

Northern Area Planning Sub- Committee

Date: **Wednesday, 25th July, 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	1 - 20
To approve and sign the Minutes of the meeting held on 27th June, 2007.	
4. ITEM FOR INFORMATION - APPEALS	21 - 24
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	
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 - 14 are applications deferred for site inspections or further information and items 15 - 21 are new applications.	
6. DCNW2007/1214/F - PROPOSED 15 DWELLINGS, GARAGES, PARKING SPACES, AMENITY AREA AND MINOR ACCESS ROAD ON LAND AT CROFTMEAD, NORTH ROAD, KINGSLAND, HEREFORDSHIRE	25 - 36
For: Mrs M Nicholson per Mr J Spreckley, Brinsop House, Brinsop, Hereford, HR4 7AS	
Ward: Bircher	

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| 7. | <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 per Savills Commercial Ltd, Caxton House, 1 Fore Street, Birmingham, B2 5ER</p> <p>Ward: Kington Town</p> | 37 - 50 |
| 8. | <p>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.</p> <p>For: Taylor Woodrow per Drivers Jonas, Cornwall Court, 19 Cornwall Street, Birmingham, B3 2DY</p> <p>Ward: Kington Town</p> | 51 - 78 |
| 9. | <p>DCNC2007/0916/RM - THE ERECTION OF 425 DWELLINGS AND THE ASSOCIATED INFRASTRUCTURE, PARKING AND LANDSCAPING AT BARONS CROSS CAMP, CHOLSTREY, LEOMINSTER, HEREFORDSHIRE.</p> <p>For: Taylor Woodrow Developments Limited per RPS Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4UB</p> <p>Ward: Leominster North</p> | 79 - 90 |
| 10. | <p>DCNC2007/1479/F - PROPOSED REAR EXTENSION AND NEW FRONT PORCH AT MIDDLETON FARM HOUSE, MIDDLETON, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4LQ</p> <p>For: Dr C Harrison per Mr P Simkin, Thorne Architecture Ltd, Creative Industries Centre, Glaisher Drive, Wolverhampton Science Park, Wolverhampton, WV10 9TG</p> <p>Ward: Upton</p> | 91 - 96 |
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Ward: Hampton Court

12. **DCNE2007/0729/F - ERECTION OF 17 RESIDENTIAL UNITS WITH ANCILLARY CAR PARKING ON LAND AT FROME VALLEY HAULAGE DEPOT, BISHOPS FROME, WR6 5BZ** 107 - 122

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

Ward: Frome

13. **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** 123 - 136

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Ward: Hope End

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Ward: Kington Town

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| 22. | DATE OF NEXT MEETING | |
| | 22 August 2007 | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 27th June, 2007 at 2.00 p.m.

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

Councillors: 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 and K Swinburne

In attendance: Councillors

21. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs LO Barnett, RV Stockton and PJ Watts.

22. DECLARATIONS OF INTEREST

Councillor	Item	Interest
RBA Burke	Agenda item 6, Minute 26 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 and left the meeting for the duration of the item.
JHR Goodwin & RJ Phillips	Agenda Item 11, Minute 31 DCNW2006/3986/O - site for residential development of 46 dwellings at land west of Old Eardisley Road, Kington,	Declared a prejudicial interest and and left the meeting for the duration of the item.
RJ Phillips	Agenda Item 15, Minute 35 DCNW2007/1179/F - residential development comprising of 58 dwellings with car parking, new access road and landscaping at Maesydari Site, Off Oxford Lane, Kington	Declared a prejudicial interest and and left the meeting for the duration of the item
PM Morgan	Agenda Item 19, Minute 39 DCNE2007/0729/F - erection of 17 residential units with ancillary car parking on land at Frome Valley Haulage Depot, Bishops Frome	Declared a personal interest.

23. MINUTES

RESOLVED: That the Minutes of the meeting held on 29th May, 2007 be approved as a correct record and signed by the Chairman.

24. ITEM FOR INFORMATION - APPEALS

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

25. 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.

26. 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

In accordance with the criteria for public speaking, Mr JP Thomas of Leominster Town Council and Mr Everett an objector, spoke against the application.

Councillor Mrs JP French was of the view that whereas the applicants had developed some good schemes by converting existing buildings in other Towns, this proposal did not make the best of what was already there. It would mean that a building with a number of interesting features which was located in a Conservation would be lost to the detriment of the Town. Deliveries would be via the existing rear access and she felt that this was not a very practical approach given the size of some vehicles and restricted space in which they could manoeuvre. She therefore felt that the application should be refused. Having considered all the aspects of the application the Sub-Committee concurred with this view.

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 proposed access for service vehicles.

(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 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.]

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

The principal Planning Officer reported on the following matters:

Two further letters and a petition with 10 signatories in support of the application have been received. They express an opinion that the proposal will be more sympathetic to the village and that the approved 'gatehouse' would be too dominant.

One letter of objection has been received. This suggests that the site plan does not accord with the actual site layout due to the movement of the roadside wall. It also suggests that the development represents over intensification of the site and that visibility is severely restricted from the access to the west.

OFFICER'S COMMENT

The wall was realigned in accordance with the originally approved scheme to improve visibility to the east. It is accepted that visibility is poor to the east but the proposal is a straight exchange of the approved 'gatehouse' for this proposal. Therefore it will not cause any increase in traffic movement over and above the situation as approved and similarly does not intensify its use in development terms.

In accordance with the criteria for public speaking, Mrs Morris of Luston Parish Council and Mr Shepherd an objector spoke against the application. Miss Jones the applicant spoke in favour.

Councillor J Stone the Local Ward Member said that there had been extensive consultation about the access, layout and orientation of the property and the impact that it would have upon the Conservation Area. Although not ideal, he did feel that it was a significant improvement upon the original approval. He said that it was important that hedgerows be provided or enhanced along the northern and eastern boundaries of the application site, to provide a natural boundary to the village. He was of the opinion that although there were ongoing enforcement and highway issues, the application merited approval.

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 - 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

28. 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 on the following matters:

Further information has been received from the applicant's agent following the questions raised during the Committee's site inspection. The letter advises the following.

1. At present and in addition to the care manager and ancillary staff there are a total of 20 care staff who work in shifts; 5 in the morning, 3 in the afternoon and 2 at night. If the application is approved it is estimated that an additional 30 care staff would be required, again working in shifts with 6/7 in the morning, 4 in the afternoons and 3 at night.
2. Unfortunately residents receive relatively few visitors and, on the basis of 20 years experience at Pencombe Hall it is estimated that the proposal would generate 4 or 5 additional cars per day.
3. Very few hospital admissions would result from the proposed EMI unit. Most residents tend to have chronic age related problems which are looked after by qualified staff on site assisted, when necessary, by the local primary health care team of GPs and District Nurses. Records for the last 12 months show that there have been 11 emergency admissions to hospital and it is anticipated that this would not change significantly, perhaps 1 or 2 per month.

A letter has also been received directly from the applicant that has been sent to all members. This generally reflects the advice given by their agent and described above.

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

Councillor B Hunt a Local Ward Member said that was in favour of the application. He did not agree that the proposal would have a detrimental impact on the landscape because it would be part of an existing building which was well screened in a relatively isolated location. It would also provide a vital facility for care of the elderly in an area where such provision was diminishing and it would also provide employment opportunities. On balance he felt that it would be a highly sustainable scheme and he proposed approval with appropriate planning conditions to be determined by the Officers, including those for landscaping and dealing with drainage and sewage.

The principal Planning Officer drew attention to the fact that the application needed to be assessed against policy CF7 of the Herefordshire Unitary Development Plan (UDP). The Policy stipulated that residential nursing and care homes would only be permitted in areas where new residential development was acceptable. Pencombe was a rural open countryside location with strict controls on new residential development and the application did not meet the criteria and was therefore contrary to Policy CF7.

Notwithstanding the policy issues, the Sub-Committee felt that permission could be granted in exceptional circumstances and was of the opinion that the application fulfilled this criteria. Councillor A Seldon reiterated the point that similar units were being closed down and that this was an ideal facility to help with the shortfall. Councillor TM James was of the view that the extension would not detract from the area and that it would provide a pleasant rural location for residents. Although staff

needed to travel to it, this was the case with many businesses in the rural area and this had to be balanced against the facilities and the level of service provided.

RESOLVED:

- That (i) The Northern Area Planning Sub-Committee is minded to approve the application under the provisions of Policy CF7 of the Herefordshire Unitary Development Plan subject to the following conditions and any further 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.**
- 1. Scheme of landscaping**
 - 2. Scheme for the disposal of surface water and foul drainage**
- (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.]

29. 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 on the following matters:

The draft heads of Terms should read in paragraph 4 that ..'detailed provision shall be as follows: 6 affordable housing units for rent and 6 for shared ownership'.

The draft Section 106 agreement reflects this and also makes clear reference to the local connection of residents who would purchase or rent these dwellings.

It is also considered that the report does not provide enough emphasis on the fact that this development will provide a mix of shared ownership and social rented properties and that all occupants would be subject to meeting the criteria set out in the Section 106 regarding a local connection to Kington or one of the surrounding parishes. These parishes have been specified as: Huntingdon, Rodd Nash and Little Harpton, Brilley, Eardisley, Lyonshall and Titley.

An ecological survey has been submitted and the Councils Ecologist has made the following comments:

I have received the ecological survey report by Carter Ecological Limited as a result of their survey of the site on 30/05/2007.

I welcome the thorough assessment of habitats on the site.

I note that a significant amount of evidence of use of the buildings by bats was found. However, there is insufficient evidence regarding the species using the buildings and how mitigation will be incorporated into the new development. Different mitigation and compensation measures are required for different species of bat. Bat activity surveys are recommended in the report, and should be undertaken now to determine the species and numbers present. Confirmation of whether there is a maternity roost present (and if they are brown long-eared bats) in the water tower is also needed, although I appreciate that this will not be affected by the main development. The presence of lesser horseshoe bats also needs to be clarified. It will need to be shown how the mitigation and compensation measures can be incorporated before development can take place.

Reptile surveys will be required at an appropriate time of year. If they are found to be present, it should be possible to accommodate them on the undeveloped part of the site, but they may need to be excluded from certain areas.

A nesting bird mitigation strategy will also be required, including provision of nest boxes for swallows and house sparrows. I note that no evidence of badgers was found on the site.

An additional condition is recommended to ensure that the recommendations of the survey are undertaken prior to commencement of development. This would read as follows:

Prior to the commencement of development on the site the recommendations set out in the ecological report by Carter Ecological Limited as a result of their survey of the site on 30/05/2007 shall be undertaken and details of mitigation and findings submitted to and approved in writing by the local planning authority.

Reason: to protect the ecological interests of the site.

In accordance with the criteria for public speaking, Mrs Jones and Mrs Smith, objectors, spoke against the application.

Councillor TM James the Local Ward Member said that there were a number of local concerns about the application. These included concerns about the narrow approach road and fact that the site fell outside the natural settlement boundary of the village in open countryside in an elevated position. A smaller development of the site would be much more in keeping with the character of the settlement and there was already an adequate provision of affordable housing approved for other areas of Kington. Further provision could affect the rural fabric and community balance of the town because of the lack of employment opportunities for those living there. This had already led to newcomers leaving other new developments. He therefore felt that the application should be refused on the grounds of location, access and type of occupancy.

Councillor RJ Phillips was disappointed with the design of the proposed development which was not in keeping with the character of the Village. In view of the objections raised, Councillor Mrs JP French suggested that there was some merit in the application being deferred so that the applicants could do further work to address them.

RESOLVED:

that consideration of the application be deferred for the applicants to (i) do more work on the design of the scheme which should be in keeping with the character of the village; and (ii) provide more alternatives on the type of social housing that would be provided.

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

Councillor JHR Goodwin the Local Ward Member said that there were a number of concerns about access to the proposed development being through Chapel Orchard. This was quite a narrow estate road with local residents parking on the street, and a route through it to new development would create further problems for local residents and for emergency and service vehicles wishing to gain access. Councillor KG Grumbley concurred with this view, feeling that the proposed access was totally inadequate. Councillor WS Bowen also had concerns about the impact of the proposal on the nearby ancient monument and the road adjoining it.

The Development Control Manager said that the two Inspectors who had previously dealt with appeals had given different views on how access could be gained to the site and the applicant had therefore been entitled to submit the proposed route. He felt that it would be difficult to substantiate a refusal on highway safety grounds. The Sub-Committee considered the points put forward in support of the application but felt it should be refused because of the impact of the proposed access on the amenity of existing residents.

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. access.**
- 2. impact on the amenity of residents of Chapel Orchard.**

(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 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.]

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

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

Councillor TM James the Local Ward Member had concerns about the impact of the development on the local infrastructure, particularly the capacity of the schools to cope with the additional pupils from it. He also had concerns that the car parking adjoining the site along Eardisley Road would quickly become congested when the scheme was developed and that this would lead to long-term problems in the future. He suggested that there was a need for additional car parking to be provided and he therefore proposed that consideration of the application should be deferred for further work which would tackle this problem.

Having considered all the aspects of the application and the case put for and against it, The Sub Committee decided that it should be approved. Councillor TM James was opposed to the application because of the concerns he had outlined and voted against it.

RESOLVED

That the Head of Legal and Democratic Services 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 the report of the Head of Planning Services, and any additional or amended matters which he considers to be necessary and appropriate, subject to the developer completing the Agreement within three months of the date of this approval.

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.

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

The principal Planning Officer reported on the following matters:

Comments have now been received from the Transportation Manager in respect of amended plans dealing with the treatment of the communal cycle parking facilities. No objections are raised on the basis of the amended plans.

The Landscape Officer also advises of no objection in relation to amended landscape proposals.

Comments in relation to the amended plans have been received from Leominster Town Council and in summary these are as follows:

1. There were no major comments on the amended plans except concern about the possibility of anti-social behaviour in and around the proposed youth shelter, due to its distal location
2. Requests clarification in relation to the bus gate solution. Have the details of this been agreed?
3. Welcome the decision to provide water butts but were disappointed that solar panels/tiles were not to be incorporated as it is thought that this would be an appropriate in a development for the 21st century.

OFFICER'S COMMENT

The inclusion of a youth shelter has been included at the suggestion of the Parks and Countryside Manager.

With regard to the bus gate, none of the conditions imposed at outline stage have been discharged. Officers would want to seek advice from colleagues in Transportation and the emergency services before agreeing a solution.

Councillor Mrs JP French a Local Ward Member said that there was considerable merit in a public meeting being held to obtain views on the design and details of the scheme before a decision was made. The Sub-Committee agreed that consideration of the application should be deferred

In accordance with the criteria for public speaking, Messrs Jessop, Hinsley & Barker who were objectors, and Mr Clements the applicants agent decided to defer their right to speak until the application came back to the Sub-Committee.

RESOLVED

That consideration of the application be deferred pending a public meeting to discuss the proposals.

33. 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

In accordance with the criteria for public speaking, Mrs Lewis an objector spoke against the application and Mr Partridge spoke in favour.

Councillor B Hunt a Local Ward Member asked a number of questions about the proposal and the concerns that had been raised by the neighbour about her property being overlooked. Councillor A Seldon the other Local Ward Member was concerned about the use of the proposed roof lights in a Conservation Area. Councillor WLS Bowen felt that the original conditions imposed on the planning permission were sound and that they should not be varied.

RESOLVED:

That (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reason 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.

(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 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.]

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

The principal Planning Officer reported on the following matters:

Little Hereford parish council raise no objection to the proposal

Amended plans have been received from the applicant's agent since the completion of the report. Effectively the plans show a first floor over the existing lean to element. The plans now see the two storey extension reduced in its size and scale. It is 2.4 metres narrower and, rather than having twin gables intersecting the roof, the amended plans show a single ridge line running parallel to and 1.8 metres lower than the existing. The size of the conservatory has been increased to become a more useable space but its

design is as per the original submission.

Officer's Comment

The amended scheme is considerably more subservient than the originally submitted scheme and is acceptable in terms of its design. It moves first floor windows even further away from the neighbouring property where objections have been raised in respect of overlooking. Officers did not consider that there was any demonstrable loss of privacy originally and this remains the case.

Re-consultation has been undertaken on the basis of the amended plans. The expiry date for further comments is 6th July 2007. Your officer's do not anticipate that this will result in any new material planning considerations being raised.

In accordance with the criteria for public speaking, Mr Phillipson spoke against the application.

Councillor J Stone the Local Ward Member said that in view of the revised plans having only recently been received, consideration of the application should be deferred pending their consideration and to allow consultation.

RESOLVED

That consideration of the application be deferred to give the Officers the opportunity to appraise the revised plans and to undertake appropriate consultation on them.

35. 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.

The principal Planning Officer reported on the following matters:

ADDITIONAL REPRESENTATIONS

In response to the consultation in relation to the amended plans 4 additional letters have been received. These reiterate issues outlined in the report but also make the following comments:

The revised scheme is an improvement on the original design but remains a very ugly block with absolutely no architectural merit and unsuitable on the boundary of the Conservation Area.

