms part of the modern 'Deer Park' residential estate. The application site relates to land within the ownership of the occupiers of 2 Spring Grove, a two storey detached house that fronts Spring Grove but has a rear garden to the rear nearer to Biddulph Way.
- 1.2 The applicant owns a strip of amenity land between the original rear boundary wall and the footway of Biddulph Way. The applicant wishes to change the use of this land to an enlarged garden area and to erect a low garden wall of some 90 centimetres. The wall, which would be set back some 40cm-70cm from the back of the footway, does not need planning permission. It is only the change of use that requires permission. Inside of the wall the applicant is proposing to plant a hedgerow.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007

DR1 – Design

3. Planning History

- 3.1 There are no historic planning applications directly relevant to the consideration of this case.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 The Council's Landscape officer is satisfied with the proposed landscaping.

5 Representations

5.1 The Ledbury Town Council recommend refusal of the planning application. They state:

“Members felt that this would set a precedent leading to the loss of “open space” thereby being detrimental to the visual amenity of the area.

Members also understood that an ‘open space covenant applies to the housing estate protecting its open plan design”.

5.2 One local resident (occupier of 44 Biddulph Way) has written in support of the planning application.

5.3 One local resident (occupier of 42 Biddulph Way) objected to the original planning application when a 1.8 metre high wall (requiring planning permission) was also proposed. They objected on the following summarised grounds:-

- The visual impact of the proposed brick wall; and
- The loss of ‘open space’ that formed part of the original residential estate design concept.

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. Officers Appraisal

6.1 The parcel of land the subject of this application is an area of amenity space, albeit in private ownership. It is not public open space. Its contribution to the wide locality is its visual contribution. It creates a sense of openness within the wider ‘Deer Park’ residential estate, which is predominantly of an open plan nature. The openness of the land between the back of the footway on the eastern side of Biddulph Way and the 1.8 metre high walling to the rear of numbers 1 – 3 Spring Grove does make a positive contribution to the area.

6.2 Initially, the applicant not only proposed to extend the garden area but to erect a 1.8 metre high wall set back 40cm-70cm back from the footway. It was considered that the erection of a 1.8 metre high brick wall in this location would be visually harmful to the street scene and unacceptably erode the sense of openness. Following negotiations the applicant agreed to revise the proposal by only erecting a 90cm high wall (that does not require the benefit of planning permission). It is considered that the change in the use of the land itself would maintain the sense of openness. The proposed landscaping is considered to be acceptable.

6.3 The matter of a possible restrictive covenant raised by the Town Council is not a planning matter.

6.4 It is therefore recommended that full conditional planning permission be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2 - All planting comprised in the approved details of landscaping shall be carried out in the first planting season following implementation of the development hereby permitted. Any trees or plants which within a period of five years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development hereby permitted integrates satisfactorily within the street scene and to ensure a satisfactory level of privacy to the extended rear garden of number 2 Spring Grove.

Informatives:

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

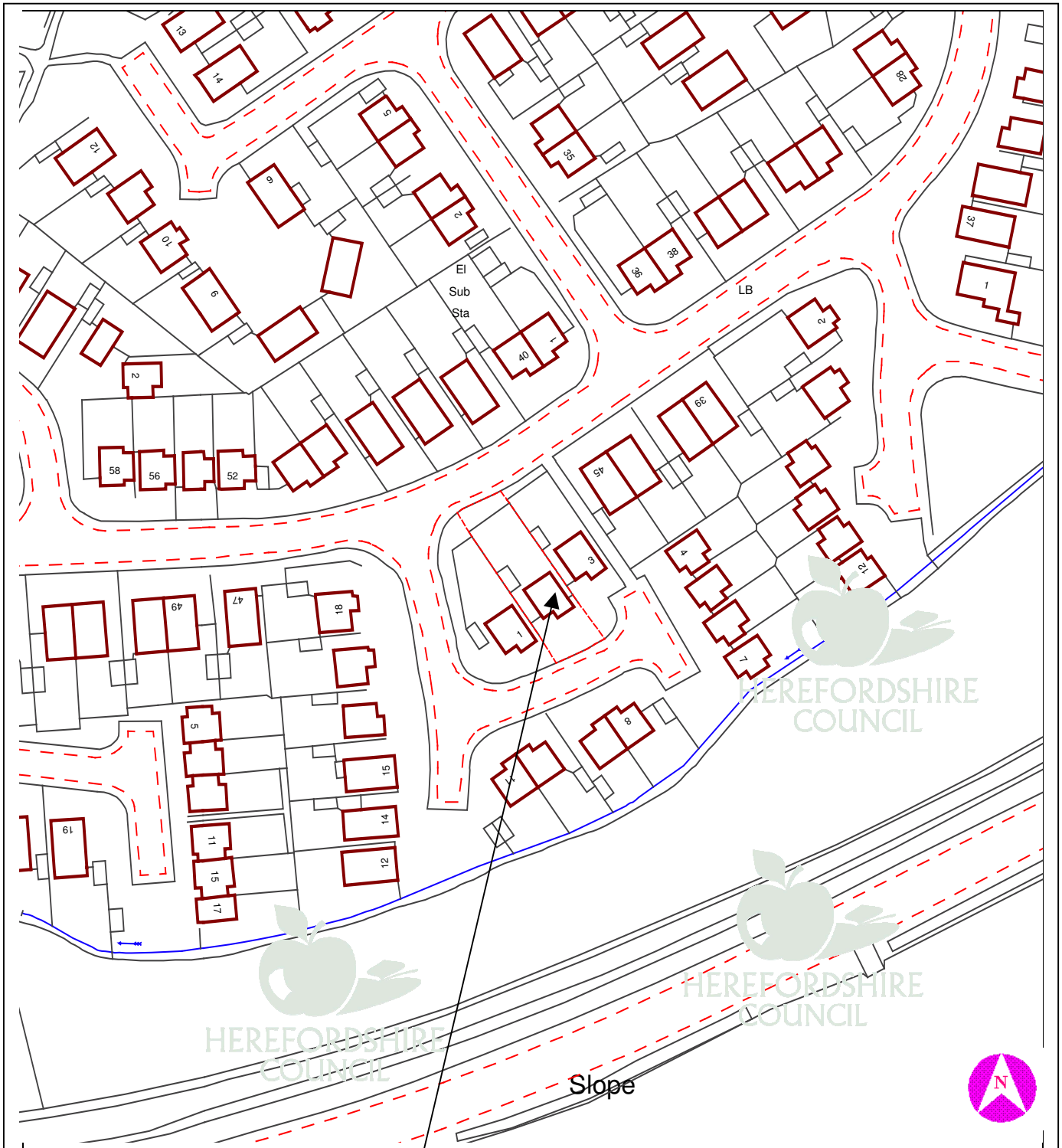
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/0487/F

SCALE : 1 : 1250

SITE ADDRESS : 2 Spring Grove, Ledbury, Herefordshire, HR8 2XB

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19 DCNE2007/0729/F - ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ

For: Sharba Homes (BF) Limited per CSJ Brooke Smith, Somerville House, 20-22 Harbone Road, Edgbaston, Birmingham, B15 3AA

Date Received:
8th March 2007

Ward: Frome

Grid Ref:
66309, 48243

Expiry Date:
7th June 2007

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site lies on the eastern side of the B4214 at the southern end of Bishops Frome. The site has an area of approximately 0.33 of a hectare. The site was previously used as a Transport Haulage Yard. The current vehicular access to the site is towards its southern end onto the B4214. The site slopes downwards from north to south. An attractive existing feature of the site is the eastern boundary wall which has a varying height but normally in excess of 3 metres.
- 1.2 Opposite the application site is a garage that operates a vehicle recovery business and 'Knights Court' which is a development of two storey dwellings probably dating from the 1970's. These dwellings on the opposite side of the B4214 are set at a higher ground level than the application site. To the north of the application site is the Grade 2 listed Parsonage Farmhouse, a two storey dwelling with rooms in its roofspace. The application site is at a materially lower ground level than Parsonage Farmhouse. Beyond Parsonage Farmhouse is the listed Church of St Mary. To the east of the application site is Vicarage Cottage and its curtilage, whilst to the south is the modern two-storey 'Vicarage'.
- 1.3 The site is readily visible from the B4214, the country lane to the south, which runs from east to west and the public footpath to the east that runs in a north-south direction. When one views the site from the more distant public vantage points the sensitive nature of the site on the edge of the village and its relationship with the listed buildings becomes more apparent.
- 1.4 The proposal is to construct seventeen dwellings upon the site. These would comprise four two-bedroomed units, five three-bedroomed units and eight four-bedroomed units. Thirty car parking spaces would be provided. Five of the dwellings would be affordable housing units (i.e. Units 11-15 inclusive). Three of these dwellings would be shared equity and two social rented.