The stonework has been omitted to the detriment of the design

Total absence of any outdoor amenity space for the occupants of the eight dwelling in this block.

The increase in car parking space will lead to more cars on site (from the development or surroundings)

ADDITIONAL INFORMATION

It is considered that the report does not make enough reference to the affordable housing.

The proposal provides for a mix of both rented (10 dwellings) and shared ownership (8 dwellings) and the section 106 will make provision for these to be allocated to persons which meet the local connection criteria.

It has also been possible to obtain some factual information from Strategic Housing with regards to the current For information purposes The 2001 census indicated that, in Kington, 19.7% of households were social renting (i.e. from an RSL or the Council). This figure is broadly similar in balance to the figures given for the other market towns at that time, i.e. Bromyard 23%, Leominster 18.8%, Ledbury 14.9% and Ross 16.6%. The figure for Hereford was given as 21.6% and the overall figure for Herefordshire was 15.2% (although, as you appreciate you would expect the Herefordshire % picture to be slightly less due to it's rurality)

A further 17.6% were renting privately in Kington.

A review of Council Tax records and our records of Housing Association-owned stock suggests the figure for social rented property may have risen slightly to 21% since 2001 (258 RSL properties out of 1205 total). We would expect that each Market town will have seen increases since the 2001 census.

It is worth noting of course that a Choice-Based lettings system operates in Herefordshire whereby applicants for most social housing tenancies place a 'bid' of interest for properties which become vacant and are selected by the RSL's according to their priority on the housing register. Therefore applicants generally end up where they choose to move to (taking into account the overall shortage of affordable housing).

On rare occasions, e.g. where a homeless households are failing to place bids of interest and resolve their housing problems, a bid via HomePoint may be made for them by the homelessness team. There is no evidence to suggest this has been an issue in respect of Kington lettings/allocations with no direct lettings resulting in a forced bid out of the 13 properties advertised since 30th January 2007.

The applicant has submitted some revised plans for further discussion / negotiation and these will be sent out for consultation shortly.

In accordance with the criteria for public speaking, Mr Lloyd of Kington Town Council and Mrs Bradbury and Mr Lewis spoke against the application, and Mr Jones acting on behalf of the applicant spoke in favour.

In view of the revised plans having recently been received, the Sub-Committee decided that consideration of the application should be deferred pending their consideration by Officers and to allow further consultation.

RESOLVED

That consideration of the application be deferred to give the Officers the opportunity to appraise the revised plans and to undertake appropriate consultation on them.

36. DCNW2007/1214/F - PROPOSED 15 DWELLINGS, GARAGES, PARKING SPACES, AMENITY AREA AND MINOR ACCESS ROAD ON LAND AT CROFTMEAD, NORTH ROAD, KINGSLAND, HEREFORDSHIRE

The Senior Planning Officer reported the following update:

A letter of objection submitted by Wendy and Glynne Schenke, Harbour House, Kingsland has been withdrawn, No objections are raised to the proposed development from Mr. & Mrs. Schenke.

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, Mr Thompson and Dr Wall objector and Mr Spreckly the agent, decided to defer their right to speak until the application came back to the Sub-Committee.

37. 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

The Senior Planning Officer reported the following update:

The applicants in response to concerns raised from the owners of the adjoining dwelling known as Westfield have submitted this morning amended plans indicating a reduction of 300mm of the overall height of the interconnecting roof between the original chapel building and the proposed extension in order to make the proposed development more subservient to the original structure on site. This proposal is considered acceptable in order to address the neighbours concerns.

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

Councillor RJ Phillips the Local Ward Member suggested that in view of the proposed alterations to the roofline, the Officers determine the application in consultation with the Chairman and himself.

RESOLVED

That the Officers be delegated to grant planning permission in consultation with the Chairman and the Local Ward Member, 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

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

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 - 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

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

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, Mr Booth of Bishops Frome Parish Council and Mr Owen an objector, decided to defer their right to speak until the application came back to the Sub-Committee.

40. **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**

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, Mr Merrick an objector, and Mr Cockburn the applicants agent decided to defer their right to speak until the application came back to the Sub-Committee.

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

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, Mr Potts the applicant decided to defer his right to speak until the application came back to the Sub-Committee.

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

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2 - **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

The meeting ended at 5.30 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNE2006/3761/F**

- The appeal was received on 29th 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 Mrs Fitzgerald
- The site is located at Land adjoining 24 Homend Crescent, Ledbury, Herefordshire, HR8 1AL
- The development proposed is Removal of Condition 10, on approval DCNE2005/1431/O, car parking area.
- The appeal is to be heard by Written Representations

Case Officer: Roland Close 01432 261803

Application No. DCNC2007/0997/A

- The appeal was received on 15th 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 Miss S Powderley
- The site is located at Bengry Motors Ltd, The Bargates, Leominster, Herefordshire, HR6 8EY
- The development proposed is 2 x Single sided free standing display advertising units.
- The appeal is to be heard by Written Representations

Case Officer: Julia Shields on 01432 261560

Application No. DCNC2007/0656/F

- The appeal was received on 19th 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 & Mrs K Dowling
- The site is located at Plot 3, Land adjacent Village Hall, Stoke Prior, Leominster, Herefordshire
- The development proposed is Erection of dwelling house & garage/garden store (amendments to previous approval NC2004/0778/RM).
- The appeal is to be heard by Hearing

Case Officer: Peter Yates on 01432 261782

Application No. DCNC2006/1215/F

- The appeal was received on 20th June 2007
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission

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

- The appeal is brought by Miss K Rogers
- The site is located at Highwell House, Highwell Lane, Bromyard, Herefordshire, HR7 4DG
- The development proposed is Replacement of south wing and dayroom link
- The appeal is to be heard by Written Representations

Case Officer: Julia Shields on 01432 261560

APPEALS DETERMINED

Application No. DCNC2006/2136/F

- The appeal was received on 23rd 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 Mr S Cooke
- The site is located at Garden on east side of 2 Cross Cottages, -, Risbury, Leominster, Herefordshire, HR6 0NQ
- The application, dated 29th June 2006, was refused on 22nd August 2006
- The development proposed was Proposed two storey dwelling.
- The main issue is development in the open countryside beyond any of the settlements identified for further residential development by the UDP.

Decision: The appeal was DISMISSED on 5th July 2007

Case Officer: Andrew Banks on 01432 383085

Application No. DCNW2006/0657/U

- The appeal was received on 19th October 2006
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by DA Kirk
- The site is located at "Tool shed & rest room" at the Frith Wood, Stapleton
- The application, dated 21st February 2006, was refused on 10th April 2006
- The development proposed was Residential dwelling.

Decision: The appeal was ALLOWED on 14TH June 2007

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNW2006/3821/F

- The appeal was received on 29th March 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 Mr & Mrs G Ward
- The site is located at Leapyards, Stretford, Monkland, Herefordshire, HR6 9DG
- The application, dated 30th November 2006, was refused on 22nd January 2007.
- The development proposed was Proposed two storey rear extension, side conservatory and new vehicular access

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

- The main issue is the effect of the proposed development on the character and appearance of the host building

Decision: The appeal was ALLOWED on 9th July 2007

Case Officer: Philip Mullineux on 01432 261808

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

**6 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

The application was deferred at the meeting on 27th June 2007 for a Committee site visit. The site visit took place on 10th July 2007. The report below has been updated.

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 bedrooomed units for rent 2 x 2 bedrooomed 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. Amended plans are requested to address minor issues in relationship to reduction in relationship to visibility splay to the site from the adjacent public highway. Parking provision is required for the dwelling on Plot 15 and better integration into the site of secure parking provision.

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

- 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 site.

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.
- 6.13 At the time of updating this report no amended plans have been received in relationship to the Transportation Manager's request for minor amendments in relationship to the issues as outlined in paragraph 4.12 of this report. However confirmation from the applicant's agent has been received agreeing to the requested amendment. Confirmation will be given verbally at Committee with regards receipt of acceptable amended plans.

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)

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

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.

17 - H29 - Secure cycle parking

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

Informatives:

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

2 - N19 - Avoidance of doubt

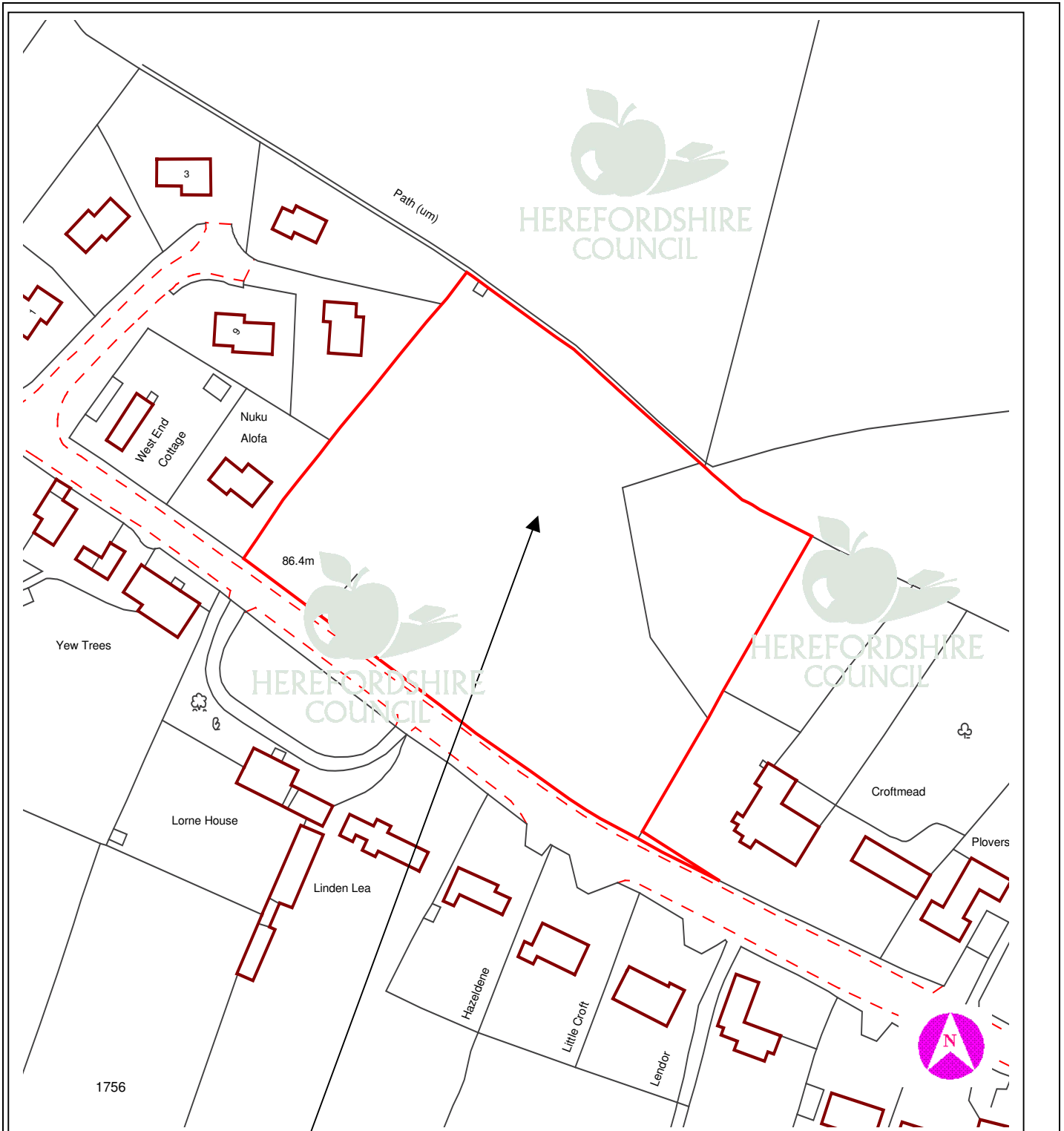
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 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

7 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 per 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. At the meeting of the 25th June Members raised concern relating to the design and in particular the materials proposed as well as questioning the need for rented Affordable Housing in Kington. This Report has been updated accordingly.

Design

In response to members' observation the applicants have revisited the use of materials on the site. The revisions include the use of timber cladding at high level with a lime wash render at lower level. The cladding could be locally sourced larch and the render could utilise local sand. The revised elevations will also highlight the entrances with brick surrounds to the front doors. The roof will remain unchanged and utilise reconstituted slate. It is therefore considered that these revised materials and concepts will create a softer elevation that is more in keeping with the setting of the site and better meets Councillors aspirations. Members will note the condition suggested which requires the submission of materials for approval prior to the commencement of development.

Affordable Housing Tenure

In response to concerns raised regarding the mix of housing (6 shared ownership, 6 for rent) Officers have had discussions with Strategic Housing who maintain that the mix suggested would meet the need as identified by the Kington Housing Needs Survey and the Councils Strategic Housing Policy.

The section 106 agreement will control the mix of tenure as well as ensuring that occupants or owners meet the criteria set out in the Section 106 regarding a local connection to Kington or one of the surrounding parishes. These parishes have been specified as: Huntingdon, Rodd Nash and Little Harpton, Brilley, Eardisley, Lyonshall and Titley.

Acknowledging the concerns of Councillors, Kington Town Council, in conjunction with the Councils Enabling Manager have arranged an information day that is scheduled to take place on the 20th July 2007. This is intended to update and add to the findings of the Kington Housing Needs Survey which was published in July 2004 and identified a need for 61 affordable dwellings. Local residents are being encouraged to attend and discuss their needs, in particular relating to the desire to purchase a shared

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

ownership dwelling and their ability to afford such a dwelling. The data that obtained will be presented to members at Committee and should help to clarify some of the concerns.

Strategic Housing have also provided some factual information regarding the current affordable housing mix and tenure in Kington. The 2001 census indicated that, in Kington, 19.7% of households were social renting (i.e. from an RSL or the Council). This figure is broadly similar in balance to the figures given for the other market towns at that time, i.e. Bromyard 23%, Leominster 18.8%, Ledbury 14.9% and Ross 16.6%. The figure for Hereford was given as 21.6% and the overall figure for Herefordshire was 15.2% (although, as you appreciate you would expect the Herefordshire % picture to be slightly less due to it's rurality). A further 17.6% were renting privately in Kington.

Aa Choice-Based lettings system operates in Herefordshire whereby applicants for most social housing tenancies place a 'bid' of interest for properties which become vacant and are selected by the RSL's according to their priority on the housing register. Therefore applicants can generally choose where to move to (taking into account the overall shortage of affordable housing).

On rare occasions, e.g. where a homeless households are failing to place bids of interest and resolve their housing problems, a bid via HomePoint may be made for them by the homelessness team. There is no evidence to suggest this has been an issue in respect of Kington lettings/allocations with no direct lettings resulting in a forced bid out of the 13 properties advertised since 30th January 2007.

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 (6) and shared ownership (6) flats and dwellings as follows:-

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

These will be offered to local persons and this will be controlled through the Section 106 Agreement and will ensure that occupants / owners have a local connection to Kington or one of the surrounding

parishes. These parishes have been specified as: Huntingdon, Rodd Nash and Little Harpton, Brilley, Eardisley, Lyonshall and Titley.

- 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

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

- 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 it 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.

4.8 The Councils Ecologist has made the following comments:

I have received the ecological survey report by Carter Ecological Limited as a result of their survey of the site on 30/05/2007.

I welcome the thorough assessment of habitats on the site.

I note that a significant amount of evidence of use of the buildings by bats was found. However, there is insufficient evidence regarding the species using the buildings and how mitigation will be incorporated into the new development. Different mitigation and compensation measures are required for different species of bat. Bat activity surveys are recommended in the report, and should be undertaken now to determine the species and numbers present. Confirmation of whether there is a maternity roost present (and if they are brown long-eared bats) in the water tower is also needed, although I appreciate that this will not be affected by the main development. The presence of lesser horseshoe bats also needs to be clarified. It will need to be shown how the mitigation and compensation measures can be incorporated before development can take place.

Reptile surveys will be required at an appropriate time of year. If they are found to be present, it should be possible to accommodate them on the undeveloped part of the site, but they may need to be excluded from certain areas.

A nesting bird mitigation strategy will also be required, including provision of nest boxes for swallows and house sparrows. I note that no evidence of badgers was found on the site.

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, I 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

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

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)

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

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.

16 - Prior to the commencement of development on the site the recommendations set out in the ecological report by Carter Ecological Limited as a result of their survey of the site on 30/05/2007 shall be undertaken and details of mitigation and findings submitted to and approved in writing by the local planning authority.

Reason: To protect the ecological interests of the site.

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.