- 1.5 The existing vehicular means of access would not be utilised. It would effectively be closed with a new vehicular access created onto the B4214 some 19 metres further north opposite Knights Court.
- 1.6 Ten two storey dwellings with rooms in the roof are proposed to be provided along the road frontage. These dwellings would be set back some 4-5 metres from the highway. They would be arranged in four separate blocks. The ridges of these dwellings would be in a north-south direction (parallel to the road), other than plots 3 and 4 either side of the vehicular access that would have ridges running east-west to create a gateway feature. The ridges lines of the buildings would “step down” with the land in a north – south direction. The buildings have been designed to limit their mass. The ridge heights are typically 7.8 metres and the eaves height typically 4.725 metres. These dwellings would have rear gardens with depths of not less than nine metres.
- 1.7 Four two storey dwellings, two with rooms in the roof space, would be provided at the southern end of the site set in some 9 metres from the boundary with the modern ‘Vicarage’. These dwellings would have their ridges orientated in an east-west direction. These dwellings would have rear gardens of not less than 8 metres in depth.
- 1.8 A further part-two storey and part-single storey dwelling would be located in the north-eastern corner of the application site. The single storey element would be parallel to the listed Parsonage Farmhouse. This dwelling would have an integral garage and dedicated car parking space. It would have a frontage walled courtyard garden.
- 1.9 The remainder of the site to the rear of the frontage dwellings would be given over to a communal parking area with a series of car-port / garage structures. Two of the garage blocks adjacent to the eastern rear boundary of the site would have two-bedroomed flats over them.
- 1.10 In terms of materials, it is envisaged that the main facing brick would be a light red plain stock brick, the roofing of the dwellings would be clay plain tiles and the roofing of the garages slate. The frontage dwellings would also have horizontal feather-edged boarding at first floor level.

2. Policies

2.1 Central Government advice

Planning Policy Statement 1 – ‘Delivering Sustainable Development’
Planning Policy Statement 3 – ‘Housing’
Planning Policy Statement 7 – ‘Sustainable Development in Rural Areas’
Planning Policy Statement 13 – ‘Transport’
Planning Policy Guidance Note 15 – ‘Planning and the Historic Environment’

2.2 Herefordshire Unitary Development Plan 2007

S1 – Sustainable Development
S2 – Development Requirements
DR1 – Design
DR2 – Land use and activity
DR3 – Movement
DR5 - Planning Obligations
H5 – Main Villages: housing land allocations

H9 – Affordable housing
H13 – Sustainable residential design
H15 – Density
H16 – Car Parking
H19 – Open space requirements
T7 – Cycling
T11 – Parking provision
RST3 – Standards for Outdoor playing and public open space
HBA4 – Setting of listed building

3. Planning History

- 3.1 Whilst the site has extensive planning history the only historic application considered to be of relevance to consideration of this application is:-

DCNE2006/1985/F – Demolition of existing sheds and development of 16 new dwellings – Refused 27/06/07

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency has no objections to the proposed development subject to the imposition of appropriate conditions and informatives.
- 4.2 Welsh Water has no objections to the proposed development subject to the impositions of appropriate conditions.

Internal Council Advice

- 4.3 Building Control – No objections
- 4.4 The Conservation Manager supports the application. He considers that the proposal provides a successful mix of contemporary architecture whilst noting local features. He considers that the design of the proposal has been carefully thought through and would provide an acceptable scheme at this “landmark site” within the village. He considers that the character and setting of the adjacent listed building would be respected.
- 4.5 The Transportation Manager considers the proposed vehicular means of access to be acceptable and the car / cycle parking provision to be acceptable. He raises no objections to the proposal.
- 4.6 The Head of Environmental Health and Trading Standards has no objection to the proposed development subject to appropriate conditions ensuring that the contaminated land issue is dealt with in an appropriate manner.
- 4.7 The Strategic Housing Manager is satisfied with the affordable housing provision (including the proposed tenure mix).
- 4.8 Park and Countryside support the proposed provision of off-site contributions with regard children’s play equipment and youth/adult sporting provision.

5. Representations

5.1 The Bishops Frome Parish Council object to the proposed development upon the following summarised grounds:-

- The proposed development is too cramped;
- Seventeen units are too many. A similar development of 16 dwellings was refused last year;
- There is a need for 3-4 bedroomed units;
- The future occupiers of plots 15 & 16 would not enjoy a satisfactory level of amenity;
- There is insufficient car parking and cycle parking provision;
- The sewage issue needs to be fully addressed;
- There is a need to reduce traffic speeds along the B4214;
- No provision has been made for any street lighting; and
- There is no pavement provision.

5.2 Eleven standard circular letters of objection have been received from local residents objecting to the proposed development on the following summarised grounds:-

- Too many dwellings;
- No space for children to play outdoors;
- The main road is too dangerous for children and pedestrians;
- Noise levels generated by the proposed development would have an adverse impact upon the occupiers of the proposed development and neighbouring houses; and
- Lack of car parking provision leading to on-road car parking.

5.3 Twelve individual letters have been received objecting to the proposed development on the following summarised grounds:-

- Seventeen dwellings is too many;
- The speed of traffic along the B4214 is too high;
- Any lighting should be strictly controlled;
- Insufficient car parking provision;
- The visual impact of the village entrance be unfortunate;
- Lack of pedestrian facilities;
- Possible conflict with the operation of The Garage opposite;
- The sewage system appears to be at capacity; and
- Inadequate parking provision.

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. Officers Appraisal

6.1 The application site lies within the settlement boundary of Bishops Frome upon a site that is specifically allocated within the Herefordshire Unitary Development Plan for housing development (Policy H5). The density of the proposed development makes effective and efficient use of the site and as such accords with the objective of policy H15 of the Herefordshire Unitary Development Plan that reflects Central Government advice. Therefore there is no objection to the principle of the development. It is the detail of the proposal that requires consideration.

- 6.2 The proposed development has been designed to create a housing development that primarily addresses the road, hence the road frontage nature of the main part of the development. Careful attention has been had to the mass of the proposed dwellings. In this regard the depths / spans of the dwellings and their eaves height have been designed to reflect the scale of the dwellings in the immediate vicinity. The provision of rooms within the roofspaces is a feature of the area. For example the listed Parsonage Farmhouse has dormer windows in its front (northern elevation). The mass of the buildings would be carefully broken up by the use of differing materials and the articulation of the ridge lines. The road frontage development has been designed such that the eaves level of proposed units 1- 10 would be 1 metre lower than the eaves height of the dwellings at Knights Court opposite. A gap of in excess of 21 metres would be maintained between the proposed dwellings fronting the road and the front elevation of Knights Court such that there would be no undue loss of privacy. It is considered that this element of the proposal will create an attractive development upon this "gateway site" at the southern end of the village.
- 6.3 The dwellings proposed to be sited parallel to the southern boundary (Plots 11-14) would be sited at such a ground level that views of the Church tower would not be unduly obstructed. Indeed an important visual gap would be maintained between the rear elevation of units 8-9 and the western flank elevation of unit 11. The south facing windows in the rear elevations of units 11 – 14 would not overlook any habitable room windows of the 'Vicarage' to the south or the private rear garden area associated with that dwelling.
- 6.4 With regard the flats above the garages to the rear (east) of the site these have been extremely carefully designed such that the eaves heights of these buildings do not exceed the height of the retained eastern boundary wall. Furthermore all the rooflights in their rear (eastern) elevations are a minimum of 1.9 metres above finished first floor level such that there would be no overlooking of the rear garden associated with Vicarage Cottage to the east.
- 6.5 With regard the 'L' shaped dwelling in the north-east corner of the site it is only the single storey wing that would be directly to the rear of Parsonage Farmhouse. However, as explained earlier the ground level of the application site is at a materially lower ground level. Indeed the eaves height of the proposed single storey wing would be lower than the height of the boundary wall whilst the ridge would be in excess of 1.6 metres lower than the eaves height of Parsonage Farmhouse. It is considered that as such there would be no undue loss of daylight and / or sunlight to the ground floor habitable room windows in the rear (southern) elevation of Parsonage Farmhouse.
- 6.6 Therefore not only is the siting and design of the proposed buildings considered to be acceptable but there would not be any undue loss of amenity (i.e. sunlight, daylight, overlooking, massing, privacy) to occupiers of neighbouring properties.
- 6.7 The proposed vehicular means of access has deliberately been negotiated by Officers. The existing vehicular means of access has a substandard southerly visibility splay. The proposed new position for the vehicular means of access would rectify this position whilst creating a safe crossing position for pedestrians to the footway on the western side of the road. There is no existing footway upon the eastern side of the road through the village. It would not be appropriate to create one due to the disruption that it would cause to the Churchyard which has a very attractive listed stone retaining wall.

- 6.8 Concern has been expressed as to the speed of traffic through the village, particularly vehicles approaching from the south. However, the planning application site lies with a 30mph limit and the proposed visibility splays clearly accords with the requisite standards. Any potential problem would not be created by the development and its highway design but by speeding motorists. In this regard and responding to the concerns of the Parish Council the developer is willing to provide £2000 towards a "village gateway" traffic calming scheme. As a separate but related matter I understand that the Local Ward Member is intending to liaise with the Transportation Section as to the possibility of extending the 30mph limit further south.
- 6.9 Policy H16 of the Herefordshire Unitary Development Plan sets a maximum standard of car parking provision of 1.5 spaces per unit. This policy reflects Central Government advice. In this instance the standard is exceeded by 4.5 spaces. I consider such overprovision to be appropriate in this instance as the site is not well served by modes of transport other than the private motor vehicle. The cycle parking provision is considered to be satisfactory with secure cycle parking storage being provided beneath the two flats over garages.
- 6.10 It is considered that the proposed garden areas associated with each house would be sufficient. Nevertheless there is still a need to address the issue of children's play equipment and adult / youth sports provision. In this respect the applicant's have agreed to make the following commuted sum:-
- £20,000 towards the provision and / or upgrading of children's play equipment within the Bishops Frome Parish; and / or
 - Sporting provision within the Herefordshire Council administrative area.
- This would afford the opportunity of enhancing the existing children's play area the village. This provision accords with the Herefordshire Unitary Development Plan and is considered to be acceptable by the Leisure and Countryside Section.
- 6.11 In terms of impact upon infrastructure the applicant's have agreed to provide a commuted sum of £21,000 to provide and / or improve education facilities at Burley Gate Primary School. This provision fully meets the request of the Education Section.
- 6.12 In terms of the issue as to the capacity of the Waste Water Treatment Works, Welsh Water are satisfied that the developers proposals to remove the surface water flows from the public sewage system (as opposed to the current combined system) will ensure that the Waste Water Treatment Works will not be overloaded.
- 6.13 With regard the issue of affordable housing provision the Strategic Housing Section are satisfied with the developer's offer to provide five affordable houses, three of which would be shared ownership and two social rented.
- 6.14 The Environmental Health Section is satisfied that the occupiers of the proposed dwellings would enjoy a satisfactory level of amenity with the commercial garage operational on the other side of the B4214.
- 6.15 The matter of external lighting is proposed to be dealt with by way of a planning condition. It is considered that in such an edge of village location it is critical that possible sources of light pollution are controlled.
- 6.16 In terms of the previous application that was refused last year, although it was for one less dwelling, the scale of the proposed buildings (particularly height) and resultant

mass would have been significantly greater with severe impacts upon occupiers of neighbouring dwellings. In addition, that application failed to satisfactorily address highway matters and wider infrastructure issues (e.g. education, affordable housing, and recreation provision).

- 6.17 In conclusion, the principle of the proposed development is considered to be acceptable and the scheme itself represents a high standard of design that would integrate satisfactorily into the surrounding environment.

RECOMMENDATION

1. **The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out Heads of Agreement) and deal with other any other appropriate and incidental terms, matters or issues;**
2. **Upon completion of the abovementioned planning obligation Officers named in the Scheme of delegation be authorised to issue planning permission subject to the following conditions:-**

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

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

- 2 - **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**

- **Written details and samples of all external materials;**
- **Large scale drawings of all external joinery;**
- **Written details and samples of all surfacing materials in relation to the vehicular means of access, turning / manoeuvring areas and car parking areas; and**
- **Details of the rooflights.**

The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: - To ensure a satisfactory appearance to the development and to safeguard the setting of the listed buildings in the immediate vicinity;

- 3 - **Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (including written details and samples of materials together with a schedule or repairs / works to the eastern boundary wall) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.**

Reason: To ensure a satisfactory appearance to the development, to safeguard the setting of the listed buildings in the vicinity, to safeguard the privacy of

occupiers of neighbouring dwellings, to safeguard the privacy of future occupiers of the dwellings hereby permitted and to ensure a satisfactory appearance in the street scene.

- 4 - Notwithstanding the provisions of condition 3 above the existing eastern boundary wall shall remain in-situ at its current height unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of the dwelling known as 'Vicarage Cottage' to the east.

- 5 - All of the buildings hereby permitted shall be constructed in full accordance with the ground floor finished floor levels specified upon drawing number 110 Rev D received 25th April 2007.

Reason: To ensure a satisfactory appearance to the development in the street scene and to safeguard the amenities of the occupiers of neighbouring dwellings.

- 6 - Notwithstanding the provisions of condition 5 above the eaves level of Units 15 and 16 hereby permitted shall not exceed the height (above ordnance datum level) of the eastern boundary wall directly parallel.

Reason: To safeguard the amenities of the occupiers of the dwelling known as 'Vicarage Cottage'.

- 7 - Notwithstanding the provisions of the town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development normally permitted by Classes A, E and F of Part 1 and Class A of Part 2, Schedule 2, Article 3 shall be carried out without the express consent of the Local Planning Authority.

Reason: To prevent an overdevelopment of the site, to ensure that the occupiers of the dwellings hereby permitted enjoy a satisfactory rear garden area(s) and to safeguard the setting of the listed Parsonage Farmhouse.

- 8 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must detail the location of all planting, the species, their size and the density of planting.

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

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

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

- 10 - Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning/manoeuvring areas for vehicles and secure cycle storage facilities shown upon the approved plans shall be implemented. Thereafter these areas and facilities shall be kept available for such use.

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

- 11 - Prior to the first occupation of any of the dwellings hereby permitted the refuse storage facilities shown upon the approved plans shall be fully implemented. Thereafter these facilities shall be kept available for such use.

Reason: To ensure that the development has adequate refuse storage facilities and to safeguard the amenities of the locality.

- 12 - No development shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment or risk to be identified receptors
- c) if the risk assessment in b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

- 13 - The Remediation Scheme, as approved pursuant to condition no. 12) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution of controlled waters.

- 14 - If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the proposed development will not cause pollution of controlled waters.

- 15 - No infiltration of surface water drainage into the ground is permitted other than the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the water environment.

- 16 - Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

Reason: To prevent pollution of the water environment.

- 17 - Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the Public Sewerage System.

- 18 - No surface water shall be allowed to connect (either directly or indirectly) to Public Sewerage System.

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

- 19 - Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the Public Sewerage System.