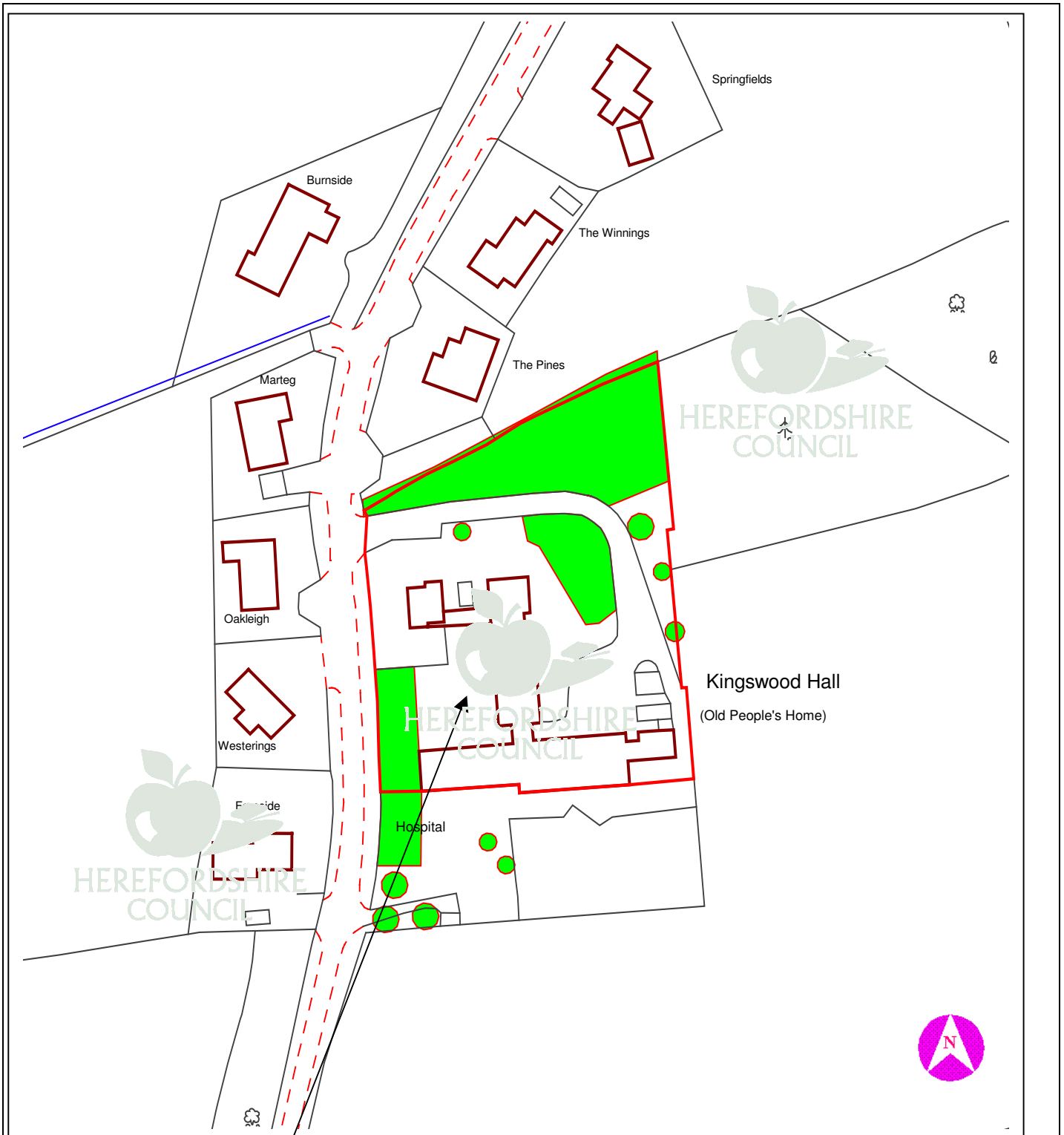
DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

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: 6 affordable housing units for rent and 6 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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8 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 per Drivers Jonas, Cornwall Court, 19 Cornwall Street, Birmingham, B3 2DY

Date Received:

25th April 2007

Expiry Date:

25th July 2007

Local Member: Councillor TM James

Ward: Kington Town

Grid Ref:

29744, 56799

This application was deferred by members on the 25th June to allow for officers to continue negotiations and consultations on the revised scheme, in particular the apartment block and ongoing discussions relating to pedestrian access to the site. These matters have now been resolved to the satisfaction of the Local Planning Authority and this report has been updated accordingly.

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 October 2006 following a Public Inquiry 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, including an annexe which relates to the design approach to the revised apartment block, an 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 The affordable housing will be spread across the site and the section 106 will ensure its retention in perpetuity as well as tenure. Occupants would be subject to meeting the criteria set out in the Section 106 regarding a local connection to Kington or one of the surrounding parishes. These parishes have been specified as: Huntingdon, Rodd Nash and Little Harpton, Brilley, Eardisley, Lyonshall and Titley.
- 1.8 The proposed apartment block has been revised to address concerns relating to the design and impact of the building. The shape and design of the building have been altered to form a T shaped two-storey building accommodating 8 two bed flats. These revised proposals were received on the 10th July and neighbours and interested parties have been re-consulted on the amended plans.
- 1.9 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. The pedestrian links from prospect lane into the site have been removed from the scheme.

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.

Following a meeting with West Mercia Police the Transportation Manager made the following comments:

We looked at the proposed development at Maesydari, Kington. I explained our desire for strong foot links to the town centre, schools and shops from the south-western corner on the site and onto Oxford Lane. We discussed desire lines and how resistance to deviation is particularly strong for pedestrians. We also talked about the likelihood of informal routes becoming established, and if it was better to anticipate and provide for a formal route where strong demand is likely.

I believe we reached a consensus, that would meet the requirements of both parties. This involves;

- Adopt links through the car parking courts that will be overlooked by adjacent dwellings.
- Links to be lit and open.
- The wall and hedge adjacent to Prospect Lane along the site boundary to be lower than 1.2m so the lane is overlooked and free from hiding places.
- The rest of Prospect Lane remote from the site to be lit using S106 funds.

There does not appear to be any reason why we can't licence adopted highway under private property, provided adequate height and width is available.

These points are broadly in line with the Inspector's comments in the Appeal Decision APP/W1850/A/06/2007912, and the negotiated agreement for Planning Application DCNW2005/3082/F.

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 (1) submitted on 6th June 2007 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

Comments on the revised proposals (2) submitted on the 10th July 2007 as follows:

No objection subject to the submission of large scale joinery details

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 17 letters of representation submitted. The issues raised are as follows:

- 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
- The revised scheme is an improvement on the original design but remains a very ugly block with absolutely no architectural merit and unsuitable on the boundary of the Conservation Area.
- The stonework has been omitted to the detriment of the design
- Total absence of any outdoor amenity space for the occupants of the eight dwelling in this block.
- The increase in car parking space will lead to more cars on site (from the development or surroundings)

5.3 A petition of 154 signatures objecting to the development has also been received.

5.4 Charles Naylor, Divisional Crime Risk Manager, West Mercia Police has made the following comments:

- Whilst Kington may not suffer the levels of crime normally associated with areas of concern in terms of 'hot spots' for Community Safety Partnerships locally there are concerns about the quality of life issues within the community. The local area profile shows a higher level of the fear of crime than the average for the West Mercia Policing area.
- There are currently on going measures to tackle an increase in damage to vehicles and graffiti in Kington.
- The proposed design layout plan, revision H, indicates two pedestrian access points to the south of the development. I would have concerns regarding the impartibility and assumed right of access that these routes would allow.
- The recent publication by the Department of Transport, *Manual for Streets 4.6.2*, states "to ensure that crime prevention is taken properly into account, it is important that the way in which permeability is provided is given careful consideration". I would also refer to PPS1 which states there is a clear objective for new developments to create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion.
- Finally I make reference to the Herefordshire Design Guide for New Development in which the nationally accredited security standard for developments, Secures by Design, is endorsed. The general principle of this scheme being to design out crime through the use of effective prevention and security standards.

Whilst there is a need to balance the requirement for safer routes to school and restricting the use of transport the installation of these proposed routes will not make a significant impact on these issues. The long term effect of allowing the development to have general permeability is likely to cause residents an increase in crime and disorder and the fear of crime.

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.

5.6 Further letters of consultation have been issued regarding the revised apartment block and minor alterations to the layout and pedestrian access of Prospect. The consultation period expires on the 25th July 2007.

6. Officer's 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 is 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 Three schemes have been formally tabled during this application with regards to the proposed apartment block that is sited in the southeast corner of the site in the area that formally housed the garaging and industrial building. The amended proposal that now the subject of this application is a result of ongoing discussion with the applicant and the Councils Planning and Conservation Officers. The revised scheme has addressed concerns about the design and its impact and relationship on the locality and in particular the adjoining conservation area.
- 6.6 An Annexe to the Design and Access statement provides the rational behind the revised scheme. The shaped of the proposed block has been amended to a T shape in order to reduce the mass of the building along its boundary with the adjoining conservation Area. The building has been orientated so that the building is flush with the lane (public right of way) that runs along the Eastern Boundary of the site. The flats will be accessed directly from this lane so that the building itself will form the boundary of the site. The reduction of the building to two stories accords with the scheme approved by the inspector and greatly reduces the mass, bulk and impact of the building on the locality and adjoining Conservation Area. The detailing has now been carefully considered so that it reflects that of its local architectural context as has the introduction of a feature chimney.
- 6.7 The matters relating to the apartment block and surrounding area are now considered to be resolved and Officers are satisfied that the design, materials and siting are an acceptable form of development in accordance with the relevant policies.

Housing Layout and Design

- 6.8 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.

- 6.9 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.
- 6.10 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

- 6.11 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.
- 6.12 Notwithstanding the agreement in principle there are a number of smaller issues that required addressing. 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. Matters of secure cycle parking and site operative parking can be satisfactorily dealt with through the use of an appropriate condition as recommended. The matter of the pedestrian accesses from the site through the Southern Boundary onto Prospect Lane has been the subject of further discussion with the developer, West Mercia Police and the Council's Transportation Manager.
- 6.13 The scheme currently before members has removed the pedestrian links from the scheme following consultation with the Police with regards to the safety aspects of the design. The Council's Transportation Manager raised concerns that these had been removed and have had further consultation with the Police who have revised their comments and now feel that there is a solution to this matter (see comments from the Council's Transportation Manager in section 4 above). Both options are reliant upon legal matters that need to be further investigated and resolved with regards to adoptions and sales matters. It is your officers opinion that both the omission and inclusion of the accesses have their own merits, and whilst their inclusion would be of benefit their omission would not be sufficient reason to refuse this application. It is considered that condition 8 covers this issue and this can be resolved to our satisfaction through the imposition of this and the detail to be agreed by submission prior commencement.
- 6.14 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 additional 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. The apartment block design, siting and impact issues have been resolved and highway matters can be controlled through the appropriate condition. All outstanding matters have been resolved to the satisfaction of officers and the proposed development is now considered to accord with the Policies of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That Subject to their being no further objections raising material planning considerations by the end of the consultation period (25th July 2007) and:

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

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:

.....

Background Papers

Internal departmental consultation replies.

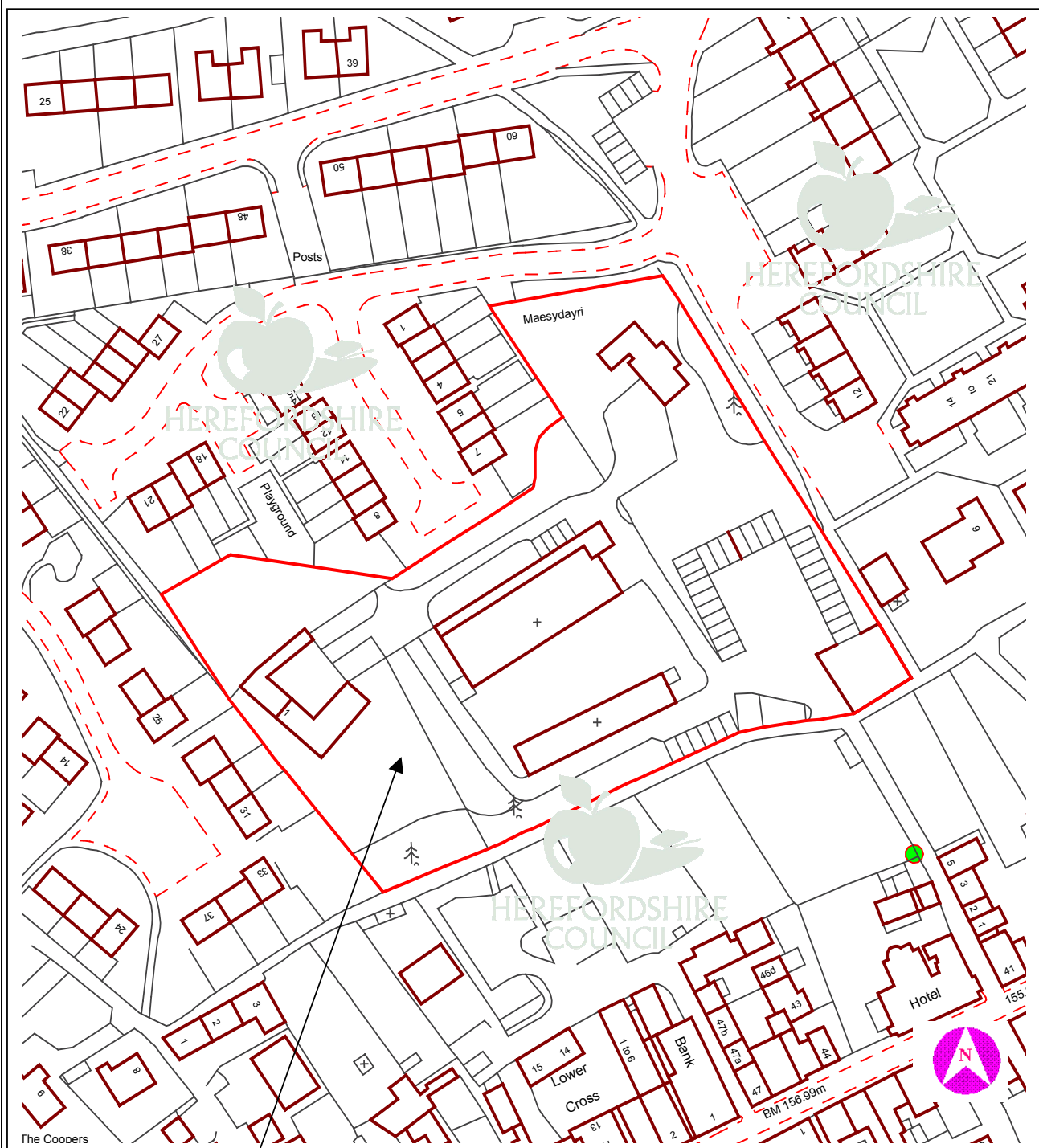
DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

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.



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

APPLICATION NO: DCNW2007/1179/F

SCALE : 1 : 1250

SITE ADDRESS : Maesydayri 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



The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

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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9 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 Member: Councillor J French and Councillor Brig P Jones

This application was deferred by committee on 27th June 2007 following a request from the Local Members that a public meeting be held prior to its determination. A meeting is due to take place on 18th July 2007 and any matters arising from it will be reported verbally to committee.

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 - Comments have now been received from the Transportation Manager in respect of amended plans dealing with the treatment of the communal cycle parking facilities. No objections are raised on the basis of the amended plans.

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.

4.9 Landscape Officer - Advises of no objection in relation to amended landscape proposals.

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 Comments in relation to the amended plans have been received from Leominster Town Council and in summary these are as follows:

5.2.1 There were no major comments on the amended plans except concern about the possibility of anti-social behaviour in and around the proposed youth shelter, due to its distal location

5.2.2 Requests clarification in relation to the bus gate solution. Have the details of this been agreed?

5.2.3 Welcome the decision to provide water butts but were disappointed that solar panels/tiles were not to be incorporated as it is thought that this would be an appropriate in a development for the 21st century.

5.3 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.

5.4 Leominster Civic Society

5.4.1 Object to the application on the grounds of poor design and insufficient regard for the County's aims of sustainability.

5.4.2 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.

5.4.3 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.

5.5 Ramblers Association

5.5.1 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.

5.5.2 What safety precautions are to be installed to allow adjacent main roads to be crossed?

5.5.3 What provision is being made to enable children to cycle safely into town?

5.5.4 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?

5.6 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.

5.7 Correspondence has also been received via e-mail from Dr Peter Linnell that has been forwarded to all members of the committee. Some of the points raised are as follow:

5.7.1 Within the outline consent for this development it is still possible for TW and it's public sector partners in this project to design and build a flag ship housing scheme relevant to the needs of the occupiers, both private and rented, by providing houses which use a minimal amount of fuel for space heating simply by good design and orientation.

5.7.2 By providing a Combined Heat and Power system, (a proven technology available off the shelf), energy demand for domestic hot water can be massively reduced as well as providing an amount of onsite generated electricity reducing reliance on the external grid. Such a system should be built to utilise a range of bio fuels available locally with long term contracts to ensure security of supply.

5.7.3 If TW were to adopt this opportunity to create a genuinely forward looking future proof housing development it would bring with it the following benefits

- A model project for private and social housing which could be rolled out to other sites.
- An opportunity to establish long term energy crop supply contracts to ensure security of fuel supply to the CHP plant.
- Creation of a local skills base familiar with methods and materials ready for future changes to building and housing regulations.
- Major contribution to the county's (and TW's) carbon reduction duty.

5.8 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:

5.8.1 Concerns about increased traffic movements and congestion.

5.8.2 Safety issues for cyclists. Should be a designated route into town.

5.8.3 Developers should be asked to contribute to a by-pass.

5.8.4 Ginhall Lane and Buckfield Estate are likely to become rat-runs.

5.8.5 The development will result in the loss of significant trees.

5.8.6 The 'special' bus gate still shows no restrictive barrier or rising bollards.

5.8.7 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.

5.8.8 The development is not sustainable.

5.9 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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10 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

Introduction

This application was deferred by Committee on 27th June 2007 in order that further consultations could be completed on amended plans.

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 concreted 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 amended plans show a first floor over the existing lean to element and the extension considerably reduced in its size and scale from the originally submitted scheme. It is 2.4 metres narrower and, rather than having twin gables intersecting the roof, the amended plans show a single ridge line running parallel to and 1.8 metres lower than the existing. The size of the conservatory has been increased to become a more useable space but its design is as per the original submission.
- 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, re-surfacing of the tiered concrete yard with gravel 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

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.

One further letter has been received in response to the re-consultation following the receipt of the amended plans from Mr & Mrs Phillipson, Field House, Middleton. They advise that they no longer object to the alterations to the extension, but remain concerned about the re-surfacing of the yard, the changes to its levels and the erection of a fence along the boundary with the converted barns.

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.

The amended scheme is considerably more subservient than the originally submitted scheme and is acceptable in terms of its design. It moves first floor windows even further away from the neighbouring property where objections have been raised in respect of overlooking. Officers did not consider that there was any demonstrable loss of privacy originally and this remains the case. Similarly, the revisions to the design of the porch are acceptable.

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 The changes to the level of the yard and the intention to re-surface are, like the erection of the fence, permitted development and in themselves do not require the benefit of planning permission. Nevertheless, concerns about drainage and surface water run-off would seem difficult to substantiate given that the intention is to replace the concrete with a porous gravel surface.

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.
- 6. **A09 (Amended plans)**

INFORMATIVES:

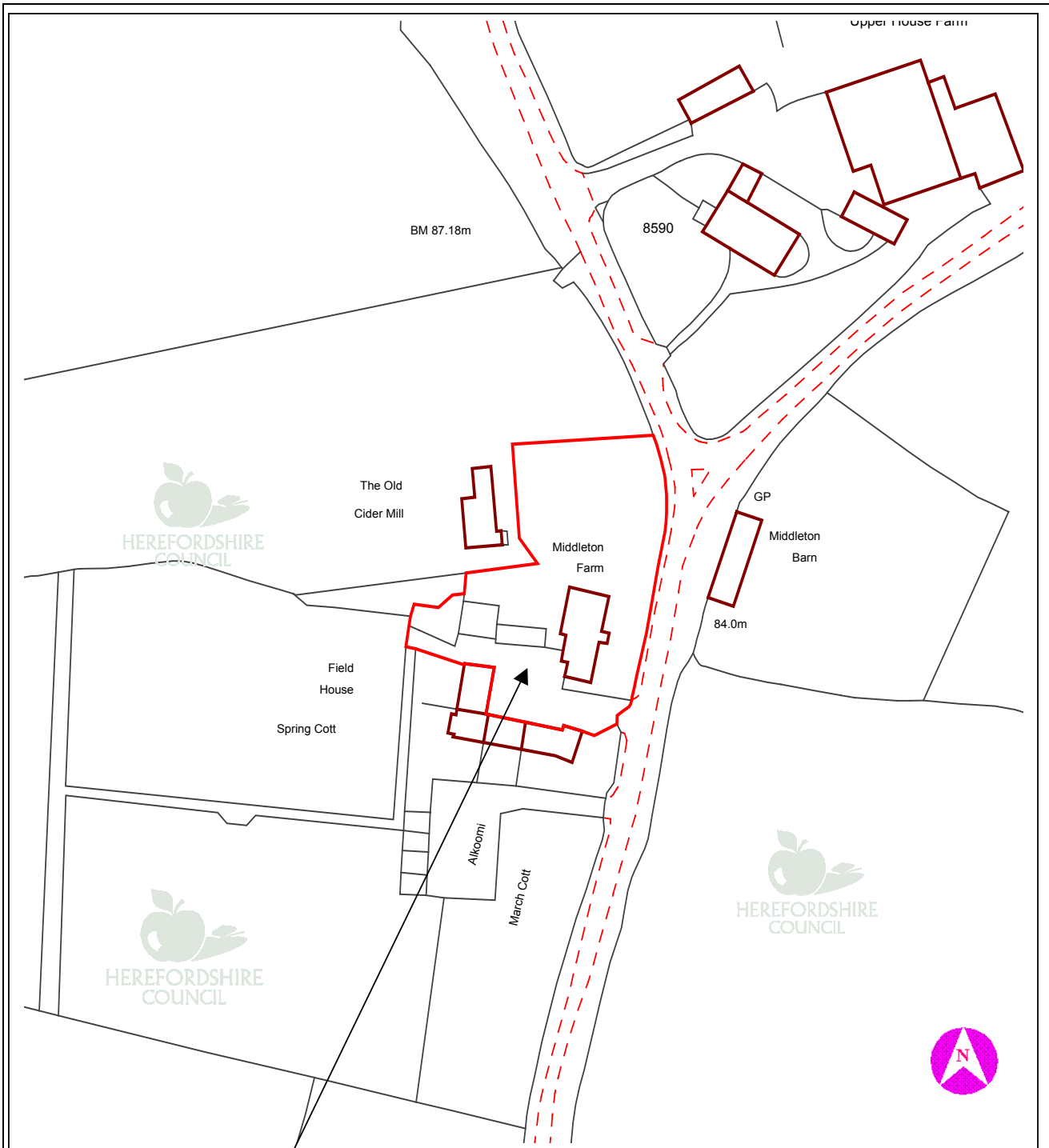
- 1 - **N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 - **N19 - Avoidance of doubt**
- 3 - **The applicant is advised that the fence shown on the approved plan constitutes permitted development by virtue of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 1995, provided that it does not exceed 2 metres in height.**

Decision:

Notes:

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, Herefordshire, SY8 4LQ

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

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

Date Received:
11th December 2006

Ward:
Hampton Court

Grid Ref:
55289, 54941

Expiry Date:
5th February 2007

Local Member: Councillor Keith Grumbley

Introduction

This application was deferred by Committee on 31st January 2007 with a request that a Housing Needs Survey be completed and that the wording of a Section 106 Agreement be investigated. Both matters are dealt with in the updated report that follows below.

1. Site Description and Proposal

- 1.1 The application site is located on the eastern fringe of the village of Risbury. It is currently occupied by a large vacant agricultural building that has previously been used in connection with a racing stables. The village has a linear form with little depth to development on either side of the road. Residential dwellings lie to either side of the site.
- 1.2 The site is flat but at a significantly lower level to the road and the open countryside to the north continues to fall away, giving extensive views across the wider landscape.
- 1.3 The existing building sits quite close to the road, behind a mature native species hedgerow. A separate building is located on the roadside boundary further to the east.
- 1.4 The application is made in full and seeks to erect fair low cost open market dwellings with associated vehicular access and parking. It is accompanied by a draft Section 106 Agreement that is intended to ensure that the dwellings remain as Discounted Low Cost Housing and that they are made available for Herefordshire residents to purchase.
- 1.5 The dwellings are arranged as two pairs of three bed semi detached properties, with a shared parking and turning area to the front. The access remains in the same position as exists at present, with the existing hedge removed and a new one replanted further back behind the visibility splay. The building on the road frontage will be removed to the boundary of the applicant's land to maximise visibility in an easterly direction.

- 1.6 The plans indicate that the dwellings would be simply designed, finished in red brick with tiled roofs and a lean-to porch to the front. Drainage is shown to be via a bio-disc discharging to a series of soakaways located on an adjoining field that is also owned by the applicant.

2. Policies

Herefordshire Unitary Development Plan (Revised Deposit Draft)

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

Leominster District Local Plan

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

3. Planning History

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

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

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Consultations

- 4.2 Transportation Manager -

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

appealed. It is, therefore, recommended that conditions are imposed if planning permission is forthcoming."

4.3 Strategic Housing –

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

Housing Needs Survey

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

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

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

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

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

Section 106 requirements

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

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

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

For example, 6 low cost market properties were provided by a private developer at £113,000 for a 2 bed and £140,000 for a 3 bed which received planning permission based on a discount of 30%. The open market value of the properties were £160,000 for a 2 bed and £205,000 for a 3 bed and even with the discount compared to what local people could afford, this was not affordable by £19,755 and £40,805 respectively and the properties have been sold to people not considered as a high priority on the Homepoint Register and who may have otherwise been able to afford to purchase outright. This was due to the fact that local people were unable to purchase and the properties were sold as an exception to the S106 agreement.

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

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

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

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

5. Representations

5.1 Humber Parish Council - Recommends refusal

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

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

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

In summary the points raised are as follows:-

1. The proposal is contrary to policy.
2. The vacancy of other dwellings built by the applicant demonstrates that there is not a need for further property in the area.
3. Concerns about highway safety and access out of the site.

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

6. Officer's Appraisal

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

6.2 Policy H10 reads as follows:

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

1. **the scheme will contribute to meeting a proven genuine and quantifiable local need for affordable housing as ascertained from an up-to-date local affordable housing needs survey. In the case of a single affordable dwelling, clear evidence of a long-term local need will be required;**
2. **it is evident that local housing conditions could not otherwise satisfy the need;**
3. **the scheme respects both the character and size of the settlement concerned and the identified scale of need;**
4. **arrangements are made to ensure that the benefits of affordable housing, for single dwellings as well as larger schemes, will be enjoyed in perpetuity by subsequent occupants in local need as well as by the initial occupiers;**

5. the site's location affords reasonable access to facilities and where possible public transport;
6. proposals do not involve mixed developments consisting of open market housing to offset the lower return on affordable housing on the same site; and
7. in settlements other than Kington (policy H2), the main villages (policy H4) or smaller settlements (policy H6) the proposal is limited to the construction of a single affordable dwelling which does not exceed the dwelling and plot size limits set in policy H6 unless clear evidence is provided to indicate a need exists for a larger dwelling.

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

1. Local Need

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

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

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

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

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

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

2. Local Housing Conditions

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

3. Size and Character of the Settlement

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

4. Retention of affordable housing in perpetuity

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

Colleagues in Legal Services have attempted to draft a form of words for a Section 106 Agreement to address all of the issues raised in the comments from Strategic Housing with limited success. An Agreement would have to work on the premise that the applicant must sell the four 3 bed dwellings at a fixed price of £110,320 to persons with a local parish connection. If there are no buyers after three months for any/all of the dwellings, the owner must sell them to a Registered Social Landlord (RSL) at the same price.

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

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

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

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

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

need to include a measure of Council involvement to ensure that local demand is met at the correct discounted price.

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

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

5. Sustainability

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

"In the interests of the promotion of sustainable development, there is now a significant restraint on new housing in such settlements. This policy is carried forward in Policy H7 of the Herefordshire Unitary Development Plan. I agree with the council that the appeal proposal would conflict with the content and purpose of these policies."

6. Mixed development

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

7. Single affordable dwellings

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

Other material planning considerations

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

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

Conclusion

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

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

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

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

RECOMMENDATION

That planning permission be refused for the following reason:

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

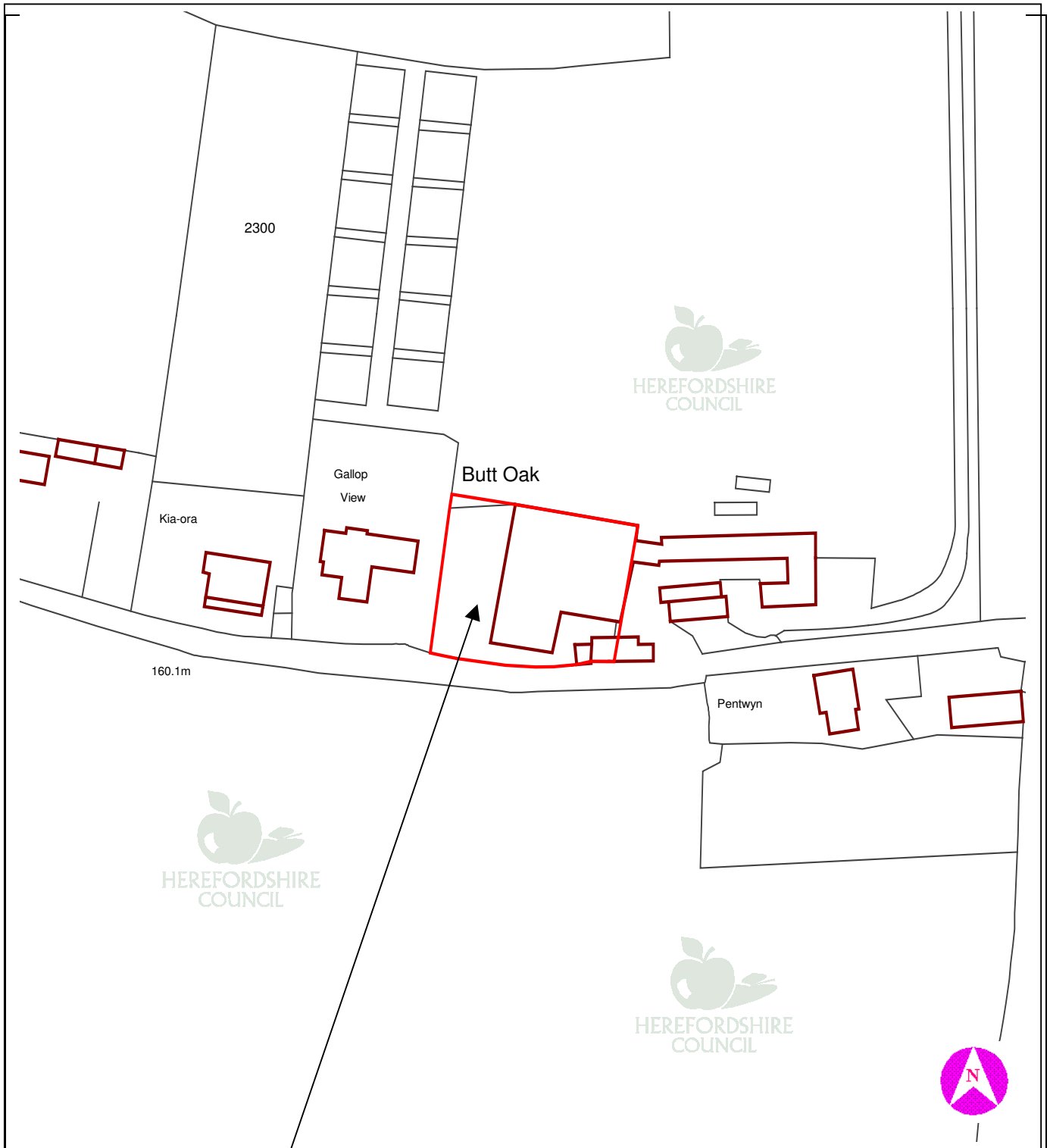
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2006/3893/F

SCALE : 1 : 1250

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

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12 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

This application was deferred by Committee on 27 June 2007 in order for a site visit which was held on 10 July 2007.

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.