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

- 20 - No development shall take place until a scheme to remove the surface water from the public combined sewerage system has been submitted to and agreed in writing by the Local Planning Authority.

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

- 21 - Prior to commencement of the development hereby permitted full details of all external lighting shall be submitted to the Local Planning Authority for their written approval. The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter no other external lighting shall be installed without the prior written consent of the Local planning authority.

Reason: To safeguard the rural character of the area.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - N19 - Avoidance of doubt
- 3 - The Environment Agency recommends that developers should:
 - 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination when dealing with land affected by contamination.
 - 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The local Authority can advise on risk to other receptors, e.g human health.
 - 3) Refer to our website at www.environment-agency.gov.uk for more information.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Recovery and disposal operations require waste management licence or Pollution Prevention Control permit. If contaminated soil is to be re-used on-site as part of a soil recovery operation then wither a waste management licence will be required or the Applicant will need to register an exemption to licensing with the Environment Agency. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- 1) Duty of Care Regulations 1991
- 2) Hazardous Waste (England and Wales) Regulations 2005
- 3) Waste Management Licensing Regulations 1994 (as amended)
- 4) Pollution Prevention and Control Regulations (England and Wales) 2000
- 5) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of

any proposed off-site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Please note the Environment Agency R&D P20 methodology has been updated and changed name to Remedial Targets Methodology: Hydrogeological Risk Assessment for Land Contamination, (version 3.1), refer to our website for more information.

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

DRAFT HEADS OF TERMS**Proposed Planning Obligation Agreement****Section 106 Town and Country Planning Act 1990 (as amended)****Planning Application:- DCNE2007/0729/F****Residential development of 17 dwellings, Frome Valley Haulage Depot Site, Bishops Frome, Worcestershire, WR6 5BZ**

1. The developer covenants with the Herefordshire Council, in lieu of the provision of on-site children's play equipment, open space and sports provision, the sum of £20,000 (index linked). The sum shall be paid prior to the first occupation of any of the dwellings.
2. The monies shall be used by Herefordshire Council for-
 - a) The provision and/or upgrading children's play equipment within Bishops Frome Parish; and/or
 - b) Sporting provision within the Herefordshire Council administrative area.
3. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purpose specified in the agreement in Clause 2 within 10 years from the date of this agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £21,000 (index linked) to provide and/or improve education facilities at Burley Gate Primary School. The sum shall be paid prior to the first occupation of any of the dwellings.
5. In the event that Herefordshire Council does not for any reason use the said sum in Clause 4 for the purposes of specified in the Agreement within 10 years of the date of this Agreement, the Council will repay the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
6. The developer shall construct and complete five 'Affordable Housing Units' (Plots 11, 12, 13, 14 and 15), which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan and related policy H9. These five 'Affordable Housing Units' shall be transferred to a Registered Social landlord prior to the occupation of the seventh other (i.e. 'open market') dwelling upon the site. Two of the five 'Affordable Housing Units' shall be subsidised housing for rent and three shall be in the form of shared ownership.
7. The developer covenants to pay Herefordshire Council the sum of £2,000 (index linked) to provide a 'village gateway' traffic calming/speed reduction facility on the B4214 to the south of the site or to utilise the money to facilitate another form of speed reduction facility on the B4214 south of the site.

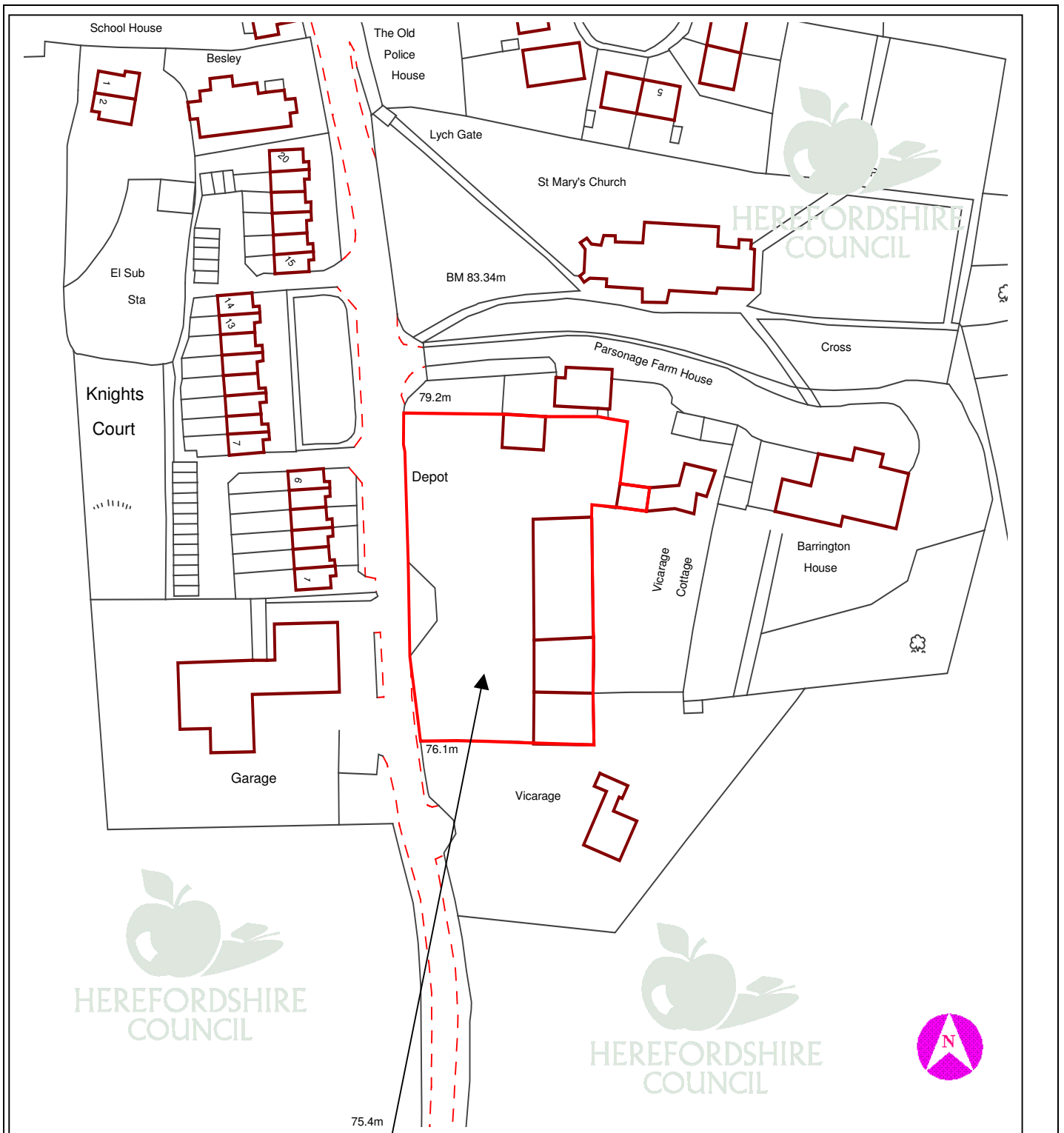
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/0729/F

SCALE : 1 : 1250

SITE ADDRESS : Land at Frome Valley Haulage Depot, Bishops Frome, WR6 5BZ

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

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

Date Received:
26th March 2007

Ward: Ledbury

Grid Ref:
70969, 38252

Expiry Date:
25th June 2007

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

1. Site Description and Proposal

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

Crescent. The second floor of the building would be inset by 1.5 metres from the main eastern elevation and by 2.5 metres from the main western elevation.

- 1.5 The building has been designed such that the main habitable rooms of the apartments face east (away from the petrol filling station) with balconies provided to the first and second floor flats facing Homend Crescent. The ground floor apartments would have frontage gardens. The second floor apartments would also have outdoor amenity spaces facing west.
- 1.6 Secure cycle parking storage would be provided beneath the rear of the building for 19 bicycles. To the west of the building eighteen car parking spaces would be provided (including one space for disabled persons) together with a refuse store. The vehicular means of access onto Homend Crescent would be towards to north of the eastern boundary.
- 1.7 The pedestrian route through the site to The Homend through the existing Petrol Filling Station would be maintained as a permissive footpath.
- 1.8 In terms of materials to be used it is envisaged that the first and second floors be stretcher bond red brick. In this respect a light red stock brick is envisaged. The first floor elevations would be timber clad with horizontal boarded Douglas Fir. The roof would be an aluminium roof with a standing seam roof. The colour of the roof would need to be agreed. It is considered that a slate grey colour would be appropriate.

2. Policies

2.1 Central Government advice

Planning Policy Statement 1 – ‘Delivering Sustainable Development’
Planning Policy Statement 3 – ‘Housing’
Planning Policy Guidance Note 13 – ‘Transport’

2.2 Herefordshire Unitary Development Plan

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

3. Planning History

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

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

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

5. Representations

- 5.1 Occupiers of twenty-one dwellings in the vicinity have objected on the following summarised grounds: -
- excessive number of dwellings;
 - the local highway network is of an insufficient standard to cater with the additional traffic that the proposal would generate;
 - the building is too high;
 - the proposal would obstruct views;
 - the proposal does not provide for any affordable housing;
 - flat roofs are out of keeping with the vicinity;
 - loss of light to neighbouring dwellings;
 - the proposed development is too close to the petrol filling station for health & safety reasons;
 - the pedestrian link to The Homend should be maintained;
 - the land may be unstable;
 - concern as to emergency access to Dawes Court for emergency vehicles;
 - loss of privacy to the occupier(s) of dwelling(s) opposite;
 - the education system has insufficient capacity;

- the refuse store is too close to the driveway of 'Casterbridge' and obstruct visibility;
 - loss of privacy to the occupiers of 'Casterbridge';
 - the pedestrian link from the application site to the Homend should be replaced by a more appropriately graded slope so that the pedestrian link can be utilised by persons with mobility problems;
 - the proposal would devalue existing property prices;
- 5.2 The Council to Protect Rural England (Herefordshire) are concerned at the design of the proposal, the noise levels to the occupiers of the proposed apartments from the Petrol Filling station and the lack of affordable units.
- 5.3 The Ledbury & District Civic Society object to the proposed development upon the following summarised grounds: -
- The height of the building is inappropriate;
 - The design of the building is unsympathetic to its surroundings;
 - The parking provision is inadequate;
 - The footpath through the site is to be removed. This is a much needed facility given the lack / inadequacy of alternative pedestrian routes;
 - The density of the proposal is unacceptable.
- 5.4 The Ledbury Area Cycle Forum welcomes the suitably designed and numerous cycle storage facilities that are imaginatively designed.
- 5.5 Ledbury Town Council state: -
"Members strongly object to the proposed design of the building and consider it inappropriate for an historic Market Town. A three storey flat roofed building would be out of keeping with the street scene. The pedestrian access from The Homend appears to lead to the parking area, which members believe would be contrary to pedestrian safety. This walkway is well used by school children and is also a well used access to the local supermarket.
- The proposal also raises Health and Safety issues concerning the proximity of the Petrol Station's tank vents and noise pollution from the car washer.
- The recommendation to refuse planning permission has been taken with regard to the following policies:-
- Malvern Hills District Council Ledbury Housing Policy 1 (b) scale, character and density (c) unsatisfactory vehicular and pedestrian access (d) would adversely affect neighbouring properties, result in overlooking, and loss or residential amenity.
 - Malvern Hills District Council Housing Policy 17 (a) layout and design (c) siting and detailed design is unsympathetic to the character of neighbouring buildings and to the locality.
 - Unitary Development Plan H13 3.11 sustainable residential design.
 - Unitary Development Plan Transport Policy Traffic Impact 8.13.1
 - Unitary Development Plan H14 1.2 Re-Using previously developed land and buildings."
- 5.6 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The application site lies within the settlement boundary of Ledbury. Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within the settlement boundary of the market towns, including Ledbury. The density of the proposal is high. In the long-term by making the most efficient use of land within towns, reduces the pressure to release green field sites in the open countryside for housing development. Therefore there is no objection to the principle of the development. It is the detail that requires further examination.
- 6.2 It is considered that whilst Homend Crescent is a pleasant residential street, it has no defining characteristic or architectural form. In fact there are a range of buildings (e.g. bungalows, houses, flatted developments) of various eras with no consistent architectural style or design. It must be stressed that the site is not within the Conservation Area nor does it adjoin the Conservation Area. The proposed building is of a contemporary design. Its siting on land at a materially lower ground level than Homend Crescent itself ensures that the height of the resultant building does not exceed the ridge height of number 8 Homend Crescent or the ridge height of the house to the north known as 'Castlebridge'. Therefore I consider the height of the building to be acceptable. By "stepping back" / inseting the second floor the apparent mass of the building is effectively reduced. The proposed roof is not a flat roof but a mono-pitched sloping roof.
- 6.3 The extent and height of the petrol filling station to the west means that the proposed development would not be readily visible from The Homend. One's line of sight from both sides of The Homend would be obscured by the underside of the canopy of the Petrol Filling Station canopy. A glimpse would be obtained in the gap between the Petrol Filling Station and Dawes Court. However, it is considered that its design and appearance would be acceptable.
- 6.4 In terms of the external appearance of the building the proposed material finish is considered to be appropriate. The use of a quality light red stock brick on the ground and first floor would assist in integrating this contemporary structure within the wider area whilst the use of horizontal timber cladding to the second storey will assist in reducing any apparent mass.
- 6.5 The distance between the proposed building and the front of the dwellings at numbers 5-8 Homend Crescent opposite would be 27 metres. This is well in excess of the 21 metre privacy distance one would normally attempt to secure between habitable room windows. Similarly given the distance involved and the fact that the proposed building is no higher than number 8 Homend Crescent there would not be any undue loss of daylight or sunlight to those properties.
- 6.6 No habitable room windows are proposed in the southern flank elevation and as such there would be no loss of privacy to habitable room windows within the Dawes Court flatted development. The height of the building and the respective distances would also ensure that there would be no undue loss of daylight to habitable room windows within the Dawes Court flatted development. Whilst habitable room windows are proposed in the northern flank elevation the distance to the house known as 'Castlebridge' would be some 34 metres, well in excess of the recommended 21 metre privacy distance.
- 6.7 Therefore it is considered that there would be no undue loss of privacy, daylight and / or sunlight to neighbouring residential properties.

- 6.8 In terms of the amenities of the occupiers of the proposed flats, significant effort has been made through the design process to ensure that the main habitable room windows face east away from the noise and odour source of the petrol filling station that is set at a lower ground level. Similarly the outdoor amenity areas in the form of balconies and gardens face east towards Homend Crescent away from the noise and odour source. This is considered to represent good practice in terms of the design process, with the constraints of the site informing the design. The Environmental Health Section have been consulted with regard the issue of noise and odour and are satisfied that the occupiers of the proposed apartments would enjoy a satisfactory level of amenity.
- 6.9 The Building Control Section has been consulted with regard the issue of the stability of the land and do not raise objections. Similarly the issue of land contamination has been addressed. The Environmental Health Section has considered this matter and do not raise any objections.
- 6.10 With regard the transportation matters, the Transportation Section consider that the local highway network has sufficient capacity to cater with the additional traffic that the proposed development would generate. With regard the car parking provision, eighteen car parking spaces are proposed to be provided. The policy of Herefordshire Council is that to reduce reliance upon the private motor vehicle the supply of car parking spaces should be reduced. The policy of Herefordshire Council is that a maximum of 1.5 spaces per dwelling should be provided. The Highways Development Design Guide suggests a maximum of one car space per one bedroomed unit and a maximum of two car parking spaces per two bedroomed unit. This would equate to 19 car parking spaces. However, the Council's policy is that the provision should be less than the maximum where the site has easy access to facilities by modes of transport other than the private motor vehicle. The application site is in a highly sustainable location as far as Ledbury is concerned. It is within easy walking distance of the Town Centre, the railway station and the food supermarket on the western side of The Homend.
- 6.11 Following extensive negotiations the applicant has agreed that the private right of way (not a public right of way) through the site be retained as a permissive route.
- 6.12 The provision for cyclists in terms of cycle storage facilities is of a very high design standard and accords with the Council's policy.
- 6.13 There would be space along the frontage between Homend Crescent and the frontage gardens for landscaping that could be secured by way of condition.
- 6.14 Whilst it is considered that the proposal includes sufficient amenity space for the future occupiers of the proposed development in the form of balconies and front gardens, there is still a need to address the issue of children's play equipment and youth / adult sports provision. In this respect the applicant's have agreed to make the following commuted sums: -
- £1,500 (index linked) towards the provision / enhancement of children's play space / equipment within the Ledbury area; and
 - £8,190 (index linked) to the provision / enhancement of sports facilities within the Herefordshire Council area.