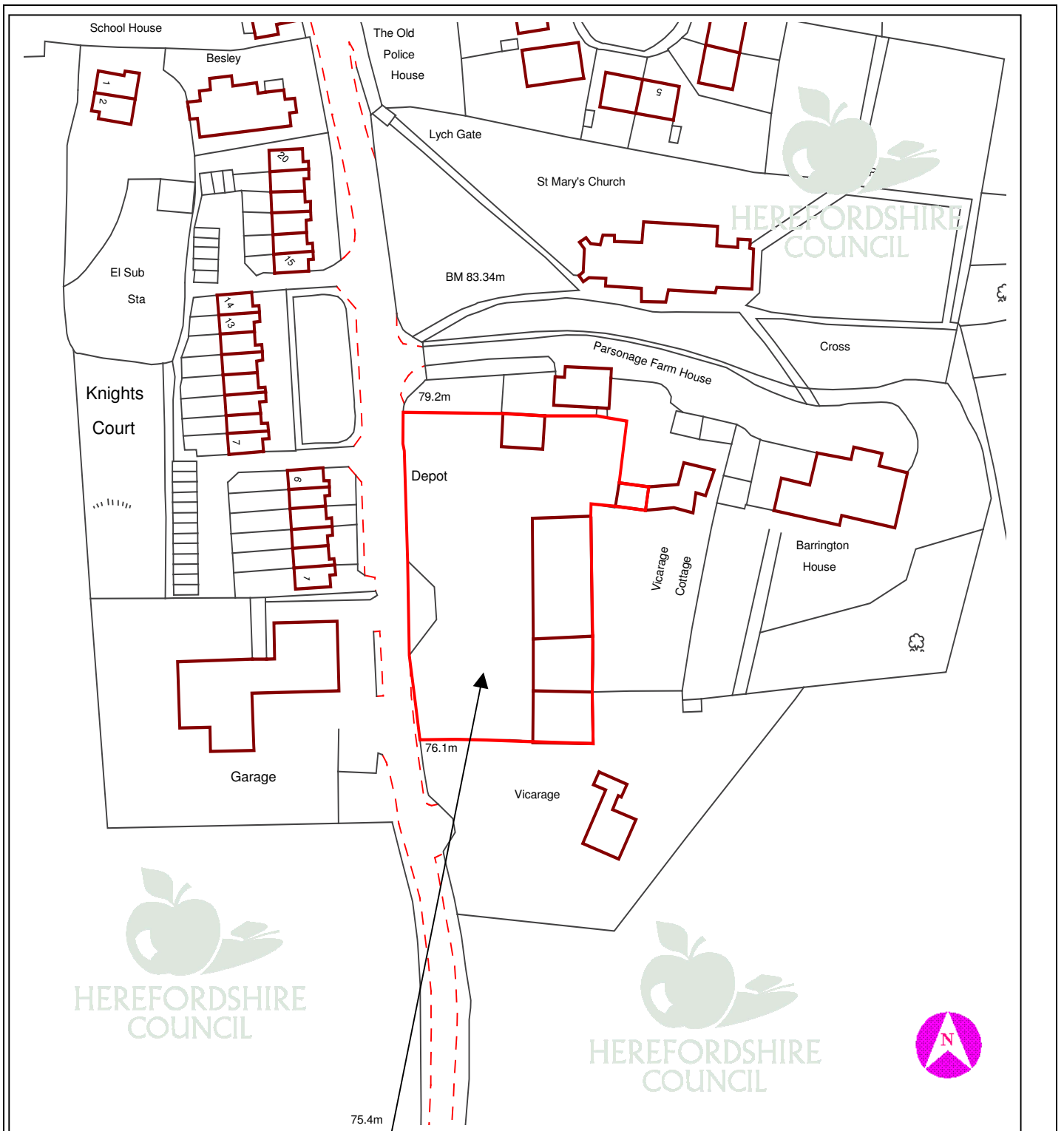
Decision:

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

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

Date Received:
26th March 2007

Ward:
Ledbury

Grid Ref:
70969, 38252

Expiry Date:
25th June 2007

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

This application was deferred by Committee on 27 June 2007 in order for a site visit which was held on 10 July 2007.

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. 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 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.

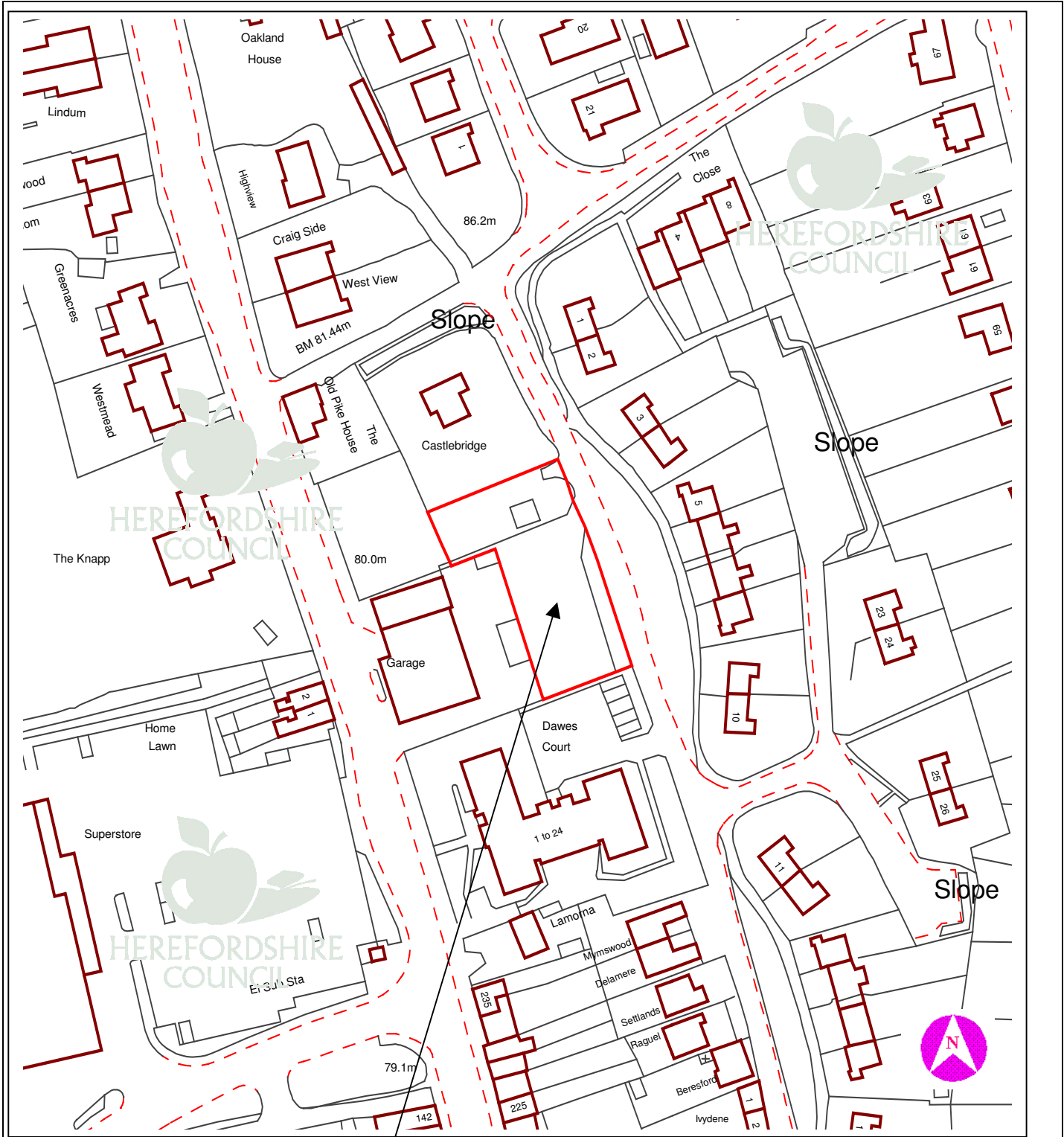
Decision:

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

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

Date Received:

20th April 2007

Expiry Date:

15th June 2007

Ward: Hope End

Grid Ref:

76546, 40572

Local Members: Councillor R V Stockton and Councillor R Mills

This application was deferred by Committee on 27 June 2007 in order for a site visit which was held on 10 July 2007.

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.

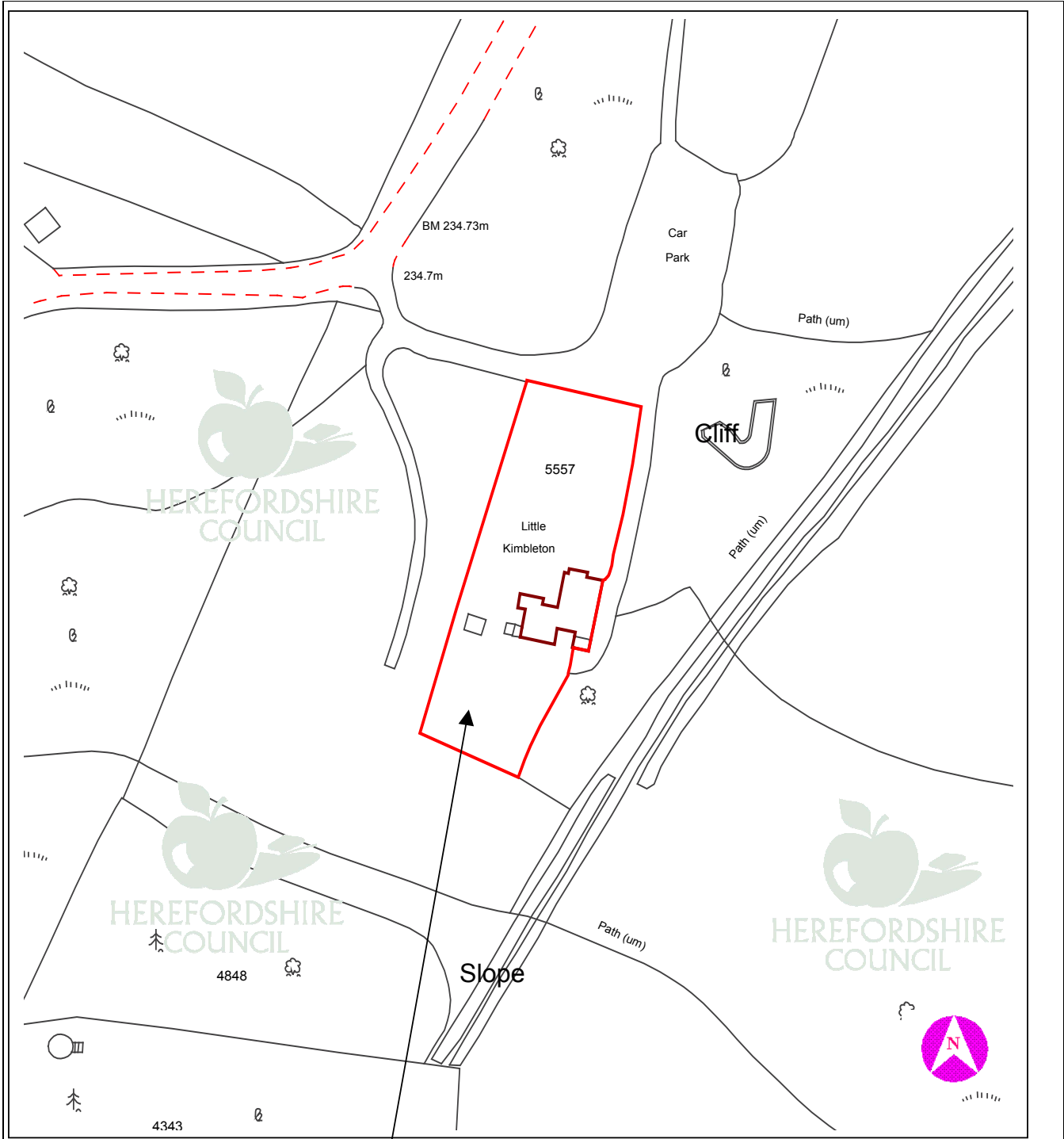
Decision:

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, Herefordshire, WR13 6DW

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15 DCNW2007/1389/F - TWO STOREY EXTENSION AT 15 HATTON GARDENS, KINGTON, HEREFORDSHIRE, HR5 3DD

**For: D Meadows, Mundy Construction Services,
5 Upper Court, Luston, Leominster, Herefordshire,
HR6 OAP**

**Date Received:
4th May 2007
Expiry Date:
29th June 2007**

**Ward: Kington Town Grid Ref:
30377, 56890**

Local Member: Councillor TM James

1. Site Description and Proposal

- 1.1 15 Hatton Gardens is a mid-terrace two storey dwelling of external pebbledash construction under a slate roof. The dwelling has an existing single storey extension and also a large outbuilding, both located to the rear of the property.
- 1.2 This application follows the refusal of a previous application for the enlargement of the existing ground floor dining room at the rear of the property and first floor extension above to accommodate a new bedroom. The application was refused, as it was considered that the scale and design of the proposed extension was not in keeping with the size and character of the original dwelling.
- 1.3 This new application still seeks a two-storey extension above the existing dining room, however the design and scale has been altered to address the previous concerns.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 – Sustainable Development
DR1 – Design
DR13 – Sustainable Residential Design
H18 – Alterations and Extensions

3. Planning History

- 3.1 NW2007/0613/F - Proposed Extension. Refused on 24th April 2007 for the following reason:
It is considered the scale and design of the proposed extensions, in addition to the existing extensions, would cumulatively not be in keeping with the size and character of the original dwelling. Accordingly, the proposal conflicts with Policy DR1 and H81 of the Herefordshire District Local Plan (Revised Deposit Draft).

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 The Traffic Manager has raised no objection to the proposal.

5. Representations

5.1 The Town Council have commented that the amended plans are an improvement and are very acceptable. They have recommended that the application be given approval.

5.2 Two letters of objection have been received from the owners of number 13 and 14 Hatton Gardens. A summary of these letters is:

- loss of sunlight and restriction of views
- concerns relating to the size of the extension and its impact of the existing dwelling and surrounding area.

5.3 It is stated in the letter from Mrs Kara Dickerson's of 13 Hatton Gardens, that both herself and other homes on the estate have been refused planning permission for two storey extensions in the past. The Council's records show that there have only been a total of two applications at Hatton Gardens, both for single storey extension at numbers 13 and 17, which were approved.

Records show that Mrs Dickerson did make an enquiry in 2004 (2004/enq/0962) for a 2-storey extension to the rear of her property. Number 13 Hatton Gardens is a mid terrace property. The case officer advised that a two-storey addition may be viable but on the basis of the plans submitted the scale would be an issue by virtue of the potential impact upon the residential amenities of neighbouring properties. It was advised that the scheme should be reduced in scale and a more modest addition be pursued, no formal application was submitted.

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 in the determination of this application are as follows:

- Design and scale of the proposed extension
- Impact of the extension on the amenities of neighbouring properties

Design and Scale

6.2 Amended plans were submitted during this application in relation to the scale of the extension. The scale has now been reduced so that there is no increase to the floor area of the existing dining room, with the first floor bedroom directly above the existing lean to extension. The design of the roof has also been changed to a hipped roof extending all the way back to the existing roof.

- 6.3 It is considered that the proposed extension will now integrate effectively into the existing dwelling and the use of matching materials will aid this additions integration into the existing built form. The size of the extension is considered appropriate having regard to the associated dwelling and site. The design and scale of this addition is now considered acceptable.

Residential Amenities

- 6.4 It is considered that the siting and scale of this addition is such that it will result in no unacceptable impacts upon neighbouring properties. The neighbours concerns regarding overlooking, loss of privacy and loss of sunlight have all been noted. However I am satisfied that given number 15 Hatton Gardens is an end of terrace property located some 4 metres from number 14 Hatton Gardens, there will be no overlooking, or other unreasonable impact upon privacy or amenity to properties southeast of 15 Hatton Gardens associated with this proposal.
- 6.5 A condition to prevent new openings in the side elevation at first floor level will ensure the privacy of the neighbouring properties to the southeast.

Conclusion

- 6.6 It is considered that the scale and design shown in the amended plans are appropriate, and will not cause any demonstrable detrimental impact to the amenity of adjacent dwellings.
- 6.7 The proposal is therefore considered to accord with Policy H18 of the UDP and is 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 - B02 (Matching external materials (extension))**

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

- 4 - E17 (No windows in side elevation of extension)**

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

Informatives:

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

2 - N19 - Avoidance of doubt

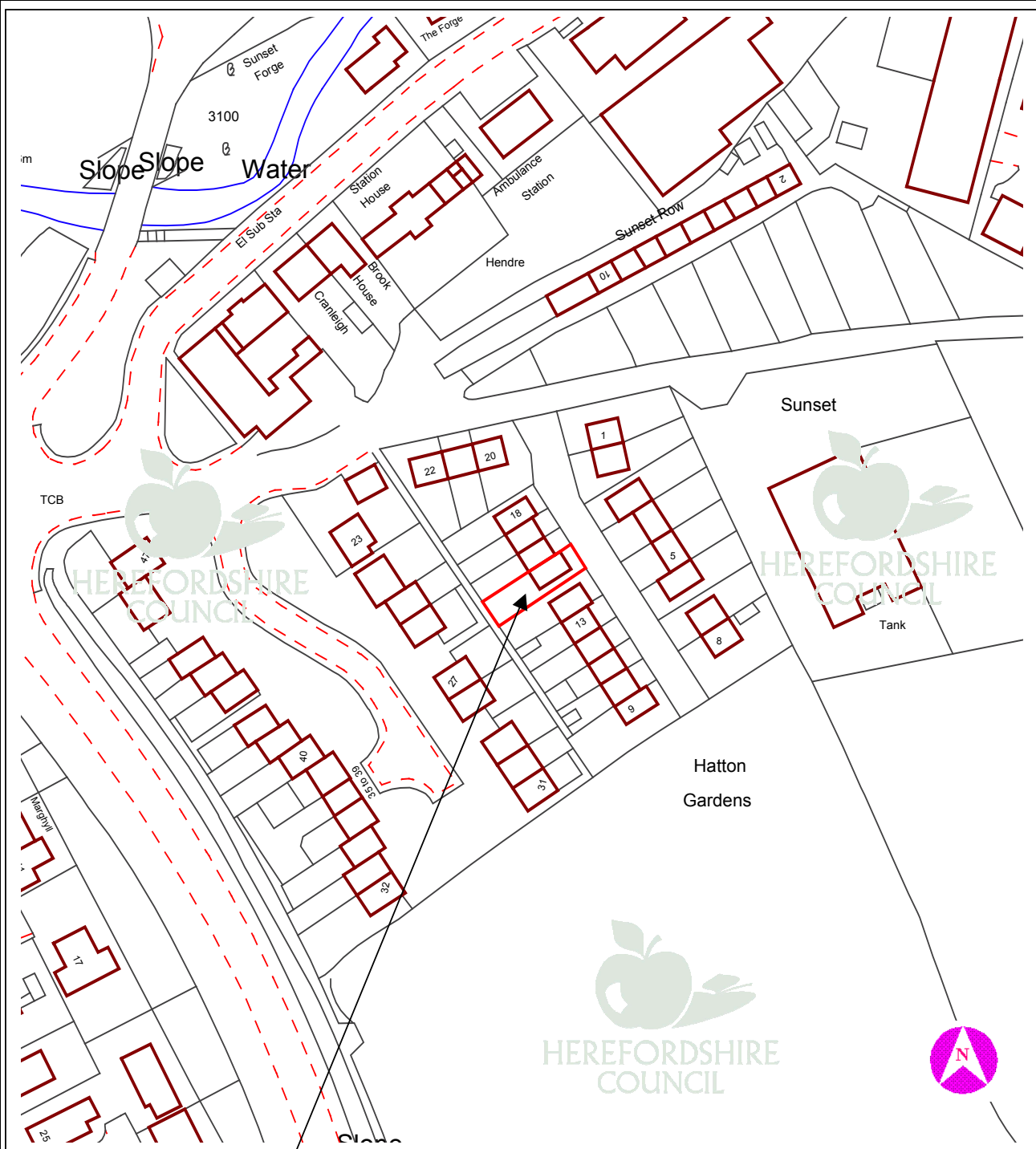
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/1389/F

SCALE : 1 : 1250

SITE ADDRESS : 15 Hatton Gardens, Kington, Herefordshire, HR5 3DD

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16 DCNW2007/1459/F - PROPOSED CONSERVATORY AT THE OAKLANDS, KINGSWOOD, KINGTON, HEREFORDSHIRE, HR5 3HF

For: Mr J Brittain per Mr D Walters, 27 Elizabeth Road, Kington, Herefordshire, HR5 3DB

Date Received:

11th May 2007

Ward:

Kington Town

Grid Ref:

29529, 54615

Expiry Date:

6th July 2007

Local Member: Councillor T James

1. Site Description and Proposal

- 1.1 Oakland's is a red brick dwelling with a timber-framed barn attached which has been turned into residential accommodation. The dwelling lies beside the Small Breeds Farm and its visitor's complex in the open countryside near Kington.
- 1.2 In 2004 planning permission was granted for a small conservatory extension, in the same position of the residential building facing the adjacent unlisted road. This application is for a larger conservatory, which has an overall height of 6 metres. The re-designed conservatory is due to a telephone pole in the area having to be removed if the original design is constructed. The new proposal will have a lay out which will avoid the pole being removed. The conservatory will have a stone plinth with toughened glass.

2. Policies

2.1 Planning Policy Statements

PPS.7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S1 - Sustainable development

Policy DR1- Design

Policy H18 - Alterations and Extensions

3. Planning History

- 3.1 Planning permission was granted on 17th February 2005 under reference NW2004/4350/F for a conservatory to front side of dwelling.
- 3.2 An extension to existing residential accommodation on site of existing derelict timber framed barn was approved under reference 91/0696

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Consultation

4.2 Transportation Manager: No Objection

5. Representations

5.1 The Parish Council considers the proposal to be out of proportion with the property.

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. Officer's Appraisal

6.1 Residential additions such as is proposed in this application are accepted in principle in Development Plan policy. The acceptability of the scheme therefore rests on the details.

6.2 The Parish Council's comments regarding the proposal being out of proportion with the property have been noted. The proposal is effectively a two-storey conservatory. In terms of scale and mass, it is not considered in this case that the proposal would be out of keeping with the character of the existing dwelling. The conservatory sits comfortably in relation to the existing house and its extension.

6.3 Views of the conservatory from the road are limited due to the existing mature hedge screening. If the proposal was for a further extension of solid construction I would be concerned that the addition may detract from the character of the cottage or the surrounding area. The design and scale of the conservatory are considered acceptable. Having regard to the siting and scale of this proposal it is considered that no residential amenity concerns exist in this instance.

6.4 It is considered that the visual amenities of the locality will be preserved through out this development. This proposal is considered to be in accordance with Development Plan Policies and as such planning permission is recommended.

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 - B02 (Matching external materials (extension))

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

INFORMATIVES:

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

2 - N19 - Avoidance of doubt

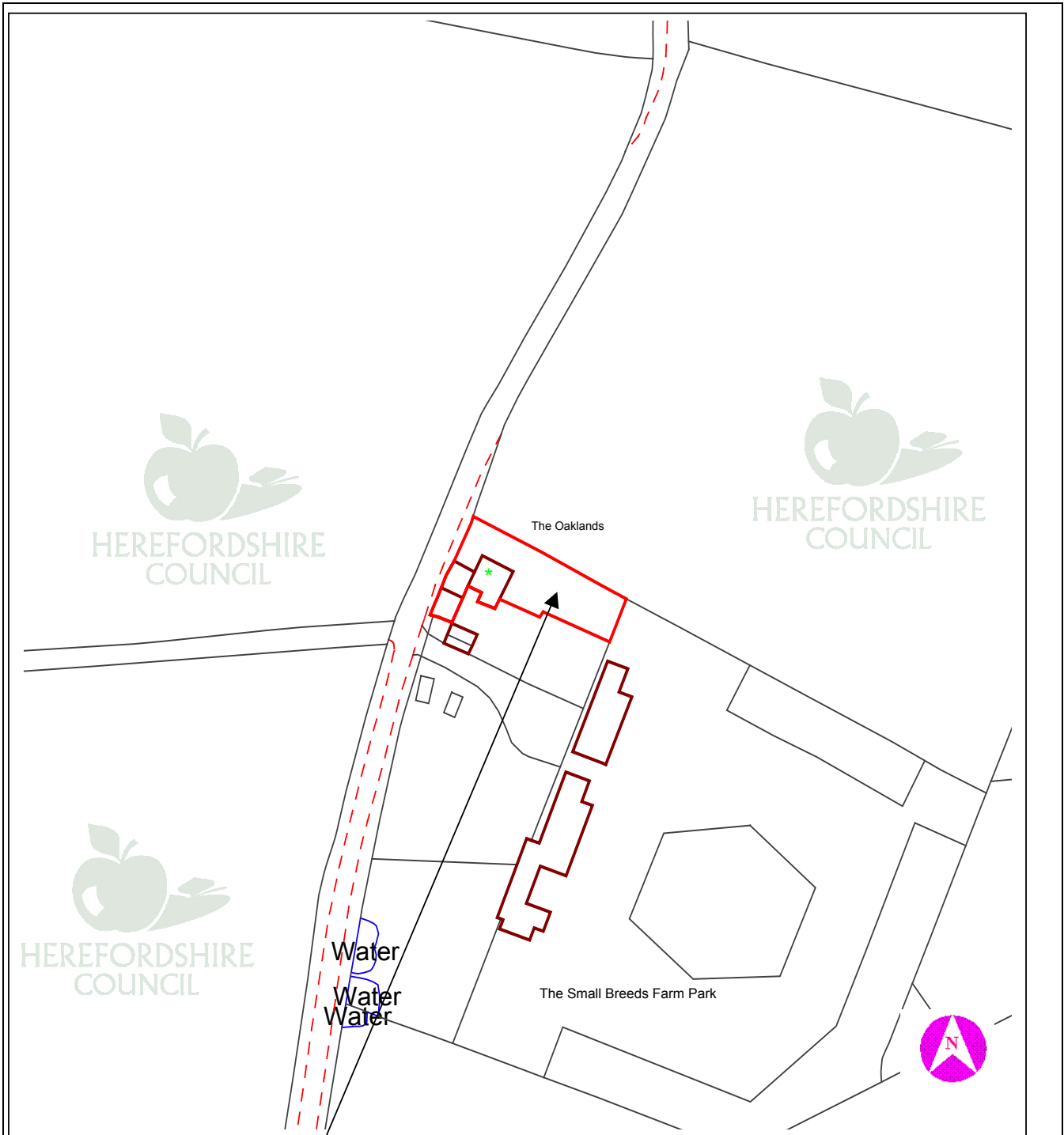
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2007/1459/F

SCALE : 1 : 1250

SITE ADDRESS : The Oaklands, Kingswood, Kington, Herefordshire, HR5 3HF

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**17 DCNC2007/1675/O - SITE FOR PROPOSED
RESIDENTIAL DEVELOPMENT AT RYELANDS
VETERINARY CLINIC, RYELANDS ROAD,
LEOMINSTER, HEREFORDSHIRE, HR6 8PN**

**For: Mr Prail per Baart Harries Newall, 1 Wilderhope
House, Pountney Gardens, Belle Vue, Shrewsbury,
SY3 7LG**

Date Received:

29th May 2007

Expiry Date:

24th July 2007

Local Member: Councillor R B A Burke and Councillor RC Hunt

Ward: Leominster South

Grid Ref:

49096, 58453

1. Site Description and Proposal

- 1.1 The application site relates to the veterinary surgery on Ryelands Road, Leominster. It currently comprises a range of buildings, of little architectural quality, set behind a wide expanse of car parking. It slopes slightly from west to east and is surrounded by residential development. The area is characterised by large dwellings set within well sized curtilages, including the development known as Ryelands Orchard that is to the west.
- 1.2 The application is made in outline with all matters reserved for future consideration and is for the erection of 4 dwellings.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1 - Sustainable Development

DR2 - Land Use and Activity

DR3 - Movement

HR1 - Hereford and the Market Towns: Settlement boundaries and established residential areas

H14 - Re-using previously developed land and buildings.

H15 - Density

3. Planning History

- 3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Transportation Manager - Although the existing junction with Ryelands Road is not to the recommended standard, it would appear that the traffic generated by the proposed residential use should be less than the existing vets use. It will be necessary to provide details of the proposed layout at outline stage (Manual for Streets) to demonstrate how required standards can be achieved.

5. Representations

5.1 Welsh Water - Recommend the imposition of a condition to ensure that none of the dwellings are occupied prior to the completion of essential improvements to the public sewerage system scheduled for completion on 1st April 2008.

5.2 Leominster Town Council - Minded to approve but felt that housing density should be commensurate with other housing in the area.

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

- Mr & Mrs Grice, Firtree Cottage, Ryelands Road
- Mr Hinsley, Leahurst, Ryelands Road
- Mr & Mrs Jones, 4 Ryelands Orchard
- Mrs Pawsey, Archer House, Ryelands Road

5.4 In summary the points raised are as follows:

- Concerns about potential loss of privacy and daylight.
- Concerns about the capacity of the existing sewerage system.
- Consider the proposal to be out of keeping with the area and represents over-development.
- Existing buildings should be converted.
- Dwellings should be single storey.
- Visibility onto Ryelands Road is inadequate. The developer should be required to improve it.

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 site falls within the established residential area for Leominster and therefore the basic principle of residential development is accepted. It therefore falls to be assessed against other material planning considerations and these all appear to be raised in the objections summarised above. Each one will be dealt with in turn.

Amenity

6.2 The design and access statement accompanying the application advises that the dwellings will be 1½ storey with eaves at approximately 4-4.5 metres and ridge heights between 7-7.5 metres. The dwelling on plot 3 is shown to be approximately 19 metres from the closest elevation of Archer House and it is anticipated that the appearance of them will not be dissimilar to that of the development known as Ryelands Orchard.

- 6.3 It is your officer's opinion that the location of each of the dwellings and the indicative scale of them will ensure that they will not cause undue loss of privacy or daylight. Clearly this would be a key consideration of a reserved matters application.

Sewerage capacity

- 6.4 In light of the anticipated improvements, a condition to preclude occupancy before their completion addresses this concern.

Character/overdevelopment

- 6.5 As described above, the details contained in the design and access statement would suggest that the dwellings will be similar in their appearance to Ryelands Orchard, and this is considered to be acceptable. In terms of density, the proposal equates to 30 dwellings per hectare, the lower threshold as advised by PPS3 and Policy H15 of the UDP. Again this is acceptable.

Conversion of existing buildings

- 6.6 The application is for demolition and new development and therefore that is what must be considered. As stated earlier in the report, the buildings are not of any special architectural quality and their retention cannot be justified in this respect. Furthermore, the buildings lie in much closer proximity to existing dwellings, particularly Archer House, and any such proposal could give rise to an increased perception of overlooking.

Single storey development

- 6.7 This would not reflect the general character of the area and there is no reason to require such development on amenity grounds.

Highway safety/visibility onto Ryeland Road

- 6.8 The request for further information on parking layouts seems unreasonable when the anticipated traffic movements will be less than the veterinary surgery, and given that this is an outline application.
- 6.9 The land where visibility could be improved belongs to a third party and does not form part of the application site. In light of the fact that traffic movements are likely to be reduced from the current situation, it would seem unreasonable to refuse the application on these grounds.
- 6.10 It is therefore concluded that the proposal accords with policy and is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted 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 - A09 (Amended plans)

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

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - 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.

7 - G01 (Details of boundary treatments)

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

8 - W01 (Foul/surface water drainage)

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

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

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

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

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

11 - None of the buildings hereby approved shall be occupied until essential improvements to the public sewerage system have been completed by Dwr Cymru Welsh Water, and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 1st April 2008.

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

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: DCNC2007/1675/O

SCALE : 1 : 1250

SITE ADDRESS : Ryelands Veterinary Clinic, Ryelands Road, Leominster, Herefordshire, HR6 8PN

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**18 DCNC2007/1809/O - DEMOLISH EXISTING BUNGALOW
AND SITE FOR NEW TERRACE BLOCK AT 104
BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE,
HR6 8DZ**

**For: Mrs P Leigh per Mr R Davies, R Design, Ennador,
Newlands Road, Leominster, Herefordshire. HR6 8HN**

**Date Received:
5th June 2007
Expiry Date:
31st July 2007**

Ward: Leominster North

**Grid Ref:
49417, 59688**

Local Members: Councillor JP French and Councillor P Jones CBE

1. Site Description and Proposal

- 1.1. This site, which flanks the eastern side of Bridge Street, is located in a residential area in the northern part of Leominster. This site itself consists of a single bungalow, set in its own garden area, with an existing vehicular access onto Bridge Street (B4361). There is a terrace of dwellinghouses to the north of the site, semi-detached dwellinghouses on the opposite side of the road and a large dwelling on both the east and south sides.
- 1.2. This outline application is for the erection of a terrace block of three dwellings to directly replace the existing bungalow on the site, which will be demolished. Details relating to layout and vehicular access have been submitted for consideration at this stage, with the details relating to appearance, scale and landscape reserved for future consideration. The proposed terrace block will be positioned towards the front of the site, with a new vehicular access at the northern end of the road frontage with the existing access blocked up. A new access driveway will lead to a new parking/turning area in the rear garden for six cars.

2. Policies

2.1 Planning Policy Guidance:

PPS1 - Delivering sustainable development
PPG3 - Housing

2.2 Herefordshire Unitary Development Plan:

Policy S2 - Development requirements
Policy S3 - Housing
Policy DR1 - Design
Policy H1 - Hereford and the Market Towns: Settlement boundaries and established residential areas.
Policy H13 - Sustainable residential design
Policy H14 - Re-using previously developed land and buildings

Policy - H16 Car Parking
Policy HBA6 - New development within Conservation Areas.

2.3. Herefordshire Council's Supplementary Planning Guidance:-

Design and Development Requirements

3. Planning History

- 3.1. DCNC2006/3589/0 – Demolition of existing bungalow and site for new terrace block. Refused 08-01-07.
- 3.2. DCNC2007/0546/0- Demolish existing bungalow and site for new terrace block. Refused 17-04-07.

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 the new access/parking provision and closure of existing access.
- 4.3. The County Archarologist has no objection in principle. However, the site is within the recorded medieval core of Leominster and recommends that the standard archaeological "site investigation" condition be imposed on any planning permission granted.