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

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

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

- 6.16 The policies within the Unitary Development Plan only require the provision of affordable housing within the market towns on developments of 15 dwellings (or more) or sites of more than 0.5 hectare. Neither threshold is reached in this case.
- 6.17 The proposed refuse store would be set back some 5 metres from Homend Crescent. As such visibility from the driveway of the dwelling known as 'Castlebridge' would not be prejudiced. The entrance to the refuse store would be to the south of the building and it would be located some 18 metres from 'Castlebridge' itself. As such it is considered that the amenities of the occupiers of 'Castlebridge' would not be adversely affected.
- 6.18 In terms of matters of potential air and ground pollution arising from the adjoining Petrol Filling Station this matter is controlled under separate legislation (Environmental Protection Act 1990). In terms of the issue of explosive risk from the adjoining Petrol Filling Station, the management of such facilities is controlled under separate legislation (i.e. Safety Regulations made under the Health and Safety at Work etc Act 1974 and a Petroleum Licence issued by the Authority with licence conditions under the Petroleum (Consolidation) Act 1928)). Such facilities are then inspected annually by the Council's Petroleum and Explosives Officer to ensure compliance.. Indeed modern technology ensures that when fuel is delivered no vapour is released into the atmosphere. It is recovered back into the delivery tanker.
- 6.19 The matters of views from existing dwellings and property prices are not material planning considerations.
- 6.20 In conclusion, it is considered that the principle of the proposed development is acceptable; the scheme itself represents a high standard contemporary development that would integrate satisfactorily within the immediate environment, which has a mixed character and appearance.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out Heads of Agreement) and deal with any other appropriate and incidental terms, matters or issues;**
- 2. Upon completion of the above-mentioned planning obligation officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

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

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

2 - Prior to commencement of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved materials and thereafter maintained as such.

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

3 - No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must include details as to the location of all planting, the species, their size and the density of planting.

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

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

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

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

- 9 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.
 - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) if the risk assessment in (b) identified unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

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

in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

Informatives:

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

DRAFT HEADS OF TERMS**Proposed Planning Agreement****Section 106 of the Town and Country Planning Act 1990 (as amended)****Planning Application: - DCNE2007/0966/F****Proposed three storey building to provide 13 apartments with 18 parking spaces and associated cycle parking at land rear of Homend Service Station, The Homend, Ledbury, Herefordshire HR8 1DS**

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

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

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

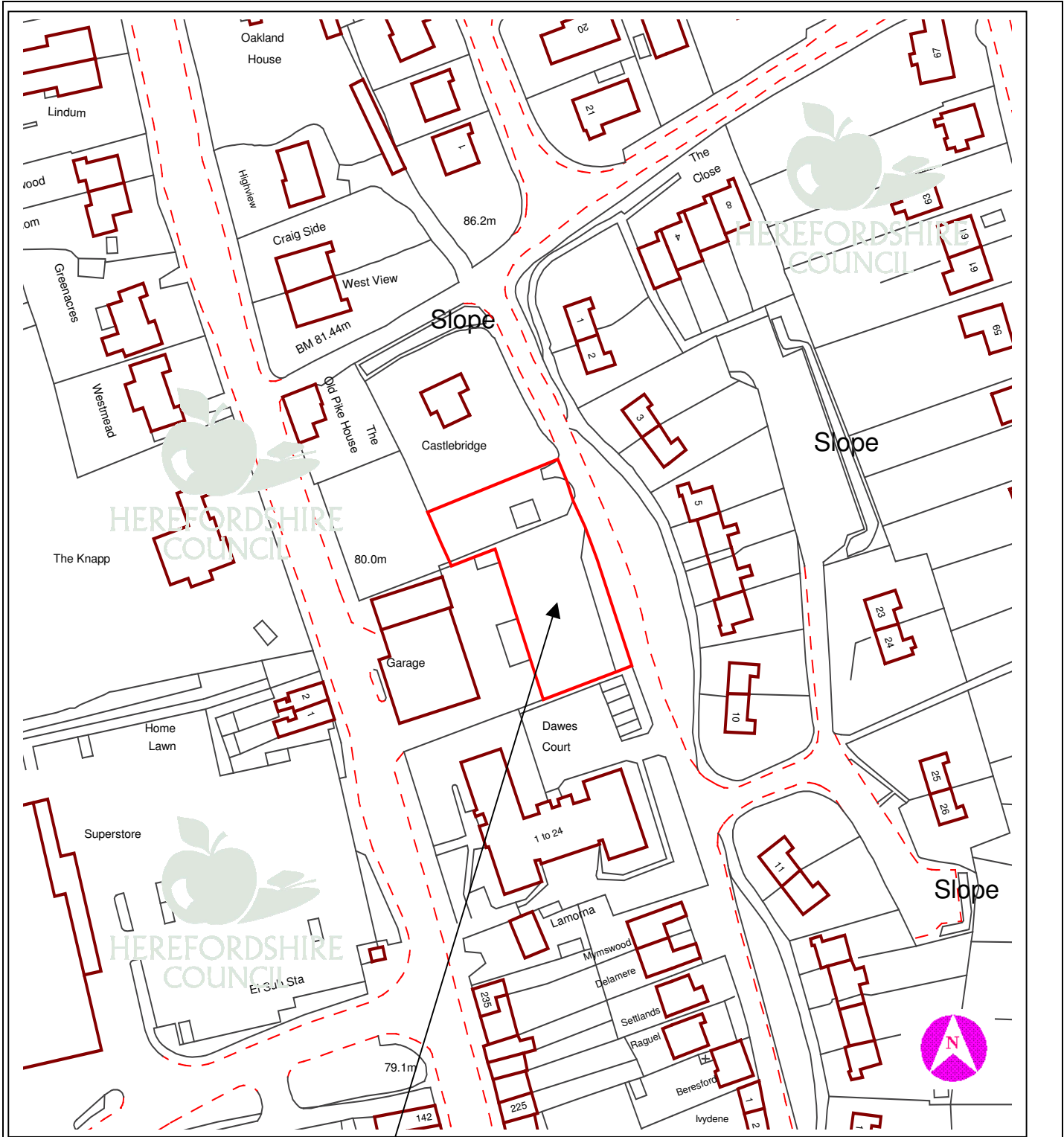
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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

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

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

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

Date Received:
20th April 2007

Ward: Hope End

Grid Ref:
76546, 40572

Expiry Date:
15th June 2007

Local Members: Councillor R Stockton and Councillor R Mills

1. Site Description and Proposal

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

- 1.6 The building would have a simple rectangular form and a footprint measuring 6.6m x 9.7m. Height to the ridge would be 8m. The design mimics some of the architectural traits exhibited by the existing dwelling, including exposed rafter feet, but is deliberately understated so as not to compete with the dwelling.

2. Policies

- 2.1 Herefordshire Unitary Development Plan

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

3. Planning History

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

4. Consultation Summary

Statutory Consultations

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

Internal Council Advice

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

5. Representations

- 5.1 Colwall Parish Council: "Council objects to this application as it is Council's policy to do so if new dwellings are outside of the settlement boundary. If Herefordshire Council

is mindful to grate this application then the new dwelling should remain as a Coach House to the main dwelling and should not be sold separately to it.”