5. Representations

- 5.1. The applicant states that there is an existing rundown bungalow on the site, which has become an eye sore. It is intended to replace it with a terrace block of one three bedroom and two two bedroom dwellings. The proposed block will fit into the character of the area where there are existing semi-detached and terraced houses. The proposal will be in keeping with the building line and enhance the local conservation area. Parking will be provided within site, therefore eliminating the need for visitors to park on the roadside. Historic president to provide a terrace on this site. The front of the building will be mainly facing brickwork and the roof will be tiled to match adjacent properties. The existing side and rear boundaries consist of timber fencing, mature hedging and some trees, which will all remain. This project will provide reasonably priced sought after accommodation.
- 5.2 The Town council recommends approval.
- 5.3. There have been four letters of objection from:-

Mr P Gallimore, 94 Bridge Street, Leominster
Miss T Jenman and Mr R Morris, 106a Bridge Street, Leominster

Mr and Mrs M Baldwin, Mostyn House, Bridge Street, Leominster
Mr S Hughes, 16 Sunningdale, Bridge Street, Leominster (This letter is also signed by
Mr L Price, Mr P Hartley and Mr D Mifflin of 15, 17 and 18 Sunningdale)

The main points being:-

- Extra properties will affect amount of on street car parking in area. There is already insufficient off road parking in Bridge Street with many residents/visitors having to park on road.
- Six parking spaces per dwelling not enough as an average family has two cars resulting in any visitors having to park on road.
- The main road is very busy with heavy commercial vehicles and any additional on street parking will make situation worse.
- The proposed vehicular access will have visibility impaired by existing cars parked on roadside which will constitute a hazard to highway safety.
- .Parking cars at the rear of the property will be accompanied by headlights and engine noise, which will be detrimental to quality of life of neighbours.
- Neighbouring dwellings will be adversely overlooked by proposal, resulting in loss of residential amenities.
- .Outlook from properties will be compromised.
- The development will result in the cramming of the site and will be against all the present themes of this residential area.
- The laying of drains and tarmac could have an effect on the roots of neighbours hedge and established trees.
- Already problems of back flow of sewage in area. More dwellings will add to problems.
- Only solution is to replace existing bungalow with another bungalow.
- The proposal will block sunlight into rear windows and garden of dwellinghouse to north.

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. Officers Appraisal

6.1. The main issues relate to:

- (i) The principle of erecting dwellings on this site and whether the number and type of development is suitable for this site.

- (ii) The effect of the proposal on the residential amenities of the occupants of neighbouring dwellings.
 - (iii) highway safety issues relating to parking and vehicular access.
- 6.2 The proposed development is located in an established residential area within the town, where the principle of new residential development is considered to be acceptable. The proposed new terrace block will accommodate three dwelling units and it is intended that the eaves and ridge height will not exceed the height of the adjacent terrace of houses to the north. As such, it is considered that the proposed building, set in this position within the site, is considered to be acceptable and will not constitute unacceptable cramming of the site. It would not be out of keeping with the scale and character of the existing residential development in the area. Nor will it adversely affect the character and appearance of the adjacent Conservation Area situated to the north of the application site.
- 6.3 With regard to the intended position and size of the building, it is not considered that the residential amenities of the adjacent dwellings will be adversely affected by the proposed development. The proposal will not adversely take light from the neighbour's windows nor will it adversely overlook their dwellings. The applicant does not intend to put windows in either of the end (north/south) elevations, so as to prevent any direct overlooking into the neighbours windows. A planning condition can be imposed to prevent the insertion of any windows in these elevations.
- 6.4. The proposed new vehicular access is considered to be acceptable. Visibility in both directions will be acceptable and it will be a direct replacement for the existing vehicular access. The proposed parking at the rear of the terrace block will provide suitable parking and turning provision within the site. It is not considered that the residential amenities of the adjacent dwelling will be unreasonably affected by the proposed parking arrangements.
- 6.5. The proposed development is, therefore, considered to be acceptable and in accordance with the residential policies in the Herefordshire Unitary Development Plan, in particular H1, H13, S2, S3 and DR1. The revised proposal also overcomes the refusal reasons set out in the two previous applications on the site, relating to the unacceptable cramming of the site, adverse affect on the residential amenities of neighbours and unacceptable parking/turning arrangements. The comments of the objectors have been fully taken into account, but are not considered sufficient to warrant refusal of the application.
- 6.6. The public consultation period for this application expires on 19th July 2007, which is after the date this report was drafted.

RECOMMENDATION

That outline planning permission be granted 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 - D01 (Site investigation - archaeology)

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

6 - 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.

7 – Notwithstanding the provisions of Condition 6, each individual parking space shall measure 4.8 metres by 2.4 metres, unless otherwise first agreed in writing by the local planning authority

Reason: In the interests of highway safety.

8 - H08 (Access closure)

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

9 – No windows shall be provided in either of the first floor north west or south east facing end elevations of the proposed terrace, without the prior written permission of the local planning authority.

Reason: In the interest of privacy and amenity.

Informatives:

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

2 - N03 - Adjoining property rights

3 - HN01 - Mud on highway

4 - HN04 - Private apparatus within highway

5 - HN05 - Works within the highway

6 - HN10 - No drainage to discharge to highway

7 - HN22 - Works adjoining highway

8 - The applicant should be aware that this outline planning permission does not override 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 applicant is 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.

9 - N14 - Party Wall Act 1996

10 - This outline application is granted on the understanding that the eaves and ridge levels of the building hereby approved will not be higher than those of the adjacent terrace of houses, adjacent to the site on its north west side (i.e. those levels at the south east end of the terrace).

11 - N19 - Avoidance of doubt

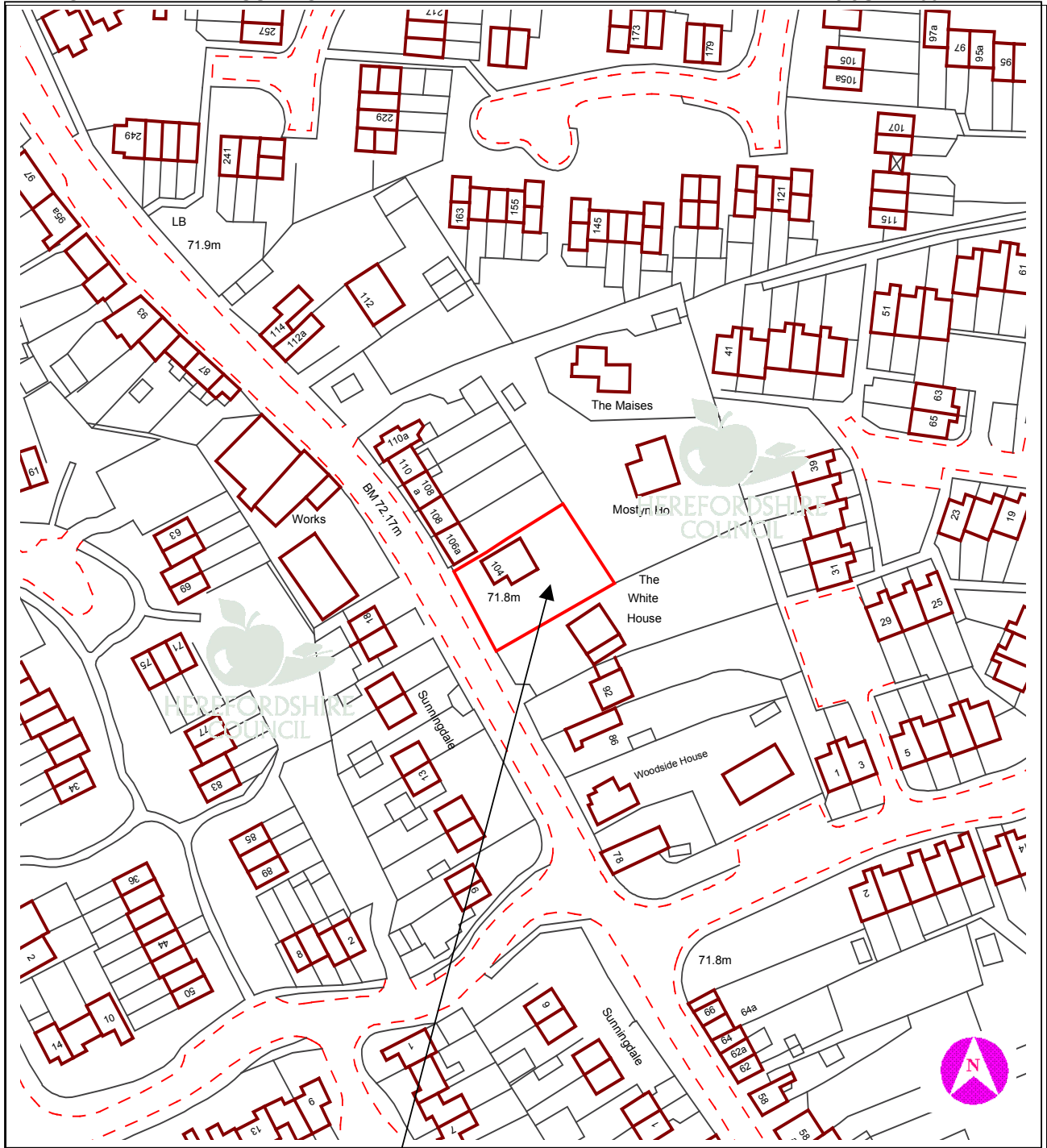
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/1809/O

SCALE : 1 : 1250

SITE ADDRESS : 104 Bridge Street, Leominster, Herefordshire, HR6 8DZ

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**19 DCNC2007/1873/F - PROPOSED FIRST FLOOR
EXTENSION OVER GARAGE AT HUNGRY DEAN,
WHITBOURNE, WORCESTERSHIRE, WR6 5SP**

**For: Mr & Mrs J Archer per Mr M A Hume, 172
Ombersley Road, Worcester. WR3 7HA**

Date Received:

11th June 2007

Ward: Bringsty

Grid Ref:

71970, 56674

Expiry Date:

6th August 2007

Local Member: Councillor T W Hunt

1. Site Description and Proposal

- 1.1 The application site lies within the settlement boundary of Whitbourne along a classified road and opposite the village school.
- 1.2 Hungry Dean is a modern detached three bedroom family home, situated between a property known as Damsonwood and the rear of a cul-de-sac called Ashpool and is within a locality characterised by large two storey detached houses, standing in fairly large gardens.
- 1.3 The proposal seeks planning permission for a first floor extension over the existing garage to provide a fourth bedroom with en-suite and dressing room.

2. Policies

2.1 Herefordshire Unitary Development Plan

H18 Alterations and Extensions

3. Planning History

- 3.1 DCNC2007/1187/F: First floor extension - Withdrawn 1/6/07
- 3.2 MH97/1426: Erection of detached dwelling - Approved 10/2/98

4. Consultation Summary

Internal Council Advice

- 4.1 Transportation: No objection

5. Representations

- 5.1. The Parish Council has no objections
- 5.2 One letter of objection has been received from:

- Mr R Baxter, 7 Ashpool, Whitbourne

- 5.3 The objection refers to reasons given against the previous application, being, that it would have a detrimental impact on residential amenity in terms of overshadowing and a harmful visual impact, given the extent of brick walling.
- 5.4 One letter has also been received from Mrs Lewis, 6 Ashpool, Whitbourne, requesting for additional time to make written representations.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The key considerations in determining this application are:

- Scale and Design
- Amenity

Scale and Design

- 6.2 The area is characterised by large detached properties and the extension appears to be both proportionate to the existing dwelling and in keeping with others around it. The use of matching external materials and similarly proportioned windows will ensure that the resultant extension will lie in harmony with the existing dwelling.

Amenity

- 6.3 The previous application submitted under DCNC2007/1187/F was withdrawn to allow the applicants time to reconsider the design of the extension having regard to the impact it would have on the residential amenity of neighbours. The submitted application has addressed these concerns.
- 6.4 The current concerns of the neighbours at 7 Ashpool are noted. At present the side wall of the existing garage (Facing north east) lies close to the boundary between Hungry Dean and the neighbours garden at 7 Ashpool but is well screened by a high hedgerow between the two properties. The proposed extension to the garage will remain well screened. The use of a hipped roof will reduce the visual impact of the extension on the neighbouring property and will not have a dominating impact on the neighbouring property.
- 6.5 There are no windows proposed in the north-east elevation of the extension and a condition of any planning permission could ensure that no window is inserted in to this elevation to protect the privacy of the neighbouring property.
- 6.6 Given the existing high hedgerow running along the boundary of the site and its screening effect, I do not consider that the proposal will result in any detrimental impact upon the amenity of the neighbouring properties at 6 and 7 Ashpool.
- 6.7 There is an ongoing dispute over the existence of the Lleyandii hedgerow running along the boundary between the property and its neighbours at 6 Ashpool. Having examined the relevant planning history it would appear that the hedgerow was approved on 6th July 1999, under a condition of planning permission MH97/1426. The neighbour at 6 Ashpool has been advised that the matter should be addressed to the Environmental Health Department under the High Hedgerow Regulations. To date, no

formal complaint has been registered with the Environmental Health Department. I would not consider that it is reasonable or appropriate to attempt to address this issue within the determination of this current application for planning permission.

6.8 Overall, the proposal accords with the relevant development plan policy and therefore a conditional planning permission is recommended.

RECOMMENDATION

That planning permission be approved with the following conditions:

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

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

2 - B02 (Matching external materials (extension))

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

3 - E17 (No windows in side elevation of extension)

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

Informatives:

1 - N19 - Avoidance of doubt

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2007/1873/F

SCALE : 1 : 1250

SITE ADDRESS : Hungry Dean, Whitbourne, Worcester, WR6 5SP

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Further information on the subject of this report is available from Miss J Shields on 261560

20 DCNE2007/1658/F - CHANGE OF USE TO A CHIROPRACTIC OFFICE AT 11 THE MEWS, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ

For: Dr. J Wilmshurst Smith, 10 Dart Close, Quedgeley, Gloucester, GL2 4SL

Date Received:

24th May 2007

Expiry Date:

19th July 2007

Ward: Ledbury

Grid Ref:

70827, 38089

Local Member: Councillor ME Cooper, K Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 The application site is currently a rather small one-bedroomed bungalow with a very small garden area to the rear. That garden is overlooked and receives little sunlight. The bungalow has no existing parking within its curtilage although it appears that the previous occupiers of the bungalow have used an area of land to north-east for parking. The ownership of that land is unknown.
- 1.2 To the east of the bungalow is a three-storey building that forms part of the flatted 'The Mews' development. It appears that the surrounding 'The Mews' development involved the conversion of a former institutional building including the grade 2 listed Belle Orchard.
- 1.3 Whilst Belle Orchard and The Mews development form an attractive group of buildings, the bungalow the subject of this application is not of any architectural interest.
- 1.4 The proposal is to change the use of the dwelling to a chiropractic clinic. It is understood that Ledbury does not have a current chiropractic clinic. The existing living room would be used as a reception area and the existing bedroom as a consulting room. The applicant would not only practice but would also act as the receptionist. It is not his current intention to employ a receptionist. The opening hours would be: -
- 9am - 6pm Mondays to Fridays
 - 10am - 1 pm Saturdays
 - No time on Sundays, Bank or Public holidays.

The practice would operate on a half hour appointment basis only such that the maximum number of cars parking in the vicinity at any one time would be three (i.e. applicant's car, patient's car, waiting patient's car).

- 1.5 No changes are proposed to external appearance of the building.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 13 - Transport

2.2 Herefordshire Unitary Development Plan 2007

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None

Internal Council Advice

4.2 The Conservation Officer does not consider the setting of the Grade 2 listed Belle Orchard to be affected.

4.3 Transportation Manager – no objection.

5. Representations

5.1 Ledbury Town Council object to the proposed development on the basis of the lack of parking facilities and the additional traffic movements in this residential area.

5.2 The occupiers of numbers 2 and 120 The Mews object on the following summarised grounds: -

Lack of on-site parking; and
Loss of a small dwelling.

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

6.1 It is understood that there is no existing chiropractic clinic within Ledbury. The provision of such a complimentary health facility within the market town would clearly be an asset.

6.2 The existing bungalow is not of any architectural merit. Furthermore its rear garden is limited, is overlooked and does not receive much sunlight. There is no policy within the adopted Herefordshire Unitary Development Plan safeguarding the existing housing stock.

6.3 Therefore the issue to be considered is that of parking. The existing bungalow has no on-site parking. The maximum parking requirement for such a dwelling is one space. With regard the proposed chiropractic clinic I would normally expect there to be a maximum of five parking spaces.

6.4 However, it must be stressed that the parking standards are maximum standards. The Central Government advice is that one mechanism to reduce reliance upon the private

motor vehicles, as a mode of transport, is to restrict the supply of car parking provision. This is very much dependant upon locational factors.

6.5 In this instance the proposed clinic is located within the settlement boundary of Ledbury, within walking distance of the Town Centre, public car parks, the railway station and bus stops. Furthermore it is located within the residential area that it is intended to serve. It is considered that many patients could visit the site by modes of transport other than the private motor vehicle or combine their trips with say a trip to the shops. As such, it is considered that the site is in a location where the maximum car parking standard should not be expected.

6.6 Furthermore, it is considered that there is ample space for cars visiting the practice to park upon the surrounding public highway that does not have any parking restrictions (e.g. Orchard Lane).