- 5.2 Malvern Hills Area of Outstanding Natural Beauty (AONB): Objection on the basis that the development would be prominent within and detrimental to the Area of Outstanding Natural Beauty. The building would compete with the main dwelling and has not been justified as rural exception housing.
- 5.3 Campaign to Protect Rural England: Objection. The development is essentially a two-storey dwelling in sensitive open countryside. It would detract from both the wider landscape and the setting of the dwelling. Concern is also raised at car parking arrangements.
- 5.4 Natural England: No objection. The development would not appear to affect the Malvern Hills Site of Special Scientific Interest.
- 5.5 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

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

RECOMMENDATION

That planning permission be refused for the following reasons:

- 1. The proposed development, by virtue of its scale and visual prominence would fail to either protect or enhance the natural beauty and amenity of the area. The development is thus contrary to policies LA1 and S7 of Herefordshire Unitary Development Plan.**

- 2. The development is tantamount to the erection of a new dwelling in open countryside. The application does not accord with any of the exception criteria set out in policy H7 of the Unitary Development Plan and there are considered to be no other material considerations to justify the setting aside of adopted rural restraint policies.

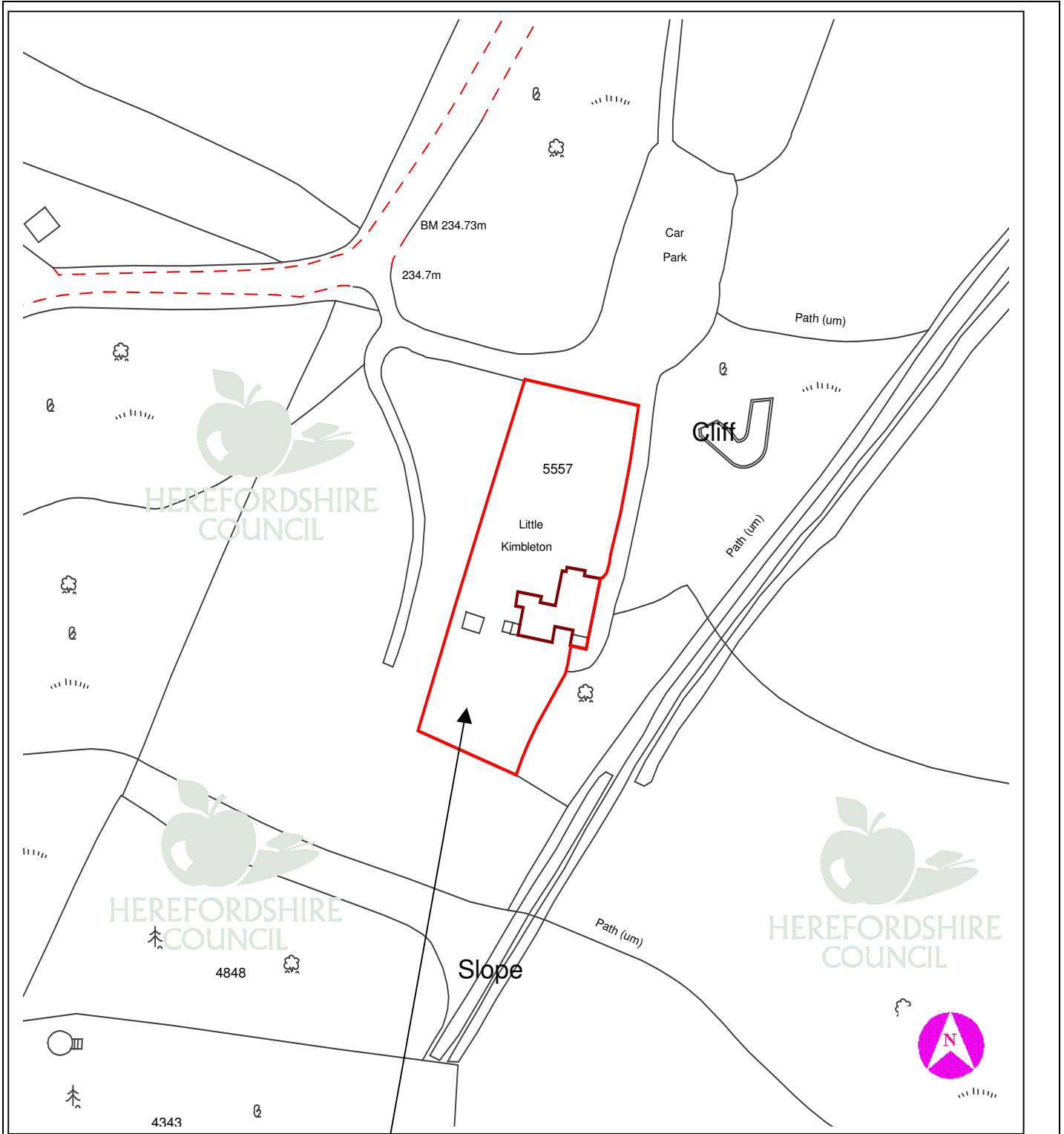
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/1224/F **SCALE :** 1 : 1250

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

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22 DCNE2007/1254/F - PROPOSED NEW HOUSE TO REPLACE BUNGALOW AT HAMBLEDON, UPPERFIELDS, LEDBURY, HEREFORDSHIRE, HR8 1LE

For: Mrs B Foice per Spacescape Architecture & Landscape, Church Villa, Bucknell, Shropshire, SY7 0AA

Date Received:
25th April 2007

Ward: Ledbury

Grid Ref:
71167, 38196

Expiry Date:
20th June 2007

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

1. Site Description and Proposal

- 1.1 The application proposes the replacement of the modest existing bungalow, which is sited midway in this steeply sloping rectangular plot with a larger two-storey property. The site is located off Upperfields, an unmade single vehicle width track, also a public footpath, taken off Knapp Lane, Ledbury. The site lies within the Ledbury town settlement boundary.
- 2.1 It is intended to demolish the existing inter-war bungalow in its entirety and replace with a split-level dwelling located further up the slope toward Upperfield, in line with the neighbouring dwellings on either side.
- 1.3 The site is surrounded on three sides by residential property, but with Dog Wood located on the other side of Upperfields to the east and mature planting along two boundaries it retains a semi-rural feel. The site is served by a pedestrian access from Bank Crescent to the west.
- 1.4 The design presents an asymmetrical roof slope with central spine wall, gable end on to Upperfields. From Upperfields the dwelling would appear single-storey, but owing to topography would present a full height (7.4m) elevation to the west. A bridged access taken off an existing retaining wall would afford pedestrian access at a point 6.5m into the site.
- 1.5 The 'upper' level (ground floor from Upperfields) would provide a hallway, open plan kitchen/living room, bedroom 1, bathroom and stairs down to the lower level. An irregular shaped balcony (designed so as not to be visible from Cherry Lea) would be accessible from bedroom 1 and the living area. A further two bedrooms, garden room, bathroom and storage area would be found on this level. Garden space would be exclusively to the west of the dwelling and comparable in size with adjoining plots. Space would be retained for the parking of two vehicles within the application site, one of which would be covered. The overall floor area is measured at 168m² (externally).
- 1.6 The spine wall is located towards the north, which creates the asymmetrical roof. The effect is that the pitch is steeper on the northern side of the wall than the south.