6.7 As a consequence the application is recommended for conditional 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 - The use hereby permitted shall not be open to customers/patients outside the following times:

- 9am - 6pm Mondays to Fridays,
- 10am - 1pm Saturdays,
- nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of occupiers of surrounding residential properties.

Informatives:

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

2 - For the avoidance of any doubt the plans to which this decision relate are:

- Planning Application Site Plan (Scale 1:1250) received 24 May 2007 and
- Proposed Floor Plan received 24 May 2007.

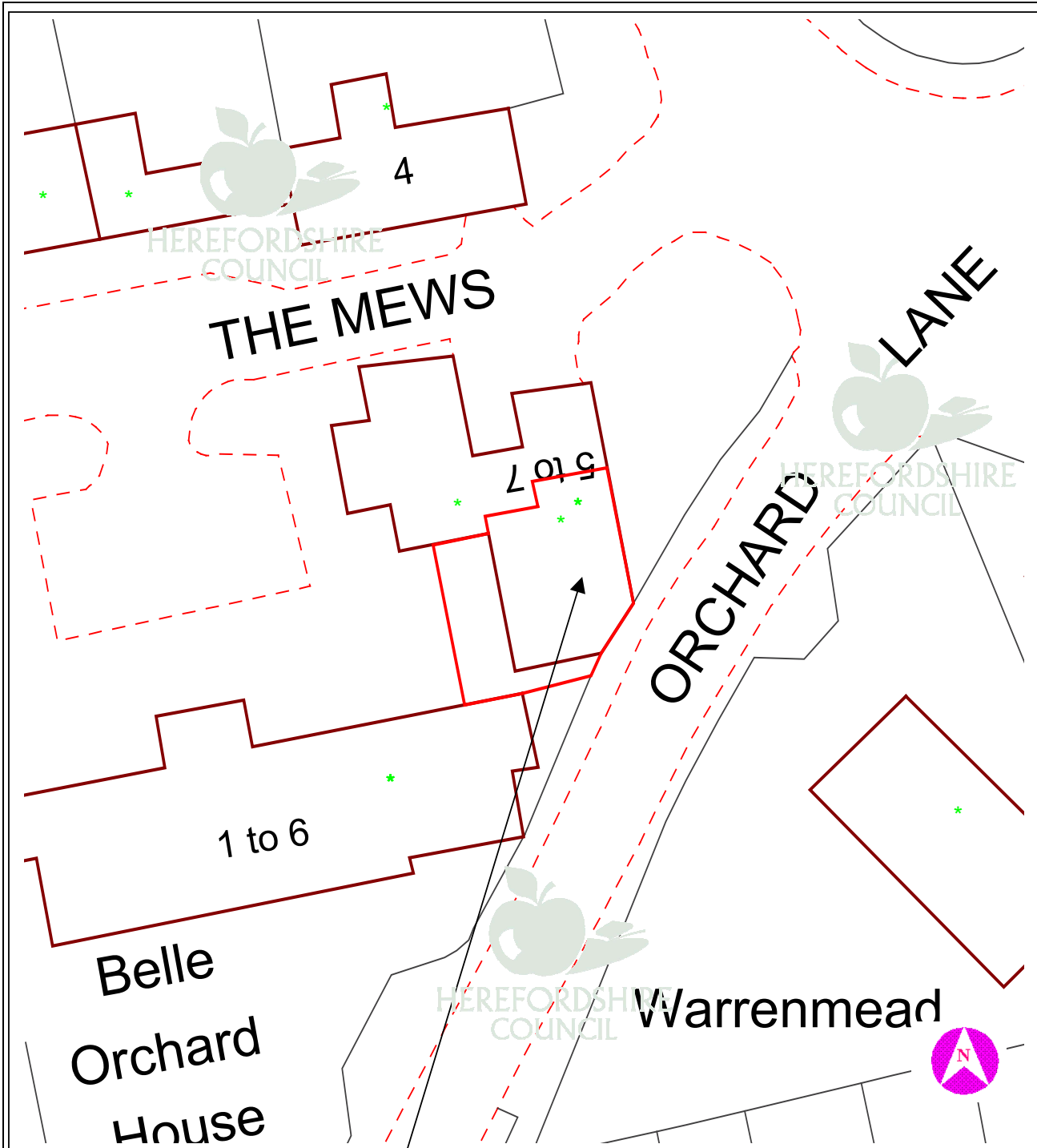
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/1658/F

SCALE : 1 : 328

SITE ADDRESS : 11 The Mews, Orchard Lane, Ledbury, Herefordshire, HR8 1DQ

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**21 DCNE2007/1497/F - CHANGE OF USE FROM
PACKHOUSE TO USE FOR AGRICULTURAL
ENGINEERING BUSINESS AT PRIORS GROVE
PACKHOUSE, PUTLEY, LEDBURY, HEREFORDSHIRE,
HR8 2RE**

For: Richard Tooby Farm Services Ltd

Date Received:

16th May 2007

Ward: Frome

Grid Ref:

64091, 37997

Expiry Date:

11th July 2007

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The site is located to the west of the C1304 lane in open countryside at Putley. It consists of a former steel framed packhouse building (30m x 14m) and a surrounding hard-cored yard area with an existing access to the road. Between the building and the road is a pond and surrounding Willow trees that provide screening. The building formerly served Priors Grove fruit farm as a packhouse. The farm is in the process of being sold in separate lots.
- 1.2 This application is for the change of use of the building from a packhouse to use for agricultural engineering. The applicant currently occupies a cramped site off Hereford Road in Ledbury and has been looking for suitable new premises for some time. He considers the building to be large enough to allow all work and storage to be carried out inside the building. The business serves local farmers and employs two people in addition to the applicant and his wife.
- 1.3 The nearest houses are just over 100m to the north and south of the building. The landscape around the building is undulating and characterised by woodland and orchards.

2. Policies

Herefordshire Unitary Development Plan

LA2 - Landscape character

E8 - Design standards for employment sites

E11 - Employment in smaller settlements and open countryside

E12 - Farm diversification

HBA12 - Re-use of rural buildings

3. Planning History

NE01/3284/S – Erection of storage building - Prior approval 10.1.02

NE02/0484/F – Erection of an agricultural store – Approved 11.4.02

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objections to the proposal.
- 4.3 The Head of Environmental Health has no objection to the proposed development.
- 4.4 The Conservation Manager comments:

“Currently the building is well screened from the roadside by a number of young willow (*Salix spp.*) trees and I would recommend that a condition is attached to any permission granted requiring their retention.

The plans submitted do not indicate a defined hard standing area and I am concerned that the storage of machinery and equipment would not be confined to the immediate vicinity of the building. The resultant ‘cluttered’ appearance could be considered to be detrimental to the quality and character of the landscape and some effort should be made to control this.

Following from above, it should be noted that a pond exists between the building and the road that would appear to be in good condition and have the potential to support locally important or protected species. Whilst the change of use application does not directly impinge on this feature I am concerned about the possibility of this water body becoming contaminated and again a clearly defined and properly drained hard standing area should be established”.

5. Representations

- 5.1 A statement from the applicant explaining the background to the application states:

“My business serves the needs of the local fruit farmers, and this site will be ideal, having enough space to allow all work and storage to be carried out inside the building. I do not intend to change the buildings appearance (a toilet will need to be installed if planning permission is granted, and I plan to use a mini plant system).

There is an existing wide gateway set back from the road, with parking space for employees and visitors. I employ two engineers, as well as being an engineer myself as well as being the Company Director. My wife provides office support. We have three vans, one for each engineer and a lot of work takes place on the farms, (that would be about 60% of the work). The work that takes place in the yard is on the more complex jobs, which may take longer to complete and also the pre-delivery check for new farm vehicles.

As a seasonal business, traffic flow is variable but we may get 5/6 callers per day for parts, although a lot is sent out by post following telephone enquiries. Vehicles coming to the yard for work to be done would be 6/8 a day. The Packhouse traffic was very

intensive with large vehicles moving at night, and our use will be less intrusive to neighbours and spread out during the day.”

- 5.2 In response to questions raised by officers the applicant supplied the following information:

“The amount of traffic. - The previous usage was a Packhouse where the owner had three heavy goods vehicles and a number of delivery vans, plus outside hauliers and delivery of product throughout the day and night. Due to the nature of our business, which is all-agricultural, the majority of our work is carried out on farms, therefore traffic to our premises is minimal, 5-8 callers a day and 5-7 deliveries a week.

Reason we need to move. We have been looking for suitable premises for three years because the yard we use at the moment is not in our control and after September this year we will not have use of this therefore it will become very difficult to work from this site.

Noise levels. - Our present site is next to residential properties and we have had not had any complaints about noise in the eleven years we have been here.

Your concern about the land surrounding the Packhouse. Our intention is to keep this land as it is, which is production of organic fruit.

We confirm that we are aware of the right of way through this land to woodland for the abstraction of timber and accept this”.

- 5.3 Putley Parish Council have no objections to the application.

- 5.4 Letters of objection have been received from:-

S Cole and M Carter, Oakdene, Putley Common.
Mr and Mrs McEnery, Woodlands, Putley Common.

The following points are raised:

- a) The proposal would increase the number of large vehicles using the local narrow lanes that have dangerous bends. Putley is more than a mile from the main road and the lanes are used by tourists, cyclists and people walking dogs. The applicant's present business is in Ledbury adjacent to other businesses.
 - b) The use of the building for heavy industry would attract customers from a wide area and is inappropriate in a small rural parish.
 - c) The use would bring noise and nuisance to a very quiet area due to grinding, drilling, hammering, banging and testing motors.
 - d) The previous use of the building was seasonal, generally light and never at night.
 - e) The application is not in accordance with the development plan because the unacceptable traffic capacity, safety, environmental impact and potential noisy development is not suited to Putley.
- 5.5 Mr B Pardoe, Castle Cottage, Lower Wilcroft Bartestree, Hereford wrote to say that he has no objection to the application provided that it will not affect his access and private right of way to adjacent woodlands.
- 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 Herefordshire Unitary Development Plan 2007 sets out policies that encourage the re-use of rural buildings for employment purposes. The main issues in determining this application are the impact of the proposed use on the road network, the amenities of local residents and the landscape.
- 6.2 The former packhouse building is located in attractive open countryside and has an existing access and adjoining hard-core yard. The proposed use is a general industrial use providing a service to the agricultural community. The applicant's present premises in Ledbury cannot meet his need for additional space.
- 6.3 In terms of traffic generation, the applicant has stated that the majority of their work is carried out on farms and traffic visiting the premises is limited to 5 - 8 callers per day with 5 – 7 deliveries a week. The local road network is narrow and the site is over a kilometre from the A438. However, the building was formerly used as a packhouse and store where traffic generation would be significantly greater particularly during the fruit packing season. The Traffic Manager has no objections to the application and officers consider that the traffic generated by the proposed use will not be detrimental to highway safety.
- 6.4 There are residential properties just over 100m from the site. It is unlikely there will be an adverse impact on local residents as a result of any noise from the premises given the distance between the building and the houses. A considerable amount of their work takes place off site and within the building most work would be carried out using hand tools. The Head of Environmental Health has examined the application and has no objection to the proposal.
- 6.5 The site is located at the foot of land that slopes up to the west and is fringed by woodlands and orchards. The building is dark coloured and screened to some extent from the road by existing willow trees and a hedge. At present the extent of the proposed yard area to be used in connection with the building is not marked or contained by a boundary fence. The applicant intends to use the remainder of the site for organic fruit production. Provided the proposed use does not spread beyond the proposed site there will be limited impact on the landscape. Conditions are suggested to ensure the yard area is contained and the pond and trees are not removed or adversely affected.
- 6.6 Officers are satisfied the proposal meets the requirements of development plan policies and planning permission for the change of use is recommended.

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 - F32 (Details of floodlighting/external lighting)(external lighting)(the use hereby permitted)**

Reason: To safeguard local amenities.

3 - E06 (Restriction on Use)(agricultural engineering)(B2)

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

4 - E16 (Removal of permitted development rights)(no extension or installations of plant or machinery outside the building)

Reason: To retain control over the size of the premises in the interests of protecting the amenities of the area.

5 - No goods, plant, material or machinery shall be deposited or stored outside the application site edged in red on the plan received by the local planning authority on 21st June 2007.

Reason: To protect the appearance of the locality.

6 - G12 (Planting of hedgerows which comply with Hedgerow Regulations)(around the boundary of the site)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

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

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

8 - G09 (Retention of trees/hedgerows)(existing trees or hedgerow along the road frontage of the site)

Reason: To safeguard the amenity of the area.

9 - The existing pond adjoining the road and shown on the plan received by the local planning authority on 21st June 2007 shall be retained and protected from contamination in accordance with a scheme that shall be submitted to and agreed in writing with the local planning authority before the use commences.

Reason: To protect a water habitat that has the potential to support locally important or protected species.

10 - F18 (Scheme of foul drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informatives:

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

2 - N19 - Avoidance of doubt

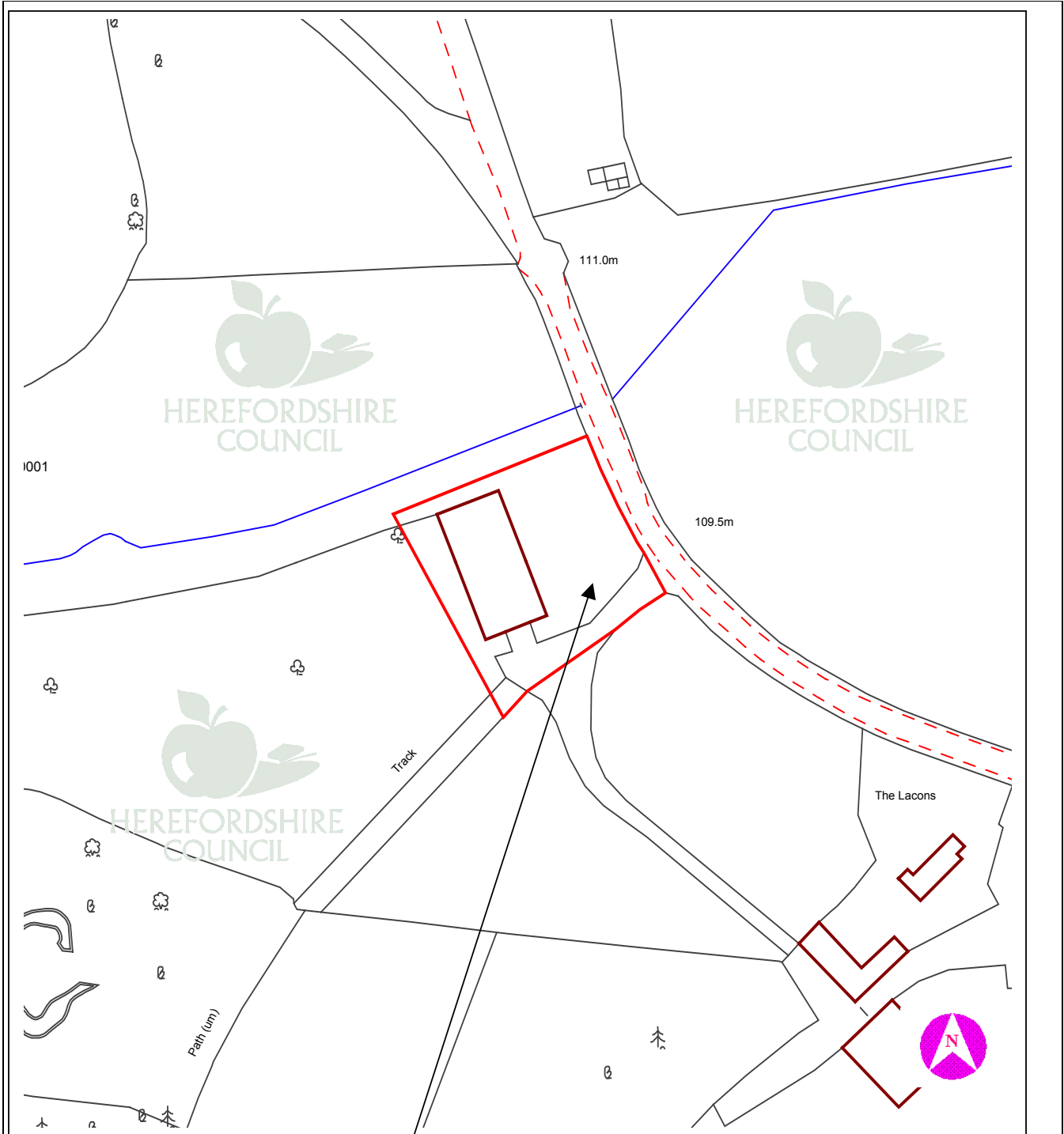
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2007/1497/F

SCALE : 1 : 1250

SITE ADDRESS : Priors Grove Packhouse, Putley, Ledbury, Herefordshire, HR8 2RE

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Further information on the subject of this report is available from Ms J Preston Tel: 01432 260536