Glazing is prominent on the west elevation, which overlooks the river valley. There is a solitary low-level window and a single rooflight in the north elevation and a low-level bedroom and garden room window to the south elevation towards Highwood.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

S1 – Sustainable development
S2 – Development requirements
DR1 – Design
DR3 – Movement
H13 – Sustainable residential design
H14 – Re-using previously land and buildings
H16 – Car parking

3. Planning History

- 3.1 DCNE2006/3169/F – Proposed replacement dwelling: Refused under delegated powers 28th November 2006
- 3.2 DCNE2006/0635/F – Proposed replacement dwelling: Withdrawn 5th April 2006

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager – No objection
- 4.3 Public Rights of Way Manager – No objection

5. Representations

- 5.1 Ledbury Town Council: Objection – “Members consider the design and materials to be out of keeping with the area and local environment. There would be an unacceptable degree of overlooking and loss of privacy for neighbouring properties.”
- 5.2 One letter of qualified comment has been received from the immediate neighbours Mr & Mrs McRae, Cherry Lea, Upperfields, Ledbury. The content can be summarised as follows:

- Impressed overall with the style/design and potential materials;
- Concerned that the spine wall should not project beyond Cherry Lea’s west wall and that the height should not adversely affect light provision to side windows;
- The quality of the finish of the zinc roof is a concern. Will glare be a problem?
- The building is wide proportionate to the plot. It could appear cramped.
- Would like to see conditions to the effect that the development, if approved, is carried out in strict accordance with the approved plans.

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

6. Officers Appraisal

6.1 The key issues in the determination of this application are as follows:

- The impact that the development would have upon the residential amenity of neighbouring residential properties;
- The architectural style and design of the proposed dwelling in relation to the immediate context.

6.2 The principle of development is acceptable. The site falls within the Ledbury Town settlement boundary wherein new residential development is supported subject to the criteria laid out under policy H13 of the Unitary Development Plan (UDP). These criteria relate, amongst other things, to the layout, scale and design of development, sustainability issues and those of residential amenity.

6.3 The application before Members is the third such on this site within the last 18 months. The two previous applications identified at section 3 of the report have differed in approach in that they have attempted to utilise the footprint of the existing bungalow within the wider scheme to create a sizeable roof terrace, behind which the bulk of habitable accommodation would have been sited. This approach has been rejected on the advice of officers due to the adverse impact upon residential amenity that the roof terrace and resultant design would have upon wider residential amenity.

6.4 Instead, this application involves redevelopment of the site completely divorced from the footprint of the existing bungalow, drawing the siting to a position that better reflects the prevalent pattern of development and also has the added benefit of designing out overlooking and overshadowing. Owing to the topography of the site the dwelling would be split-level presenting a single-storey appearance to Upperfields with a genuine 2-storey height visible from the west. This is not untypical of dwellings in this locale.

6.5 It is considered that this scheme is compatible with safeguarding the existing levels of residential amenity enjoyed by neighbours, particularly Cherry Lea. The build line to the west does not project beyond Cherry Lea with the effect that the previous problems of loss of light and overshadowing have been avoided.

6.6 A modest balcony is proposed against the west elevation, but this would be shielded from Cherry Lea being recessed. Some form of privacy panel would be appropriate to maintain privacy standards in relation to Highwood to the south. At present mature boundary planting prevents overlooking, but undue reliance should not be placed upon landscaping to ameliorate otherwise unacceptable impacts.

6.7 Upperfields presents an eclectic mix of architectural styles and house types. There is no prevalent form or style of development. In this context it is considered that a dwelling of contemporary appearance would not appear discordant with the "street scene". The scheme also takes advantage of the south facing roof slope to incorporate solar water heating panels. A rendered finish is preferred to traditional brickwork as typically, smooth rendered finishes give the impression of a less bulky physical mass.

- 6.8 In summary, the principle of development on this plot is acceptable, as is the vehicular access and parking arrangements. A contemporary appearance is not considered out of place in the local context and the development would also be successful in safeguarding the residential amenity of adjoining property.
- 6.9 It is considered that the application accords with the provisions of the adopted Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 - B01 (Samples of external materials)

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

3 - E16 (Removal of permitted development rights)

Reason: [Special Reason].

4 - E18 (No new windows in specified elevation)

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

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - G01 (Details of boundary treatments)

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

7 - G04 (Landscaping scheme (general))

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

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

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

9 - H12 (Parking and turning - single house)

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

10 - F48 (Details of slab levels)

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

Informatives:

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

2 - N19 - Avoidance of doubt

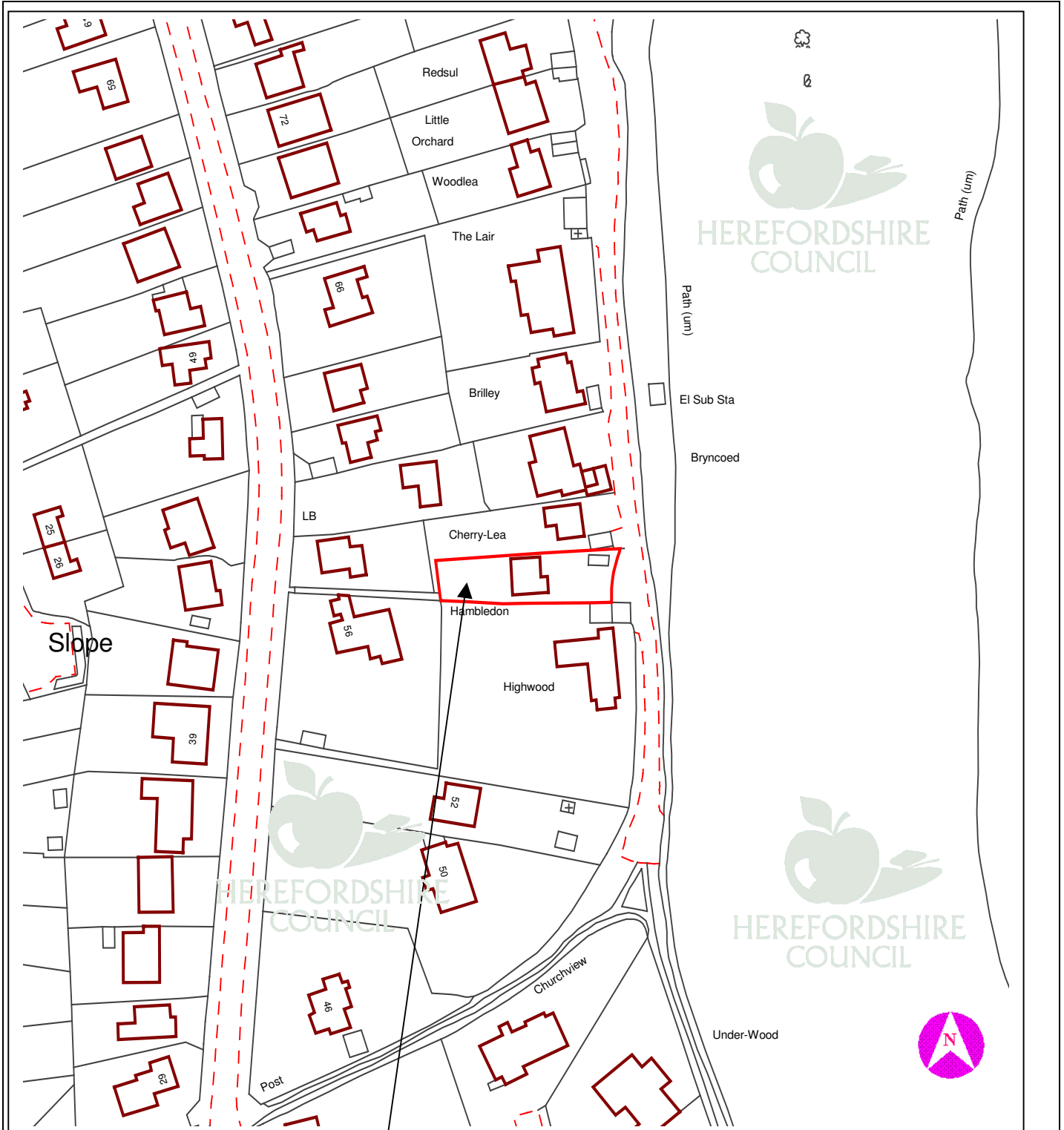
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/1254/F

SCALE : 1 : 1250

SITE ADDRESS : Hambleton, Upperfields, Ledbury, Herefordshire, HR8 1LE

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